

**Meeting Date:** Thursday 12 April 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.*

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## **OTHER BUSINESS**

### **3 LOCAL PLANNING PANEL – GUIDELINES**

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**Report prepared by:** Acting Manager - Assessment

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#### **REPORT SUMMARY**

This report requests the Panel to review and adopt the City of Ryde Local Planning Panel Guidelines.

The Panel may determine detailed procedures for the execution of efficient and effective meetings in accordance with the Section 9.1 directions.

The attached Guidelines have now been drafted for the Panel to discuss and consider adopting.

#### **RECOMMENDATION:**

That the City of Ryde Local Planning Panel Guidelines be adopted.

Report Prepared By:

**Vince Galletto**  
**Acting Manager - Assessment**

Report Approved By:

**Liz Coad**  
**Acting Director – City Planning and Development**

#### **ATTACHMENTS**

**1** City of Ryde Local Planning Panel Guidelines

**ITEM 3 (continued)****ATTACHMENT 1**Lifestyle and opportunity  
@ your doorstep**Guidelines of the City of Ryde Council  
Local Planning Panel 2018**

These guidelines are issued pursuant to the Charter of the Council of City of Ryde Local Planning Panel (the Panel). They shall remain in force in their present form unless amended and may be periodically reviewed.

**Before the public meeting**

1. Agendas for the Panel meetings will be made publicly available on Council's website at least 5 days prior to the meeting.
2. Where a Development Application or Planning Proposal is to be referred to the Panel, Council will, in writing, notify the applicants and all those who have made a submission, of this intention a minimum of five (5) business days prior to the meeting. The notification will include details of the proposed meeting date and procedures to address the Panel. Council will also ensure that its website is updated at least five (5) business days prior to the meeting.
3. Any interested persons wishing to address the Panel at any meeting of the Panel must register with the Panel Secretariat by completing the form "Application to Address the City of Ryde Local Planning Panel" and return it via email by 12 midday on the day before the meeting. The form is available on Council's website at <http://www.ryde.nsw.gov.au/XXX>
4. Unless the Chair permits, any such person must have already lodged a written submission on the subject development application or planning proposal OR must, no later 24 hours prior to the meeting, provide a written summary (no longer than one A4 page) outlining the issues they wish to address the Panel about.
5. At no point is a member of the public be that any applicant, objector, supporter or resident, to contact any member of the Panel outside the Public Meeting/Site Inspection process that occurs on the days of the meeting. Any attempt to contact a Panel member will be reported to the General Manager in writing.

**Site Inspections**

6. Site inspections will not take place except as a Panel, and will so far as practicable, be held on the same day as the meeting of the Panel at which the particular matter is to be considered.
7. Council staff may accompany the Panel on site inspections.
8. Site inspections are solely to be used to identify and clarify issues with a proposal. The Panel will not receive or invite formal presentations or submissions at site meetings. All presentations and submissions are to occur only in the formal Panel meeting.

**ITEM 3 (continued)****ATTACHMENT 1****The Public Meeting**

9. A Public Meeting of the Panel will be held on a monthly basis. This meeting will occur on the second Thursday of each month and commence at 5pm.
10. Council's assessing officer will introduce each matter. Speakers at the public hearing of the Panel will be heard in the following order:
  - a) Any persons who wish to make submissions or representations;
  - b) The applicants or the applicants' representative;

The Chair or any other Panel Member may seek to clarify any matter with the speaker or Council Officer.
11. Unless the Chair otherwise permits, no person who addresses the Panel may speak for no more than three (3) minutes in respect to any one matter. The Chair may exercise discretion and allow for an extension of time to ensure that all issues are properly considered.
12. Where there are a large number of submitters with a common interest, the Panel may hear a representative of those persons with a view to discharging its responsibilities in a timely manner.
13. The Chair is responsible for the good and orderly conduct of the panel meetings and may do all things and take all steps necessary to control the good and orderly conduct of any meeting of the panel or site inspection carried out by the panel in the performance of its functions.
14. Following the address from the applicants, objectors, supporters and residents for all matters scheduled for that meeting, the Panel will ordinarily deliberate, conclude and determine the matter in the public (open meeting). However, the Panel may move to a closed session to deliberate for the express purpose of deciding upon its findings, conclusions and decisions. If this occurs, the Panel will return to the public (open) meeting to conclude and determine the matter.
15. There is no further opportunity for debate from members of the public or the applicant and/or their representatives and speakers are not allowed to enter into unsolicited comment or argument with the Panel.
16. Determinations and any relevant decision of the Panel will be by a majority of votes of Panel Members present at a meeting and entitled to vote. If votes are tied, the Chair will have the casting vote. Voting (including the names and vote of each Panel member when the vote is not unanimous) is to be documented for the public record.
17. Should the Panel resolve to request additional information or seek amendment to the application, the Panel may defer the application, providing written notification to the applicant with the reasons for deferral; a copy of which will be made publicly available on Council's website as soon as practicable. Where the Panel has resolved that the amended drawings do not require exhibition, the matter will be referred to the Chair to decide if the matter can be determined electronically with the report and recommendations made available on Council's website. In all other cases, those who made submissions will be invited to a subsequent Panel meeting upon receipt of amended/additional plans and documentation from the applicant.

**ITEM 3 (continued)****ATTACHMENT 1**

18. Should the Panel resolve to approve an application, The Panel shall provide consent conditions. The conditions may be based on the assessment officer's recommended conditions but may also add, delete or change conditions as considered necessary as part of the decision. Where the Panel goes against the officer's recommendation, the Panel must state the reasons.
19. If the Panel resolves to approve an application against the officer's recommendation, the application will need to be deferred for Council officers to prepare draft conditions of consent. Following consideration of draft conditions by all Panel members, the application may subsequently be determined by electronic means.
20. In the event that the Panel determines an application contrary to the officer's recommendation, the Panel will publish its reasons for that decision.

**After the Public Meeting**

21. All members of the Panel present at the meeting must sign the Determination and Statement of Reasons which will be made publicly available on Council's website as soon as practicable. Where a member or members are in dissent, they must still sign, as the reasons will set out their dissenting views.

## **4 LOCAL PLANNING PANEL – MEETING SCHEDULE**

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**Report prepared by:** Acting Manager - Assessment

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### **REPORT SUMMARY**

This report requests the Panel to review and adopt the attached proposed Meeting Schedule for 2018.

### **RECOMMENDATION:**

That the Panel adopts the attached Meeting Schedule.

Report Prepared By:

**Vince Galletto**  
**Acting Manager - Assessment**

Report Approved By:

**Liz Coad**  
**Acting Director – City Planning and Development**

### **ATTACHMENTS**

1 City of Ryde Local Planning Panel – Meeting Schedule 2018

**ITEM 4 (continued)**

**ATTACHMENT 1**

<b>City of Ryde Local Planning Panel</b>		
<b>Scheduled Meeting Dates 2018</b>		
<b>Meeting No.</b>	<b>Meeting Date (second Thursday of the month)</b>	<b>TIME</b>
1	12 April 2018	5.00pm
2	10 May 2018	5.00pm
3	14 June 2018	5.00pm
4	12 July 2018	5.00pm
5	9 August 2018	5.00pm
6	13 September 2018	5.00pm
7	11 October 2018	5.00pm
8	8 November 2018	5.00pm
9	13 December 2018	5.00pm

## **5 CODE OF CONDUCT – LOCAL PLANNING PANEL MEMBERS**

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**Report prepared by:** Acting Manager - Assessment

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### **REPORT SUMMARY**

This report attaches the Code of Conduct for Local Planning Panel Members for the information of Panel Members.

### **RECOMMENDATION:**

That Panel Members acknowledge receipt of the Code of Conduct for Local Planning Panel Members.

Report Prepared By:

**Vince Galletto**  
**Acting Manager - Assessment**

Report Approved By:

**Liz Coad**  
**Acting Director – City Planning and Development**

### **ATTACHMENTS**

1 Code of Conduct for Local Planning Panel Members



**ITEM 5 (continued)**

**ATTACHMENT 1**



***Code of Conduct for  
Local Planning Panel  
Members***

**ITEM 5 (continued)**

**ATTACHMENT 1**

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**ITEM 5 (continued)**

**ATTACHMENT 1**

**Part 1 – Introduction**

This code of conduct has been approved by the Minister for Planning (the Minister) for members of Local Planning Panels (panels) under clause 28 of Schedule 2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This code is based on the *Model Code of Conduct for Local Councils in NSW* where it would apply to panel members.

Panels are independent panels appointed by councils. Their main functions are to determine development applications and to provide advice on planning proposals. Panels are not subject to the direction or control of the council, except on matters relating to procedures of the panel or the time within which it is to deal with a matter (unless these directions are inconsistent with a direction of the Minister). Panels are subject to any directions made by the Minister under section 9.1 of the EP&A Act.

Failure by a panel member to comply with this code is the responsibility of councils to address. In cases of serious breaches council has the option to remove a panel member from office (clause 16 of schedule 2 of the EP&A Act).



**ITEM 5 (continued)**

**ATTACHMENT 1**

**Part 2 – Definitions**

In the Code the following definitions apply:

EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
LG Act	<i>Local Government Act 1993</i>
code	means the Code of Conduct for Local Planning Panels
conflict of interest	a conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
councillor	any person elected or appointed to civic office, including the mayor
conduct	includes acts and omissions
Panel	Local Planning Panel
Panel Member	member of a local planning panel, including the chair, independent expert members, community representatives and alternates
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion



**ITEM 5 (continued)**

**ATTACHMENT 1**

**Part 3 – General Conduct Obligations**

General conduct

- 3.1 You must not conduct yourself in carrying out your functions in a manner that:
- a) is likely to bring the council, the panel or other council officials into disrepute
  - b) is contrary to statutory requirements or the council's administrative requirements or applicable policies
  - c) is improper or unethical
  - d) is an abuse of power
  - e) causes, comprises or involves intimidation or verbal abuse
  - f) involves the misuse of your position to obtain a personal benefit
  - g) constitutes harassment or bullying behaviour under this code, or is improperly discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the EP&A Act, LG ACT, or any other Act.
- 3.3 You should attend all meetings of the panels, which require your attendance, as far as possible, and allow necessary time to prepare for meetings. Where possible you should provide a three-day notice for non-attendance.

Fairness and equity

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.6 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clause 3.4 or 3.5.

Harassment and discrimination

- 3.7 You must not harass or improperly discriminate against others, and you must not support anyone who harasses or improperly discriminates against others. This includes, but is not limited to, harassment or discrimination on the grounds of sex, pregnancy, age, race, marital status, disability, sexuality, political or other affiliation. It also includes discrimination against those who are carers, those who identify as transgender persons, and those who have infectious diseases.
- 3.8 For the purposes of this code, "harassment" is any form of behaviour towards a person that is:
- a) not wanted by the person
  - b) offends, humiliates or intimidates the person, and
  - c) creates a hostile environment.



**ITEM 5 (continued)**

**ATTACHMENT 1**

Bullying

- 3.9 You must not engage in bullying behaviour.
- 3.10 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably and
  - b) the behaviour creates a risk to health and safety.
- 3.11 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive or intimidating conduct
  - b) belittling or humiliating comments
  - c) spreading malicious rumours
  - d) teasing, practical jokes or 'initiation ceremonies'
  - e) exclusion from work-related events
  - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
  - g) displaying offensive material
  - h) pressure to behave in an inappropriate manner.
- 3.12 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
  - b) disciplinary action for misconduct
  - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
  - d) directing a worker to perform duties in keeping with their job
  - e) maintaining reasonable workplace goals and standards.

Work health and safety

- 3.13 You have statutory duties under the *Work Health and Safety Act 2011 (WH&S Act)*. You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
  - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council, or panel to ensure workplace health and safety



**ITEM 5 (continued)**

**ATTACHMENT 1**

- d) cooperate with any reasonable policy or procedure of the council, or panel relating to workplace health or safety that you have been notified of
- e) report accidents, incidents and near misses to the panel chair and take part in any incident investigations.

Land use planning, development assessment and other regulatory functions

- 3.14 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.15 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.
- 3.16 You must not approach an applicant or proponent, a consultant representing an applicant or a proponent or an objector.
- 3.17 If you are approached by an applicant or proponent, their consultant or an objector, you must not discuss any application which is either before the panel or will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the applicant or proponent, their consultant or an objector has a right to be heard by the panel.
- 3.18 You must disclose in writing to the panel chair any efforts made to lobby you by any persons, including councillors, property developers or real estate agents.
- 3.19 The chair must report these disclosures to the council's general manager. If the approach has been made by the general manager the chair must report these disclosures to the Office of Local Government.
- 3.20 If you are the chair of the panel and you have been approached, then you must disclose this to the general manager. If the approach has been made by the general manager you must report this disclosures to the Office of Local Government.

Note: Reporting of these disclosures must be included in the regular activity reports provided by the council to the Department of Planning and Environment (Planning Panels Secretariat).

Obligations in relation to meetings

- 3.21 You must comply with rulings by the panel chair at panel meetings, or site inspections.
- 3.22 You must not harass the panel chair, council officials or any members of the public present during panel meetings or other proceedings of the council.
- 3.23 You must not engage in conduct that disrupts panel meetings, or that would otherwise be inconsistent with the orderly conduct of meetings.



**ITEM 5 (continued)**

**ATTACHMENT 1**

**Part 4 – Conflicts of Interest**

What is a conflict of interest

- 4.1 A conflict of interests includes:
- a) an 'actual' conflict of interests, which is where there is a direct conflict between your duties and responsibilities as a panel member and your private interests or other duties
  - b) a 'potential' conflict of interests, is where your duties and responsibilities as a panel member could conflict in the future with your private interest or other duties
  - c) a 'reasonably perceived' conflict of interests, is where a person could reasonably perceive that your private interests or other duties are likely to improperly influence the performance of your duties as a panel member, whether or not this is in fact the case
  - d) Private interests can be of two types: pecuniary or non-pecuniary.
- 4.2 Panel members must avoid or appropriately manage any conflicts of interests. The onus is on the individual panel member to identify a conflict of interests and take appropriate action.
- 4.3 Any conflicts of interests must be managed to uphold the probity of panel decision making. When considering whether or not a conflict of interests exists, panel members should consider how others would view their situation.

*Management of conflicts*

- 4.4 Where possible, the source of the conflict of interest should be removed. For example, by way of divestment of the interest/issue that is creating the conflict such as the sale of shares, or by severing the connection, for example resignation from a position in another organisation giving rise to the conflict, or ceasing to provide services.
- 4.5 The overriding principle for managing conflicts of interests is early and complete disclosure to the chair. The onus for this disclosure lies with individual panel members.
- 4.6 Where the panel chair considers that an actual, potential or reasonably perceived conflict of interests has not been disclosed or appropriately managed by a panel member, the conflict may be considered by the chair, and wider panel if considered necessary after hearing submissions from the panel member. The chair will make a decision as to how to manage the situation, which can include determining that the panel member should step aside from the panel for that matter, and record reasons for that decision. In making the decision, the chair is to have regard to upholding the reputation of the planning panel. If a panel member fails to step aside where requested their comments or vote is not to be considered in the determination of the matter.
- 4.7 When the conflict of interest arises as a result of an interest of the chair, an alternate chair or the panel is to assume the chair's leadership role in the management of the conflict process.

What is a pecuniary interest?

- 4.8 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person.
- 4.9 You have a pecuniary interest if the interest is:
- a) yours,





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**ATTACHMENT 1**

- b) your spouse's, your de facto partner's or your relative's, or
- c) your partner's or employer's, or is the interest of a company or other body of which you, or your nominee, your partner or your employer, is a member.

4.10 You do not have a pecuniary interest:

- a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body,
- b) just because you are employed by a council, statutory body or employed by the Crown, or
- c) just because you are a member of or a delegate of a council, company or other body that has a pecuniary interest in the matter, so long as you do not have any beneficial interest in shares of the company or body (clause 27, schedule 2 of the EP&A Act).

4.11 For the purposes of this:

Your "relative" is any of the following:

- a) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- b) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).

"de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

4.12 If you have a pecuniary interest, you:

- a) must prepare and submit written returns of interests in accordance with clause 4.15, and
- b) must disclose pecuniary interests in accordance with clause 4.22.

4.13 You must as soon as practicable disclose in writing to the panel chair (or if you are the panel chair, to the general manager) the nature of any pecuniary interest you have in any panel matter with which the panel chair is dealing.

4.14 The panel chair, or the general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

Disclosure of interests in written returns

4.15 You must make and lodge with the panel chair a return in the form set out in schedule 2 to this code, disclosing your interests as specified in schedule 1 to this code within one month or prior to your first panel meeting, whichever occurs earlier after:

- a) becoming a panel member, or
- b) 30 June of each year, and
- c) if you become aware of an interest you are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.16 You need not make and lodge a return under clause 4.15, paragraphs (a) and (b) if:



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**ATTACHMENT 1**

- a) you have made and lodged a return under that clause in the preceding 3 months, or
  - b) you have ceased to be a panel member in the preceding 3 months.
- 4.17 You must not make and lodge a return that you know or ought reasonably to know is false or misleading in a material particular.
- 4.18 The panel chair must provide returns to the general manager who must keep a register of returns.
- 4.19 Returns required to be lodged with the panel chair under clause 4.15(a) and (b) must be tabled at the first meeting of the panel after the last day the return is required to be lodged.
- 4.20 Returns required to be lodged with the panel chair under clause 4.15(c) must be tabled at a panel meeting as soon as practicable after the return is lodged.
- 4.21 The general manager must cause the information contained in returns made and lodged by panel members and the panel chair under clause 4.15, other than information disclosing the address of the panel member's principal place of residence, to be published on the website used by the panel as soon as practicable after the returns are lodged, and the information must be kept up to date.

Disclosure of pecuniary interests at meetings

- 4.22 If you have a pecuniary interest in any matter with which the panel is concerned, and you are present at a meeting of the panel at which the matter is being considered, you must disclose the nature of the interest to the meeting as soon as practicable.
- 4.23 You must not be present at, or in sight of, the meeting of the panel:
- a) at any time during which the matter is being considered or discussed by the panel, or
  - b) at any time during which the panel the matter, or making a recommendation on a planning proposal.
- 4.24 A disclosure made at a meeting of a panel must be recorded in the meeting record.
- 4.25 A general notice may be given to the panel chair in writing by a panel member to the effect that the panel member, or the member's spouse, de facto partner or relative, is:
- a) a member of, or in the employment of, a specified company or other body, or
  - b) a partner of, or in the employment of, a specified person.
- 4.26 Such a notice is, unless and until the notice is withdrawn, sufficient disclosure of the panel member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the panel after the date of the notice.
- 4.27 You do not breach clause 4.22 or 4.23 if you did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

**ITEM 5 (continued)**

**ATTACHMENT 1**

**Part 5 – Non-Pecuniary Conflicts of Interest**

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests you have that do not amount to a pecuniary interest as defined in clause 4.8 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 5.3 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of the panel decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in favour of your public duty.
- 5.4 When considering whether or not you have a non-pecuniary conflict of interest, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.5 Where you have a non-pecuniary conflict of interest for the purposes of clause 5.2, you must disclose the relevant private interest fully and in writing as soon as practicable.
- 5.6 If a disclosure is made at a panel meeting, both the disclosure and the nature of the interest must be recorded in the meeting record. This disclosure constitutes disclosure in writing for the purposes of clause 5.5.
- 5.7 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.8 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.8, but it involves:
  - a) a relationship between a panel member and another person that is particularly close, for example, a current or former spouse or de facto partner, a relative for the purposes of clause 4.11 or another person from the panel member's extended family that the panel member has a close personal relationship with, or another person living in the same household
  - b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
  - c) an affiliation between the panel member and an organisation, sporting body, club, corporation or association that is particularly strong, including, but not limited to, active participation in its management or administration and other activities
  - d) a financial interest that is not a pecuniary interest for the purposes of clause 4.8
  - e) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

**ITEM 5 (continued)**

**ATTACHMENT 1**

- 5.9 If you have a significant non-pecuniary conflict of interest, you must manage it by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clause 4.15-4.17 and 4.22-23.
- 5.10 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest, you must also explain why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

Note: Loss of quorum as a result of compliance with this Part

- 5.11 A quorum for a determination meeting of a panel is a majority of its members, including the chair, i.e. a total of three members.
- 5.12 In accordance with the operational procedures for panels a determination meeting is to be deferred if a quorum is not present.
- 5.13 These procedures also provide that where conflicts of interest are known before the meeting, alternate members will be used to ensure there is a quorum.
- 5.14 You must ensure that any employment or business, or other roles or activities you engage in will not:
- a) conflict with, impair or otherwise prevent the full exercise of your official duties
  - b) involve using confidential information or resources obtained through your work with the panel
  - c) require you to work while on panel duty
  - d) discredit or disadvantage the panel or the council
  - e) pose, due to fatigue, a risk to your health or safety, or to the health and safety of others.

Personal dealings with council to which you have been appointed as a panel member

- 5.15 You may have reason to deal with your council in your professional capacity (for example, acting as a consultant on behalf of a developer) or personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.16 You must undertake any professional or personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. In particular, you must not:
- a) access council information for professional or personal purposes
  - b) undertake professional or personal dealings with the council during work time, or
  - c) approach council staff in staff only areas to discuss your professional or personal dealings with the council.
- 5.17 You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.



**ITEM 5 (continued)**

**ATTACHMENT 1**

**Part 6 – Personal Benefit**

Gifts and benefits

- 6.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you.
- 6.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members include parents, spouses or de facto partners, children and siblings.

How are offers of gifts and benefits to be dealt with?

- 6.3 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit of any kind.
- 6.4 Where you are offered or receive a gift or benefit, you must disclose this promptly to the panel chair and the general manager in writing. If you are the chair of the panel you must make the disclosure to the general manager. The recipient and general manager must ensure that, at a minimum, the following details are recorded in the panel's gift register:
- a) whether the gift was accepted or refused
  - b) the nature of the gift
  - c) the estimated monetary value of the gift
  - d) the name of the person who offered the gift, and
  - e) the date on which the gift was offered or received.
- 6.5 Where you receive a gift or benefit of value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the general manager.

Improper and undue influence

- 6.6 You must not use your position to influence other panel members or council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else.
- 6.7 You must not take advantage (or seek to take advantage) of your status or position, or of functions you perform, in order to obtain a private benefit for yourself or for any other person or body.

**ITEM 5 (continued)**

**ATTACHMENT 1**

**Part 7 – Relationships and Interactions**

Interactions with councillors and council staff

- 7.1 You may only approach and liaise with council staff nominated by the general manager to assist the panel to obtain information and clarify matters relating to its duties, responsibilities and functions and matters before it.
- 7.2 You may not direct or pressure council staff in the performance of their work, or recommendations they should make. Any direction to staff can only be given by the general manager.
- 7.3 You must not approach a councillor, or if approached by a councillor must not discuss any application that is either before the panel or will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting.
- 7.4 Panel members must:
  - a) give their attention to the business of the panel while on duty
  - b) ensure that their work is carried out efficiently, economically and effectively
  - c) carry out lawful directions given by any person having authority to give such directions.



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**ATTACHMENT 1**

**Part 8 – Access to Information and Council Resources**

- 8.1 The general manager is responsible for ensuring that panel members can access information necessary for the performance of their official functions, including the reporting of development applications to the panel in a timely manner or as requested by the panel.

Panel members to properly examine and consider information

- 8.2 Panel members must ensure that they to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Use of certain council information

- 8.3 In regard to information obtained in your capacity as a panel member, you must:
- a) only access council information needed for panel business
  - b) not use that council information for private purposes
  - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your panel membership
  - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 8.4 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.
- 8.5 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
  - b) protect confidential information
  - c) only release confidential information if you have authority to do so
  - d) only use confidential information for the purpose for which it is intended to be used
  - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
  - f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
  - g) not disclose any information discussed during a confidential forum.

Personal information

- 8.6 When dealing with personal information you must comply with:



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**ATTACHMENT 1**

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government.

Use of council resources

- 8.7 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.8 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 8.9 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.10 You must not use the council letterhead, council crests or other information that could give the appearance it is official council material for.
- 8.11 You must not convert any property of the council to your own use unless properly authorised.

Internet access and use of social media

- 8.12 You must not use council's computer resources or other mobile devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.
- 8.13 You must not use social media to post comments, photos, sound recordings or other information that:
  - a) compromises your capacity to perform your official duties in an unbiased manner
  - b) has the potential to have a negative impact on your working relationships within the council or with external parties
  - c) is offensive, humiliating, threatening or intimidating to anyone
  - d) has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive
  - e) divulges confidential council information
  - f) breaches the privacy of other panel members
  - g) contains allegations of suspected breaches of this code or information about the consideration of a matter under this code or the council's code of conduct, or
  - h) could be perceived to be an official comment on behalf of the panel or council where you have not been authorised to make such comment.





**ITEM 5 (continued)**

**ATTACHMENT 1**

Council record keeping

- 8.14 All information received in your official capacity is a council record and must be managed in accordance with the council's approved record management practices and policies.
- 8.15 All information stored in either soft or hard copy on council supplied resources is deemed to be related to the business of the council and can be used by the council as a council record regardless of whether the original intention was to create the information for personal purposes.

Panel member access to council buildings

- 8.16 Panel members are entitled to have access to any room designated by the general manager for the use of the panel and public areas of the council's buildings during normal business hours and for meetings.



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**ATTACHMENT 1**

**Part 9 – Maintaining the Integrity of this Code**

9.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

9.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.

9.3 For the purposes of clause 9.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

- a) to intimidate or harass another council official
- b) to damage another's reputation
- c) to obtain a political advantage
- d) to influence a panel member or council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
- e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
- f) to avoid disciplinary action under this code
- g) to take reprisal action against a person for making a complaint under this code
- h) to take reprisal action against a person for exercising a function prescribed under Part 10 of this code
- i) to prevent or disrupt the effective administration of this code.

Detrimental action

9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code.

9.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code.

9.6 For the purposes of clause 9.4 and 9.5, a detrimental action is an action causing, comprising or involving any of the following:

- a) injury, damage or loss
- b) intimidation or harassment
- c) discrimination, disadvantage or adverse treatment in relation to employment
- d) dismissal from, or prejudice in, employment
- e) disciplinary proceedings.

Compliance with requirements under this code

9.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.



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- 9.8 You must comply with a reasonable and lawful request made by a person exercising a function under Part 10. A failure to make a written or oral submission invited under Part 10 will not constitute a breach of this clause.

Disclosure of information about the consideration of a matter under this code

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with Part 10.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under Part 10.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code panel meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made under this code or a matter being considered under this code except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under Part 10.



**ITEM 5 (continued)**

**ATTACHMENT 1**

**Part 10 – Breaches of this Code**

What is a code of conduct complaint?

- 10.1 For the purpose of this code, a code of conduct complaint is a complaint that alleges conduct on the part of a panel member in connection with their role as a panel member or the exercise of their functions as a panel member that would constitute a breach of the standards of conduct prescribed under this code of conduct.
- 10.2 The following are not "code of conduct complaints" for the purposes of this code:
- a) complaints about the standard or level of service provided by the panel or a panel member
  - b) complaints about the merits of a decision made by the panel or a panel member or the exercise of a discretion by the panel or a panel member
  - c) complaints about the policies or procedures governing the operations of the panel or of the council
  - d) complaints about the exercise in good faith by the panel or a panel member of their functions, whether or not involving error.
- 10.3 Only code of conduct complaints are to be dealt with under this code. Complaints that are not a code of conduct complaint for the purposes of clause 10.1, are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

- 10.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within 3 months of the complainant becoming aware of the alleged conduct.
- 10.5 A complaint made after 3 months may only be accepted if the general manager or their delegate is satisfied that there are compelling grounds for the matter to be dealt with under this code.

How may a code of conduct complaint about a panel member be made?

- 10.6 All code of conduct complaints about panel members are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 10.7 Where a code of conduct complaint about a panel member cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 10.8 Notwithstanding clause 10.6 and 10.7, where the general manager becomes aware of a possible breach by a panel member of this code, he or she may initiate the process for the consideration of the matter without a written complaint.

Delegation by general managers of their functions under this Part

- 10.9 A general manager may delegate his or her functions under this Part to a member of staff of the council or to a person or persons external to the council other than a state government agency. References in this Part to the general manager are also to be taken to be references to their delegates.



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**ATTACHMENT 1**

What complaints may be declined at the outset?

- 10.10 Without limiting any other provision in this code, the general manager may decline to deal with a complaint under this code where he or she is satisfied that the complaint:
- a) is not a code of conduct complaint for the purposes of clause 10.1, or
  - b) subject to clause 10.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
  - c) is trivial, frivolous, vexatious or not made in good faith, or
  - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
  - e) is not made in a way that would allow the alleged conduct and any alleged breaches of this code to be readily identified.

How are code of conduct complaints about panel members to be dealt with?

- 10.11 The general manager is responsible for the management of code of conduct complaints about panel members and for determining the outcome of such complaints.
- 10.12 The general manager may decide to take no action in relation to a code of conduct complaint about a panel member on the grounds that he or she considers that no action is warranted in relation to the complaint.
- 10.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a panel member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter.
- 10.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about panel members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or a voluntary apology. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of this code.
- 10.15 Where the general manager resolves a code of conduct complaint under clause 10.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under this code of conduct.
- 10.16 Sanctions for breaches of the code of conduct by panel members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
  - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
  - c) prosecution for any breach of the law
  - d) removing the person from membership of the panel.

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10.17 Prior to imposing a sanction against a panel member under clause 10.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:

- a) the substance of the allegation (including the relevant provision/s of this code that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
- b) the person must be given an opportunity to respond to the allegation, and
- c) the general manager or their delegate must consider the person's response in deciding whether to impose a sanction under clause 10.16.

Complaints about the consideration of matters under this Part

10.18 Complaints about the consideration of a code of conduct complaint by the general manager or his or her delegate under this Part, may be made in writing to the Office of Local Government.



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ATTACHMENT 1

Schedule 1: Disclosures of Interest

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the panel member disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

*de facto partner* has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

*disposition of property* means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

*listed company* means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

*occupation* includes trade, profession and vocation.



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*professional or business association* means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.15(a), the date on which a person became a panel member
- b) in the case of a return made under clause 4.15(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.15(c), the date on which the panel member became aware of the interest to be disclosed.

*relative* includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

*travel* includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

- 2. Interests etc. outside New South Wales: A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3. References to interests in real property: A reference in this schedule or in schedule 2 to real property in which a panel member has an interest includes a reference to any real property situated in Australia in which the panel member person has an interest.
- 4. Gifts, loans etc. from related corporations: For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a panel member by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.





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**ATTACHMENT 1**

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. When making a return under clause 4.15 of this code you must disclose:
  - a) the street address of each parcel of real property in which you had an interest on the return date, and
  - b) the street address of each parcel of real property in which you had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to your duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if you ceased to hold the interest prior to becoming a panel member.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. When making a return under clause 4.15 of this code you must disclose:
  - a) a description of each gift received in the period since 30 June of the previous financial year, and
  - b) the name and address of the donor of each of the gifts.

Contributions to travel

10. When making a return under clause 4.15 of this code you must disclose:
  - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by you in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
11. A financial or other contribution to any travel need not be disclosed under this clause if it:
  - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to his or her functions as the holder of a position requiring the making of a return, or

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- d) did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 6 of the *Election Funding Expenditure and Disclosures Act 1981*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a panel member.
12. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

13. When making a return under clause 4.15 of this code you must disclose:
- a) the name and address of each corporation in which you had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which you had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
14. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - b) required to apply its profits or other income in promoting its objects, and
  - c) prohibited from paying any dividend to its members.
15. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
16. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a panel member.

Positions in trade unions and professional or business associations

17. When making a return under clause 4.15 of the code you must disclose:
- a) the name of each trade union, and of each professional or business association, in which you held any position (whether remunerated or not) on the return date, and
  - b) the name of each trade union, and of each professional or business association, in which you held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and



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c) a description of the position held in each of the unions and associations.

18. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a panel member.

Dispositions of real property

19. When making a return under clause 4.15 of this code you must disclose particulars of each disposition of real property by you (including the street address of the affected property) in the period since 30 June of the previous financial year, under which he or she wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
20. When making a return under clause 4.15 of this code you must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
21. A disposition of real property need not be disclosed if it was made prior to you becoming a panel member.

Sources of income

22. When making a return under clause 4.15 of this code you must disclose:
- a) each source of income that the you reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
- b) each source of income received by you in the period since 30 June of the previous financial year.
23. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by you is a reference to:
- a) in relation to income from an occupation of the person:
- (i) a description of the occupation, and
- (ii) if the person is employed or the holder of an office, the name and address of his or her employer, or a description of the office, and
- (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
- b) in relation to income from a trust, the name and address of the settlor and the trustee, or
- c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
24. The source of any income need not be disclosed by you in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$1000, or is not reasonably expected to exceed \$1000, as the case may be.
25. The source of any income received by the person that they ceased to receive prior to becoming a panel member need not be disclosed.

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Debts

26. When making a return under clause 4.15 of this code you must disclose the name and address of each person to whom you were liable to pay any debt:
- a) on the return date, and
  - b) at any time in the period since 30 June of the previous financial year.
27. A liability to pay a debt must be disclosed by you in a return made under clause 4.15 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
28. A liability to pay a debt need not be disclosed by you in a return if:
- a) the amount to be paid did not exceed \$1000 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - (i) the debt was one of two or more debts that you were liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - (ii) the amounts to be paid exceeded, in the aggregate, \$1000, or
  - b) you were liable to pay the debt to a relative, or
  - c) in the case of a debt arising from a loan of money you were liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
  - d) in the case of a debt arising from the supply of goods or services:
    - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
    - (ii) the goods or services were supplied in the ordinary course of any occupation of you that is not related to your duties as the holder of a position required to make a return, or
  - e) subject to paragraph (a), the debt was discharged prior to you becoming a panel member.

Discretionary disclosures

29. You may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.



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**Schedule 2: Form of Return**

**Disclosures return**

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Code of Conduct for Local Planning Panels in NSW (the Code).
2. If this is the first return you have been required to lodge do not complete Parts C, D of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a panel member.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.
8. "" means delete whichever is inapplicable.

**Important information**

This information is being collected for the purpose of complying with clause 4.15 of the Code.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.17 of the Code). Complaints about breaches of these requirements are to be referred to the general manager and may result in disciplinary action by the council.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information in this return other than information about your principal place of residence will be published on the council's website.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.



**ITEM 5 (continued)**

**ATTACHMENT 1**

Disclosure of pecuniary interests and other matters by [full name]

\*as at [return date]

\*in respect of the period from [date] to [date]

[person's signature]

[date]

**A. Real Property**

Street address of each parcel of real property in which I had an interest *at the return date/*at any time since 30 June	Nature of interest

**B. Sources of income**

1 \*Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June:

\*Sources of income I received from an occupation at any time since 30 June:

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 \*Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June:

\*Sources of income I received from a trust since 30 June:

Name and address of settlor	Name and address of trustee

3 \*Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June:

\*Sources of other income I received at any time since 30 June:

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

**C. Gifts**

Description of each gift I received at any time since 30 June	Name and address of donor



**ITEM 5 (continued)**

**ATTACHMENT 1**

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
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E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position *at the return date/*at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
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F. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date/*at any time since 30 June	Description of position
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G. Debts

Name and address of each person to whom I was liable to pay any debt \*at the return date/\*at any time since 30 June

H. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

I. Discretionary disclosures



## **DEVELOPMENT APPLICATIONS**

- 6 34-40 CHURCH STREET, RYDE. Demolition and construction of a 6 storey mixed use development comprising of 31 residential apartments with three retail/commercial tenancies on the ground floor and three levels of basement parking for 54 vehicles. LDA2017/0094.**

### **City of Ryde Local Planning Panel Report**

<b>DA Number</b>	LDA2017/0094
<b>Site Address &amp; Ward</b>	34-40 Church Street, Ryde Central Ward
<b>Zoning</b>	B4 Mixed Uses under RLEP 2014
<b>Proposal</b>	Demolition and construction of a 6 storey mixed use development comprising of 31 residential apartments with three retail/commercial tenancies on the ground floor and three levels of basement parking for 54 vehicles.
<b>Property Owner</b>	Vache Vartanian and Araxi Emilian
<b>Applicant</b>	Feris Merhi
<b>Report Author</b>	Sandra McCarry Senior Town Planner
<b>Lodgement Date</b>	20 March 2017
<b>No. of Submission</b>	Two submissions received objecting to the development.
<b>Cost of Works</b>	\$11,023,315.00
<b>Reason for Referral to IHAP</b>	Sensitive Development – Development to which State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies.
<b>Recommendation</b>	Deferred commencement approval.



## ITEM 6 (continued)

### 1. Executive Summary

The following report is an assessment of a development application for the demolition of the existing buildings and the construction of a mixed use development containing commercial/retail and residential uses at 34-40 Church Street, Ryde. The overall height of the building is 6 storeys and the development will contain 31 apartments and three commercial/retail tenancies facing Church Street. Parking for 54 vehicles will be provided over three basement levels.

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

- The development results in minor breaches to the building separation requirements of the Apartment Design Guide (ADG). These breaches are in respect to the internal separation of both towers as well as the building separation between the development and 2 Gowrie Street. Despite these non-compliances, the development will be acceptable in respect of residential amenity and building massing.
- The development provides 20% rather than 25% communal open space. In this instance the landscaping proposed will provide adequate amenity as two separate communal open space areas have been provided.
- One of the balconies proposes a minor variation to the area of the balcony required under the ADG. This variation will not adversely affect the amenity of the apartment.
- The development fails to comply with a Development Control Plan (DCP) requirement in respect to the development providing an active frontage and awning for the full length of Gowrie Street. As proposed the active frontage extends for approximately half of the Gowrie Street frontage.
- The buildings have been identified as streetscape buildings and elements under the DCP and are required to be retained; however the development has proposed the demolition of the entire building. These buildings have not been identified as heritage items under Ryde Local Environmental Plan 2014 (RLEP) and the retention of the façade was not considered feasible by a Structural Engineer. The design of the podium has incorporated face brick as well as highlighted architectural detailing in contrasting brickwork which will ensure that the development has an appropriate contextual fit with surrounding development.

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 two submissions, both objecting to the development. The issues raised in the submissions related to concerns with the building height, overshadowing, privacy and fencing. These matters are addressed in full detail in Section 9 of this report.

## ITEM 6 (continued)

The development is consistent with the desired future character of the precinct as identified in the relevant planning instruments.

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

## 2. The site and locality

The site is legally defined as Lots 2 to 5 in DP 16934 and is known as 34 –40 Church Street, Ryde. The site is a regular shaped allotment, with a 22.25m frontage to Church Street, a corner splay of 4.29m and a frontage of 41.1m to Gowrie Street. The site has a total site area of 1113.3m<sup>2</sup>. The site also has a right of way that is 6.09m wide and provides rear access to properties fronting Church Street from Gowrie Street.

The site currently contains two storey buildings which are used for retail/ office tenancies on the ground floor and office/residential uses above.

The site has a moderate slope of up to 4.58m from its eastern boundary to the Church Street elevation.

The site is adjoined to the north east by a two storey retail/ commercial building and to the south east on Gowrie Street by a 2 storey residential flat building. The immediate area contains an eclectic mix of land uses including a place of worship, a council carpark, residential dwellings and older style 2 –4 storey residential flat buildings. The site is located within 150m walking distance to Top Ryde Shopping Centre.



Figure 1: Church Street frontage of the site.

**ITEM 6 (continued)**



Figure 2: The subject site as viewed from Gowrie Street – with access via a 6.09 wide right of way.



Figure 3: Surrounding area as viewed from Gowrie Street – St Anne's Church on the corner opposite.

## ITEM 6 (continued)



Figure 4. Aerial view of the development site and surrounding area.

### 3. The Proposal

The proposal is for the demolition of the existing structures and the construction of a 6 storey development containing three ground floor commercial/retail tenancies fronting Church Street and 31 residential units over 3 levels of basement carparking for 54 vehicles.

The proposed development incorporates the following residential unit mix plus 297m<sup>2</sup> of retail floor area.

- 5 x 1br apartments with balconies;
- 24 x 2br apartments with balconies; and
- 2 x 3br apartments with balconies.

Pedestrian access to the residential flat building is via Gowrie Street and vehicular access is via the rear laneway.

As part of the development a new laneway is proposed at the rear of the site. This laneway will have a width of 8m involving a footpath 1.5m wide and a road pavement of 6m wide. The laneway will be dedicated to Council.

## ITEM 6 (continued)



Figure 5: Proposed development as viewed from the corner of Church & Gowrie Street.

## 4. Background

The development application was submitted to Council on 20 March 2017.

A letter was sent to the applicant on 23 May 2017 which identified various issues with the application. These issues included:

- The development relies on the bonus provisions in respect to height and floor space. To benefit from these provisions it is necessary for a laneway to be created which is 8m wide rather than utilising the 6m wide ROW. None of the development should encroach onto this laneway.
- Concerns were raised in respect to the floor space ratio as the applicant's figures failed to include walkways.
- The existing buildings have been identified in the Ryde Development Control Plan as elements which should be retained as they contribute to the architectural diversity and interest of the precinct. Consideration should be given to the retention of these buildings.
- The development failed to comply with Ryde DCP in respect to the provision of an awning, the length of the balconies, size of the bulky waste room and the need to provide an Arts and Cultural Plan.

**ITEM 6 (continued)**

- The development provided excessive amounts of car parking which would be required to be reduced to ensure compliance with Council's controls.
- The development failed to comply with the Apartment Design Guide in respect to building separation and landscaped areas.

Amended plans and further information was submitted to Council on 27 July 2017. These plans addressed some of the issues raised but still proposed the demolition of the building.

Council's Heritage Officer still raised concerns about the demolition of the buildings and a meeting was held to discuss these concerns with the applicant.

On 25 September 2017, the applicant amended the architectural plans in respect to the façade of the ground and first floor to provide a face brick façade with highlighted architectural detailing in contrasting brickwork, similar to the existing building. The applicant also provided further details in respect to the structural adequacy of these buildings. The information provided enabled Council's Officers to support the demolition of the entire buildings.

The applicant was advised in November 2017 that the amended plans submitted in September 2017 failed to address the other matters that were raised in Council's letter dated 23 May 2017. Further amended plans were submitted in December 2017. These plans proposed the following amendments:

- The development now proposed an 8m wide laneway with no building or balcony encroachments into the laneway.
- The applicant was able to demonstrate that the development complies with the floor space ratio.
- The width of the balconies were reduced so that they did not extend for the full length of the façade.
- The size of the bulky waste room increased.
- An amended BASIX Certificate was submitted.

The amendments to the plans were such that it was not necessary to re-advertise the development.

## ITEM 6 (continued)

### 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 (No 776775M\_02) which provides the development with a satisfactory target rating.

Appropriate conditions will be imposed requiring compliance with the BASIX commitments detailed within the Certificate. **Conditions 3 & 120.**

##### 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.

A report prepared by Geotesta dated 23 January 2017 has been submitted with the application. Council's Environmental Health Officer has advised "*A desktop study found that the history of the sites indicates that the past activities on the subject site and neighbouring sites (retail and residential) have a very low potential for environmental impacts on the soil and groundwater*".

The Consultant Report states: "*The site is considered suitable for the proposed development and no further assessment work is considered necessary.*" This finding has been supported by Council's Environmental Health Officer and no objections are raised to the proposal in respect to contamination issues.

##### 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.

## ITEM 6 (continued)

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 Residential Flat Design Code guidelines.

### Urban Design Review Panel (UDRP)

The proposal was reviewed by the Urban Design Review Panel on 20 May 2015 prior to lodgement and again on 17 May 2017 after the lodgement of the DA.

Below details the UDRP's comments of 17 May 2017 and how the proposal has responded to their comments. The UDRP noted that *with the incorporation of the recommendations made by the panel, the proposal is capable of achieving an acceptable level of design quality.*

Planning Principle	Comment
<p><b>Context &amp; Neighbourhood Character</b>            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.            Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.            Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p><i>The proposal is for a new mixed residential and retail development that has been reconfigured to form two primary building forms, linked by a relatively light bridging element. This siting strategy serves to break the building into appropriately scaled portions and is supported by the Panel subject to the following comments and recommendations.</i></p> <p><i>The design strategy reinstates the form, alignment and scale of the earlier shopfront façade addressing Church Street and Gowrie Street.</i></p> <p><i>The Panel supports this design strategy, but encourages the proponent to retain some extent of existing building fabric – despite the stated construction challenges and regardless of any formal heritage status that may apply to the original shopfronts.</i></p> <p><i>The Panel's position is that the design strategy is strong and clear, contributing to a better sense of contextual fit, and this will only be amplified through the retention of authentic existing building fabric, rather than the demolition and reinstatement of new fabric in the same form. Arguably, it is also a more sustainable design outcome.</i></p> <p><i>The proposal includes a ROW instead of a public laneway dedication. The design of the laneway should comply with Council's requirements as noted above. Minor amendments to the building are required to facilitate the public laneway including:</i></p>



**ITEM 6 (continued)**

Planning Principle	Comment
	<ul style="list-style-type: none"> <li>• <i>Revised extent of basement carpark. Council's preference is for no underground building structure within the 8m dedication zone. If underground structures are unavoidable, it must be set down 1.2m below the laneway surface.</i></li> <li>• <i>Minor adjustments to balcony projections over laneway for units 1 and 2.</i></li> </ul> <p><u>Comment:</u> The proposal has been amended to address the Panel's concerns with regards to the provision of the laneway with no encroachments over the laneway.</p> <p>With regard to retaining some of the existing building fabric, the applicant has provided a Structural Engineering Assessment, which has provided an extensive assessment of the implications, suitability and methodology of the façade retention. The report states that the retention of the façade is feasible however it also makes the recommendation that the façade <u>not</u> be retained, citing that the construction and present condition of the façade, together with the proposed excavation of the site for basement level carparking, would have a high probability to undermine the integrity of the retained fabric.</p> <p>The architectural plans have been amended to incorporate face brick into the podium level façade. The façade also incorporates highlighted architectural detailing in contrasting brickwork. This results in the podium façade being similar to the existing building. This ensures that the development will have a more appropriate contextual fit with the surrounding development and will achieve the objectives of the UDRP. Council's Heritage Officer has supported this outcome.</p>
<p><b>Built Form &amp; Scale</b> Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p><u>Urban Design Review Panel</u> <i>As noted above, the scale of the proposed building is acceptable and supported. The fundamental building diagram – two wings linked by a central, bridge link is clear and simple and is supported as a design approach. Minor height non-compliances is supported. A 3D drawing showing the permissible height plane and extent of breach would be beneficial for Council's assessment.</i></p> <p><i>The Panel encourages the architect to further refine and enrich this design strategy to maximise the link's architectural potential and particularly its ability to be open to the elements (particularly since the proponent seeks to exclude its area from floor space calculations).</i></p>

**ITEM 6 (continued)**

Planning Principle	Comment
	<p><i>The Panel also encourages the relatively minor reconfiguration of the ground floor lobby to provide for a primary residential address to Gowrie Street. This may also allow for greater flexibility of subdivision for the retail tenancies in Church Street. The reconfiguration of the ground floor residential lobby should also allow for a direct line of sight to the communal courtyard from the approach to the lobby.</i></p> <p><i>The precise siting of the substation might also be modified at this time.</i></p> <p><i>The Panel notes that the three apartment entries opening off each end of the bridge will need to comply with accessibility provisions.</i></p> <p><u>Comment:</u> The amended plans have ensured that the development in terms of its height is consistent with the 21.5m building height control identified in LEP2014.</p> <p>The amended plans have also provided the residential address to Gowrie Street rather than Church Street. This ensures that retail tenancies are provided along the entire Church Street elevation. This provides greater articulation to Gowrie Street as well as assisting in the activation of Gowrie Street.</p> <p>The built form of the development is significantly modulated and responds to relevant controls in DCP2014 and will contribute positively to the existing and emerging character of the surrounding streetscape. It will also be consistent in terms of its massing and scale and the desired future character of the precinct.</p> <p>The proposed built form is also considered to be acceptable given that the development achieves suitable compliance with the objectives contained in the ADG.</p> <p>Notably, Council's UDRP was supportive of the building's placement and massing.</p>
<p><b>Density</b> Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. 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> <i>The FSR of the proposal is within the LEP limit and the Panel perceives no issue with the density proposed.</i></p> <p><u>Comment:</u> The proposal complies with the LEP 2014 FSR control 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>

**ITEM 6 (continued)**

Planning Principle	Comment
<p><b>Sustainability</b>            Good design combines positive environmental, social and economic outcomes. 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>  <i>The applicant's presentation to the UDRP did not specifically address sustainability. The panel considers that the proposal is capable of achieving an acceptable level of sustainability in design.</i></p> <p><i>It is important that current best practice sustainable design and low energy materials and fittings selections be adopted. Refer also to the recommendation that some extent of existing building fabric be retained and incorporated into the proposal.</i></p> <p><u>Comment:</u>            The applicant has provided a BASIX Certificate which indicates that the buildings will meet the energy and water use targets set by the BASIX SEPP. With regard to retaining the existing building fabric, this has been discussed under context and neighbourhood character.</p>
<p><b>Landscape</b>            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.            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.            Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, and respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p><u>Urban Design Review Panel</u>  <i>The Panel supports the disposition of communal open space in two separate locations, and encourages greater differentiation between the functions, treatment and design language that emerges for these spaces during detailed design.</i></p> <p><i>This is important since the space overlooking Gowrie Street is more exposed to street activity and is overshadowed when compared to the second, lower courtyard, which is more private and will enjoy greater solar access. These conditions should begin to inform the possible uses suitable for each space.</i></p> <p><u>Comment:</u>            The development has provided two communal areas, one on the ground floor and the other on level 2 of the development. The space on the ground floor has been designed as a sitting area within a landscaped setting. This space will be relatively private. The space on level 2 has been provided as a more active area with a BBQ and seating provided.</p>
<p><b>Amenity</b>            Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing. 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>  <i>The proposal appears capable of achieving an acceptable level of internal amenity for the residential apartments and communal open spaces, subject to incorporation of the recommendations made by the Panel in this report.</i></p>

**ITEM 6 (continued)**

Planning Principle	Comment
	<p><i>Some development and refinement of the window treatments to the central courtyard is necessary to ensure that privacy and cross viewing within the development and between neighbouring development is mitigated. The plans indicate some 'blinking' of windows, but this treatment needs augmentation and refinement on a case-by-case basis across all affected windows.</i></p> <p><i>Similarly, the lower balconies addressing the neighbouring property along Gowrie Street should adopt a greater level of enclosures to mitigate potential cross viewing and privacy issues.</i></p> <p><u>Comment:</u> Noted and adequate privacy measures are proposed to ensure that there will be minimal opportunities for overlooking between units, the communal open space and neighbouring development. This issue has been discussed in greater detail in the Apartment Design Guide.</p>
<p><b>Safety</b> 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. A positive relationship between public and private spaces is achieved through clearly defined secure access points and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>No issues were raised by the UDRP.</p> <p>The development has clearly defined the public and private spaces within the development. Passive surveillance over the public domain areas will be possible from the retail tenancies as well as the residential apartments overlooking Gowrie Street and the new laneway. The development also provides secure access points to the site and car park entry.</p>
<p><b>Housing Diversity and Social Interaction</b> Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. 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> <i>The proposal achieves an acceptable mix of apartment sizes and configurations.</i></p> <p><u>Comment:</u> The proposed range of apartments provides a suitable mix of housing in response to current housing demand and 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>

**ITEM 6 (continued)**

Planning Principle	Comment
<p><b>Aesthetics</b> 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. 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> <i>The approach to an architectural expression is supported in principle. The Panel is keen to see the proposal retain an extent of existing shopfront which will enrich the final proposal.</i></p> <p><u>Comment:</u> The building facades are strongly articulated with the use of balconies, terraces and screening. The retention of the existing façade is not possible, however the podium of the development has provided a façade that achieves a more appropriate contextual fit with the surrounding development.</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.

Apartment Design Guide Requirement	Proposal	Complies
<b>Part 2 Development Controls</b>		
<p><b>Building Depth</b> Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.</p>	<p>The building has a maximum depth of 14m and complies with the DCP requirement.</p>	<p>Yes</p>
<p><b>Building Separation</b> 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</p>	<p>The development provides a zero setback to the northern side boundary. This form of development is envisaged by the DCP controls and is appropriate for the site.</p> <p>The development is 6 storeys to the rear boundary. The building separation between this development and the 2 storey RFB at 2 Gowrie Street is approximately 10m. Based on a 6 storey building the development should provide a 18m separation distance. Applying half the minimum separation distance required by the ADG results in a required setback to the boundary of 6m for the lower 4 floors and 9m for the upper two floors. The development has proposed a setback of between 8.1m and 8.35m as measured from the rear elevation. Although the lower floors do not achieve a 12m separation with 2 Gowrie Street, the development does exceed the separation as required by the ADG. The non-compliance is due to the setback of 2 Gowrie Street. To ensure that privacy is maintained, a condition of consent has been imposed to require</p>	<p>Yes</p> <p>No – variation acceptable.</p>

**ITEM 6 (continued)**

	<p>screens on the lower balconies and windows which face 2 Gowrie Street. See <b>Part 2 Condition 1(a)</b>.</p> <p>No objection is raised to the non-compliance with the upper two floors. The adjoining property at 2 Gowrie Street has a maximum height control of 14m. This will only allow for a maximum four storey building. In this instance, compliance with the building separation requirement for the 2 upper levels is not required as the development will still maintain adequate amenity and urban form.</p> <p>The development has proposed two primary building forms that are linked together by a relatively light bridging element. These buildings forms are required to be separated by a distance of 12m. The development has proposed a separation of 9.65m and 10.15m. The applicant has provided adequate window treatment to most of the windows to ensure privacy is maintained. These treatments consist of either fixed vertical louvre privacy screens or highlight windows. It is proposed to include conditions on any consent to require the window in the hall way of apartments 19 and 25 to be high light windows and bedroom 2 in the same apartments to also contain fixed vertical louvre privacy screens. This separation distance was supported by the UDRP. See <b>Part 2 Condition 1 (c) and 1 (d)</b>.</p>	
<p><b>Street Setbacks</b>          Determine street setback controls relative to the desired streetscape and building forms.</p>	<p>The DCP requires a build to line for both Church and Gowrie Streets. The development complies with the required front setback control.</p>	<p>Yes</p>
<p><b>Side and Rear Setbacks</b>          Related to the height of the building and are important tools for achieving amenity for new developments and buildings on adjacent sites.</p>	<p>The development has proposed a zero side setback control which is consistent with the DCP.</p> <p>As this development is relying on the bonus provisions under RLEP 2014, the development is required to provide an 8m setback to the rear boundary to accommodate a laneway. The development has proposed a setback of between 8.1m and 8.35m which will be dedicated to Council as a laneway.</p>	<p>Yes</p>

**ITEM 6 (continued)**

<b>Part 3 Siting the development Design criteria/guidance</b>		
<b>3B Orientation</b> 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 orientated to face Church Street, Gowrie Street and the rear laneway. The orientation allows for street activation as well as enhancing the safety of the three road frontages.	Yes
<b>3C Public domain interface</b> Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.	By providing the zero setbacks along both Church Street and Gowrie Street, the development has not provided any transition areas between the public domain and the development. The development has however limited the length of solid walls by providing some articulation in respect of the setbacks as well as window and balcony openings. The mail boxes have been incorporated into the entry lobby. The development has provided a substation and part of the car park above ground level along Gowrie Street. To add interest to these areas it is intended to use powder coated screening around the substation and a textured stone for the car park. Due to the slope of the site and the need to provide such facilities, this cannot be relocated. A condition will be imposed to ensure that graffiti is removed immediately. See <b>Condition 144</b> .	Yes
<b>3D Communal &amp; public open space</b> Provide communal open space to enhance amenity and opportunities for landscaping & communal activities. <ol style="list-style-type: none"> <li>1. Provide communal open space with an area equal to 25% of site;</li> <li>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.</li> </ol>	The ADG requires that the site provide 278m <sup>2</sup> as communal open space. The development has proposed two areas that have a combined total of 220.2m <sup>2</sup> or 20%. In accordance with the recommendation of the UDRP, these two areas will have different functions. One space is proposed a seating area and the other as a BBQ area.  Although the site does not meet the size criteria, given that there are open space areas in close proximity to the site and that the each apartment is provided with an appropriately sized balcony, the variation is supportable.	No – variation acceptable.
<b>3E Deep Soil Zone</b> Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. <ol style="list-style-type: none"> <li>1. Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 3m – 6m.</li> </ol>	The development has proposed no deep soil planting. The ADG recognises that on some sites it may not be possible to provide deep soil areas. This includes in town centres such as this site.	Yes

**ITEM 6 (continued)**

<p><b>3F Visual Privacy</b>                  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="225 512 735 741"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms &amp; 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	See discussion under Building Separation.	Yes for up to the 4th storey. No for levels 5 & 6 but variation considered acceptable.
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><b>3G Pedestrian Access &amp; entries</b>                  Pedestrian access, entries and pathways are accessible and easy to identify.</p>	The development proposes a pedestrian entry to the building from Gowrie Street. This entry has a width of 3m and will be easily identifiable as well as accessible. The pedestrian entry from Gowrie Street is consistent with the requirements of the UDRP.	Yes												
<p><b>3H Vehicle Access.</b>                  Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	The development has proposed a 6m wide vehicle entry from the newly created laneway at the rear of the site. This access point will provide for adequate sight distances to the laneway.	Yes												
<p><b>3J Parking Provisions.</b>                  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>The site is not within 800m of a railway station. Accordingly, Council's DCP 2014 car parking requirements apply. The proposal is compliant with Council's DCP requirements.</p> <p>6 spaces are required for bicycle parking under Council's DCP. The development has proposed space to accommodate 11 bicycles.</p> <p>The DCP does not propose any requirements for motorbikes or scooter parking. However the development has proposed 2 motorcycle parking spaces. This is consistent with the ADG requirements.</p>	Yes												



**ITEM 6 (continued)**

<b>Part 4 Designing the building</b>		
<p><b>4A Solar &amp; daylight access</b>            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</p>	<p>A total of 77% of the apartments will receive 2 hours of direct sunlight between 9am and 3pm midwinter.</p> <p>13% (or 4) of the apartments will receive no sunlight.</p> <p>The BASIX Certificate is included with the application demonstrating that the proposal achieves required thermal comfort levels. Materials and finishes which incorporate shading and glare control measures including external louvres and awnings are proposed.</p>	<p>Yes</p>
<p><b>4B Natural Ventilation</b>            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.</p>	<p>22 of the 31 apartments will be cross ventilated. This equates to 70.9%.</p>	<p>Yes</p>
<p><b>4C Ceiling Heights</b>            Ceiling height achieves sufficient natural ventilation and daylight access. The development is required to provide 2.7m minimum ceiling heights.</p>	<p>The ground floor has proposed 3.8m between floors which will allow for a 3.5m ceiling height. Each residential level has proposed 3m between floors which will accommodate 2.7m ceiling heights.</p>	<p>Yes</p>
<p><b>4D Apartment size and layout</b>            Apartments are required to have the following minimum internal areas with one bathroom:</p> <ul style="list-style-type: none"> <li>• Studio = 35m<sup>2</sup>;</li> <li>• 1 bedroom = 50m<sup>2</sup>;</li> <li>• 2 bedroom = 70m<sup>2</sup>;</li> <li>• 3 bedroom = 90m<sup>2</sup>;</li> <li>• 4 bedroom = 102m<sup>2</sup>.</li> </ul> <p>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.</p> <p>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.</p> <p>Master bedrooms – minimum area 10m<sup>2</sup>            Excluding wardrobe spaces.</p>	<p>All of the apartments either comply or exceed the minimum requirements.</p>	<p>Yes</p>

**ITEM 6 (continued)**

Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> <li>•</li> </ul>																				
<b>4E Private Open Space and balconies</b> All apartments are required to have primary balconies as follows: <table border="1" data-bbox="245 577 740 779"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Min.depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m<sup>2</sup></td> <td>N/A</td> </tr> <tr> <td>1 bedroom</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> <tr> <td>Ground or podium</td> <td>15m<sup>2</sup></td> <td>3m</td> </tr> </tbody> </table>	Dwelling type	Minimum area	Min.depth	Studio apartments	4m <sup>2</sup>	N/A	1 bedroom	8m <sup>2</sup>	2m	2 bedroom	10m <sup>2</sup>	2m	3+ bedroom	12m <sup>2</sup>	2.4m	Ground or podium	15m <sup>2</sup>	3m	All but one of the balconies exceeds the minimum requirements. Unit 10, a 3 bedroom unit has a balcony of 11.1m <sup>2</sup> , which is short of the requirement by 0.9m <sup>2</sup> . Given that the variation is relatively minor and that the proposal provides 2 separate areas of communal open space, the proposed variation is considered acceptable.	No – variation acceptable.
Dwelling type	Minimum area	Min.depth																		
Studio apartments	4m <sup>2</sup>	N/A																		
1 bedroom	8m <sup>2</sup>	2m																		
2 bedroom	10m <sup>2</sup>	2m																		
3+ bedroom	12m <sup>2</sup>	2.4m																		
Ground or podium	15m <sup>2</sup>	3m																		
<b>4F Common circulation and spaces.</b> 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.	The development proposes a maximum of 7 apartments to be accessed from the circulation space. The circulation space will receive daylight and natural ventilation. The development complies with this requirement.	Yes																		
<b>4G Storage</b> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: <table border="1" data-bbox="225 1133 740 1294"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m<sup>3</sup></td> </tr> <tr> <td>1 bedroom apt</td> <td>6m<sup>3</sup></td> </tr> <tr> <td>2 bedroom apt</td> <td>8m<sup>3</sup></td> </tr> <tr> <td>3 + bedroom apt</td> <td>10m<sup>3</sup></td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling type	Storage size volume	Studio	4m <sup>3</sup>	1 bedroom apt	6m <sup>3</sup>	2 bedroom apt	8m <sup>3</sup>	3 + bedroom apt	10m <sup>3</sup>	All of the apartments provide adequate storage.	Yes								
Dwelling type	Storage size volume																			
Studio	4m <sup>3</sup>																			
1 bedroom apt	6m <sup>3</sup>																			
2 bedroom apt	8m <sup>3</sup>																			
3 + bedroom apt	10m <sup>3</sup>																			
<b>4H Acoustic privacy</b> 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																		
<b>4K Apartment mix</b> A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.	The development has incorporated a range of apartment types and sizes. The development has proposed 5 x 1 bedroom , 24 x 2 bedroom and 2 x 3 bedroom apartments.	Yes																		

**ITEM 6 (continued)**

<b>4M Facades</b> 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.	See discussion under “Heritage”. The building facades are strongly articulated with the use of balconies, terraces and screening. The façade also provides an acceptable contextual fit with the surrounding development.	Yes
<b>4N Roof design</b> 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
<b>4O Landscape design</b> Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable	No landscaping is proposed along either Church Street or Gowrie Street. This is consistent with the DCP which requires a build to line along these street frontages.	Yes
<b>4P Planting on structures</b> Appropriate soil profiles are provided.	The development will comply with the minimum soil depth as specified in the ADG. <b>Condition 60</b> has also been imposed to ensure compliance.	Yes
<b>4Q Universal design</b> Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided.	3 adaptable units and 3 “silver” units (Livable Housing Guidelines) <sup>*1</sup> are proposed, which provide flexible housing stock. The development complies with these requirements.	Yes
<b>4U Energy efficiency</b> 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

\*1 Livable Housing Guidelines (LHD Guidelines) provides design guide lines to help make home more versatile, easier access and cost effective to better meet the changing needs of occupants over their lifetimes.

Three levels of performance are detailed in the LHD Guidelines, Silver Level, Gold Level and Platinum Level. The Silver Level provides for 7 core design elements which provide home occupants with the opportunity to reduce or avoid costs associated with retrofitting a home to improve access in future, should it be required.

**ITEM 6 (continued)****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.

**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 '*B4 Mixed Use*' under the provisions of the LEP 2014. The proposed mixed use development is permitted in this zoning.

The objectives of the zone include the following:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.*
- *To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.*

The proposal complies with the above objectives. The site is located within an accessible area with high levels of bus services. The development will respond appropriately to the desired future character of the surrounding precinct by introducing a mixed use building consisting of residential and commercial/retail use. The massing and scale of the development is appropriate in terms of the transitioning future built environment and the built form will not impact adversely on the character of the area.

## ITEM 6 (continued)

### 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 height for any building on the site as 15.5m. 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 6m height if:

*“The lot on which the building is sited has an area of at least 900 square metres and the proposed development is a mixed use development and provides laneway access.”*

The site has an area greater than 900m<sup>2</sup> (1113.3m<sup>2</sup>), proposes a mixed use development and currently has a 6.09m ROW at the rear of the site which provide rear access to properties fronting Church Street from Gowrie Street. This ROW will be extended to 8m wide and will be dedicated to Council as a laneway. The laneway is consistent with the Possible Laneway Control Drawing of RDCP 2014. Accordingly, the site satisfies the provisions for the additional height which results in a maximum height of 21.5m rather than 15.5m. The proposed development provides a height of up to 21.5m.

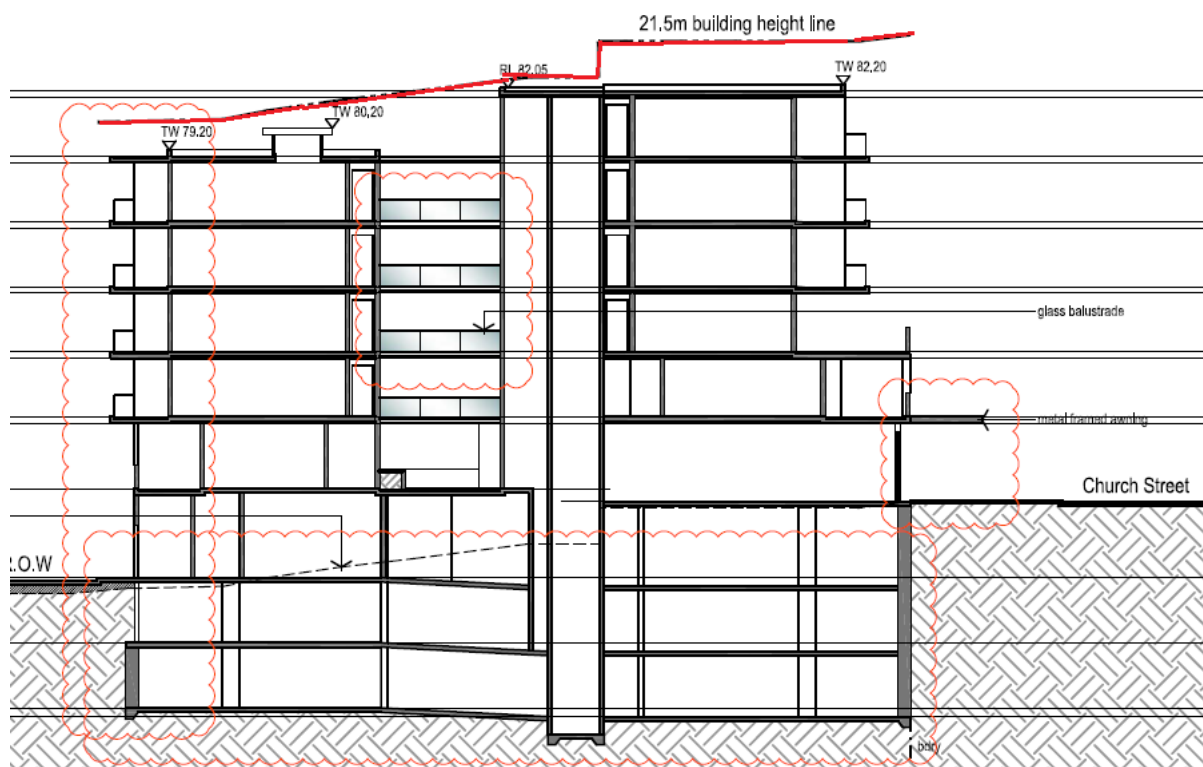


Figure 6: Cross section illustrating compliance with height control.

**ITEM 6 (continued)****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 1.5:1 for the site.

Clause 4.4(A) permits an additional 1:1 FSR if:

*“The lot on which the building is sited has an area of at least 900 square metres and the proposed development is a mixed use development and provides laneway access.”*

The site has an area greater than 900m<sup>2</sup>, proposes a mixed use development and a laneway. The site satisfies the provisions for the additional floor space which results in a maximum floor space ratio of 2.5:1 rather than 1.5:1. The proposed development provides an FSR of 2772m<sup>2</sup>, 2.48:1, which complies with the maximum FSR for the site under Clause 4.4(A).

**Clause 5.10 Heritage Conservation**

The site is not identified as a heritage item however there are heritage items in the vicinity of the site. Council’s Heritage Officer has provided the following comments in respect to the development.

*The development proposal has been referred for heritage consideration as the subject site is within the vicinity of the following items of heritage significance listed under Schedule 5 of Ryde LEP 2014:*

- i) “Ryde Wesley Uniting Church, George H Trevill Memorial Hall and hall (former Oddfellows Hall)’ 25-27 Church Street, Ryde (Item No.27)*
- ii) ‘Former Court House’ 42 Church Street, Ryde (Item No.29)*
- iii) ‘St Anne’s Ryde Anglican Church and Cemetery’ 46 Church Street, Ryde (Item No.30)*
- iv) ‘Great North Road’ Victoria Road, From Gladesville to Eastwood (Item No.54)*

**Consideration of the modification proposal**

*It has been previously advised that the existing buildings form an important part of the Church Street streetscape and have an important visual relationship to the concentrated group of heritage items within visual and physical proximity to the site. Collectively, these buildings, together with the other heritage items, are particularly important as they contribute to, and reinforce, the late 19<sup>th</sup> and early 20<sup>th</sup> century townscape character of Ryde.*

*Subsequently, it was recommended that retention of the façade be considered as a way of providing greater integration of the new building into the streetscape.*

## ITEM 6 (continued)

*I have reviewed the revised Structural Engineering assessment, which provides a much more extensive assessment of the implications, suitability and methodology of the façade retention.*

*While the report makes it very clear that the retention of the façade is feasible and can be achieved, it also makes the recommendation that the façade not be retained, citing that the construction and present condition of the façade, together with the proposed excavation of the site for basement level carparking, would have a high probability to undermine the integrity of the retained fabric.*

*On this basis, reluctantly, demolition of the façade is accepted, subject to conditions of consent.*

*The replacement built form has also been slightly modified to include increased setback to the towers, visually amplifying the two storey podium level, which is further delineated by the contrasting palette of colours and tactile material finishes.*

*The podium level has a facebrick façade, with highlighted architectural detailing in contrasting brickwork, similar to the existing building.*

*Overall, from a heritage perspective, subject to the following conditions of consent, the development proposal is considered satisfactory. (See conditions 27, 52, 53 & 119).*

### 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 located within Class 5 acid sulfate soils and is not within 500m of adjacent to Class 1,2,3, or 4 land. The preparation of an acid sulfate soils management plan is not required.
Clause 6.2 Earthworks	The proposed development includes excavation for a basement car park. Council's Senior Co-ordinator Development Engineering Services requires that a sediment and erosion control plan to be submitted prior to the issue of a Construction Certificate. See <b>Condition 110</b> . Accordingly the development is considered satisfactory in respect of this clause.
Clause 6.4 Stormwater management	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. The development has proposed an onsite detention system as well as a requirement for an easement through downstream properties to discharge to the inground drainage infrastructure in Edward Street.

## ITEM 6 (continued)

### 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 4.4 – Ryde 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 4.4, 9.2 and 9.3 are considered below.

#### Part 4.4 – Ryde Town Centre

Part 4.4 of DCP 2014 is the primary DCP applicable to development within the Ryde Town Centre. The relevant provisions of the DCP are outlined in the table below:


Control	Proposed	Complies
<b>Part 4.4 – Ryde Town Centre</b>		
<b>3.0 Public Domain</b>		
<b>3.2 Environmental Management &amp; the Public Domain</b>		
Provide solar access to no less than 80% of the ground plane for at least 2 hours between 10am and 2pm on June 21 (exclusive of shadows cast by trees) to the following public domain areas: (i) School playgrounds. (ii) Landscaped grounds of heritage items. (iii) Ryde Park including bowling greens. (iv) Public Open Spaces in the area identified in the <i>Public Domain Control Drawing</i> .	<p>The site is in close proximity to several heritage items, however overshadowing will not affect the landscape grounds of any of these heritage items.</p> <p>The site is not in close proximity to any school playground, Ryde Park or public open spaces.</p>	<p>Yes</p> <p>N/A</p>



**ITEM 6 (continued)**

Control	Proposed	Complies
Building design is to minimise adverse wind effects on public open spaces. The orientation, height and form of development are to be designed to promote public safety and comfort at ground level. Awnings and galleria are to be provided, if necessary, for pedestrian comfort.	The development is of a scale that will not adversely impact on the wind effects in respect to public open spaces or the public domain.	Yes

**3.3 Active Frontage**

<p>Provide ground level active uses where indicated on the Active Frontage and Awnings Control Drawing.</p>	<p>Active uses are required along Church Street and Gowrie Street frontages.</p> <p>The amended plans have provided full active frontage along Church Street with entrances to the retail premises along Church Street with the residential entry for the development located on Gowrie Street.</p> <p>The active frontage extends around the corner to Gowrie Street for a length of 11m however activation does not extend for the full frontage of Gowrie Street. Full activation is difficult due to the slope of the site as well as the need to provide the substation and plant room. In addition, the full activation is not considered to be viable for this section of Gowrie Street. The extent of activation is considered acceptable in the circumstances of the site. See Figure 7 below - Gowrie Street elevation illustrating the extent of activation.</p>  <p>Figure 7: Gowrie Street elevation with the extent of stree activation.</p>	<p>Yes for Church Street</p> <p>No for Gowrie Street</p>
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**ITEM 6 (continued)**

Control	Proposed	Complies
Active uses contribute to personal safety in the public domain and comprise: <ul style="list-style-type: none"> <li>(i) Community and civic facilities.</li> <li>(ii) Recreation and leisure facilities.</li> <li>(iii) Shops.</li> <li>(iv) Commercial premise</li> <li>(v) Residential uses, particularly entries and foyers. However, these should not occupy more than 20% of the total length of each street frontage.</li> </ul>	The development is for a mixed use development with retail premises located on the ground floor together with residential apartments. The residential entry is located along Gowrie Street and does not occupy more than 20% of the total length of the street. The extent of active uses will contribute to the personal safety in the public domain.	Yes
Where required, active uses must comprise the street frontage for a depth of at least 10m.	10m depth provided.	Yes
Vehicle access points may be permitted where active frontage is required if there are no practicable alternatives.	The location of the driveway is from the new laneway off Gowrie Street.	Yes
Blank roller-shutter type doors are not permitted on ground level shop fronts.	Roller-shutter type doors shall not be permitted for the retail premises on the ground floor via conditions of consent. See <b>Condition 5</b> .	To be conditioned
<b>3.4 Awnings &amp; Entry Canopies</b>		
Provide continuous awnings as indicated in Active Frontage and Awnings Control Drawing (Figure 4.4.03).	The development has proposed a continuous metal framed awning along Church and part of Gowrie Street. The awning along Gowrie Street terminates in line with the residential component. As the rest of the frontage is not an active frontage, this is considered acceptable.	No – variation acceptable.
Awning soffit height is to be a minimum of 3m awnings are to be set back 600mm from the kerb edge. The heights of adjoining awnings should be considered.	The awning will have a height of 3m above the footpath and will be setback 600mm from the kerb edge. This will also be conditioned to ensure compliance. See <b>Condition 71</b> .	To be conditioned
Design awnings to protect pedestrians from sun and rain. Glazed awnings will not be permitted where awnings are required unless it can be demonstrated that:	<b>Condition 71</b> also stipulates that the awning is not constructed of glazing.	To be conditioned

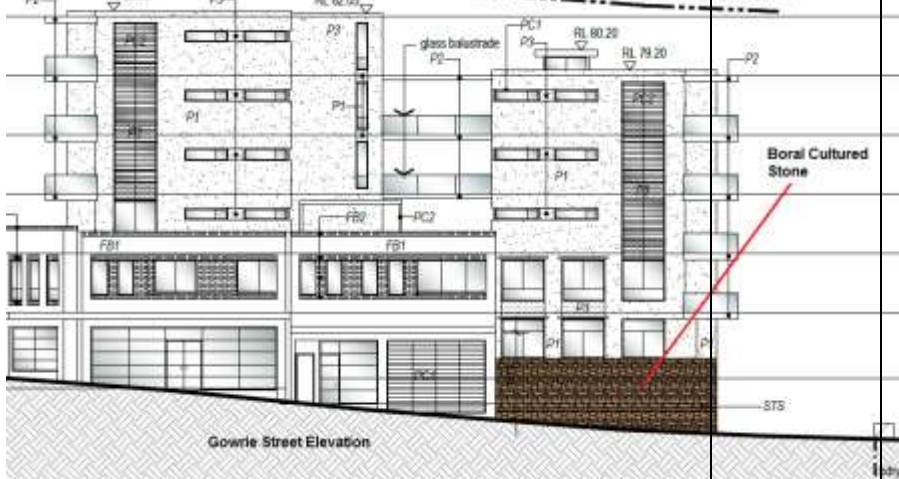
**ITEM 6 (continued)**

Control	Proposed	Complies
(i) A cleaning and maintenance regime will be established; and  (ii) Solar protection (shade) can be achieved; and  (iii) Lighting will be installed to the underside of the awning that will light the footpath.		
Provide lighting, preferably recessed, to the underside of awnings, sufficient to ensure a high level of safety and security for pedestrians at night.	Lighting shall be required via conditions of consent. See <b>Condition 72.</b>	To be conditioned
Where the street or ground level is sloped, awnings should step down the hill.	Along Gowrie Street where activation is possible an awning has been provided.	Yes
<b>3.5 Access &amp; the public domain</b>		
If required by Council, footpath improvements in accordance with the Ryde Town Centre Public Domain Plan are to be implemented by the developer.	Public domain improvements are required along the Gowrie Street frontage in accordance with the Ryde Town Centre Public Domain Plan and a condition has been included to provide these upgrades. See <b>Condition 77.</b> Work is not required in Church Street as the public domain works have already been completed. <b>Condition 126</b> has been imposed requiring the footway along Church Street to be protected and any damages to be rectified to Council's satisfaction. <b>Condition 81</b> also requires a bond to be paid to ensure that there is no damage to Council's infrastructure along Church Street.	Yes
All development must comply with Australian Standard 1428 and Part 9.2 Access for People with Disability of the DCP.	A BCA and Access Report have been submitted with the application. An appropriate condition is imposed which requires compliance with the provisions of <i>AS 1428.1 - 2009 Design for access and mobility – General requirements for access - New building work.</i> See <b>Condition 57.</b>	Yes
Barrier free access must be provided to the common areas of all buildings and public domain areas.	The development provides barrier-free pedestrian access to Gowrie Street with the provision of a platform lift via the at-grade entry lobby.	Yes
Adequate parking and safe convenient access to buildings for people with disabilities must be provided.	The development provides for five (5) accessible parking spaces within the basement. This complies with the Council's requirements.	Yes

**ITEM 6 (continued)**

Control	Proposed	Complies
<p>To provide active frontage and quality building design, vehicular access ramps must be screened from view, contained wholly within buildings and may not ramp along street boundary alignments except in Devlin Street and by approval of Council and the RMS.</p>	<p>The driveway has been located off the proposed laneway, with no vehicular access ramps within public view.</p>	<p>Yes</p>
<p>Minimise the size, quantity and visual intrusion of vehicle access points. The preferred width of vehicle access points is 3m however, up to 6m may be permitted. Greater widths for car parking access may be approved, if it can be demonstrated that the greater width is necessary and that pedestrian safety is not compromised.</p>	<p>The width of the vehicle access point is 5.8m. It is not possible to reduce the size of the access point as the basement opens up directly adjacent to the laneway. There is adequate sight distances to ensure that there is minimal conflict with pedestrians.</p>	<p>Yes</p>
<p>Vehicular traffic must be separated from pedestrians and vehicular access points clearly identified with paving, signage and the like.</p>	<p>The crossover will be constructed as per the construction standards set out in the <i>City of Ryde Car Parking and Driveways Technical Material</i> which will visually delineate the crossover from the new footpath to be provided in the laneway. Pedestrian access has been separated from the vehicular access.</p> <p>An appropriate condition is imposed in this regard. See <b>Conditions 77 &amp; 78</b> see public domain condition</p>	<p>To be conditioned</p>
<p>Loading docks must be located so that vehicles do not stand on any public road, footway, laneway or service road and vehicles entering and leaving the site move in a forward direction.</p>	<p>Basement Level 1 has been provided with a loading bay measuring 3.5m x 9m. This loading dock is adequate to cater for the size of likely delivery vehicles to the retail component of the development.</p>	<p>Yes</p>
<p>Parking should be well lit, easily accessible and screened from view to maintain the attractiveness of the streetscape.</p>	<p>All parking for the development is contained with the basement levels and will be well lit and easily accessible. Due to the slope of the site, part of the basement will be visible from Gowrie Street. To address the impact of this wall on the Gowrie Street elevation, the applicant has proposed the use of a feature stone to add texture and interest to the wall. See Figure 8 below illustrating screening of the exposed basement level.</p>	<p>Yes</p>

**ITEM 6 (continued)**

Control	Proposed	Complies
	 <p data-bbox="598 891 997 920">Figure 8: Gowrie Street elevation.</p>	
<p><b>3.7 Public Domain Finishes &amp; Elements</b></p>		
<p>Provide paving in accordance with the <i>Ryde Town Centre Public Domain Plan</i>.</p>	<p>This matter will be addressed via a condition of consent. See <b>Condition 77</b>.</p>	<p>To be conditioned</p>
<p>The safety of pedestrians is to be given priority over vehicular traffic.</p>	<p>The proposed driveway/crossover is located within the new laneway. This will ensure minimal conflicts between vehicles and pedestrians.</p>	<p>Yes</p>
<p>Developers must provide for public domain embellishment, including paving, lighting, signage and street furniture in accordance with Ryde Town Centre Public Domain Plan and relevant Council policies and specifications at their own cost for all new developments and for additions or alterations to an existing development of 500m<sup>2</sup> or greater.</p>	<p>An appropriate condition is imposed to provide public domain embellishment along Gowrie Street. See <b>Conditions 77 &amp; 78</b>.</p>	<p>To be conditioned</p>
<p><b>3.8 Landscaping &amp; Street Trees</b></p>		
<p>Street trees and other planting shall be provided in accordance with the <i>Ryde Town Centre Public Domain Plan</i> and their health guaranteed for a minimum of 2 years.</p>	<p>An appropriate condition is imposed to provide public domain embellishment along Gowrie Street. See <b>Conditions 77 &amp; 78</b>.</p>	<p>To be conditioned</p>



**ITEM 6 (continued)**

Control	Proposed	Complies
Ground level entry areas should be well lit and unobstructed by plantings to minimise risk to personal safety.	The ground level entry is not obstructed by plantings or the like.	Yes
<b>3.9 Public Art</b>		
Public art must be included in all new developments of \$5 million or greater.	<p>The development has an \$11,023,315.00 estimated cost of works.</p> <p>The application does not include any detail on the provision of public art. Therefore, a condition is imposed which requires the provision of public art in accordance with the requirements of the RDCP 2014. See <b>Condition 62.</b></p>	To be conditioned
<b>4.0 Architecture &amp; Urban Form</b>		
<b>4.1 Building Height</b>		
Buildings must comply with the maximum heights described in the RLEP 2014 - Height of Buildings Map.	As previously discussed the development is subject to a bonus height of 6m. The site has a permissible building height of 21.5m which the development complies with.	Yes
Height Planes A, B, C and D applies where indicated on the <i>Building Height Control Drawing</i> .	The Church Street frontage is identified as having Height Plane C under Figure 4.4.05. Accordingly, Church street frontage is required to have a zero setback for the first three storeys (9.5m) with the upper storey stepped. The development complies with this requirement.	Yes
<b>4.2 Setbacks &amp; Build-to-Lines</b>		
Building setbacks at the ground level must comply with the Setbacks Control Drawings.	<p>The <i>Setbacks and Build-to Lines Control Drawing</i> indicates that the development requires a zero setback along the Church Street and Gowrie Street frontages. A 7m setback is also required along the south-eastern boundary (rear).</p> <p>The development provides the following setbacks at ground level:</p> <ul style="list-style-type: none"> <li>- Church Street: zero for 3 storeys then stepped as per Height Plan C</li> <li>- Gowrie Street: zero ; and</li> <li>- South-eastern boundary: 8.25m.</li> <li>-</li> </ul>	Yes
Ground level architectural features such as recessed doors and windows are permitted to a maximum of 400mm from the Zero Build-to-Line to design out concealment opportunities and promote personal safety and security.	The development does not provide any concealment opportunities.	Yes

**ITEM 6 (continued)**

Control	Proposed	Complies
<b>4.3 Building Depth</b>		
All occupied points on a commercial floor shall be no more than 15 m from a source of daylight. The preferred maximum depth of office buildings with openings on one side is 15m. The preferred maximum depth of office buildings with openings on two or more sides is 30m.	The maximum depth of retail space is 13.2m from a source of daylight.	Yes
<b>4.4 Architectural &amp; Design Quality</b>		
Development on corners must address all street frontages. Entries, windows and other architectural elements should be placed to reinforce the corner.	The development has been designed to address the street frontages of Church Street and Gowrie Street.	Yes
Provide building articulation elements including awnings, verandahs, decks, loggias, pergolas, bay windows and recessed doors.	The development provides articulation by way of balconies, recessed doors and awning.	Yes
Windows and entries shall be placed to overlook public spaces and streets to provide surveillance opportunities.	The development includes balconies and windows to habitable rooms which overlook Church Street and Gowrie Street thereby enhancing passive surveillance opportunities.	Yes
Balconies may not be continuous along the whole length of building façades.	The balconies proposed to the street frontages are broken up to reflect individual ownership and to vary the architectural interest of the building when viewed from the street.	Yes
Provide solar protection, including awnings, recessed windows, roof overhangs, external shutters and screens to the western and northern elevations of buildings.	To assist in providing solar protection to west facing units, <b>Part 2 Condition 1a</b> has been imposed requiring moveable external shutter screens to street facing balconies.	To be conditioned
Where sites are amalgamated or existing large sites, express the existing or prevalent Ryde Town Centre lot structure in the design of new buildings. For example the width of shop-fronts and residential units should reflect the historic Ryde lot structure of Blaxland Rd	The retail component and the first floor along Church Street have been broken up into 3 shops which will reflect the historic lot structure. Figures 9 & 10 below illustrates the 3 shops at 34-40 Church Street and the proposed development with the 3 shops reflecting the lot structure.	Yes

**ITEM 6 (continued)**

Control	Proposed	Complies
<p>and Church St.</p>	 <p>Figure 9: Existing shops.</p>  <p>Figure 10: 3 shops fronts of proposed development along Church Street.</p>	
<p>The material quality of all buildings and structures shall be to the satisfaction of the Council. In the opinion of Council building materials, external cladding and glazing shall:</p> <p>(i) Incorporate the principles of</p>	<p>The application includes a Materials and Finishes schedule which indicates that the materials to be used will be durable, robust and of premium quality and contribute to the material quality of the public domain.</p> <p><b>Condition 149</b> has been imposed to ensure that the material and finishes proposed are used so as to ensure that the integrity of the design is achieved.</p>	<p>Yes</p>



**ITEM 6 (continued)**

Control	Proposed	Complies
environmentally sensitive design, including passive solar design and whole of life energy conservation. (ii) Be durable, robust and of premium quality, (iii) Be integrated with the Arts and Cultural program for the site, (iv) Be attractive and contribute to the material quality of the public domain.		
Building materials shall not result in glare that causes discomfort or threatens the safety of pedestrians or motorists.	An appropriate condition is imposed requiring the use of non-reflective materials. See <b>Condition 55</b> .	To be conditioned
<b>4.5 Streetscape Buildings &amp; Elements</b>		
Items identified in the table entitled "Streetscape Buildings and Elements" should be retained.	34 – 40 Church Street is identified in the DCP as being streetscape buildings that should be retained. These buildings are Edwardian shops constructed of dark brick with contrasting brick decoration. During the assessment of the DA the applicant was requested to retain these buildings. The applicant provided reports to Council including a heritage report and a Brickface Facade Retention Feasibility Assessment. Based on these reports Council's Officers agreed to the demolition of the existing buildings.  Note: The Retention Feasibility Assessment report was referred to Council's Geotechnical Consultant who has advised that the report addressed the majority of issues that should be addressed when reviewing the feasibility of retaining the façade.  The amended plans have incorporated facebrick into the podium level façade. The façade also incorporates highlighted architectural detailing in contrasting brickwork. This results in the development having an appropriate contextual fit with the surrounding development.	No – variation acceptable
A heritage assessment of all streetscape buildings is to be included with development application. The heritage assessment is to be made in accordance with the NSW Heritage Division guidelines and is to consider the setting of the item.		
If a streetscape item is found to have heritage significance sufficient to list as a local heritage item then the heritage controls of this Part apply to the subject site.		
Streetscape buildings may be adapted for compatible new uses. If retention of the whole building is not practicable the street front façade shall be retained and incorporated in new development.		
New development adjacent to streetscape buildings should reflect the scale, massing,		

**ITEM 6 (continued)**

Control	Proposed	Complies
parapet lines, stringcourses, material qualities and fenestration patterns of the streetscape items.		
<b>5.3 The Setting</b>		
New development in the vicinity of a heritage item is to be compatible with the visual character of the heritage item and its significant context or setting.	The application has been reviewed by Council's Heritage Officer who did not raise any objection to the proposal subject to the imposition of conditions.	Yes
<b>6.0 Sustainable Development</b>		
<b>6.3 Waste Management</b>		
All applications for demolition and development must be accompanied by a Waste Management Plan that specifies the type of waste to be produced and the proposed arrangements for ongoing waste management, collection and disposal.	A Waste Management Plan has been submitted as prepared by Elephants Foot Recycling Solutions. This has been reviewed by Council's Waste Officer who has raised no objections to the DA.	Yes
<b>7.0 Residential Amenity</b>		
<b>Above Ground Open Space</b>		
Provide at least one balcony, terrace or deck for each dwelling where direct access to ground level private open space is not available.	Each apartment has own balcony area.	Yes
Primary above ground open space is to be accessible from a family room, lounge, dining room or kitchen, and be north, east or west facing, in the form of balconies, courtyards, terraces, roof gardens and the like.	Balcony off living and bedroom areas.	Yes
Smaller secondary open spaces such as balconies off bedrooms are also encouraged. The depth of the secondary open space should be in the range of 0.9 – 1.5 m.	Corner units have secondary balcony with depth greater than 1.5m.	Yes

**ITEM 6 (continued)**

Control	Proposed	Complies
Lightweight pergolas, sunscreens, privacy screens and planters are permitted on roof terraces, provided they do not increase the bulk of building. These elements should not significantly affect the views and privacy available from properties in the immediate vicinity.	A roof terrace is proposed on Level 2. The proposed pergola is well within the height control and will not add to the bulk of the building.	Yes
<b>7.4 Acoustic Privacy</b>		
Development is to meet or exceed the sound insulation requirements between separating walls and floors of adjoining dwellings of the Building Code of Australia.	Acoustic Report submitted and will be conditioned to comply with report and relevant requirements. See <b>Condition 56.</b>	Yes
New development is to meet or exceed the recommendations of Australian Standard 3671-1987: Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors.	See <b>Condition 54.</b>	To be conditioned
The use of a premises, and any plant, equipment and building services associated with a premises must not: <ul style="list-style-type: none"> <li>(i) Create an offensive noise as defined by the <i>Protection of the Environment Operations Act 1997</i>; and</li> <li>(ii) Add significantly to the background noise experienced in a locality. Council may require a statement of compliance from a qualified acoustic consultant.</li> </ul>	Plant, equipment and building services associated with a building are located on the roof and will generate noise normally associated with residential development.  The application includes an Acoustic Assessment prepared by Acouras Consultancy and has advised that <i>“providing the recommendations in this report are implemented, the noise from the proposed development is predicted to comply with acoustic requirements of the Ryde Council DCP, EPA NGLG noise limits, BCA and relevant Australia standards.”</i>  Council’s Environmental Health Officer has raised no objection to the development in respect to noise issues.	Yes
Machinery and activities, including construction work, that are likely to generate offensive noise must be adequately sound-proofed in accordance with the <i>Protection of the Environment Operations Act 1997</i> prior to occupation of the premises.	See <b>Condition 98.</b>	To be conditioned

**ITEM 6 (continued)**

Control	Proposed	Complies						
Loading and unloading facilities must not be located immediately adjacent to residential development.	Loading and unloading facility provided in the basement.	Yes						
<b>7.6 Housing Choice</b>								
<p>This provision gives detailed guidance to the principles of SEPP 65. Development is to provide a diverse mix of dwelling sizes generally within the following ranges:</p> <table border="1"> <tr> <td>3 Bedroom</td> <td>5 – 35</td> </tr> <tr> <td>2 Bedroom</td> <td>40 – 8</td> </tr> <tr> <td>1 Bedroom + Studio</td> <td>5 – 35</td> </tr> </table>	3 Bedroom	5 – 35	2 Bedroom	40 – 8	1 Bedroom + Studio	5 – 35	<p>The development provides the following mix of dwelling sizes:</p> <ul style="list-style-type: none"> <li>• 2 x 3 Bedroom: 6.5%</li> <li>• 24 x 2 Bedroom: 77.4%</li> <li>• 5 x1 Bedroom: 16.1%</li> </ul>	Yes
3 Bedroom	5 – 35							
2 Bedroom	40 – 8							
1 Bedroom + Studio	5 – 35							
<b>8.0 Precincts</b>								
<b>8.3 Precinct 3 – Main Street</b>								
Mixed use development comprising a combination of residential development with compatible retail, commercial, residential and other uses are permitted.	The development proposes retail and residential development.	Yes						
Active uses such as residential entries, civic, retail and commercial uses are required on ground level street and public domain frontages.	The development has incorporated active uses along Church and Gowrie Streets.	Yes						
Active uses including commercial and retail uses shall comprise the street frontage for a depth of at least 10m.	Depth of 11.2m to 13.2m.	Yes						
The minimum floor to ceiling height for the street level and the first floor of any building must be 3.5m to accommodate a range of uses over time.	The development has only proposed a minimum floor to ceiling height of 3.5m for the ground floor. As the first floor is designed for residential purposes it is unlikely that this use will change over time. This variation is considered acceptable.	No. Variation acceptable.						
Provide laneways in accordance with Figure 4.4.29 Possible Laneways Control Drawing.	This figure identifies the laneway on the site. The laneway will be constructed and dedicated to Council.	Yes						
All laneways are to be a minimum of 8m wide. This is to include a 6m wide carriageway and a footpath of a minimum 1.5m wide.	The development will comply with this requirement.	Yes						
Where a laneway is required development incentives will apply. Refer to RLEP 2014.	The development has taken advantage of the incentive provisions of RLEP2014.	Yes						

## ITEM 6 (continued)

### Part 9.3 – Parking Controls

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

Residential Development - High Density (Residential Flat Buildings)

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

The development will contain a total of 31 apartments comprising of:

- 5 x 1 bed, 24 x 2 bed & 2 x 3 bedroom plus 297.2m<sup>2</sup> of retail floor area.

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

	Min	Max
5 x 1 bed	3	5
24 x 2 bed	21.6	28.8
2 x 3 bed	2.8	3.2
Total	<b>27.4 (28)</b>	<b>37</b>
Visitor /5	6.2 (7)	6.2 (7)
Retail – 297.2m <sup>2</sup> /25	11.3 (12)	11.3(12)
Total	47	56

Based on the above, the proposal is required to provide between 47 to 56 spaces. It is proposed to provide 54 spaces which is under the maximum range. **Condition 160** has been imposed requiring the allocation of spaces.

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

Based on the above, 6 bicycle spaces are required to be provided. The development incorporates 11 bicycle spaces.

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

### **5.5 Planning Agreements OR Draft Planning Agreements**

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

## ITEM 6 (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:

- 5 x 1 bedroom units;
- 24 x 2 bedroom units and
- 2 x 3 bedrooms
- 297.2m<sup>2</sup> of retail floor space

The development includes the demolition of a group of two-storey traditional 'shop top housing' buildings. A site inspection of the existing premises confirmed that the 1<sup>st</sup> floor residences comprise of 2 x 1 bedroom and 2 x 2 bedrooms. The commercial floor space of 298m<sup>2</sup> is taken from the survey plan. This has been included in the Section 7.11 contribution calculations.

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$76,006.94
Open Space & Recreation Facilities	\$187,214.95
Civic & Urban Improvements	\$63,610.21
Roads & Traffic Management facilities	\$8,676.47
Cycleways	\$5,419.90
Stormwater Management Facilities	\$17,232.22
Plan Administration	\$1,461.13
<b>The total contribution is</b>	<b>\$359,621.82</b>

**Condition 45** 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.

## **ITEM 6 (continued)**

### Built Form

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

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.

The development will result in overshadowing to 2 Gowrie Street from 12 noon midwinter. At this time half of the windows on the northwestern elevation of 2 Gowrie Street will be overshadowed. The entire northwestern elevation of 2 Gowrie Street will be overshadowed by 2pm midwinter. The extent of overshadowing is demonstrated in Figures 8, 9 and 10. This development results in a building that complies with the height, floor space ratio and setback provisions of the relevant planning instruments. In this instance the extent of overshadowing cannot be avoided.

## **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.

## ITEM 6 (continued)

In response, two (2) submissions were received. Figure 7 demonstrates the location of the properties who lodged submissions in relation to the site.



Figure 11: Location of submissions received shown as red star.

The issues raised in the submissions included the following:

- *All the ground floor and level 1 windows facing 2 Gowrie Street would be looking directly into the westerly-facing windows of our property. Request: all windows facing 2 Gowrie Street on the ground floor and level to have balcony/window screens to provide some level of privacy for our property.*



**ITEM 6 (continued)**



Figure 12: No. 2 Gowrie Street side elevation which faces the subject site.

Comment:

The southern (rear) elevation of the building faces 2 Gowrie Street and will have balconies and bedroom windows facing habitable room windows of 2 Gowrie Street. The separation between the two buildings is approximately 10m. The development has proposed a setback of between 8.1m and 8.35m as measured from the rear elevation. Whilst the lower floors do not achieve the required building separation of a 12m separation with 2 Gowrie Street, the development does exceed the separation as required by the ADG. The non-compliance is due to the setback of 2 Gowrie Street (being only 1.9m). However to ensure that privacy is maintained, **Part 2 Condition 1 (a)** has been imposed to require screens on the lower balconies and windows which faces 2 Gowrie Street. With the imposition of this condition for privacy screens for the balconies and highlight windows or privacy louvers, privacy between the two buildings will be retained.

- *Our property and proposed development have a joint wood paling average height fence separating the two properties. This fence is over 15 years old and will be the only separation between our property and the main driveway. We are concern that with the large increase in traffic, there will be an adverse impact due to noise, lighting and potential security risks. Request: The DA replaces the adjoining fence with 2 Gowrie Street with a higher structure that is made of material that will best mitigate the above mentioned issues impact on our property.*

## ITEM 6 (continued)

Comment: The architectural plans do not provide any details of existing or proposed fencing for the property. Fencing matters are generally a civil matter between the two neighbours, however in this regard, as the laneway is to be dedicated to Council, Council will require a 1.8m lapped and capped fence to be provided. **Condition 78 (g)** has been imposed requiring this.

- *When consulting the “Height of Building Maps” the area upon which the DA is located indicates the maximum height is 15.5m. Reducing the proposed height to a maximum of 4 storeys would make it consistent with recent planning approvals. The current scale of the proposed development presents a dominating and imposing presence, not only for the streetscape of Church Street but more so to the surrounding heritage buildings. The proposed building height would obstruct views of St Anne’s Church tower. Suggest a more gradual transition at the boundary between these two precincts, limit the development to a tiered/split layout on the Church Street elevation of 4 storeys over the current properties of 34 & 36 Church Street and 3 storeys over 38 & 40 Church Street.*

Comment:

As discussed under “Height”, Clause 4.3(A) permits an additional 6m height if:

*“The lot on which the building is sited has an area of at least 900 square metres and the proposed development is a mixed use development and provides laneway access.”*

The site has an area greater than 900m<sup>2</sup> (1113.3m<sup>2</sup>), proposes a mixed use development and proposes a laneway at the rear of the site. Accordingly, the site satisfies the provisions for the additional height which results in a maximum height of 21.5m rather than 15.5m. The proposed development provides a height of up to 21.5m which is consistent with RLEP 2014.

If all of the properties along Church Street provide the extension to the laneway they will also be able to gain the incentive height that is offered in RLEP 2014. The height of this development is consistent with the desired future character of this part of the Ryde town centre.

None of the heritage items are located adjacent to the site. The Heritage Report submitted with the development application considered the impact of the development on the curtilage, views and vistas to and from the heritage items. The report concluded that significant views to and from the site would be retained. This is also supported by Council’s Heritage Officer.

- *Impact of shadows on the property opposite at 23 Church Street. The proposed building height will deny early morning sunlight reaching the east facing elevation of 23 Church Street, where the occupied bedrooms are. This aspect is considered to be a loss of amenity.*

Comment: 23 Church Street is located opposite, on the other side of Church Street, and will not be impacted due to overshadowing from this development, as illustrated below.

**ITEM 6 (continued)**



Figure 13: Shadow diagram at 9am 21<sup>st</sup> June.



Figure 14: Shadow diagram at 12 noon 21<sup>st</sup> June.

**ITEM 6 (continued)**



Figure 15: Shadow diagram at 3pm 21<sup>st</sup> June.

**10. Referrals**

Internal Referrals:

**Senior Coordinator Development Engineer Services: 1 March 2018:** Council’s Senior Coordinator Development Engineer has reviewed the proposal and has made the following comments:

*The applicant has advised the planner that they have liaised with neighbouring property owners regarding the acquisition of an easement for drainage and negotiations are ongoing. The applicant has confirmed in writing that they are exploring a number of options, including the potential alignment of an easement along the rear of properties in Church Street and then diverting down either of the properties in Edward Street. They have indicated that they have positive response to this as owners are seeking rear lane access for future development of the site.*

*As such, it is considered that the matter could be progressed by the application of a condition of deferred commencement.*

*Due to the dedication of the new lane as public road, the easement draining this area will need to be an easement in gross and become a public drainage service (ie Council asset). This will need to be designed to a public domain standard in which the design and construction will need to be referred to Council’s “Civil Infrastructure and Integration – Stormwater Assets” department.*

## ITEM 6 (continued)

*With the drainage line now being a public road, the drainage service will need to be upsized. Under Council standards, the pipe will need to be a minimum 375mm RFC however the route through private land may warrant relaxation of this requirement. The matter may be resolved as a condition of consent.*

*The revised plans do not offer an opportunity to relocate the OSD storage. This may be addressed by the provision of a dual line overflow, running from the tank storage to the point of discharge. The overflow is to be designed for the 100yr event.*

### Stormwater Management

*As noted above, the OSD is located centrally in the site which does not accommodate a failure mode for the system. Should the outlet to the system block, this will result in inundation of the central courtyard and flooding of internal areas. Accordingly the arrangement will require dual line overflow pipes having capacity to accommodate 100yr event. This is addressed by condition of consent.*

*Disregarding the acquisition of the drainage easement, the proposed stormwater management plan is seeking to discharge to the kerb in Gowrie Street. As noted in the previous review, this is technically feasible however not preferred given the arrangement does not cater for the failure mode of the system (ie in the event of blockage anywhere in the system, any surplus runoff would continue through downstream property. Not uphill to Gowrie Street). Considering the new lane is to be drained by an easement in gross (public drainage service), the development could legally discharge to this area.*

### Vehicle Access and Parking

*The resident parking demand in accordance with the DCP Part 9.3 requirements is as follows.*

<b>Unit Type</b>	<b>Quantity</b>	<b>Min.</b>	<b>Max.</b>	<b>Visitors</b>
Studio	0	0	0	
1 Bedroom	5	3	5	
2 Bedroom	24	21.6	28.8	
3 Bedroom	3	4.2	4.8	
<b>TOTALS</b>	<b>32</b>	<b>28.8</b>	<b>38.6</b>	<b>6.4</b>
		(29)	(39)	(7)

*Accessible Spaces Req. (4)*

*The development provides 35 resident spaces (3 adaptable) and 7 visitor spaces (1 disabled) thereby complying with this requirement.*

*In terms of commercial parking, the revised plans nominate a total 297.2m<sup>2</sup> of retail floor space which warrants a minimum parking demand of 11.88 (12) parking spaces. This has been satisfied by the provision of 12 parking spaces.*

**ITEM 6 (continued)**

*The proposed parking arrangement is noted to be in accordance with the requirements of AS 2890.1 and does not warrant any further attention.*

Deferred Commencement **Part 1 Conditions 1 & 2** and **Conditions 28, 66 to 70, 108 to 113, 150 to 153** have been imposed.

**Environmental Health Officer: 29 March 2017:** Council's Environmental Health Officer has advised that the proposal is satisfactory subject to conditions. See **Conditions 14 to 26, 36 to 41, 90, 162 to 174.**

**Heritage Officer. 3 November 2017:** The subject site is within the vicinity of several items of heritage significance and the proposal and subsequent amendments were referred to Council's Heritage Officer who has made the following comment:

*It has been previously advised that the existing buildings form an important part of the Church Street streetscape and have an important visual relationship to the concentrated group of heritage items within visual and physical proximity to the site. Collectively, these buildings, together with the other heritage items, are particularly important as they contribute to, and reinforce, the late 19<sup>th</sup> and early 20<sup>th</sup> century townscape character of Ryde.*

*Subsequently, it was recommended that retention of the façade be considered as a way of providing greater integration of the new building into the streetscape.*

*I have reviewed the revised Structural Engineering assessment, which provides a much more extensive assessment of the implications, suitability and methodology of the façade retention.*

*While the report makes it very clear that the retention of the façade is feasible and can be achieved, it also makes the recommendation that the façade not be retained, citing that the construction and present condition of the façade, together with the proposed excavation of the site for basement level carparking, would have a high probability to undermine the integrity of the retained fabric.*

*The replacement built form has also been slightly modified to include increased setback to the towers, visually amplifying the two storey podium level, which is further delineated by the contrasting palette of colours and tactile material finishes.*

*On this basis, reluctantly, demolition of the façade is accepted, subject to conditions of consent. **Conditions 27, 52, 53, & 119.***

**Public Works & Infrastructure: 6 March 2018**

**Drainage:** No objections subject to appropriate condition. **See condition numbers 73 & 74.**

**ITEM 6 (continued)**

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

*Traffic generation for the proposed development (i.e. 31 residential units, 129m<sup>2</sup> café and 165m<sup>2</sup> retail premises) is expected to be around 30 vehicle trips per peak hour. The existing commercial use is expected to generate about 20 vehicle trips per peak hour. Therefore, the net increase in traffic is expected to about 10 additional vehicle trips per hour, which is considered negligible on the road network. Proposed development requires provision of 47 to 56 car parking spaces including 7 residential visitor spaces and 12 commercial spaces. The proposal consists of 54 car parking spaces in total including 35 residential tenant spaces, 7 residential visitor spaces and 12 commercial spaces. Refer to Development Engineer's comments/conditions regarding the adequacy of car parking provision and compliance of car park layout.*

*From a Traffic perspective there are no objections for the approval of this application*

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

*Access to the basement is from Gowrie St and the garbage truck will enter the basement and service the bins from the loading bay utilising an 8.8m truck. The plans show that there is a height clearance of 3.5m which is adequate for an 8.8m truck. Swept paths are also provided for an 8.8m truck.*

*There is a separate residential waste room and commercial waste room and a bulky waste storage room is shown next to the entry driveway of 4m<sup>2</sup>. This room will need to be enlarged to a minimum of 5m<sup>2</sup> as per the DCP requirements. The bulky waste will need to be presented at a location determined by Council, as an 11m truck is used to collect bulky waste.*

*Residents will take their waste down to the Residential Waste Storage Area located on Basement 1 for collection by the waste contractor from the loading bay provided. The bin configuration allocated will be:*

*16 x 240L waste bins serviced 3 times per week  
11 x 240L recycle bins serviced weekly  
1 x 240L garden organics bin serviced fortnightly.*

See **Conditions 83 to 85.**

## ITEM 6 (continued)

### 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 Ryde 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. 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 LDA2017/0094 for the construction of a mixed use development at 34-40 Church Street, Ryde 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 6 (continued)**

Report Prepared By:

**Sandra McCarry**  
**Senior Town Planner**

Report Approved By:

**Sandra Bailey**  
**Senior Coordinator - Major Development**

**Vince Galletto**  
**Acting Manager - Assessment**

**Liz Coad**  
**Acting Director - City Planning and Development**

**ATTACHMENTS**

- 1 Draft Conditions of Consent
- 2 A3 Plans – subject to copyright provisions – CIRCULATED UNDER SEPARATE COVER

**ITEM 6 (continued)**

**ATTACHMENT 1**

**Draft Conditions of Consent – 34-40 Church Street, Ryde  
LDA2017/0094**

**DEFERRED COMMENCEMENT**

**PART 1** - The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

(A) Pursuant to Section.4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent is granted to LDA2017/0094 for the erection of a mixed use development subject to the following conditions of consent:

1. **Stormwater Management – Drainage of Lane.** To ensure that stormwater from the development and new lane is appropriately managed in accordance with Council's DCP requirements, the following matters are to be addressed;

The concept stormwater management plan is to be amended to address the following;

- a) The OSD system lacks a defined failure mode. In the event that the system is blocked, there is a high likelihood that this would result in flooding of the courtyard and inundation of habitable floor levels. To address this, two separate overflow drainage lines must be routed from the system to discharge to a satisfactory point of discharge (say, the new lane). Each of the lines must have capacity in which to accommodate the unrestricted stormwater runoff from the development arising from a 100yr ARI storm event.
- b) The sites drainage system must be clear of the new lane. Any trench grates must be contained wholly inside the new property boundary.
- c) Any discharge to the new lane from the development is to be accommodated by a formed kerb outlet compliant with the DCP.
- d) Drainage of the new lane will require the acquisition of a drainage easement and installation of drainage services through downstream property (ies). As this service will come under the care and maintenance of Council, detailed engineering plans of this component of the works must be prepared by a Civil Engineer. The plans must be in accordance with the Council's DCP and Technical Manuals for the review of Council's *Civil Infrastructure and Integration* Department for approval. At a minimum, the plans must show works in plan view, longitudinal sections and details at a scale relevant for the level of detail and include all existing services/ infrastructure to be retained in the area of works, pipe size, class and type, pipeline chainages, levels, hydraulic grade line and any information necessary to assure the works will be completed to Council's satisfaction. The plan is to also detail any modification to structures on the burdened property which are required to accommodate the drainage services. The works will broadly require the

**ITEM 6 (continued)****ATTACHMENT 1**

installation of a kerb inlet pit in the new lane, a junction pit located just inside the private boundary at either end of the line (also at any point where there are changes to the grade & alignment of the drainage line) and discharge to the public inground drainage line in Edward Street warranting a new kerb inlet pit at the point of junction.

The applicant shall undertake and bear all costs associated with these works. All costs, service investigations and liaison with effected property owners are to be undertaken/ borne by the applicant. The approval of the Stormwater Management plans and payment of any Council inspection fees (in accordance with Council's Schedule of Fees and Charges) must be finalised prior to the issue of the development consent.

2. **Drainage Easement.** An easement to drain stormwater must be acquired over the downstream property(ies) in order for the development and new lane to legally drain with the fall of the land to the downstream public drainage infrastructure in Edward Street. As the drainage services in the easement will become a public drainage service under the care and control of Council, the easement to be created is an "easement in gross".

The applicant must have a concept approval from Council of the drainage system in the easement prior to negotiation with the burdened property owners.

Documentary evidence of registration of the drainage easement with the Land & Property Information Authority, including the terms of the drainage easement and its location on the burdened lot(s), must be submitted to Council to demonstrate the requirements of this condition have been satisfied, prior to the activation of this Development Consent.

- (B) Written evidence that the matter identified in deferred commencement condition (A) (1) and (2) above has been satisfied, must be submitted to Council within 18 months from the date of this development consent, failing which, this development consent **will lapse** pursuant to Section 4.53(6) of the Environmental Planning and Assessment Act 1979.
- (C) This Development Consent will not operate until such time that the Council notifies the Applicant in writing that that deferred commencement consent condition (A) (1) and (2) above has been satisfied; and

Upon Council giving written notification to the Applicant that deferred commencement consent condition (A) (1) and (2) above has been satisfied, the development consent will become operative from the date of that written notification, subject to the following conditions of consent:

**ITEM 6 (continued)**
**ATTACHMENT 1**

**PART 2** - The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

**GENERAL**

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

- 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:

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Cover Sheet		Job No 2302
Site Plan	17/11/17 (received by Council on 8/12/18)	02 Issue C
Basement 3	17/11/17 (received by Council on 8/12/18)	03 Issue B
Basement 2	17/11/17 (received by Council on 8/12/18)	04 Issue B
Basement 1	08/1/18	05 Issue C
Ground Level	17/11/17 (received by Council on 8/12/18)	06 Issue D
Level 1	17/11/17 (received by Council on 8/12/18)	07 Issue D
Level 2	17/11/17 (received by Council on 8/12/18)	08 Issue D
Levels 3 & 4	17/11/17 (received by Council on 8/12/18)	09 Issue D
Level 5	17/11/17 (received by Council on 8/12/18)	10 Issue C
Roof Level	17/11/17 (received by Council on 8/12/18)	11 Issue C
Elevations 1 & 2	17/11/17 (received by Council on 8/12/18)	12 Issue D
Elevations 3 & 4	17/11/17 (received by Council on 8/12/18)	13 Issue D
Section & Details	08/1/18	14 Issue D
Typical Layout	17/11/17 (received by Council on 8/12/18)	15 Issue C
Typical & Post adaptable layout	17/11/17 (received by Council on 8/12/18)	16 Issue C
Typical Layout	17/11/17 (received by Council on 8/12/18)	17 Issue C

**ITEM 6 (continued)**
**ATTACHMENT 1**

Demolition Plan	17/11/17 (received by Council on 8/12/18)	22 Issue B
Section B-B & C-C	10/7/17	29 Issue A
Landscape Concept Plan	22/11/17	L1 & L2 Issue B
Schedule of Finishes	No date.	

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

- a. **Privacy Screen.** To ensure privacy is maintained between the proposed development and the dwelling at 2 Gowrie Street, the following privacy measures are to be implemented:
  - the balconies of Apts 1, 2, 4 & 5 are to be provided with privacy louvers. The louvers are to have no individual opening more than 30mm wide, and a total area of all openings that is no more than 30% of the surface area of the screen or barrier.
  - the bedroom 1 window of apts 1 & 4, and bedroom 2 window of apts 2 & 5 are to be either a high light window or provided with privacy louvers.
  - To assist in providing solar protection to west facing units, moveable external shutter screens to the Church Street facing balconies.
- b. **Landscape Plan** is to be amended to provide for at least one small tree capable of reaching a mature height of 5m within the communal open space area on both the ground and podium level.
- c. The window in the hallway of apartments 19 and 25 is to be a high light window.
- d. The bedroom 2 window in apartments 19 and 25 is to be provided with a fixed vertical louver privacy screen.

Details showing compliance are to be shown on the plans to be submitted with the Construction Certificate.

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

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 776775M\_02 dated 5 December 2017.
4. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is “exempt development”.

**ITEM 6 (continued)****ATTACHMENT 1**

5. **Security Grilles.** This consent does not authorise the erection of any security grilles, barriers or roller shutter type doors on the shopfront. Separate approval must be obtained for any such works.
6. **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.
7. **Balconies:**
  - (a) **Clothes drying.** No clothes drying on balconies in the public view are permitted. Any future Strata Management Plan is to include the requirement that clothes drying on balconies visible from any public domain is not permitted.
8. **Hoardings.**
  - (a) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
  - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
  - (c) Any hoardings must include the following (unless duration of construction is to be less than 12 weeks):
    - (i) Coordinated graphics that may form part of the public art program for the site;
    - (ii) Project consultant information in one location;
    - (iii) Required safety signage; and
    - (iv) Solid panels in preference to open mesh and fencing.
9. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
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.

**ITEM 6 (continued)****ATTACHMENT 1**

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. **Connection by gravity flow.** All sanitary fixtures must be connected to the sewerage system by gravity flow.
15. **Proposed cafe.** A separate development application must be submitted to Council to fitout and use the proposed cafe.
16. **Construction and fit-out of food premises.** Any proposed food premises (other than retail meat premises) must be constructed and fitted-out in accordance with the requirements of:
  - a. Food Safety Standard 3.2.3: *Food Premises and Equipment*; and
  - b. Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*.
17. **Construction of walls.** The walls of any proposed food premises must be constructed of brick, concrete blocks, preformed panels filled with suitable material or other solid materials.
18. **Provision for installation of kitchen exhaust systems.** Adequate provision must be made for the installation of kitchen exhaust systems to the proposed food premises.
19. **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.
20. **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.
21. **Carpark exhaust vent.** The carpark exhaust vent must be located at least 3 metres 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.
22. **Kitchen exhaust vent.** The kitchen exhaust vent must be located above roof level:
  - (a) at least 6 metres from any fresh air intake vent or natural ventilation opening;
  - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary; and
  - (c) at least 8 metres from any cooling tower.
23. **Storage of commercial wastes.** A separate garbage room must be provided in a convenient location on the premises for the storage of commercial wastes.

**ITEM 6 (continued)**

**ATTACHMENT 1**

24. **Waste collection point for commercial waste.** The commercial waste must be collected from the loading dock located inside the building.
25. **Plumbing and drainage work.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.
26. **Installation of grease trap.** A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.
27. **Photographic Archival Recording.** Prior to the commencement of any works, including the dismantling of fabric or demolition, a Photographic Archival Recording shall be undertaken and submitted to Council.

Written confirmation must also be obtained from Council's Heritage Advisor, confirming that the Photographic Archival Recording is of an acceptable quality that satisfies the requirements of this condition.

The Photographic Archival Recording shall be prepared in accordance with the guidelines "*Archival Recording of Heritage Items Using Film or Digital Capture*" published by the Heritage Division of the Office of Environment and Heritage.

Two complete copies of the Photographic Archival Recording shall be submitted to Council. Each copy should contain (for digital projects):

- A brief report or introduction which explains the purposes of the Photographic Archival Recording and gives a brief description of the subject site, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- Full measured plans of all elevations of the building and floor plans at 1: 100 scale;
- A site plan of the building at min 1: 200 scale;
- Plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- The report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;
- Catalogue sheets, photographic plan, supplementary maps;
- Colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers. The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;



**ITEM 6 (continued)**

**ATTACHMENT 1**

- One full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.
- A CD or DVD containing electronic image files saved as RAW files with associated metadata, and cross-referenced to catalogue sheets.

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

28. **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.
29. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
30. **Public areas and restoration works -** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP 2014 *Public Civil Works*, to the satisfaction of Council.
31. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.
32. **Construction Staging.** For any staging of the public domain works, the applicant shall provide a detailed construction management and staging plan.

**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.

**ITEM 6 (continued)****ATTACHMENT 1**

33. **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.
34. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
35. **Excavation**
- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
  - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with Safework NSW in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
36. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.
37. **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.
38. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
39. **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.
40. **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.

**ITEM 6 (continued)****ATTACHMENT 1**

41. **Construction requirements** - All acoustical treatments nominated in the acoustical assessment report and any related project documentation must be implemented during demolition and construction.
42. **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. The DTMP is to be adhered to at all times during the project.
  - iii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
  - iv. 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
  - v. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
  - vi. 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.
  - vii. 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.
  - viii. 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.
  - ix. Specify spoil management process and facilities to be used on site.

**ITEM 6 (continued)**

**ATTACHMENT 1**

- x. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xi. The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”, Council’s DCP 2014 Part 8.1 (Construction Activities) and Council’s DTMP checklist. A copy of Council’s DTMP checklist shall be obtained from Council’s Traffic, Transport and Development Department prior to submission of DTMP.
- xii. 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.

**43. Implementation of Demolition Traffic Management Plan.** All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP 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 DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

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

**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.

**ITEM 6 (continued)**
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Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

45. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$76,006.94
Open Space & Recreation Facilities	\$187,214.95
Civic & Urban Improvements	\$63,610.21
Roads & Traffic Management facilities	\$8,676.47
Cycleways	\$5,419.90
Stormwater Management Facilities	\$17,232.22
Plan Administration	\$1,461.13
<b>The total contribution is</b>	<b>\$359,621.82</b>

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 Interim Update (2014), effective from 10 December 2014.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

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

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

46. **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**.
47. **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**.

**ITEM 6 (continued)****ATTACHMENT 1**

48. **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 )
49. **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
50. **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**.
51. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.
52. **Heritage Interpretation Strategy.** To ensure that the heritage significance of the site is revealed and interpreted. Prior to the issue of a Construction Certificate, a Heritage Interpretation Strategy shall be prepared and submitted for the approval and endorsement of Council's Heritage Advisor.

The Heritage Interpretation Strategy shall be prepared in consultation with a suitably qualified heritage specialist and incorporate a range of suitable opportunities to interpret the historical, architectural and social role the building has played within the Ryde town centre.

53. **Heritage Interpretation Plan.** Prior to the issue of a Construction Certificate, a Heritage Interpretation Plan shall be prepared in accordance with the approved and endorsed Heritage Interpretation Strategy.

The Heritage Interpretation Plan shall document and specify:

- The location of any heritage interpretation media including any salvaged elements from the building.
- The format of the interpretive media.
- Method of fixing / anchoring / display.
- Content of information.

**ITEM 6 (continued)****ATTACHMENT 1**

54. **Road and rail noise/vibration.** The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.
55. **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**.
56. **Compliance with Acoustic Report.** The development is to comply with the recommendations contained in the Acoustic Report prepared by Acouras Consultancy dated 28 November 2016 and all other relevant BCA acoustic requirements. The development is to meet or exceed the recommendations of Australian Standard 3671-1987: Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
57. **Compliance with Access Report.** The development is to comply with the requirements contained in the Compliance Access Report prepared by Building Innovations Australia. The development is to comply with the Access to Premises Standard 2010, BCA 2014 and Australian Standard AS 1428.1 – 2009 Design for Access and Mobility – General Requirements For Access -New Building Work. Australian Standard AS 4299 – 1995 Adaptable Housing. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
58. **Lighting of common areas (driveways etc).** Lighting is to be provided around the site. The areas around the entrances and communal areas should be well lit and that all lighting should be designed to Australian and New Zealand Lighting standards. Sensor lighting should be installed into areas that may be areas of concealment.

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 are to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents. All lighting is to comply with the following requirements:

- Detailed lighting scheme prepared by a suitably qualified lighting consultant which considers all open space areas within the site including the riparian corridor/pathway and Waterloo Road interface. Lighting is to be 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.

**ITEM 6 (continued)****ATTACHMENT 1**

- 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.
- The walls and ceilings of the car park areas should be painted a light colour. This can assist in reducing power consumption in order to comply with the Australia New Zealand Standards – Lighting. It also ensures that the lighting within the car park is consistent without creating dark areas of the car park which can often be a target for criminal activity.

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

59. **Design verification in respect of SEPP 65.** 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*.
60. **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.
61. **Irrigation.** An automatic watering system is to be supplied to all landscape areas including common areas, private open spaces to ensure adequate water is available to lawns and vegetation. Irrigation systems shall be fully automated and capable of seasonal adjustments. Details are to be submitted prior to the issue of Construction Certificate.
62. **Public Arts Plan.** A Public Art Plan is to be submitted to Council. The plan is to be in accordance with Council's Public Art Policy and is to be submitted for approval by Council's Manager City Planning prior to the issue of **Construction Certificate**. The public art is to be prepared by an arts and cultural planner and will be required to address the following:
- Submission of the detailed design demonstrating that the scale of the public art is appropriate and proportionate to the development and thoughtfully sited & integrated with the building to create a point of interest and define the location of area;



**ITEM 6 (continued)****ATTACHMENT 1**

- The proposal should provide a program for installation and integration with the construction program for the development. Construction must be completed prior to the issue of Occupation Certificate;
  - The proposal should provide engineer's drawings and demonstrate:
    - Australian building standards requirements and codes for the structural design;
    - Sound practices for fabrication and construction, and materials appropriate for application;
    - Materials and all components have appropriate durability, and a functional life in excess of the designated life span of the work.
    - Details of the artist/art consultants.
63. **Adaptable Units.** Three (3) adaptable apartments, each with an allocated disabled parking space, are to be provided within the development. These apartments are to comply with all of the requirements as outlined in AS4299. Details demonstrating compliance is to be provided on the Construction Certificate plans. Prior to the issue of the Construction Certificate, a suitably qualified access consultant is to certify that the development achieves the requirements of AS4299.
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.
65. **Vehicular entry.** The vehicular entries are to have high quality finishes and detailing to the walls and ceiling. Service ducts or pipes are to be covered and not visible from any public domain. Details demonstrating compliance is to be submitted on the Construction Certificate plans.
66. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).  
With respect to this, the following revision(s) must be undertaken;
- a) All internal access and ramps catering for service vehicle access must have ramp grades, transitions and height clearances complying with AS 2890.2 for the designated vehicle class (SRV 3.5m – MRV/ HRV – 4.5m) and Council's Waste service vehicle. To demonstrate compliance with this, the development's structural details must include an access path profile taken along the service vehicle path of the travel into the loading bay areas, for the worst case scenario. The profile must show ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel and is to include provision for overhead services. The consultant preparing the swept path analysis is to confer with Council's waste section for service vehicle dimensions and must provide a minimum 300mm clearance from adjoining structures to ensure such vehicles can manoeuvre into the area in an efficient manner.

**ITEM 6 (continued)****ATTACHMENT 1**

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

67. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to public drainage infrastructure generally in accordance with the plans approved under the condition of deferred commencement labelled “Stormwater Management – Drainage of Lane” subject to any variations marked in red on the approved plans.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a chartered civil engineer and comply with the following;

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

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

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

- All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
- Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.

**ITEM 6 (continued)****ATTACHMENT 1**

- Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
  - The maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging to the kerb.
  - Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
  - Be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
  - Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.
  - Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act
69. **Geotechnical Design, Certification and Monitoring Program.** The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

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

**ITEM 6 (continued)****ATTACHMENT 1**

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

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

70. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work, namely No. 32 Church 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.
71. **Awning over Council footpath.** The proposed awning extending over Council's verge and footway area must provide no less than 3m clearance above the footpath and a minimum clearance of 600mm from the vertical alignment of the immediate kerb. The awning is not to be constructed of glazing. The structure is to be designed and certified by an appropriately qualified Structural Engineer. This engineer is to provide certification with the application for a Construction Certificate that the structure has been designed in accordance with the relevant Australian Standards to ensure public safety.
72. **Awning Lights.** Lighting is to be provided to the underside of the awning to light the footpath. The lighting is to be recessed and sufficient to ensure a high level of security and safety for pedestrian at night.
73. **Hydraulic Modelling.** Hydraulic modelling is to be carried out in accordance with Council's Stormwater and Floodplain Technical Manual for the minor (20 year ARI) and major drainage (100 year ARI) scenarios and a hydraulic modelling report to demonstrate that the downstream pipe system in Edward Street have sufficient capacity to take the additional flows from the subject development.

The model files and report shall be submitted to Council for assessment prior to the issue of a Construction Certificate.

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74. **Drainage Design.** A drainage system longitudinal section drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and showing crossing utility services, pipe size, class and type (minimum class 3), pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system. Details of the drainage in the new laneway and easements are to be submitted and approved by Council's City Works and Infrastructure.
75. **Maintenance Bond.** To ensure satisfactory performance of the excavation, laying of pipes, back filling, disposal of excess soil and restoration including new kerb and gutter works, a maintenance period of six (6) months shall apply to the stormwater works following completion of the development. The maintenance period shall commence from the date of issue by Council, of the Compliance Certificate for the External Works. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the six (6) months' maintenance period. A bond in the form of a cash deposit or Bank Guarantee of \$100,000 shall be lodged with the City of Ryde prior to the issue of the 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. **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 any Construction Certificate.

The CTMP 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. Make provision for parking onsite once basement level is constructed. All Staff and Contractors are to use the basement parking once available.
- iv. 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.
- v. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.

**ITEM 6 (continued)****ATTACHMENT 1**

- vi. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
  - vii. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
  - viii. 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 submitted to Council prior to work commencing on site.
  - ix. Specify spoil management process and facilities to be used on site.
  - x. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
  - xi. The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”, Council’s DCP 2014 Part 8.1 (Construction Activities) and Council’s CTMP checklist. A copy of Council’s CTMP checklist shall be obtained from Council’s Traffic, Transport and Development Department prior to submission of CTMP.
  - xii. 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 Construction 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 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.
77. **Public domain improvements** - The public domain is to be upgraded along the Gowrie Street frontage of the development site in accordance with the City of Ryde Public Domain Technical Manual Chapter 7 – Top Ryde. The work is to include paving, street light pole, 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.

**ITEM 6 (continued)****ATTACHMENT 1**

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 Top Ryde Street Tree Master Plan. Refer to Council's Open Space Department for the species and number of trees required.

**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. 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 Church Street and Gowrie Street frontages. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work.
- (d) New street light using LED luminaire is to be designed and installed to Australian Standard AS1158:2010 *Lighting for Roads and Public Spaces*, with vehicular luminance category V5 and pedestrian luminance category P3 along the Gowrie Street frontage of the development site. The street lighting will remain on the Ausgrid street lighting network.

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

78. **Public Infrastructure Works.** Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council, 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 the Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.

**ITEM 6 (continued)****ATTACHMENT 1**

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

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

- a. The full reconstruction of the existing Laneway off Gowrie Street in accordance with the City of Ryde DCP 2014 *Part 8.5 - Public Civil Works*. The width of the carriageway is to be 6.00m with a concrete footpath 1.50m wide on the side of the development and 0.50m wide adjacent to the boundary with No. 2 Gowrie Street. The existing layback is to be removed and the new design shall include kerb returns from Gowrie Street to the new Laneway.
- b. The removal of all redundant vehicular crossings and replacement with new kerb and gutter, including restoration of the adjacent road pavement.
- c. The construction of new kerb and gutter along the Gowrie Street frontage of the development site. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter.
- d. The reconstruction of half road pavement along the Gowrie Street frontage of the development site in accordance with Council standards and specifications.
- e. Construction of full width granite footpath along the Gowrie Street frontage of the development site including smooth transitions to existing footpaths, in accordance with the City of Ryde Public Domain Technical Manual Chapter 7 – Top Ryde.
- f. Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- g. The Applicant shall provide a 1.8 metre high lapped and capped timber (or any proprietary type) boundary fence along the boundary with No. 2 Gowrie Street, Ryde.
- h. Staging of the public civil works, if any, and transitions between the stages.
- i. The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.



**ITEM 6 (continued)****ATTACHMENT 1**

- j. In order to assess the susceptibility of vehicles to scraping as they pass over the proposed new laneway access the Applicant shall submit longitudinal sections along each side of the proposed new access drawn at 1:20 natural scale. The section shall show the existing and proposed levels to AHD along the vehicle path from the centre of Gowrie Street through the gutter crossing/layback to the proposed basement 1. The driveway is to be designed using the B99 Ground Clearance Template from AS2890.1.
- k. The Applicant shall submit swept paths (Autoturn simulation or similar) for medium rigid vehicle (MRV) showing the ingress and egress from Gowrie Street to the proposed loading bay in basement 1. The swept paths shall be shown in scale 1:100 and must demonstrate that there are sufficient turning path areas for medium rigid vehicle to ingress and egress from Gowrie Street to the proposed loading bay. The proposed kerb alignment with all required dimensions and radius in front of the new laneway access point shall be provided.

**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". A checklist is also available upon request to Council's City Works & Infrastructure Directorate.
79. **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 submission of plans for the public domain improvements and infrastructure works. The application shall be accompanied by preliminary 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.
80. **Vehicle Footpath Crossings.** To protect the footpath from damage resulting from the vehicular traffic, the footpath crossings shall be designed and constructed in accordance with the City of Ryde Development Control Plan 2014 Part 8.3 *Driveways* and Part 8.5 - *Public Civil Works*, and all relevant Australian Codes and Standards (AS2890.1). The crossings shall match the paving style along the frontages of the development site.

In order to avoid the access driveway looking like a public road, kerbs shall not be returned to the boundary alignment line.

**ITEM 6 (continued)****ATTACHMENT 1**

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.

81. **Public Domain Works – Defects Security Bond.** To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue by Council, of the Compliance Certificate for the External Works. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period. A bond in the form of a cash deposit or Bank Guarantee of \$80,000 shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.
82. **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.
- Note:** An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the plans for the public domain works.
83. **Waste and Service Vehicle Access.** Access to the on-site basement manoeuvring area including ramp grades, transitions and height clearance shall be designed to comply with 8.8m waste vehicle, as a minimum requirement. The height clearance required is 3.5m, measured from the floor level to any overhead structures such as pipes. Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 8.8m vehicle shall be submitted to and approved by Council's Traffic Engineer prior to the issue of the Construction Certificate. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.
84. **Waste.** 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.
85. **Waste Storage area.** All waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property to fit through opening including the door.
- 660L Bins – width 1.3m, depth 0.8m, height 1.3m
  - 240L Bins – width 0.6m, depth 0.8m, height 1.1m

**ITEM 6 (continued)****ATTACHMENT 1**

- An On-site storage are 5m<sup>2</sup> must be provided for the storage of bulky waste items awaiting collection. Suitable details must be clearly shown on the approved plan before the issue of any Construction Certificate
- 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
  - (k) Where there is a lockable door to access a bin room or hardwaste storage room, the universal Council key should be installed so the contractor can access the room for servicing bins or collect the household cleanup items.

**ITEM 6 (continued)**

**ATTACHMENT 1**

- (l) 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 maneuvered to the collection point and located no more than 15metres from the collection point for access by the collection contractor.

86. **Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of any Construction Certificate satisfactory evidence is to be provided to the Certifying Authority 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).

**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.

87. **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.

**ITEM 6 (continued)****ATTACHMENT 1****88. Excavation adjacent to adjoining land**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

**89. Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with Safework NSW requirements and be a minimum of 1.8m in height.

**90. Grease trap room details.** Details of any proposed grease trap room must be submitted for approval with the application for the Construction Certificate.

**91. Ground Anchors.** The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's Public Works department, as per the provisions of Section 138 of the Roads Act. The application for consent must include detailed structural plans prepared by a chartered structural engineer, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is subject to the applicant paying all applicable fees in accordance with Council's Management Plan.

**92. Notification of adjoining owners & occupiers – public domain works -** The Applicant shall ensure that the adjoining owners and occupiers are given prior written notice (by registered post) of when construction works will occur. The notice is to include a contact number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.

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

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

**ITEM 6 (continued)****ATTACHMENT 1**

94. **Pre-Construction Dilapidation Report** - To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.
- a. Road pavement,
  - b. Kerb and gutter,
  - c. Footpath,
  - d. Drainage pits,
  - e. Traffic signs, and
  - f. Any other relevant infrastructure.

The report is to be dated and submitted to, and accepted by Council's City Works & Infrastructure Directorate, prior to any work commencing.

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

95. **Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the *Roads Act 1993*. Prior to the commencement of the relevant works and considering the lead times required for each application, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence 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.

**ITEM 6 (continued)****ATTACHMENT 1**

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

**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.

97. **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*.

**ITEM 6 (continued)****ATTACHMENT 1**

98. **Noise management plan** - Where demolition or construction activities are likely to cause significant noise or vibration (eg. jackhammering ,rock breaking or impact piling) a noise management plan must be prepared by a suitably qualified acoustical consultant and be submitted to the Principal Certifying Authority before the work commences. The plan must be prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009) and include:
- (a) Identification of nearby affected residences or other sensitive receivers.
  - (b) An assessment of the expected noise impacts.
  - (c) Details of the work practices required to minimise noise impacts.
  - (d) Machinery and activities that are likely to generate offensive noise must be adequately sound proofed in accordance with the Protection of the Environment Operations Act 1997.
  - (e) Noise monitoring procedures.
  - (f) Procedures for notifying nearby affected residents.
  - (g) Complaints management procedures.
99. **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.
100. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
101. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
  - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
  - (c) the material is reused only to the extent that fill is allowed by the consent.
102. **Construction materials.** All materials associated with construction must be retained within the site.
103. **Site Facilities**  
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with Safework NSW requirements, at a ratio of one toilet per every 20 employees, and
  - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
104. **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.



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105. **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".
106. **Traffic Management.** Any traffic management procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.
107. **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.
108. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by SWP\_REF submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.
109. **Stormwater Management – Works in the New Drainage Easement.** To ensure there is minimal imposition and loss of amenity to the owner/ occupants of the property burdened by the new drainage easement in construction of these drainage services, the builder/ developer must;
- (i) provide a minimum 3 weeks notification to the burdened property owner and occupants prior to the commencement of works in the neighbouring property.
  - (ii) ensure the works are completed in a timely manner.
  - (iii) ensure any structures adjacent the works are adequately supported at all times.
  - (iv) make provision to restore the work area so as to maintain the amenity of the land / minimise the imposition of works on the burdened land, should the works be delayed due to unforeseen events such as weather, service adjustments, etc.
  - (v) restore all areas on the burdened property disturbed by the construction works to a condition equivalent to the pre-developed state or otherwise as agreed by the owner of the burdened property.
  - (vi) comply with any terms agreed upon by both parties in regards to the construction of the drainage services and restoration of the land, in the granting of the easement.

**ITEM 6 (continued)****ATTACHMENT 1**

110. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction“ by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.
111. **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.
112. **Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Construction Certificate version of the SDP submitted in compliance to the condition labelled “Site Dewatering Plan.”, the requirements of Council in regards to disposal of water to the public drainage infrastructure and the requirements of any Dewatering License issued under NSW Water Act 1912 in association with the works. A copy of the SDP is to be kept on site at all times whilst dewatering operations are carried out.
113. **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.
114. **Tip Dockets.** Tip Dockets identifying the type and quantity of waste disposed/recycled during construction are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.
115. **Maintenance.** The area surrounding the construction site must be maintained to reduce the incidence of illegal dumping and management of litter from the site and workers associated with the site must be undertaken.

**ITEM 6 (continued)****ATTACHMENT 1**

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

117. **Hold Points during construction – Drainage Works.** Construction inspections shall be required by Council's Stormwater Engineer for the Council stormwater drainage connection works at the following hold points: -
- Prior to backfilling of pipelines in which Council has an interest.
  - Prior to backfilling of drainage connections to pipelines or channels in which Council has an interest.
  - Prior to casting of pits and other concrete structures in which Council has an interest

An inspection fee is applicable for each visit, and at least 24 hours' notice will be required for the inspections. Please contact Council's Customer Service Section on 9952 8222 to book an inspection.

All Engineering Compliance certificates are to contain the following requirements:

- a. The certifier must be responsible for the supervision of all the work nominated in above.
- b. The certifier is responsible for all tests carried out and inspections necessary to declare that the work nominated above has been carried out in accordance with the approved plans, specifications, and the conditions of the development consent.
- c. The certifier must keep a signed record of all inspections and tests undertaken during the works, and supply the Principal Certifying Authority [PCA] / Council with a copy of such records and test results when required.

118. **Hold Points during construction - Public Domain.** Council requires inspections to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.

The Applicant shall submit to Council's City Works and Infrastructure, certification from the Engineer, at each stage of the inspection listed below, within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

- a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
- b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
- c) Upon compaction of the applicable sub-base course.

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**ATTACHMENT 1**

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

119. **Archaeology** As required by the *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 and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the Heritage Act 1977 to obtain the necessary approvals/permits from the Heritage Division of the OEH.

**Note:** The *National Parks and Wildlife Service Act 1974* and the *Heritage Act 1977* impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

**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.

120. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 776775M\_02 dated 5 December 2017.
121. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of any **Occupation Certificate**.

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122. **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.
123. **Implementation of the Interpretation Strategy.** Prior to the issue of an Occupation Certificate:
- The proposed interpretation strategy must be fully implemented, and authorisation for the ongoing requirements for maintenance of the system referred to the property manager or body corporate.
  - A manual specifying the ongoing maintenance requirements of the proposed interpretation strategy must be submitted to Council's Heritage Advisor for approval.
124. **Laneway Dedication** – The dedication of 8 metres strip of land to Council for public road along the eastern boundary of the site will be required. The dedication shall only be initiated after Council has provided written confirmation of a satisfactory final inspection of the completed public infrastructure works. The associated administrative and registration costs where applicable, shall be borne by the Applicant. The Plan of dedication is to be lodged and registered with the Land and Property Information Office prior to issue of the Occupation Certificate.
125. **Public Domain Improvements and Infrastructure Works – Completion** – All public domain improvements and infrastructure works shall be completed to Council's satisfaction, in accordance with the approved public domain plans and at no cost to the Council, prior to the issue of any Occupation Certificate.
126. **Restoration – Supervising Engineer's Certificate** - Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council a certificate from the Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular crossings as a result of the construction works associated with this development site, have been completed in accordance with the Council's standards and specifications, and DCP2014 Part 8.5 *Public Civil Works*, or the Roads and Maritime Services' standards and specifications, where applicable.

**ITEM 6 (continued)****ATTACHMENT 1**

The footway area along Church Street shall be protected. Any disturbance or damages shall be rectified to Council's satisfaction as part of the completion of the public domain works along the frontages of this development site.

127. **Compliance Certificates – Street Lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a *Certificate of Compliance - Electrical Work (CCEW)* from the Electrical Contractor, and certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
128. **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.
129. **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 shall be submitted to Council for review and approval. The Works-as-Executed Plans are to be prepared on a copy of the approved plans and certified by a Registered Surveyor, and shall contain notations in red, all departures from the Council approved details. Any rectifications required by Council shall be completed by the Developer prior to the issue of any Occupation Certificate.
130. **Supervising Engineer Final Certificate.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.
131. **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 shall include summary statement/s comparing the pre and post construction conditions of the public infrastructure. The report is to be dated and submitted to, and accepted by Council's City Works and Infrastructure Directorate, prior to issue of the 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 shall be in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the Dilapidation Report is submitted.

132. **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.
133. **Final Inspection – Assets Handover** - For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer from City Works & Infrastructure Directorate following the completion of the external works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the External Works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

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

134. **Compliance Certificate – External Works** – Prior to the issue of any 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.
135. **Engineering Condition – Public Domain Works** - All outstanding civil works associated with new laneway and all other road works, kerb and gutter, footpath, vehicular crossings and stormwater drainage works for this development site shall be completed in accordance with Council's specifications and to the satisfaction of Council prior to the issue of the strata plans/subdivision certificate.
136. **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.

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Go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

137. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of any **Occupation Certificate**.
138. **Public domain – work-as-executed plan.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of any **Occupation Certificate**.
139. **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.
140. **Public Art and Cultural Plan.** Prior to the issue of the final Occupation Certificate, the approved works contained in the Art and Cultural Plan approved by Condition 66 shall be implemented.
141. **Design Verification.** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential flat development achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154 of the *Environmental Planning and Assessment Regulations 2000*.
142. **CCTV Cameras.** CCTV cameras will be required to be installed throughout the site. 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, pedestrian link and the basement car parks, including the entry and exit points to the car park. 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.



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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.

The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel. If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.

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

143. **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.

144. **Graffiti.** All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti. A maintenance policy should be established for graffiti to be painted over within two a week of the graffiti.

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

145. **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.

146. **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.

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147. **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.
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 resides 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.
149. **Material and Finishes.** The project architect is to certify that the materials and finishes detailed on the architectural drawings and on the Schedule of Finishes by Architex have been used in construction of the project.
150. **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.
151. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
152. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention and pump/ sump components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's standard terms for such systems, as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7 and to the satisfaction of Council. The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.
153. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate.

**ITEM 6 (continued)****ATTACHMENT 1**

All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
- b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- e) Confirming that the footings adjacent to drainage easements are founded below the zone of influence of this infrastructure, in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- f) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
- g) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
- h) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.

**ITEM 6 (continued)****ATTACHMENT 1**

- i) Compliance certificate from Council confirming that all external works in the public road reserve and alteration to Council assets located in the property have been completed to Council's satisfaction.

154. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).
155. **Signage and Linemarking – External.** A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Ryde Traffic Committee prior to the issue of an Occupation Certificate. Where possible, signs should be co-located on multi-function poles (MFPs).  
  
Note: The applicant is advised that the plan will require approval by the Ryde Traffic Committee if the proposal requires change in existing parking conditions and hence, adequate time should be allowed for this process.
156. **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.
157. **Works-as Executed Drawings – Stormwater Drainage** - Prior to the issue of an Occupation Certificate, Works-As-Executed Drawings for the Council stormwater connection works, ground floor levels and finished ground levels around the dwellings shall be submitted to Council's Stormwater Engineer. The Works-as-Executed Drawings shall be accompanied by a certificate from a suitably qualified engineer (registered on the NER of Engineers Australia), certifying the drawings are a true and accurate representation of the constructed works.
158. **Garbage Service.** 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.

**ITEM 6 (continued)****ATTACHMENT 1**

159. **Onsite Waste Collection – Positive Covenant.** Where it is necessary for waste collection vehicles to enter the property to service the waste containers, A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), ensuring that future owners provide and maintain the access driveway and loading bay accommodating waste collection services undertaken by Council. The terms of the instrument are to be generally in accordance with the standard terms (available from Council) and any amendments undertaken in accordance with the City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7. The terms of the covenant are to be to the satisfaction of Council prior to endorsement and are to be registered on the title prior to the release of any Occupation Certificate. The application to Council for endorsement of the positive covenant must be accompanied by a Works-As-Executed plan of the service area ensuring there is adequate swept path and height clearances so as to accommodate Council waste vehicles. A swept path analysis may also be required to clarify this.

**OPERATIONAL CONDITIONS**

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

160. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- A minimum 28 and maximum 35 residential spaces,
  - 7 visitor spaces,
  - A minimum 12 retail spaces,
  - A minimum 6 bicycle parking spaces.
161. **Residential Amenity - Noise Limits.** Noise from the commercial premises shall not be audible in any habitable room in any residential premises between the hours of 10pm and 7.00am.
- Within the communal open space area, the playing of amplified music or messages, any spruiking and the likes are not to disturb the amenity of other public and private places.
162. **Waste storage/disposal – hours of collection.** Waste and recyclable material generated by the retail premises must not be collected between the hours of 9pm and 8am on any day.
163. **Waste storage/disposal – method.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
164. **Waste storage/disposal – containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
165. **Waste storage/disposal – recycling.** Wastes for recycling should be the stored in separate bins or containers and transported to a facility where the wastes will be recycled or re-used.

**ITEM 6 (continued)****ATTACHMENT 1**

166. **Delivery and loading/unloading – hours.** No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 7am on any day.
167. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the property.
168. **Loading areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.
169. **Signage – English language.** All advertising signs are to be displayed in the English language but may include a translation into another language using letters or characters that are no larger than the English language letters or characters.

Any translated message must be accurate and complete.

No amendment to the size of a sign will be permitted to allow for both the English and translated language to be displayed.

170. **Waste Collection.** Council does not support the use of private contractors for the collection of domestic waste. All domestic waste will be collected by the Council waste collection contractor. All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
171. **Signs.** 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
172. **Air pollution.** The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
173. **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*.
174. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:
- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy (EPA, 2000)*.

**ITEM 6 (continued)**

**ATTACHMENT 1**

- (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.

- 7 140-144 CULLODEN ROAD, MARSFIELD. Construction of a part 3/part 4 storey residential apartment building containing 33 apartments with associated basement parking for 32 vehicles. LDA2017/0191.**

**City of Ryde  
 Local Planning Panel Report**

<b>DA Number</b>	LDA 2017/0191
<b>Street Address &amp; Ward</b>	140-144 Culloden Rd Marsfield West Ward
<b>Zoning</b>	R4 High Density Residential under the provisions of the RLEP 2014
<b>Proposed Development</b>	Construction of a part 3/part 4 storey residential apartment building containing 33 apartments with associated basement parking for 32 vehicles.
<b>Owner</b>	The Owners Strata Plan 16430
<b>Applicant</b>	Linmas Holdings Pty Ltd
<b>Report Author</b>	Sandra McCarry Senior Town Planner
<b>Lodgement Date</b>	29 May 2017
<b>Number of Submissions</b>	<u>Notification 1</u> 8 June 2017 to 5 July 2017: <ul style="list-style-type: none"> <li>• 12 submissions received objecting to the proposal.</li> </ul> <u>Notification 2</u> 9 November 2017 to 3 December 2017 (amended plans): 2 submissions received objecting to the proposal.
<b>Cost of Works</b>	\$9,970,000
<b>Reason for Referral to Local Planning Panel</b>	<ul style="list-style-type: none"> <li>- Development applications seeking to depart by more than 10% from a development standard.</li> <li>- Sensitive Development – SEPP 65 applies.</li> </ul>
<b>Recommendation</b>	Approval



## ITEM 7 (continued)

### 1. Executive Summary

The following report is an assessment of a development application for the construction of a part 3/part 4 storey residential apartment building at 140-144 Culloden Road Marsfield, legally described as SP16430.

The development application (as amended) proposes demolition of the existing building and the construction of a residential apartment building containing 33 residential units of 21 x 1 bedroom apartments, 12 x 2 bedrooms and basement carparking for 25 residents and 7 visitor parking spaces. The application also includes associated landscaping.

During the notification period (8 June 2017 to 5 July 2017) Council received 12 individual submissions raising concerns about the proposed development. Amended plans were received on 24 October 2017 and were re-notified for the period of 9 November 2017 to 3 December 2017. The amended plans received 2 submissions.

The 1<sup>st</sup> round and 2<sup>nd</sup> round of submissions raise various concerns including non compliance with the height limit, decreased privacy to adjoining units and overshadowing. All of the issues raised have been addressed in the report.

The proposal generally complies with Council's requirements except for a variation to the building height, (variation of between 9.4% to 15.7%), building depth, building separation and setbacks. These non-compliances are considered to be acceptable in the context of the development as discussed in the body of the report. The development fully complies with the floor space ratio and provides adequate amenity to future residents whilst maintaining amenity to the adjoining residential property to the north.

Assessment of the amended application against the relevant planning framework, and consideration of various design matters by Council's Technical Departments have not identified any fundamental issues of concern. The proposal has been amended in accordance with the Urban Design Review Panel (UDRP) recommendations and consequently this report concludes the application is sound in terms of its design, function, and relationship with its neighbours.

This report recommends that consent be granted to this application, in accordance with conditions provided at **Attachment 1**.

### 2. Site and Locality

The development site comprises of one allotment and is legally described as Lot SP 16430. The total area of the site is 2321m<sup>2</sup>. It is an irregular fan-shaped allotment. Its southern boundary is curved and fronts both Culloden Road and Waterloo Road, with a total length of approximately 87m. The north-western boundary is 49m in length and borders Waterloo Park, and the north-eastern boundary is 61m and borders a neighbouring residential development.

### ITEM 7 (continued)

The site currently accommodates two residential buildings comprising a total of 7 apartments. The southern building is provided with a basement car park that is accessed via a two-way driveway onto Waterloo Road. The northern building is provided in the form of residential terraces with individual garages, which are accessed via a two-way driveway onto Culloden Road.

The site has a slight to moderate cross fall from the north eastern corner to the north and south western corners of approximately 10% fall.

Across Culloden Road on the south eastern side is the Macquarie University Campus, an open car parking area for the university. To the southwestern side of Waterloo Road, it is occupied by the Macquarie University Village, the student accommodation associated with Macquarie University. To the north west is Waterloo Park and to the north east is a residential development of seven town houses.



Figure 1: Aerial photograph of the site and surrounding area.

**ITEM 7 (continued)**



**Figure 2: View of the site as viewed from Waterloo Road.**



**Figure 3 Street view of the round about in front of the site.**

**3. Proposal**

It is proposed to demolish the existing buildings and construct a residential apartment building comprising thirty three (33) residential apartments comprising 21 x 1 bedroom units and 12 x 2 bedroom units. The building is part three/ part four storeys with a single storey basement carpark beneath. Pedestrian access to the development is via an entryway from Culloden Road and a vehicle entryway from Waterloo Road to the south-west.

An on-site garbage collection area is proposed adjacent to the front south east boundary.

## ITEM 7 (continued)



**Figure 4 Proposed development as viewed from the corner of Waterloo and Culloden Road.**

## 4. Background

### Relevant Background for the Current Development Application

The application was submitted to Council on 29 May 2017.

The applicant was advised on the 23 June 2017 of the following concerns:

- No Acoustic Report was submitted with the application. It is noted that the ground floor apartments G09, G08 & G07 main outdoor areas are located 1.2m off the driveway. Concerns are raised with the close proximity for these apartments to the driveway.
- Front fencing proposed however no details of the front fencing provided. From the photomontages, it would appear that the fences are 1.8m high solid type fence and within the front setback area, which would not be supported by Council's officers. The front setback area should be open and the building visible. Accordingly the front fence for Unit G09, G10 & G01 are not supported and are to be deleted.
- No details of the elevated garbage area in the front setback have been provided. Requested plans illustrating the structure and access to this area ie how will the garbage be transferred from the basement to the collection point.
- The communal terrace area on Level 2 provides no shading. Some sort of shading will likely be required in the future. This should be shown on the architectural plans so as to demonstrate that it will comply with the height control.

**ITEM 7 (continued)**

- No justifications has been provided for the non-compliances with the Apartment Design Guide:
  - Front setback.
  - No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter (proposal have 6 apartments receiving no sunlight – 18%)
  - Storage within the apartments - No storage details are shown in the apartments.
  - Non compliance with balcony size for 2 bedroom apartments – Apts 109 & G09. Require 10m<sup>2</sup> – whilst these apartments are short of the required by 1m<sup>2</sup>, the configuration of the balcony being only 1.2m wide for the majority of the length does not comply with the minimum depth of 2m.
  - Only 1 & 2 bedrooms apartments are proposed – no 3 bedroom proposed.

The application was reviewed by the UDRP on 19 July 2017. The Panel supports the proposal subject to a number of minor recommendations and congratulated the proponent and architect for a design solution of high quality, which is capable of becoming a positive precedent for sensitive urban renewal in the City of Ryde.

The UDRP provided the following specific comments:

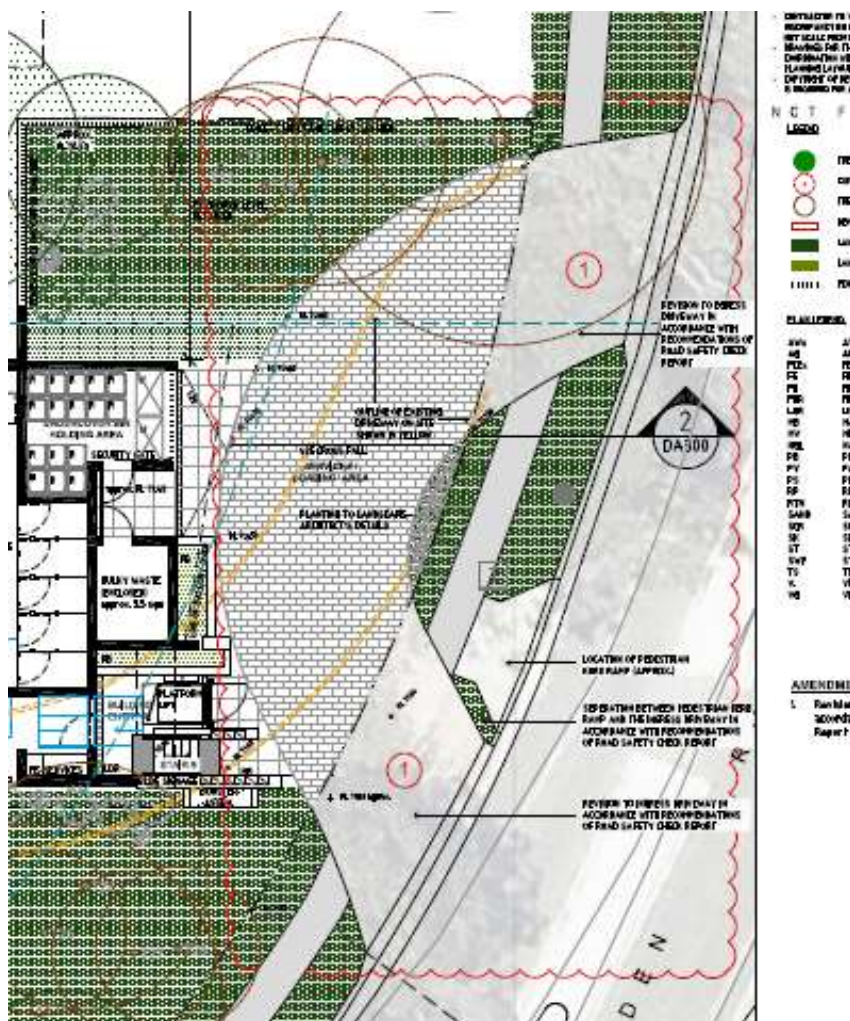
- Currently the basement ramp and drive structure tend to isolate a number of ground floor apartments that would otherwise enjoy a direct connection with the park. Look at adjustments to the design (either lifting the basement level slightly or modifying the basement entry location slightly) in order to increase the number of ground floor dwellings with a direct access to the western boundary and park beyond, and to minimise the visual impacts of the basement ramp and dive structures. The Panel encourages this exploration.
- The Panel also encourages a review of fence heights relative to the public domain and the public park, with a view to reducing the proposed height to improve passive surveillance between the public and private realms.
- Suggested modification along the breezeway to relocate the proposed studies so they are located as part of the living areas - in the current location of the bathroom - so that acoustic and privacy conflicts do not eventuate from residents and visitors using the breezeway.

Amended plans were received on 24 October 2017. These amended plans proposed the following amendments:

- Height of building: Due to the redesign of the ground floor dwelling and basement ramp, adjustment to the floor levels and building height has resulted in the overall height of the building being increased by 500mm.

**ITEM 7 (continued)**

- Waste Management: revision to the waste collection and services area at Ground Floor, including acoustic treatment. This now includes areas for bin holding and bulky waste. It also requires the removal of trees No. 4, 5, 6 & 8. The development also allows for the provision of additional vehicular driveway along the northern eastern frontage to accommodate forward-direction entry of Council waste truck on the site. See Figure 5 below.



**Figure 5: Amended plan with the vehicular driveway at the north east corner of the site.**

- Note: It was not possible to relocate the garbage collection to the basement level as:
- o The length of the ramp would need to be increased from 26.5m to 36.5m to accommodate a 1:5 ramp grade for access by waste trucks. The increased length would require a substantial redesign of the basement and would require removal of established trees along the northern and western boundaries.

**ITEM 7 (continued)**

- The rear height above the ramp within the basement would need to increase from 2.2m to 4m. This will require the building to be raised in height.
- Building entry: provision of an additional building entry to provide an access thoroughfare closer to Waterloo Park. This required a revision to the internal layout of unit LG08 (previously LG07).
- Unit reconfiguration: minor revision to layout of Unit G08 (previously G09) and Unit 109 for ADG compliance to balcony.
- Driveway design: revision to the current vehicular driveway to basement carparking area to incorporate a crest level of RL69.50.
- Dwelling mix: revision to Unit mix on Lower Ground and Ground Floor including:
  - additional unit LG01 (2 bedroom unit)
  - deletion of previously named Unit G01
  - Renaming of Units to accommodate the above changes in 6a & 6b.
- Landscaping: revision to ground level landscaping generally including trellis/lattice structure design over driveway ramp.
- Fencing: revision to the extent of ground level lightweight fencing including removal of all fencing facing the curved front boundary and adjacent to the ground level common open space.
- Private open space: Revision to private open space of Units G10 and G11.
- Storage: relocation of the storage area at the south eastern area from Lower Ground level to Ground Floor.
- Communal terrace: revision to include a shading structure on the communal terrace area on Level 2.
- Skylights: proposed skylights to Level 2 Units.
- Parking: additional residential car parking bay (No.25) in basement.
- Privacy: extended planter box depth to 1.1m along breezeway to ensure acoustic and privacy separation provided between units and the breezeway. The amended plans have also raised the sill level of glazing to 1.6m for those studies that are adjacent to the breezeway.

The amended plans were readvertised and renotified and Council received 2 submissions.

## ITEM 7 (continued)

### 5. Planning Assessment

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

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX)
- Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Ryde Local Environmental Plan 2014
- Ryde Development Control Plan 2014
  - Part 7.2 Waste Minimisation and Management
  - Part 9.2 Access People with Disabilities
  - Part 9.3 Car Parking
- Section 94 Contribution Plan

#### 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 submitted (No. 807231M dated 1 May 2017 which provides the development with a satisfactory target rating.

Appropriate conditions have been imposed requiring compliance with the BASIX commitments detailed within the Certificate. See **Conditions 3 & 120**.

##### State Environmental Planning Policy No 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land (SEPP 55) 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 whether it is 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 development.

The site is currently used for residential purposes and there is no reason to suspect that the site is contaminated. Council's Environmental Health Officer has advised that *it is not expected that there would be site contamination issues given the current residential use*.



**ITEM 7 (continued)**

Council's Environmental Health Officer has raised no objections to the proposal and has imposed **Condition 37** which requires Council and the Principal Certifying Authority to be notified if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is a deemed SEPP and applies to the subject site.

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

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

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

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

Urban Design Review Panel

The proposal was submitted without prior review by the Urban Design Review Panel. Accordingly a UDRP meeting was conducted on 19 July 2017. The UDRP was generally supportive of the proposal subject to a number of minor recommendations and the panel congratulated the proponent and architect for a design solution of high quality, which is capable of becoming a positive precedent for sensitive urban renewal in the City of Ryde.

**ITEM 7 (continued)**

The following comments with regard to the 9 Design Quality Principles of SEPP 65, were made as detail below:

<b>SEPP 65 – Design Quality of Residential Flat Buildings</b>	<b>UDRP Comments</b>
<p><b>Context and Neighbourhood Character</b></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>The site is adjacent to an existing public park and is characterised by a number of mature significant trees, which lends the site to have a strong identity and value in the local area.</p> <p>The proposal is consistent with the Council’s desired future character and is carefully sited to allow the retention of a number of significant existing mature trees along the street frontage and side boundaries - a design strategy strongly supported by the Panel.</p> <p>The ‘L’ shaped building also consolidates a generous communal open space towards the street, yet appropriately buffered from it, which serves to emphasise the landscape setting and its contribution to the street.</p> <p>The Panel discussed potential alternative site access points, but is satisfied that the western boundary (as proposed) is the optimal location for basement access, subject to recommendations for minor modifications to maximise the building’s address and outlook across the boundary and into the neighbouring public park. This is discussed further in this report.</p> <p><u>Planner’s Comment:</u></p> <p>The proposal presents a quality design which responds to the context of the site and surrounds. The proposal has been amended to provide a better interface with the adjoining park, with the proposal responding to the streetscape, generally, retaining where possible, the existing trees along the street frontage. The development is part 3/part 4 storeys and is not considered to be out of context to nearby developments or future redevelopments along Culloden Road.</p>



**ITEM 7 (continued)**

<b>SEPP 65 – Design Quality of Residential Flat Buildings</b>	<b>UDRP Comments</b>
<p><b>Built Form and Scale</b></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>The proposal has been thoughtfully sited and is scaled well to neighbouring buildings and is appropriate for the context.</p> <p><u>Planner’s Comment:</u>            The proposed design is considered suitable for the site. The proposal complies with the desired future character of the locality and complies with the floor space control applicable to the site. The front setback and building separation and side setbacks has been adequately provided.</p> <p>The built form of the development is well articulated. The development will contribute positively to the existing and emerging character of the surrounding streetscape. The proposed built form is also considered to be acceptable given that the development achieves suitable compliance with the objectives contained in the Apartment Design Guide (ADG).</p>
<p><b>Density</b></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>The proposed density and scale of buildings appears to comply with the primary development standards for building height and floor space ratio and is supported by the Panel.</p> <p><u>Planner’s Comment:</u>            The proposal complies with the Ryde LEP 2014 FSR control as further detailed in this report.</p> <p>The overall bulk and scale of the development is considered to be appropriate for the site and its context, providing sufficient open space, solar access and ventilation for residents.</p>

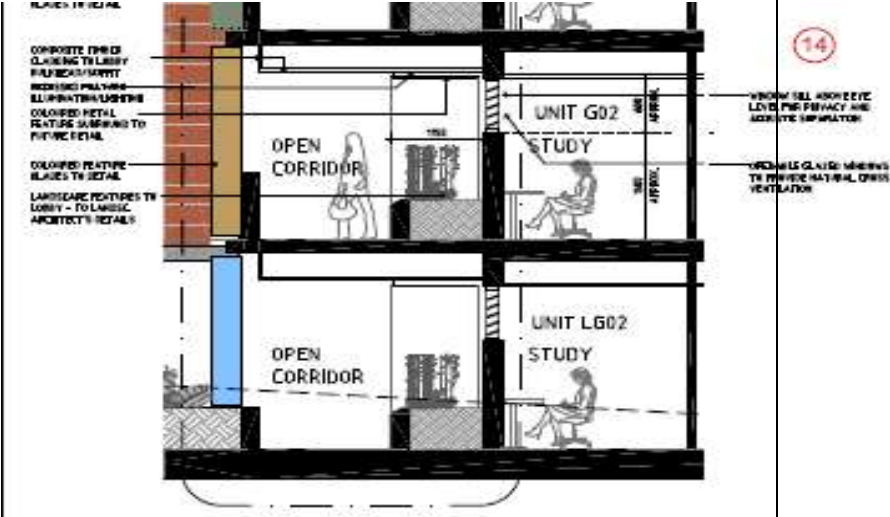
**ITEM 7 (continued)**

<b>SEPP 65 – Design Quality of Residential Flat Buildings</b>	<b>UDRP Comments</b>
<p><b>Sustainability</b></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>The proposal achieves the minimum targets outlined in the Apartment Design Guide for natural cross ventilation and solar access.</p> <p>Additional requirements of BASIX certification will ensure the proposal achieves an acceptable level of sustainability.</p> <p>The Panel restates its strong support for the design strategy that sees the retention of significant existing trees and their incorporation into useful communal open spaces.</p> <p><u>Planner’s Comment:</u>                      The applicant has provided a BASIX Certificate which indicates that the development will meet the energy and water use targets set by the BASIX SEPP.</p> <p>The design maximises solar access and cross ventilation to apartments. The development complies with the ADG with respect of natural cross ventilation and solar access.</p>
<p><b>Landscape</b></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</p>	<p>The Panel supports the siting strategy and proposed retention of trees. This will establish a very strong and positive landscape character for the site and facilitate high quality communal and private open spaces across the scheme.</p> <p>The Panel discussed the potential to improve the relationship between ground floor dwellings addressing the neighbouring park. Currently the basement ramp and drive structure tend to isolate a number of ground floor apartments that would otherwise enjoy a direct connection with the park.</p> <p>There are public benefits to safety and security which follow from any improved ground floor relationship.</p> <p>The proponent indicated a willingness to explore potential adjustments to the design (either lifting the basement level slightly or modifying the basement entry location slightly) in order to increase the number of ground floor dwellings with a direct access to the</p>

**ITEM 7 (continued)**

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>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>western boundary and park beyond, and to minimise the visual impacts of the basement ramp and drive structures. The Panel encourages this exploration.</p> <p>The Panel also encourages a review of fence heights relative to the public domain and the public park, with a view to reducing the proposed height to improve passive surveillance between the public and private realms.</p> <p><u>Planner’s Comment:</u> The proposal has amended the floor levels to provide ground level private open space with direct visual and landscape relationship to apartments abutting the park.</p> <p>Fence height has been reduced in height or deleted to offer passive surveillance to the park and public domain.</p>  <p>Figure 6: FLs amended to provide better relations between the adjoining park and lower ground floor apartments.</p>  <p>Figure 7: Front fence along the boundary of Waterloo Road and Culloden Road deleted to provide passive surveillance to the public domain,</p>

**ITEM 7 (continued)**

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p><b>Amenity</b></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>The building’s address to the street, communal open space and neighbouring park offer significant amenity and outlook and the general arrangement of the building is supported.</p> <p>The general arrangement of apartments is also supported, with a suggested modification along the breezeway to relocate the proposed studies so they are located as part of the living areas - in the current location of the bathroom - so that acoustic and privacy conflicts do not eventuate from residents and visitors using the breezeway.</p> <p><u>Planner’s Comment:</u> The proposal has taken the Panel’s comments on board and design amendments have been incorporated. These include an increase in planter box depth to 1.1m as a means of creating additional buffer to the breezeway and increasing the window sill height to 1.6m above finished floor level. These changes will reduce acoustic and visual conflict between the breezeway and the apartment users.</p>  <p>Figure 8: Planter depth increased and window sill height above eye level for privacy and acoustic separation with operable glazed windows.</p>

**ITEM 7 (continued)**

**Conclusion:** The amended application is supported and does not need to be further reviewed by the Panel. As detailed previously in this report, it is considered that the matters raised by the Panel have been suitably addressed in the amended plans.

Apartment Design Guide

The SEPP requires consideration of the "Apartment Design Guide" (ADG) which supports the nine Design Quality Principles by giving greater detail as to how those principles might be achieved. The following table provides an assessment of the proposal against the matters in the ADG:

<b>Part 2 Development the controls</b>		
	<b>Considerations</b>	<b>Consistent</b>
<p><b>Building Depth</b>            Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.</p>	<p>The building proposes 13m – 22m depth.</p> <p>Notwithstanding the proposed depth variation to 22m, the proposal provides for acceptable amenity as the building has been designed to have greater modulation and articulation, allowing for better air circulation. The proposal achieves the required cross ventilation requirements. In addition the habitable room depth is under the maximum allowed and the extent of variation to the building depth is not excessive. Given the UDRP have raised no concerns in this regard, the proposed design is considered reasonable in the circumstances.</p>	<p>No – variation acceptable.</p>
<p><b>Building Separation</b>            Minimum separation distances for buildings are:  <i>Up to four storeys (approx 12m):</i>            - 12m between habitable rooms/balconies            - 9m between habitable and non-habitable rooms            - 6m between non-habitable rooms  <i>Five to eight storeys (approx 25m):</i>            - 18m between habitable</p>	<p>The building separation is provided as follows:</p> <p>Proposal is for a part 3/part four storey building.</p> <p><u>Require:</u>            - 12m separation with 146 Culloden Street (adjoining northern site).            - 6m along the western boundary which adjoins Waterloo Park.</p>	

**ITEM 7 (continued)**

<p>rooms/balconies</p> <ul style="list-style-type: none"> <li>- 12m between habitable and non-habitable rooms</li> <li>- 9m between non-habitable rooms</li> </ul> <p><i>Nine storeys and above (over 25m):</i></p> <ul style="list-style-type: none"> <li>- 24m between habitable rooms/balconies</li> <li>- 18m between habitable and non-habitable rooms</li> <li>- 12m between non-habitable rooms</li> </ul> <p><u>Note:</u></p> <ul style="list-style-type: none"> <li>• At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m</li> <li>• No building separation is necessary where building types incorporate blank party walls. Typically this occurs along a main street or at podium levels within centres.</li> </ul>	<p><u>Northern: Adjoins with 146 Culloden Rd</u> <u>Proposed: 10.8m.</u></p> <p>The building separation between 146 Culloden Road and the subject building is only 10.8m, short of the required 12m by 1.2m. The development has provided half of the required separation (6m setback along the northern boundary), however 146 Culloden is setback 4.8m, as such the separation between the two buildings is only 10.8m. In addition to providing the required 6m setback the development also provides privacy screens to the outer edge of the balconies so as to avoid a direct line of sight. In addition <b>Condition 1 (b)</b> has been imposed requiring privacy screen to the northern elevation of balconies of apartments G05 &amp; G06.</p> <p><u>Western: Adjoins with Waterloo Park.</u> <u>Proposed: 5.8m to 6m</u></p> <p>A small section of apartment G08 balcony encroaches into the 6m setback by 0.2m. This encroachment is relatively minor and will not have any overlooking impact as the adjoining site is Waterloo Park with existing trees located adjacent to the common boundary to screen the development. In addition apartment G08 is located at the front of the site, away from the central area of the park.</p>	<p>No – variation acceptable.</p>
<p><b>Front, Rear &amp; Side Setbacks</b> See discussion under the relevant Development Control Plan.</p>	<p>There is no DCP applicable to this site so the requirements of the ADG apply.</p>	<p>No –</p>



**ITEM 7 (continued)**

<p>Determine street setback controls relative to the desired streetscape and building forms, for example:</p> <ul style="list-style-type: none"> <li>• define a future streetscape with the front building line</li> <li>• match existing development</li> <li>• step back from special buildings</li> <li>• retain significant trees</li> <li>• in centres the street setback may need to be consistent to reinforce the street edge</li> <li>• consider articulation zones accommodating balconies, landscaping etc. within the street setback</li> <li>• use a setback range where the desired character is for variation within overall consistency, or where subdivision is at an angle to the street</li> <li>• manage corner sites and secondary road frontages</li> </ul>	<p>The streetscape along this section of Culloden Road which is of a varied setback ranging from 10m to 6m.</p> <p>The site is located on the corner of Culloden and Waterloo Road. The proposed building is staggered with a varied front setback of generally between 6m to 17m which allows for the retention of significant trees within the front setback. There are some encroachments into the 6m setback by fire stairs and the southern corner of apartments G09, 101 and above. These encroachments are relatively minor with the bulk of the building setback greater than 6m. The setback allows for the retention of significant trees along the frontage which provides screening to the development.</p>	<p>variation acceptable.</p>
<p><b>Part 3 Siting the development Design criteria/guidance</b></p>	<p>Consideration</p>	<p>compliance</p>
<p><b>3B Orientation</b>        Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.</p>	<p>Proposal has been amended to respond to the streetscape.</p>	<p>Yes</p>
<p><b>3C Public domain interface</b>        Transition between private &amp; public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.</p>	<p>The building has been amended as recommended by the UDRP which has improved the interface with the adjoining park.        Treatment to the front of the building has also been amended to delete the front fencing.</p>	<p>Yes</p>
<p><b>3D Communal &amp; public open space</b>        Provide communal open space to enhance amenity and opportunities for landscaping &amp; communal activities.</p>	<p><u>Require:</u> 580.25m<sup>2</sup>.  <u>Propose:</u> 762m<sup>2</sup> (32%).        The development provides approximately 762m<sup>2</sup> of communal space in the form of roof terrace and</p>	<p>Yes</p>

**ITEM 7 (continued)**

<p><b><u>Design Criteria</u></b> 3. Provide communal open space with an area equal to 25% of site; 4. Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.</p>	<p>front setback area.  Over 50% of the usable communal open space receive minimum 2 hours of sunlight in mid- winter.</p>	<p>Yes</p>												
<p><b>3E Deep Soil Zone</b> Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.  <b><u>Design criteria</u></b> 1. Deep soil zones are to be provided equal to 7% of the site area and with minimum dimension of 3m – 6m.</p>	<p><u>Require:</u> 162.5m<sup>2</sup>  The proposal provides 348m<sup>2</sup> (15%) of deep soil landscape area. The deep soil area will have minimum dimension of 3 to 6m.</p>	<p>Yes</p>												
<p><b>3F Visual Privacy</b> Building separation distances to be shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. <b><u>Design Criteria</u></b> 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="225 1688 676 1989"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms &amp; 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>Building separation between the proposed building and the adjoining building along the northern boundary (146-150 Culloden Road) has been complied with.  The proposal complies with the minimum side and rear boundaries setback.  In addition privacy screens have been provided along the northern balconies of Units G01, G02, G03 &amp; G04 and above. However the balcony of G05 and 106 should also have a privacy screen along its northern elevation. <b>Condition 1(b)</b> has been imposed requiring this.</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												

**ITEM 7 (continued)**

<p><b>3G Pedestrian Access &amp; entries</b> Pedestrian Access, entries and pathways are accessible and easy to identify.</p>	<p>Several entries are proposed along the front of the site - one at each end of the site and one in the middle. The proposed pedestrian access, entries and pathways are considered satisfactory as they are easy to identify and provide a sense of address to the site.</p>	<p>Yes</p>
<p><b>3H Vehicle Access.</b> Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>Vehicle access from the south western side driveway off Waterloo Road. Council's Senior Coordinator Development Engineering Services has reviewed the access point and has no objections to the proposal.</p>	<p>Yes</p>
<p><b>3J Parking Provisions.</b> <b>Car parking:</b> For development in the following locations:</p> <ul style="list-style-type: none"> <li>• on sites that are within 800 metres of a railway station; or</li> <li>• within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre,</li> </ul> <p>the minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.</p>	<p>The site is located within 400m of land zoned B4 mixed use. The minimum car parking requirement in the RMS guide and Council's DCP are the same, being:</p> <p><u>RMS Guide</u></p> <ul style="list-style-type: none"> <li>- 0.6 space/ 1 bed</li> <li>- 0.9 space/ 2 bed</li> <li>- space/ 3 bed</li> <li>- 0.2 space/ unit (visitor parking)</li> </ul> <p><u>Council's DCP</u></p> <ul style="list-style-type: none"> <li>- 0.6 to 1 space / 1 bed</li> <li>- 0.9 to 1.2 spaces / 2 bed</li> <li>- 1.4 to 1.6 spaces / 3 bed</li> <li>- 1 visitor space / 5 dwellings</li> </ul> <p>The proposal is for 21 x 1 bed &amp; 12 x 2 bed.</p> <p>Proposal involves: 1 Bed: 21 X 0.6 to 1 = 12.6 to 21 2 Bed: 12 X 0.9 to 1.2 = <u>10.8 to 14.4</u> 23.4 (24) to 35.4 (36) Visitor: 33 X 0.2 = 6.6 (7) Requires: 24 min to 36 max residents and 7 visitors</p> <p>Proposed: 25 residents &amp; 7 visitor = 32</p>	<p>Yes</p>

**ITEM 7 (continued)**

<b>Bicycle Parking:</b> Provide adequate motorbike, scooter and bicycle parking space (undercover).	3 Bicycle spaces have been provided.	Yes
<b>Basement Design for parking:</b> <ul style="list-style-type: none"> <li>Basement car park not to exceed 1m above ground (use stepped/ split level).</li> <li>Natural ventilation to be provided for basement car parks. Any ventilation grills/ screening device to be integrated into the façade and landscape design.</li> </ul>	Basement does not exceed 1m above ground. Ventilation of the basement has not been shown on the plans. <b>Condition 62</b> has been imposed requiring the basement car park to be provided with adequate system of ventilation.	Yes
<b>Part 4 Designing the building</b>		
<b>4A Solar &amp; daylight access</b> 1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	The proposal provides solar access for more than 2 hours to 28 apartments, representing 84% of the total apartments.	Yes
No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter.	15% of the development is 5 apartments. The proposal will have 4 apartments not receiving direct sunlight to the apartments, resulting in 12% of the apartments.	Yes
Design should incorporate shading and glare control, particularly for warmer months.	Design has incorporated balconies, external louvres and planting to external walls.	Yes
<b>4B Natural Ventilation</b> All habitable rooms are naturally ventilated.	All habitable rooms have direct access to a window opening for natural ventilation.	Yes
Design layout of single aspect apartments to maximises natural ventilation.	The single aspect apartments have depths less than 8 metres, with a floor-to-ceiling height of 3m. This will allow for effective air circulation.	Yes
<u>Design criteria for natural cross ventilation:</u> 1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the	The proposal provides natural cross-ventilation to 21 apartments, representing 63.6%of the total apartments.	Yes

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<p>balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>No cross over or cross through apartments.</p>	<p>N/a</p>												
<p><b>4C Ceiling Heights</b> Ceiling height achieves sufficient natural ventilation and daylight access. The following is required as a minimum:</p> <table border="1" data-bbox="225 813 703 1122"> <tr> <th colspan="2">Min ceiling height for apartment &amp; mixed use buildings</th> </tr> <tr> <td>Habitable rooms</td> <td>2.7m (3.1m floor to floor)</td> </tr> <tr> <td>Non Habitable</td> <td>2.4m</td> </tr> <tr> <td>2 storey apts</td> <td>2.7m for main living area 2.4m for 2<sup>nd</sup> floor</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room</td> </tr> <tr> <td>Mixed used zone</td> <td>3.3m for ground &amp; 1<sup>st</sup> floor to promote future flexibility of use.</td> </tr> </table>	Min ceiling height for apartment & mixed use buildings		Habitable rooms	2.7m (3.1m floor to floor)	Non Habitable	2.4m	2 storey apts	2.7m for main living area 2.4m for 2 <sup>nd</sup> floor	Attic spaces	1.8m at edge of room	Mixed used zone	3.3m for ground & 1 <sup>st</sup> floor to promote future flexibility of use.	<p>The subject site is zoned R4 and is not a mixed use development.</p> <p>The development has floor to ceiling height of 3.1m (floor to floor) with all levels achieving the minimum ceiling height of 2.7m.</p>	<p>Yes</p>
Min ceiling height for apartment & mixed use buildings														
Habitable rooms	2.7m (3.1m floor to floor)													
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Attic spaces	1.8m at edge of room													
Mixed used zone	3.3m for ground & 1 <sup>st</sup> floor to promote future flexibility of use.													
<p><b>4D Apartment size and layout</b> Apartments are required to have the following minimum internal areas with one bathroom: Studio = 35m<sup>2</sup>; 1 bedroom = 50m<sup>2</sup>; 2 bedroom = 70m<sup>2</sup>; 3 bedroom = 90m<sup>2</sup>; 4 bedroom = 102m<sup>2</sup>. <u>Note:</u> ➤ Additional bathrooms increase the minimum internal area by 5m<sup>2</sup>;</p>	<p>The proposed areas of the apartments are as follows: 1 bedroom = 54m<sup>2</sup> to 57m<sup>2</sup>; 2 bed with additional bath = 76m<sup>2</sup> – 80m<sup>2</sup>.</p>	<p>Yes</p>												
<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	<p>All habitable rooms have direct access to a window opening that achieves a minimum of 10% of the room area. No borrowed daylight and air is proposed.</p>	<p>Yes</p>												
<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts – habitable room (where the living, dining and</p>	<p>Require 2.5 x 2.7 = 6.7m. Habitable room depths are between 3m to 6m. Combined living, dining and kitchen areas are less than 8m from a</p>	<p>Yes</p>												

**ITEM 7 (continued)**

kitchen are combined) be maximum depth of 8m from a window.	window.																
Master bedrooms - minimum area of 10m <sup>2</sup> (excluding wardrobe space).	Generally the master bedrooms are 10m <sup>2</sup> .	Yes															
Bedroom - minimum dimension of 3m (excluding wardrobe space)	All bedrooms have minimum dimension of 3m.	Yes															
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments;</li> <li>• 4m for 2 and 3 bedroom apartments.</li> </ul>	The width of the living rooms to the 1 bedroom apartments are 3.6m and minimum 4m for the 2 bedroom apartments.	Yes															
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	No cross over apartments.	N/a															
<p><b>4E Private Open Space and balconies</b></p> <p>Apartments must provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p><b>Design criteria</b></p> <p>1. All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="220 1458 719 1630"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Min.depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m<sup>2</sup></td> <td>N/A</td> </tr> <tr> <td>1 bedroom</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> </tbody> </table>	Dwelling type	Minimum area	Min.depth	Studio apartments	4m <sup>2</sup>	N/A	1 bedroom	8m <sup>2</sup>	2m	2 bedroom	10m <sup>2</sup>	2m	3+ bedroom	12m <sup>2</sup>	2.4m	All of the balconies comply with minimum size and depth requirements.	Yes
Dwelling type	Minimum area	Min.depth															
Studio apartments	4m <sup>2</sup>	N/A															
1 bedroom	8m <sup>2</sup>	2m															
2 bedroom	10m <sup>2</sup>	2m															
3+ bedroom	12m <sup>2</sup>	2.4m															
2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m.	The apartments on the lower ground floor, adjacent to the northern boundary, have a terrace area and POS greater than 15m <sup>2</sup> .	Yes															

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<p><b>4F Common circulation and spaces.</b> <b>Design criteria</b> 1. The maximum number of apartments off a circulation core on a single level is 8.</p>	<p>Maximum of 5 &amp; 6 apartments are proposed off a circulation core.</p>	<p>Yes</p>										
<p>Daylight and natural ventilation should be provided to all common circulation space above ground. Windows should be provided at the end wall of corridor.</p>	<p>Adequate ventilation and sunlight will be available into the corridor as the main corridor is designed as a breezeway with one side open to the weather. <b>Condition 4</b> has been imposed stating that this area is not to be enclosed without Council's prior consent.</p>	<p>Yes</p>										
<p><b>4G Storage</b> Adequate, well designed storage is to be provided for each apartment. <b>Design criteria</b> 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p> <table border="1" data-bbox="220 1144 708 1294"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m<sup>3</sup></td> </tr> <tr> <td>1 bedroom apt</td> <td>6m<sup>3</sup></td> </tr> <tr> <td>2 bedroom apt</td> <td>8m<sup>3</sup></td> </tr> <tr> <td>3 + bedroom apt</td> <td>10m<sup>3</sup></td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling type	Storage size volume	Studio	4m <sup>3</sup>	1 bedroom apt	6m <sup>3</sup>	2 bedroom apt	8m <sup>3</sup>	3 + bedroom apt	10m <sup>3</sup>	<p>Storage area is proposed within the apartment and also in the basement. The storage size has been detailed in the Unit Analysis sheet submitted with the proposal and complies with ADG requirement.</p>	<p>Yes</p>
Dwelling type	Storage size volume											
Studio	4m <sup>3</sup>											
1 bedroom apt	6m <sup>3</sup>											
2 bedroom apt	8m <sup>3</sup>											
3 + bedroom apt	10m <sup>3</sup>											
<p><b>4H Acoustic privacy</b> 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.</p>	<p>An Acoustic Assessment Report prepared by Renzo Tonin &amp; Associates has been submitted.  This report looked at noise from road traffic, from mechanical plant and noise generate from the garbage collection area.  The report conclude that: <i>"The study of external noise intrusion into the subject development has found that appropriate controls can be incorporated such as acoustic glazing into the building design to</i></p>	<p>Yes</p>										

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	<p><i>achieve compliance with acoustic requirements of the ISEPP. In addition, criteria for noise emission from the site have been established and in-principle guidance provided. An assessment of any noise from mechanical plant equipment servicing the building shall be undertaken during the detailed design and equipment selection stages to ensure that plant and equipment is designed in accordance with the relevant acoustic criteria”</i></p> <p>Council raised concerns about noise from the operation of the waste collection to residents and to the adjoining property. The Acoustic Report has recommended higher performance glazing to the window of bedrooms of apartments 101 &amp; 201 and for absorptive treatment installed to the underside of the garbage store and collection area to reduce reverberation.</p> <p><b>Condition 46</b> has been imposed requiring compliance with the recommendations contained in the report.</p> <p>In addition the applicant has provided dense landscaping adjacent to the front northern boundary and for a 1.8m high lapped and capped fence to be provided between the edge of the bulky waste storage room to the northern side boundary. However Council’s policy is for front return fence not to be more than 1.2m high. <b>Condition 50</b> has been imposed requiring the front northern fence to comply with the Council’s requirement.</p>	
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**ITEM 7 (continued)**

<p><b>4K Apartment mix</b> A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.</p>	<p>A mix of 1 &amp; 2 bedroom apartments have been provided. Whilst it is noted that no 3 bedroom apartment are proposed, the development is relatively small (only 33 apartments), the proposed unit mix will cater for a variety of buyers with good access to shops, employment and education.</p>	<p>No – variation acceptable.</p>
<p><b>4L Ground floor apartments</b> Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.</p>	<p>The buildings facades provide visual interests with use of horizontal and vertical elements plus the main entrance clearly defined.</p>	<p>Yes</p>
<p>Building functions are expressed by the façade.</p>	<p>The building is residential and the design reflects the proposed use of the building.</p>	<p>Yes</p>
<p><b>4N Roof design</b> Roof treatments are integrated into the building design and positively respond to the street.</p>	<p>Roof elements are integrated into the building design.</p>	<p>Yes</p>
<p>Opportunities to use roof space for residential accommodation and open space are maximised.</p>	<p>Communal open space proposed within the front setback area and also on the roof terrace area.</p>	<p>Yes</p>
<p>Roof design incorporates sustainability features.</p>	<p>It is proposed to have a roof terrace area. A pergola is shown on the plans to provide shading.</p>	<p>Yes</p>
<p><b>4O Landscape design</b> Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable</p>	<p>The proposal includes a landscape plan. Council's Consultant Landscape Architect has reviewed the plan and has advised that the plan provides for a high quality landscape design with appropriate species and level of deep soil planting.</p>	<p>Yes</p>
<p><b>4P Planting on structures</b> Appropriate soil profiles are provided.</p>	<p>Council's Consultant Landscape Architect has reviewed the landscaping plan and is satisfied with the plan.  To ensure that the development complies with the recommended soil profiles, a condition on the consent has been imposed requiring compliance with the relevant soil depth (<b>Condition 55</b>).</p>	<p>Yes</p>

**ITEM 7 (continued)**

<b>4Q Universal design</b> Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to provided.	An Accessibility Report has been submitted with the proposal and the development has been designed to incorporate 4 adaptable apartments	Yes
<b>4R Adaptive reuse</b> New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place. Adapted buildings provide residential amenity while not precluding future adaptive reuse.	N/A	N/A
<b>4S Mixed use</b> Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	N/A	N/A
<b>4T Awnings and signage</b> Awnings are well located and complement and integrate with the building design.	No awnings required.	N/A
<b>4U Energy efficiency</b> Development incorporates passive environmental design measures – solar design, natural ventilation etc.	Complies with BASIX	Yes

**5.2 Ryde Local Environmental Plan 2014**

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

The site is zoned R4 High Density Residential under the provisions of the RLEP 2014. The development is permitted in this zoning.

Clause 2.3 – Zone Objectives

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives for the R4 zone are as follows:

### ITEM 7 (continued)

- 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 development complies with the above objectives. It will be consistent with the desired future character for the precinct by providing residential accommodation close to education, employment, public transport and a major shopping centre.

#### Clause 4.4 Floor Space Ratio

The FSR for the site is 1:1. The proposal will have a floor space of 2319m<sup>2</sup> (FSR of 1:1) which complies with this control.

#### Clause 4.3 Height of buildings

The Height of Buildings Map specifies the maximum heights of any building on the site must not exceed 9.5m.

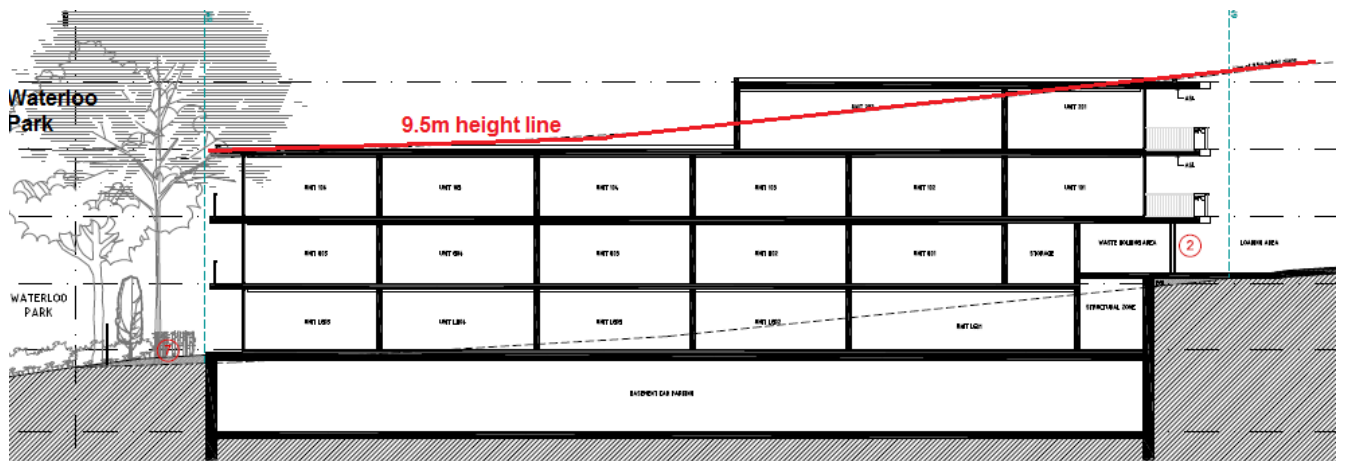
Building height is defined in this planning instrument as meaning “*the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*”

Figures 9 to 11 below illustrates the 9.5m height planes, and extent of non-compliance. The proposal will exceed the height by between 900mm to 2m (variation of between 9.4% to 15.7%)

**ITEM 7 (continued)**



**Figure 9: Height plan across the site as viewed from the rear of the site (north western corner).**



**Figure 10: Cross section from west to east illustrating extent of non compliance across the building.**

ITEM 7 (continued)

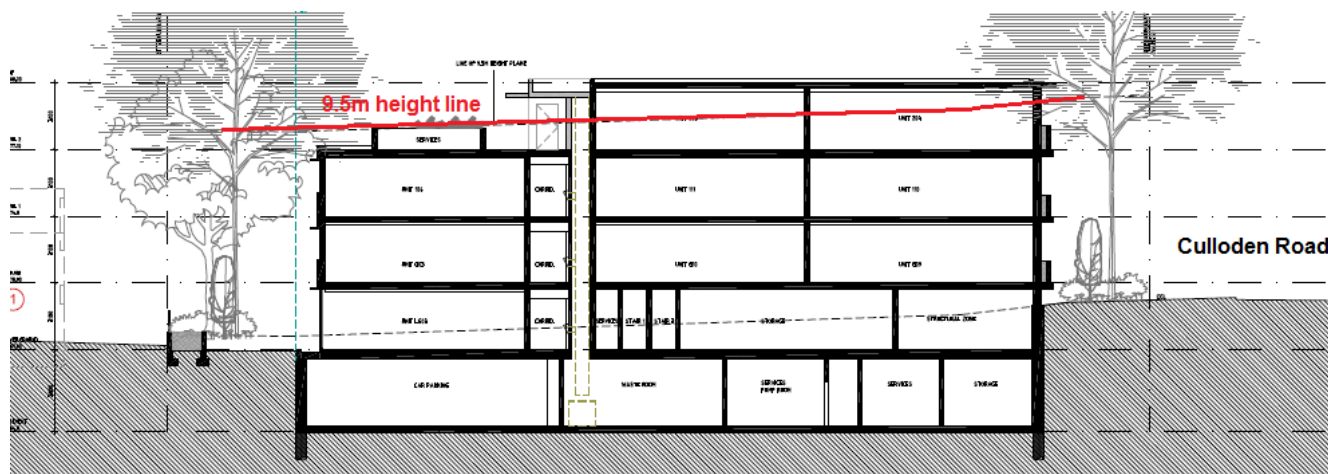


Figure 11: Cross section north to south, illustrating the non compliance.

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. A revised Clause 4.6 statement accompanied the amended plans dated 24 October 2017.

In respect to the Clause 4.6 variation the following key questions need to be addressed:

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

The proposal seeks to vary the Maximum Building Height 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 Clause 4.3 Building Height are considered below.

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

The applicant has provided the following comments:

*"Planning principles have established that in order for a development to be compatible it does not necessarily need to be the same (Project Ventures v Pittwater Council). There is no potential for this development to have a jarring effect in the streetscape. Instead the built form emulates the established residential themes whilst maintaining the rhythm of development by allowing for physical breaks when viewed from any vantage point. The streetscape character is enhanced due to the redevelopment of this site. The design, layout and form of the new development break down the scale of the facades as does the use of the proposed external building materials, colours and finishes together with the retention of the mature trees that soften and screen the development."*

**ITEM 7 (continued)**Planner's comment

Agreed - The proposal is not out of character with future redevelopment of the area. Although the proposal will be greater in height from the immediately adjoining buildings (part 3/part 4 storeys instead of 2 storeys), these buildings are likely to be redeveloped in the near future as a result of urban renewal. Along this section of Culloden and Waterloo Road, this development is among the first to undergo renewal however the proposal is not considered to be out of character with the residential character of the area. The proposed variation will be well setback from each street boundary and the variation does not greatly add to the bulk or scale of the building.

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

Planner's Comment

The proposed building will generally improve the appearance of the areas as it will result in the significant redevelopment of the site.

As illustrated in the overshadowing diagrams (Figures 14 to 16) the additional overshadowing from the variation is minimal and will not adversely impact on any adjoining properties. The adjoining property to the north – 146 Culloden Road will not be overshadowed from this development with most of the overshadowing occurring on Waterloo and Culloden Road reserve.

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

Planner's Comment

The building is well-sited, in proximity to frequent bus services and within walking distance to Macquarie University.

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

Planner's Comment

The proposal is acceptable with regard to overshadowing and impacts on the streetscape. This is primarily due to the orientation of the land and the recessed areas of non-compliance and that the primary areas of non-compliance located in the central part of the roof and not located on the edge.

**ITEM 7 (continued)**

(d) to emphasise road frontages along road corridors.

The applicant has provided the following comments:

*“The maximum height of development permissible in the immediate area is 9.5m for the R4 High Density Residential Development along Culloden Road.*

*The proposed built form is considered reflective of the high-density zoning of the land and appropriate for the site’s location. Planning principles have established that in order for a development to be compatible it does not necessarily need to be the same (Project Ventures v Pittwater Council). There is no potential for this development to have a jarring effect in the streetscape. Instead the built form proposed for this site mediates between the open space areas adjoining, the university accommodation to the south and the potential development of land to the north of the site along Culloden Road (zoned for higher density residential development). The existing development in this area appears to be similar to the existing development of the subject site – an underdevelopment of the land potential.”*

**Planner’s Comment**

Agreed - The site is located at the corner of Waterloo and Culloden Road. The proposal will emphasise the road corridor through allowing the redevelopment of the site. The areas of non-compliance are located such that they do not result in significant additional height visible from Waterloo Road or Culloden Road.

**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?"**

The proposal is permissible within the R4 high density zoning and achieves compliance with the objectives of the zones as identified within the assessment of the proposal against RLEP 2014. The proposed height non-compliance does not affect the proposal from achieving these objectives.

With regards to objectives 5(a)(i) and (ii) of the EP&A Act 1979, the proposal ensures fulfilment of these objectives as:

- The redevelopment of the site, notwithstanding the minor non-compliance, ensures that the proposal achieves proper management and development of cities through promoting social and economic welfare of the community and a better environment;
- The proposal, including the proposed non-compliance, supports promotion and co-ordination of the orderly and economic use and development of land. This is because the proposal has been designed with due regard to the sites surrounding context and the desired future character established by the RLEP and supporting RDCP 2014.

**ITEM 7 (continued)**

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 the proposal, despite not achieving strict adherence to all controls, is considered acceptable on a merits basis due to the nature of the site and the anticipated desired future character of the area.

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

Justifications provided by the applicant for the proposed variations are below:

*"In addition to achieving those objectives, the development standard is considered to be unreasonable and unnecessary having regard to the individual circumstances of the development proposed on the site. From an urban design perspective, the site is capable and warrants the relatively minor variation. Due to the slope of the site and the location of the non-compliance the additional height will not be discernible from any vantage point. It is designed to be a natural step-up in the development set within the central part of the roof and is not located on an edge interface with a neighbour. The design and layout of the proposal is a desirable planning outcome which fits an unusual shaped site which has a cross fall and as such satisfies the sufficient environmental planning grounds test.*

*The site, being a corner site, does not result in any isolation of adjoining smaller residential land parcels to the north and does not impact upon the open space areas to the east or west of the property.*

*The additional height is limited to the upper level, towards the middle of the site, located as the site falls from each street level. The areas of non-compliance are set well back from each street boundary. When viewing the building from street level the recessed upper level merges with the roof line of the building and provides a natural step up from street level. There are no edge effects of additional height along the street boundaries.*

*Overall, the development provides a better planning outcome for the particular site and also the surrounding area in terms of streetscape, rhythm of development and visual fit based on the particular urban collective in which it is located.*

*The benefits described above also demonstrate that compliance with the development standard is unreasonable and unnecessary when considered in the context of the development surrounding the site. Council has applied its development controls in a flexible manner in the past where development outside the controls form part of the urban fabric and character."*

**Planner's Comment**

Agreed - Compliance with the standard is considered to be unreasonable and unnecessary on the basis that compliance with the maximum height limit would not necessarily result in an improved outcome.



**ITEM 7 (continued)**

Additionally, the proposal does not have unreasonable impacts on surrounding properties as:

- The non-compliance does not have any significant impact on adjacent and adjoining properties as evidence in the shadow diagrams.
- The recessed nature of the non compliance in the centre of the site are unlikely to be visible from the public domain and as such, will not have an impact on the streetscape or other areas.
- The proposed non-compliance does not result in an exceedance in the floor space ratio.
- The proposal allows for sufficient separation to adjoining and adjacent developments to ensure that impacts of bulk and scale are reduced by the proposed non-compliance; and
- The majority of the additional overshadowing falls on road areas.

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

In considering environmental planning grounds, the applicant has identified the following:

- *Good visual fit and balance within the streetscape having regard to the desired future character of this area and particularly the Macquarie Park Corridor precinct adjoining the site. It is the ability to enhance the streetscape that provides an opportunity to justify variation of the HOB control.*
- *Ability to provide a contextually appropriate building and not create a dysfunctional neighbourhood character by isolating sites within a high-density zone.*
- *Variation of the controls does not unreasonably add to the bulk and/or scale of the proposal. The HOB variation does not itself create any significant adverse impact in terms of bulk or scale.*
- *Acceptable amenity is provided to all adjoining sites and separation distances are appropriate.*
- *The submitted plans demonstrate how this development and likely future development will work together to create the new high-density neighbourhood that is envisaged for this area. The variation to HOB in this case works well within the parameters of creating that neighbourhood.*
- *The surrounding vegetated tree canopy provides a green edge/backdrop to the site.*
- *The variation does not impose a burden on adjoining properties as a result of the variation.*

**Planner's Comment**

Agreed – the proposal does not have unreasonable impacts on surrounding properties for the reasons stated above and accordingly there are sufficient environmental planning grounds to justify the contravening the standard.

**ITEM 7 (continued)****6. “Is the objection well founded?”**

As detailed in above sections the proposed variation has been considered acceptable due to minimal environmental impacts on adjoining and adjacent properties and is considered to be well founded.

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

Due to the modest scale of the development and having regard to the site issues such as slope and vegetation constraints, the proposal provides a height departure which has minimal impact. This departure is not a matter for regional or state environmental planning. The proposal achieves a good urban design outcome and 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?”**

The non-compliance is considered to be minor and in locations which do not adversely impact upon surrounding development. There is no public benefit of strictly complying with the standard in this particular instance given the extent and location of the height departure.

The strict compliance of the development standard would not improve the function of the development, its appearance and or visual impact when viewed from private and public domains.

Maintaining the development standard would not provide any additional public benefit than what is proposed by the development (provision of housing close to public transport, education and shops).

**Conclusion**

The proposal is considered to generally be satisfactory with regards to the objectives of the building height controls and the R4 High Density Zone and as such, the proposed variation is supported.

## ITEM 7 (continued)

### Other provisions

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

Provision	Comment
Clause 5.1 Relevant acquisition authority	No part of the site is mapped as being reserved for acquisition for public purposes.
Clause 5.10 Heritage conservation	The site is not a heritage item however is within the vicinity of the Macquarie University (ruins) which is identified as a heritage item. Council's Heritage Officer has reviewed the proposal and supports the demolition of the existing building and the proposed construction of the new building (as amended). See Heritage Officer comments under "Referral" section of this report.
Clause 6.1 Acid sulfate soils	The site is located within Class 5 acid sulfate soils and is not within 500m of adjacent to Class 1, 2, 3, or 4 land. The preparation of an acid sulfate soils management plan is not required.
Clause 6.2 Earthworks	The proposed development includes excavation for one level of basement car park. Council's Senior Development Engineer has reviewed the submitted sediment and erosion control plan and it is considered satisfactory. <b>Condition 116</b> has been imposed requiring compliance with the measures proposed in the submitted plan.
Clause 6.4 Stormwater management	Council's Senior Coordinator Development Engineer has raised no objections to the proposed stormwater management system for the site, subject to engineering conditions. <b>Conditions 75 &amp; 115.</b>

### 5.3 Draft Environmental Planning Instruments

There are no draft planning instruments applicable to this site.

## ITEM 7 (continued)

### 5.4 City of Ryde Development Control Plan 2014

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

Note: The subject site is located outside the Macquarie Park Corridor accordingly is not subject to site specific controls provided under Part 4.5 Macquarie Park Corridor.

#### Part 9.3 - Car Parking

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

Residential Development - High Density (Residential Flat Buildings)

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

Based on the above, the proposal is required to provide between 31 to 43 spaces. It is proposed to provide 32 (25 residents and 7 visitor) spaces which is within the minimum and maximum range.

The Accessibility Report accompanying the application specifies that 4 of the units will be adaptable. Council requires that a disabled space be allocated to each of these units.

**Condition 57** has been imposed requiring the residential disabled car spaces are to be allocated to the adaptable units.

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

Based on the above, 3 bicycle spaces are required to be provided. The development incorporates 3 bicycle spaces.

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

#### Part 7.2 Waste Minimisation and Management

As the development involves the demolition and construction of buildings, the applicant submitted a Waste Management Plan (WMP). The WMP has been reviewed by Council's Waste Management Co-ordinator and Environment Health Officer and is considered satisfactory.

Appropriate conditions of consent will be imposed to ensure that the waste materials will be disposed of satisfactorily.

## ITEM 7 (continued)

In terms of waste collection, the amended design will allow for waste collection to occur on site with waste vehicles entering via a semi circular driveway at the north eastern corner of the site.

Council's Officers have considered the collection of waste from the basement however in this instance this would involve a redesign of the basement which would have resulted in the removal of more trees in the rear northern corner of the site and would have increased the height of the building.

Council has considered the issue of amenity impact to neighbours and future residents in term of noise and the applicant has provided an amended Acoustic Report by Renso Tonin & Associates. The report looked at the predicted garbage truck noise and made recommendations with regard to treatments to reduce internal noise levels to comply with the sleep arousal criteria. **Conditions 46** have been imposed to comply with the recommendations of the report and regard to ongoing waste management.

### Part 9.2 Access for People with Disabilities

The application includes an Access Compliance Report prepared by Building Control Group which states that subject to the recommendations contained in the report the development can readily comply with the requirements of the BCA/DDA (Access for People with Disabilities).

A total of 4 adaptable units are proposed to be provided, which is in accordance with Council's requirements. **Conditions 48 & 57** have been recommended requiring compliance with the recommendations of the Report and for the required adaptable units, each with an allocated disable parking space to be provided.

## 5.5 Planning Agreements OR Draft Planning Agreements

There is no planning agreement or draft planning agreement applicable to this application.

## 5.6 Section 7.11 - Development Contributions Plan – 2007 Interim Update (2014)

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:

- 21 x 1 bedroom units;
- 12 x 2 bedroom units and

### Note:

The studies areas are not capable of being used as bedrooms, accordingly they have not been included in the contribution calculation.

## ITEM 7 (continued)

The development includes the demolition of 7 x 3 bedroom units and a concession of such has been included in the Section 7.11 contribution calculations.

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$57,777.73
Open Space & Recreation Facilities	\$142,237.18
Civic & Urban Improvements	\$48,377.76
Roads & Traffic Management facilities	\$6,599.02
Cycleways	\$4,121.99
Stormwater Management Facilities	\$13,101.96
Plan Administration	\$ 1,111.21
<b>The total contribution is</b>	<b>\$ 273,326.85</b>

**Condition 38** requiring the payment of the above Section 7.11 contribution prior to the issue of any Construction Certificate has been included in the recommendation of this report and which will further be indexed at the time of payment if not paid in the same quarter.

### 5.7 Any matters prescribed by the regulations

Nil.

## 6. 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 requiring further consideration are discussed below.

### Built Form

The development is consistent with the built form objectives envisaged for the area. It provides a suitable bulk and scale for a development of this size, and provides a considerable contribution to additional housing in the area in a high-quality architectural design.

### Access and Traffic

The application was accompanied by a Traffic and Parking Report prepared by Ason Group. Council's Traffic Engineer has advised: *Therefore the proposed development is anticipated to produce 17 vehicle trips during the peak hour, hence the net increase in traffic generation of the proposed site will be 13 vehicles. This equates to 1 additional trip every 4-5 minutes. This is considered negligible on the network.* See full discussion under "Comments from Council's Departments".

Accordingly, from a traffic perspective the development will not result in any unacceptable traffic implications to the road network.

## ITEM 7 (continued)

### 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 84% of 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.

As illustrated by the overshadowing diagrams (Figures 10 to 12) there will be minimal overshadowing to adjoining properties. Due to the orientation of the land, the adjoining residential property to the north will have minimal overshadowing impact from this development. To the south of the site is the footpath and road.

### Visual Privacy

Visual privacy is another important consideration in respect of amenity.

The development is considered to provide adequate privacy between the proposed development and the adjoining northern property. This has been achieved by the required setbacks and building layout. Building separation is in accordance with ADG. Accordingly sufficient separation is provided to minimise any overlooking concern, and privacy screens have been provided along the northern elevation, off the north facing balconies, to alleviate adjoining residents' concerns.

### Construction Impacts

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Council's standard conditions of consent have been imposed to control the impact of the construction activities. See **Conditions 9, 29 to 35, 81 to 87, 93 to 98, 114 & 119.**

### Public Domain

Council's City Works & Infrastructure has advised that there are existing street lighting poles in Culloden Road and Waterloo Road which will need an upgrade to LED luminaire lights. **Conditions 69 & 70** have been imposed to ensure that the public domain is upgraded as part of this development consent.

## 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.

## ITEM 7 (continued)

### 8. The Public Interest

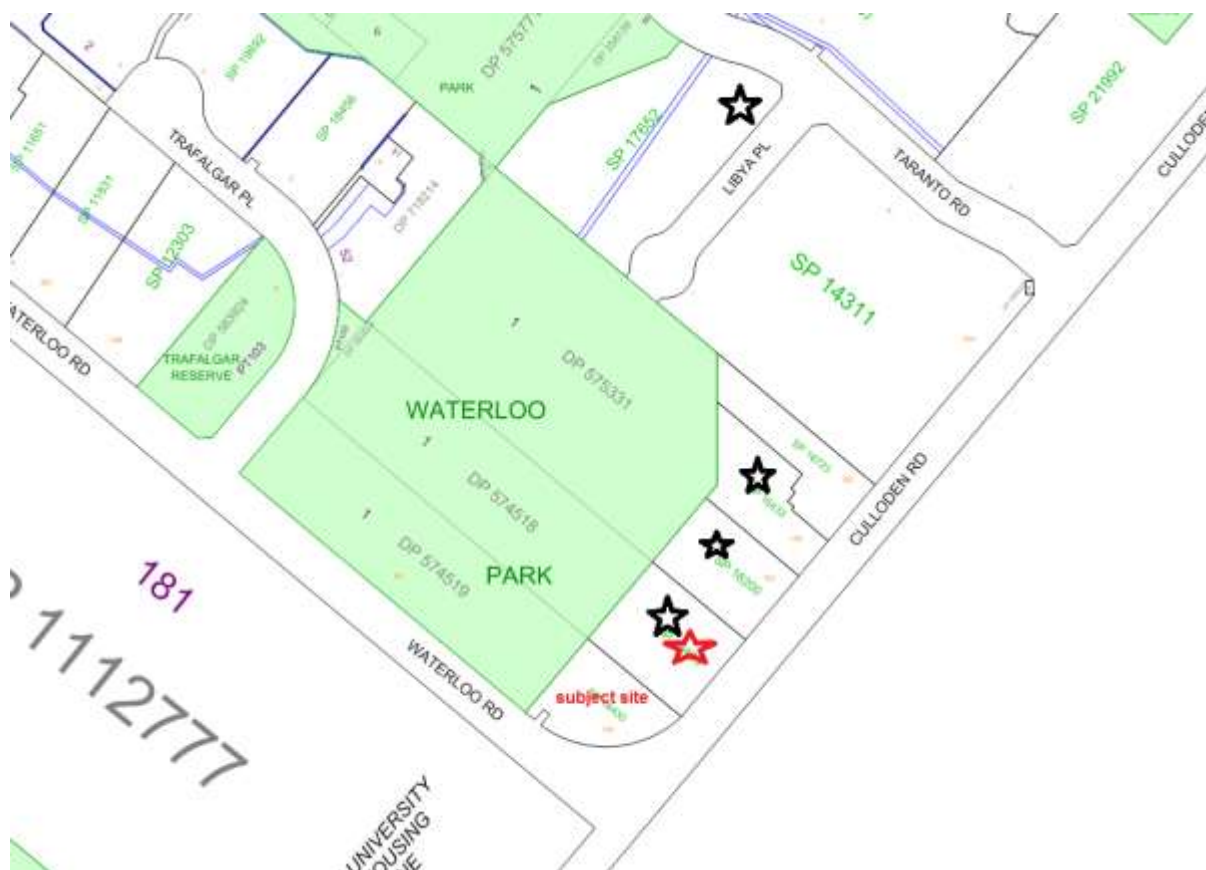
The development is considered to be in the public interest as it is reasonably consistent with the relevant planning controls. Where variations to the planning controls occur in terms of height, the proposed variation is not considered to have any potential impact to adjoining properties. The development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

### 9. Public Notification and Submissions

The development application was advertised in the Northern District Times on 14 June 2017 and notified between the period of 14 June 2017 and 5 July 2017. During this notification period Council received 12 submissions.

Amended plans were received on 24 October 2017, the proposal was re-notified from 9 November 2017 to 3 December 2017.

A total of two (2) submissions received objecting to the proposal during this period.



**Figure 12: Location where submissions were received. Black stars denote submissions received during the 1<sup>st</sup> round of notification. Red star denote the location of the submissions received after amended plans (2<sup>nd</sup> notification).**



**ITEM 7 (continued)**Response to Submissions

The following is a summary list of the issues raised and responses.

- *Non-compliance with height limit with the development considerably bulkier and higher than existing complex on site, out of character and scale with other buildings in the immediate vicinity (4 storeys vs 2 storeys)*

Comment

The proposal is for a part 3/part 4 storey development and generally complies with the height requirement however due to the fall of the land, there is a section of the building which is over the maximum height. The proposed non-compliance with the maximum building height is considered acceptable on a merits basis as detailed within this report. Critically the areas of non-compliance are unlikely to have significant impacts on surrounding properties and as such are considered acceptable.

The siting, location, context, neighbourhood character and the presentation of the proposed development were reviewed by the Urban Design Review Panel who has advised that *“the proposed apartment building at 140-144 Culloden Road, Marsfield is designed to respond cohesively to the existing neighbourhood and streetscape. Elements such as setbacks, building form, landscaping and building alignment are used to respond thoughtfully to the immediate locality. The proposal has been thoughtfully sited and is scaled well to neighbouring buildings and is appropriate for the context.”*

- *Decreased privacy to adjoining units*

Comment

The development is considered to provide adequate privacy between the proposed development and the adjoining properties. The proposal has provided the required setback from the side and rear boundaries and in addition to the required setback, privacy screens are proposed along the northern elevation of the balconies facing the adjoining site and **Condition 1(b)** has been imposed requiring a privacy screen for Units G05 and 106.

ITEM 7 (continued)

Adjoining property unit.

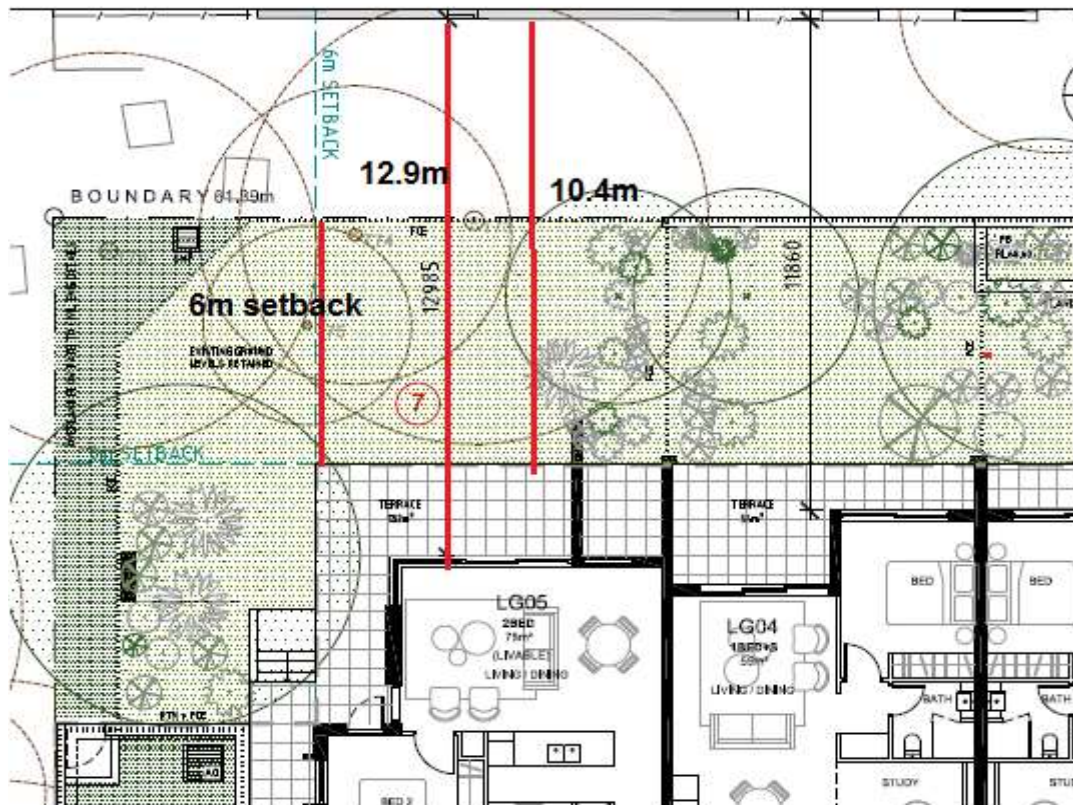


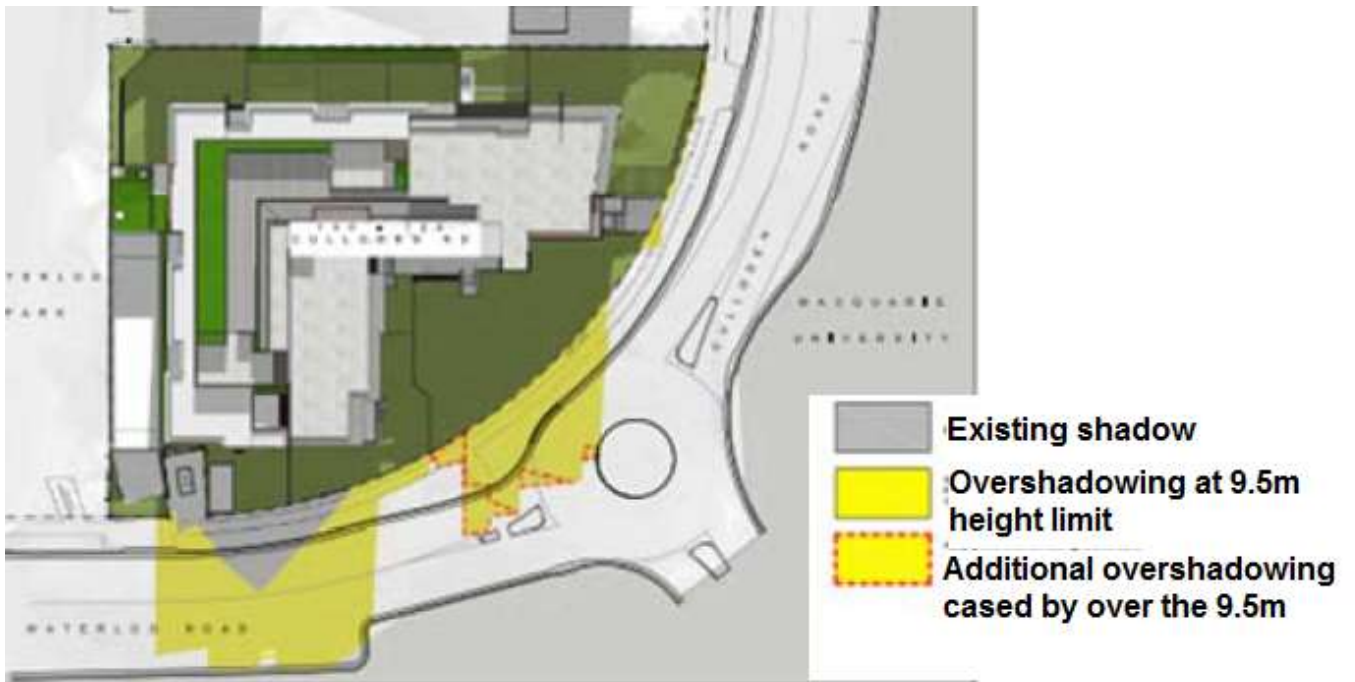
Figure 13: Separation between G105 and unit on the adjoining property. Proposal has provided the 6m setback required.

- *Overshadowing – extra two storeys added to the existing structure, will impact on my property.*

Comment

Due to the orientation of the land and with the adjoining residential property located to the north there will be minimal overshadowing impact to any residential properties. The shadow diagrams (shown below) illustrate that there will be no overshadowing to the units located on the northern side of the site. Overshadowing will occur along the footpath and on the road.

**ITEM 7 (continued)**



**Figure 14: Overshadowing at 9am on 21 June.**



**Figure 15: Overshadowing at 12 noon.**

**ITEM 7 (continued)**



**Figure 16: Overshadowing at 3pm.**

- *Increased traffic congestion at busy corner. Culloden Road is very busy... traffic halt if more units are allowed to be built at this junction.*

Comment

The development utilises the same driveway location as the current development. The Traffic Assessment, prepared by PDC Consultants, submitted with the DA assessed the development's compliance with the provisions of AS2890 in terms of access, driveway width, queueing length. In each case the development was found to be satisfactory.

Council's Traffic Engineer has advised that the proposed development is anticipated to produce 17 vehicle trips during the peak hour and the net increase in traffic will be 13 vehicles. This equates to 1 additional trip every 4-5 minutes which is considered negligible on the network. One additional vehicle every 4-5 minutes is not anticipated to have any impact in terms of queuing on any of the local surrounding roads or at the roundabout at Culloden Road.

Council's Traffic Engineer and Senior Co-Ordinator Development Engineering have raised no objections to the proposal.

**ITEM 7 (continued)**

- *Insufficient onsite parking*

Comment:

The proposal complies with Council's car parking requirement - the development is required to provide between 31 to 43 spaces. It is proposed to provide 32 (25 residents and 7 visitor) spaces which is within the maximum range. Adequate car parking for residents and visitors will be provided on the site.

- *Construction phase – noise, dust, security concerns, asbestos removal*

Comment:

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Similar to any major redevelopment work, some level of inconvenience/impact may result once the construction commences. However, to address the issue Council's standard conditions of consent have been imposed to control the impact of the construction activities. These will include hours of operation, safety, security and compliance with the requirements for professional and safe removal of any asbestos based materials (if applicable). See **Conditions 9, 29 to 35, 81 to 87, 93 to 98, 114 & 119.**

- *Potential undermining of adjoining buildings*

Comment:

To ensure that any damages to the property from the proposed development is recorded and repair works undertaken, **Condition 77** has been imposed requiring a dilapidation report to be undertaken on the adjoining site.

- *Too many trees to be removed and loss of habitat*

Comment:

An Arborist Report was submitted with the DA. It identified and assessed all the trees onsite. The Urban Design Review Panel supports the retention and removal of trees in the proposal, with strong commendation on it being a carefully sited development to allow retention of the mature trees along the street frontage. While four (4) additional trees are required to be removed in the amended plans to accommodate Council's waste management requirements for access of waste vehicles into the site, they are mostly of medium to low value trees.

Council's Consultant Landscape Architect has made the following comments:

*"The proposal includes the removal of a total of forty trees of which thirty are classified as high category trees given their good health and condition and landscape significance. The removal of these trees will have a negative impact to the overall amenity, landscape character and canopy cover on site and as such will require replacement as per the condition recommended. Where possible those high category trees capable of retention have been retained and incorporated into the landscape scheme.*

**ITEM 7 (continued)**

*It is noted for reference that those trees to be removed appear to be all planted specimens forming part of existing landscape buffer plantings. Additionally, existing trees on site have been planted at very high densities considering the species mature heights seeing many of those trees to be removed not of typical form or structure due to suppressed from. With regards to trees to be retained on the subject site and adjoining allotments, this is supported provided appropriate tree protection is carried out. As such, a suite of detailed conditions has been provided to ensure appropriate protection and is carried out.*

*None of those trees to be removed are classified as an 'endangered', 'critically endangered' or 'vulnerable' species under the Biodiversity Conservation Act 2016. It is noted that two (2) Eucalyptus saligna (Sydney Blue Gum) are proposed for removal which do form part of an endangered ecological community within the Ryde local government area being Sydney Blue Gum High Forest, however given these are single isolated trees in a highly modified environment without a native understorey they falls outside the definition of the Sydney Blue Gum High Forest ecological community.*

*It is noted for reference that the amended plans submitted include a design which will necessitate the removal of an additional three (3) high category and two (2) low category trees which could have been maintained under the original proposal.*

*Given the number of trees being removed as part of this application, it is considered important that replacement planting is carried out as part of the future landscape works should the development proceed in its current form. Whilst it is acknowledged that forty (40) trees are to be removed, it is not considered that a 1:1 replacement planting ratio is suitable in this instance given the existing mature tree plantings to be retained and the available space and rooting volumes following construction of the new building. Accordingly, it is recommended that a minimum ten (10) replacement canopy tree plantings be provided on site to ensure adequate replacement canopy cover and amenity to the site".*

Given that replacement planting will be required (See **Condition 52**) and the fact that the development has been sited to retain as many trees as possible, the proposed development is considered satisfactory.

- *Noise from outdoor communal terrace area – adverse impact.*

**Comment:**

The communal outdoor terrace area is located on Level 2 at the rear of the development, with a separation of 15.5m between the outer edge of the communal open space and the adjoining residence at 146 Culloden Road.

The issue of loss of privacy, both noise and overlooking to the adjoining northern property (146 Culloden Road) is not considered to be an issue. The roof top communal open space area has been adequately screened with shrubs. The setback distance and screening as provided exceed the building separation requirements in the Apartment Design Guide and will ensure acceptable distances to maintain privacy.

ITEM 7 (continued)

Adjoining property - 146 Culloden Road

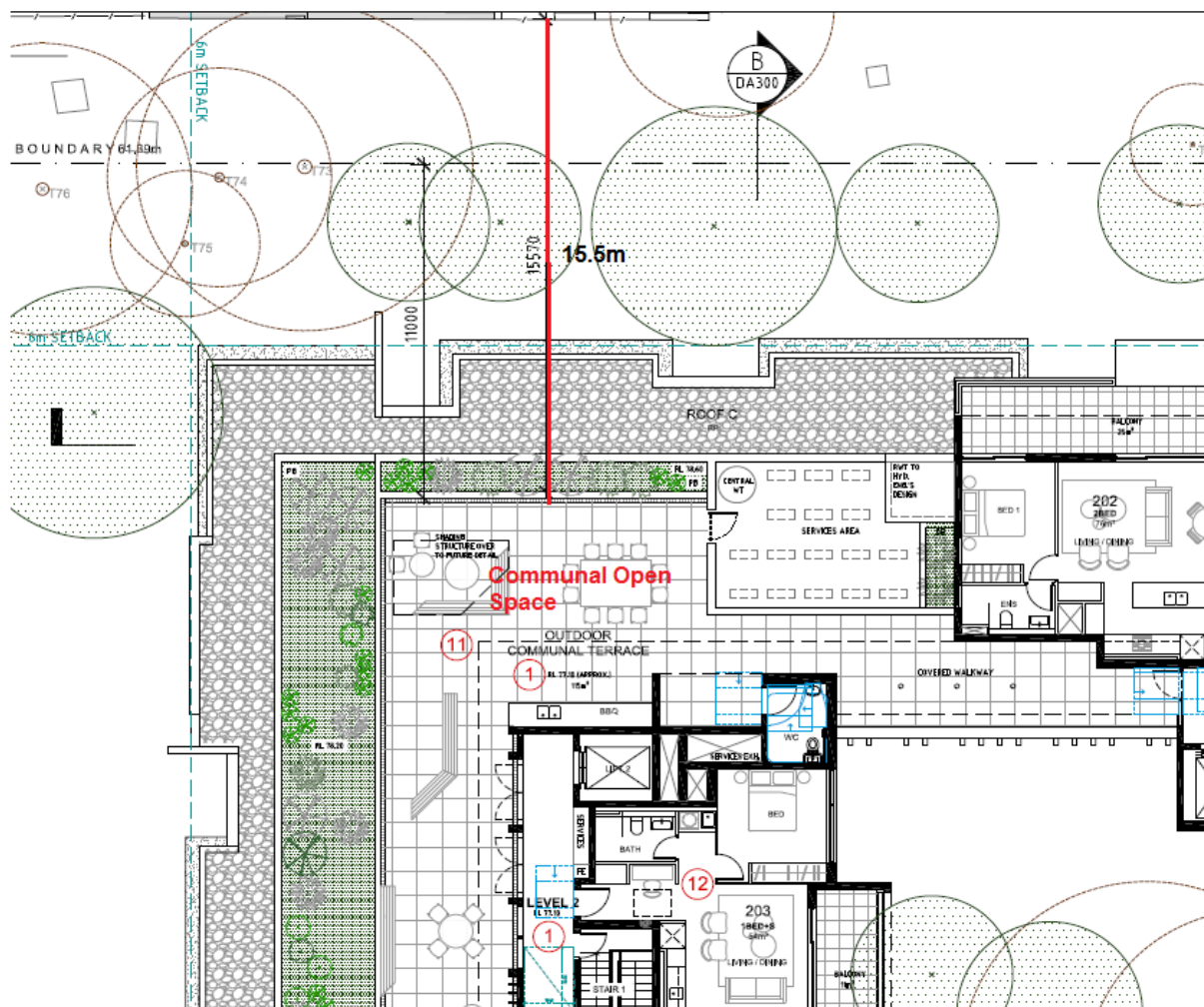


Figure 17: Location of the roof top terrace and separation distant between the terrace and the adjoining residential property.

- Should be designed for owner occupied (2 or 3 bedrooms) rather than small size one bedroom. Proposal has higher percentage with one bedroom + study (designed for student). More homes should be designed for owner occupation with 2 or 3 bedroom rather for investment.

Comment:

The proposal is for 1 & 2 bedroom units with the internal area complying with the minimum unit size, as required by the Apartment Design Guide.

It is acknowledged that there are no 3 bedroom units proposed and whilst a mixture of unit types are encouraged, it is not a mandatory requirement. The issue of selling the units to investors or owner occupiers is not a planning consideration under the Environmental & Planning Assessment Act, 1979.

**ITEM 7 (continued)**Submissions re: Amended Plans

Amended plans and amended documentations were submitted and the proposal was re-notified from 9 November 2017 to 3 December 2017.

The amended plans received 2 submissions. The submissions raised the same issues as discussed above.

**10. Referrals**Internal Referrals:

**Development Engineer: 17 January 2018:** Council's Senior Co-ordinator Development Engineering Services has made the following comments:

*Stormwater Management*

*The proposed stormwater management system for the development looks to discharge to inground drainage infrastructure in the adjoining public reserve and incorporates an onsite detention system. Standard conditions are applied.*

*Vehicle Access and Parking*

*A review of the parking area notes;*

- *The proposed vehicle access is noted to be 4.7m wide and is less than the minimum 5.5m wide entry required to accommodate opposing vehicle flows. The applicant's traffic consultant has noted that the access is constrained by a large tree located on the western side of the driveway, a large Telstra manhole adjoining the western side of the footpath crossover and the electrical substation kiosk on the eastern side. The arrangement is accepted given the following;*
  - *Relocation of the vehicle access further east was considered in the assessment though this would create traffic safety issues due to the presence of the large roundabout at the Culloden Road / Waterloo Road intersection,*
  - *The vehicle access is currently existing and has not presented any traffic safety issues,*
  - *There is adequate sight distance on approach to the access point such that in the event a vehicle is required to stand in the road, allowing an opposing vehicle to depart, this should not present a traffic safety issue.*
  - *Further to the above, it is likely residents will predominantly perform a left turn exit, U-turning around the roundabout in lieu of attempting to turn right.*



**ITEM 7 (continued)**

- *The consultants applicant has presented that the development is residential and therefore traffic flows are tidal (dominant in one direction at alternate peak periods) and therefore the potential for opposing traffic flows is reduced.*
- *Further to the above, the development provides a single lane driveway from the vehicle access down to the basement garage. The applicants consultant has proposed an internal traffic signal system and internal waiting bays to ensure the appropriate management of traffic flow. Conditions concerning the design and construction of this system are advised.*
- *A review of vehicle access to spaces notes that all access aisles are compliant with AS 2890.1 though a portion of spaces in the south leg may require an additional manoeuvre when exiting the space in order to realign with the access ramp. This manoeuvring is minimal and does not pose a concern.*

*The developments parking demands are noted to be;*

<b>Unit Type</b>	<b>Quantity</b>	<b>Min.</b>	<b>Max.</b>	<b>Visitors</b>
Studio	0	0	0	
1				
Bedroom	21	12.6	21	
2				
Bedroom	12	10.8	14.4	
3				
Bedroom	0	0	0	
<b>TOTALS</b>	<b>33</b>	<b>23.4</b>	<b>35.4</b>	<b>6.6</b>
		(24)	(36)	(7)

*Accessible Spaces  
Req. (4)*

*The development provides 25 residential spaces (inc 3 disabled & 1 accessible) and 7 visitor spaces and therefore complies with the Council requirements.*

**Waste and Service Requirements**

*In response to concerns regarding the waste servicing of the development and the limited ability from which to provide this from the street frontage, the applicant has revised the plans to accommodate a service bay on the eastern end of the property. It is understood that Council's Waste and Traffic section are satisfied with the arrangement and given the lack of alternative option due to the road conditions (roundabout) and that site levels prevent practical accommodation of these services in a basement level, the arrangement is accepted.*

**ITEM 7 (continued)***Flooding and Overland Flow*

*Council's Civil Infrastructure & Integration section have noted that there is some slight flood affectation adjoining the site through the park. They have advised a crest threshold to be implemented on the vehicle access ramp and this is noted to have been implemented in the revised plans. No further conditions are warranted in this regard.*

*Recommendation*

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

**Landscape Officer: 17 November 2017:** Council's Consultant Landscape Architect has reviewed the proposal and has made the following comments:

*An Arboricultural Impact Assessment has been submitted with the subject application prepared by Naturally Trees, dated the 20<sup>th</sup> April 2017. This assessment has identified eighty-one (81) trees located on the subject site and neighbouring allotments which may be impacted by the proposed development. Of the eighty-one (81) trees identified, thirty-five (35) trees located on the subject site are recommended for removal due to unsustainable levels of impact from construction works.*

*It is noted amended plans have been received which indicate a further five (5) trees, being Tree 4, 5, 6, 8 & 15 will require removal as part of the works due to a revised design and layout. Accordingly, a total of forty (40) trees located on site are now proposed for removal.*

*A total of thirty-one (31) trees considered to be high category will require removal as part of the proposal. These trees are generally of good health and condition and medium to high retention values. The plans indicate that the level of construction works within the Tree Protection Zones (TPZ) will render these trees incapable of being retained due to high levels of disturbance to the root zones. This is primarily the result of basement excavations and an increased building footprint resulting in both above and below ground conflicts. The removal of these trees will result in a substantial loss of amenity and canopy cover to the site and will require replacement should the development be approved to ensure the canopy cover to the site is appropriately re-established and the landscape character of the area is not affected in the long term. It is noted for reference that these trees appear to all be planted specimens which formed part of the original site landscaping concentrated to the periphery of the site within landscaped buffer zones.*

*An additional nine (9) trees considered to be low category have been identified which will require removal as part of the proposed works. These trees are generally of poor health or condition or have been assessed as being not significant and not worthy of retention. Given the low retention value of these trees and ability to be replaced as part of future landscape works, removal of these trees is supported.*

**ITEM 7 (continued)**

*None of those trees to be removed are classified as an 'endangered', 'critically endangered' or 'vulnerable' species under the Biodiversity Conservation Act 2016. It is noted that two (2) Eucalyptus saligna (Sydney Blue Gum) are proposed for removal which do form part of an endangered ecological community within the Ryde local government area being Sydney Blue Gum High Forest, however given these are single isolated trees in a highly modified environment without a native understorey they falls outside the definition of the Sydney Blue Gum High Forest ecological community.*

*It is noted for reference that the amended plans submitted include a design which will necessitate the removal of an additional three (3) high category and two (2) low category trees which could have been maintained under the original proposal.*

*Given the number of trees being removed as part of this application, it is considered important that replacement planting is carried out as part of the future landscape works should the development proceed in its current form. Whilst it is acknowledged that forty (40) trees are to be removed, it is not considered that a 1:1 replacement planting ratio is suitable in this instance given the existing mature tree plantings to be retained and the available space and rooting volumes following construction of the new building. Accordingly, it is recommended that a minimum ten (10) replacement canopy tree plantings be provided on site to ensure adequate replacement canopy cover and amenity to the site. See **Conditions 52 & 53.***

**Note:** Whilst from a landscape perspective, the original design (garbage collection from the site) is considered preferable given the amended plans for the new waste services driveway, will require 5 additional trees to be removed. However it is not possible to relocate the garbage collection to the basement and "no stopping" restrictions exist along the site's frontage, accordingly the proposed garbage collection near the north eastern frontage is the best option.

**Open Space: 15 June 2017:** The development proposal was referred to Council's Open Space Planning & Development who has made the following comments: *Construction of the proposal will impact the following trees in Waterloo Park, trees 50, 51, 52, 53, 54, 56 & 57. These trees are located next to excavations for the construction of the driveway and building. The Arborists report prepared by Naturally Trees, dated 20 April 2017 refers to the above trees as being important trees. These trees need to be retained and protected during construction. In order to protect these trees a condition of consent needs to state that the above group of trees are to be monitored during construction works and for a period of 12 months at the completion of the works by a qualified arborist to ensure their ongoing health and survival. See **Condition 100.***

**Heritage Officer: 9 June 2017:** The development proposal has been referred for heritage consideration as the subject site is within the vicinity of the 'Macquarie University (ruins)', which is an item of heritage significance, listed on Schedule 5 of the *Ryde LEP 2014*.

**ITEM 7 (continued)**

Council's Heritage Officer has advised that no objections are raised to the development proposal on heritages grounds.

**City Works and Infrastructure – Public Works: 5 March 2018**

**Drainage:** No objections subject to standard conditions.

**Traffic and Development Engineer:** Council's Traffic and Development Engineer has reviewed the proposal and the submissions received with regard to the traffic and parking for the proposed development. The following comments are made:

*The location of the residential access is deemed adequate as it is in the approach to the roundabout.*

*Further the applicant has provided an external loading bay still within the site boundary. Extensive review and negotiations have occurred regarding this component of the proposal. It has since been deemed suitable based on a redesign of the service access arrangement to compliment the future roundabout upgrade at the intersection of Waterloo and Culloden Road. The Applicant has designed the access in such a way that the intended fill at the service access will not impact the clearance of service vehicles entering/exiting the service bay.*

*Additionally, the location of the service bay was reviewed as part of a safety check. The check identified some minor items to be amended. This included the access driveway being moved further south toward the round about whilst maintaining the 6.0m clearance from the intersection. Also a reassessment of the swept path was undertaken to show the vehicle avoiding impact of the kerb and gutter and also avoiding any potential pedestrian conflicts. This is now deemed satisfactory. No objections subject to **Conditions 65 & 66**.*

*Currently the site is comprised of 7 residential apartments. The RMS Guide recommends application of a peak period traffic generation rate of 0.4-0.65 trips / hour / apartment, for medium-density residential flat buildings.*

*Application of an average of rate of 0.5 trips per hour per apartment means that the existing site is generating 4 vehicle trips in the peak hours.*

*The proposed development intends to provide 33 residential apartments. The RMS Guide defines a high-density residential flat building as a development comprising more than 20 apartments, with a height of no less than 6 storeys. Given that the proposed development comprises only 3-4 storeys, it is considered appropriate that the medium density residential flat building traffic generation rates be applied, noting that this would provide a more conservative estimate of the expected traffic generation.*

*Similarly to the existing scenario, this would relate to 0.5 trips per hour per unit.*

**ITEM 7 (continued)**

*Therefore the proposed development is anticipated to produce 17 vehicle trips during the peak hour. Hence the net increase in traffic generation of the proposed site will be 13 vehicles. This equates to 1 additional trip every 4-5 minutes. This is considered negligible on the network. Further, 1 additional vehicle every 4-5 minutes is not anticipated to have any impact in terms of queuing on any of the local surrounding roads.*

**Public Domain:** From a public domain perspective there are no objections to approval of this application subject to **Conditions 69 & 70**.

**Waste:** No objections subject to **Conditions 67 & 68**.

**11. Conclusion**

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. The proposal provides an opportunity to redevelop the site with a contemporary residential apartment building that is consistent with the Apartment Design Guide and strategic intentions of the associated planning controls that have been adopted for the locality by the Council. The proposed development was amended as per the recommendations of the UDRP which provide a high degree of amenity for future occupants in terms of access to public transport, education and the shopping centre.

The site is zoned R4 High Density Residential under Ryde LEP 2014 and the development results in one variation to the development standards contained in Ryde LEP 2014 in respect to the overall height of the building. The height exceedance is not considered to have an unreasonable impact to adjoining properties in terms of overshadowing or overlooking nor is the development out of character with the immediate area. Accordingly, given the circumstance of the case, the applicant has provided a Clause 4.6 variation which is supported.

The development will require the removal of 40 trees from the site. Council's Consultant Landscape Architect has noted that whilst 31 of these trees are considered to have high to medium retention value, none of them are classified as "endangered" or "vulnerable" species. The loss of these trees are unavoidable given the proposed excavation and the increased building footprint however replacement planting will ensure adequate replacement canopy cover and amenity to the site is maintained. Accordingly with the imposition of conditions for replacement planting and tree protection, the landscape character of the area will not be adversely impacted on in the long term.

The development generally complies with the relevant planning controls except for the building depth, building separation and setbacks. Notwithstanding the proposed variations, the proposal provides for acceptable amenity. The variations are not considered to adversely impact adjoining properties or the streetscape character of the area. The UDRP have raised no concerns in this regard, the proposed design is considered reasonable in the circumstances.

**ITEM 7 (continued)**

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

**12. Recommendation**

Pursuant to Section 4.6 of the Environmental Planning and Assessment Act, 1979, the following is recommended:

- A. That the Local Planning Panel grant consent to development application LDA2017/191 for the construction of a residential apartment building development at 140-144 Culloden Road, Macquarie Park, subject to the Conditions of Consent in Attachment 1 of this report; and
- B. That those persons making a submission in the second round of notification be advised of the decision.

Report Prepared By:

**Sandra McCarry**  
**Senior Town Planner**

Report Approved By:

**Sandra Bailey**  
**Senior Coordinator - Major Development**

**Vince Galletto**  
**Acting Manager - Assessment**

**Liz Coad**  
**Acting Director - City Planning and Development**

**ATTACHMENTS**

- 1** Draft Conditions of Consent
- 2** A3 Plans – subject to copyright provisions – CIRCULATED UNDER SEPARATE COVER

**ITEM 7 (continued)**

**ATTACHMENT 1**

**Draft Conditions of Consent – 140-144 Culloden Road, Marsfield  
LDA2017/0191**

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:

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Cover Sheet	05/10/17	DA000 Issue C
Site Analysis Plan	05/10/17	DA002 Issue C
Basement Plan	05/10/17	DA100 Issue C
Lower Ground Floor	05/10/17	DA101 Issue C
Ground Floor Plan	20/02/18	DA102 Issue E
Level 1 Plan	19/12/17	DA103 Issue D
Level 2 Plan	05/10/17	DA104 Issue C
Elevations 01	19/12/17	DA200 Issue D
Elevations 02	19/12/17	DA201 Issue D
Elevations 03	05/10/17	DA202 Issue C
Sections 01	19/12/17	DA300 Issue D
Roof Plan	05/10/17	DA105 Issue C
Services Loading Bay	20/02/18	
Material Finishes	24/08/17	DA400 Issue B
Concept Fence Details	24/08/17	DA800 Issue A
Landscape Plan Cover Sheet	23/10/17	L/00
Landscape Plan – Lower Ground Level, Ground Level, Level 1 & Level 2.	23/10/17	L/01, L/02, L/03 & L/04

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

- (a) **Rooftop Services Area Planting.** The planting located within the southernmost services area of the rooftop is to be deleted. Details of compliance are to be shown on the plans for Construction Certificate.
- (b) **Privacy Screen.** To ensure privacy is maintained between the proposed development and the units at 146 Culloden Road, the following privacy measures are to be implemented:
- the northern elevation of balconies of apartments G05 & 106 are to be provided with privacy screen/louvers. The louvers are to have no individual opening more than 30mm wide, and a total area of all openings that is no more than 30% of the surface area of the screen or barrier.

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

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.

**ITEM 7 (continued)**

**ATTACHMENT 1**

3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 776775M\_02 dated 5 December 2017.
4. **Breezeway.** The breeze way corridor is not to be enclosed without Council's prior consent.
5. **Study Rooms.** The study rooms are to be fitted with built in desk and is not to be closed off so as to be capable of being used as a separate bedroom.
6. **Floor Levels.** The proposed basement car park driveway and habitable floor levels shall be in accordance with the architectural drawings dated 5 October 2017 and prepared by PBD Architects
7. **Flood Impact.** The applicant shall carry out the recommended works in the Flood Impact Statement letter dated 28 August 2017 and prepared by Partridge Hydraulic Services Pty Ltd.
8. **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.
9. **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.
10. **Hoardings.**
  - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
  - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
11. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
12. **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.
13. **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.



**ITEM 7 (continued)**

**ATTACHMENT 1**

14. **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.
15. **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.
16. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.
17. **Design and Construction Standards** – All engineering works shall be carried out in accordance with the requirements as outlined within Council's DCP 2014 Part 8.5 *Public Civil Works* and relevant Development Control Plans except as amended by the conditions herein.
18. **Service Alterations** – All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the applicant's expense.
19. **Construction Staging** – For any staging of the public domain works, the applicant shall provide a detailed construction management and staging plan.
20. **Notification of adjoining owners & occupiers – public domain works** - The Applicant shall ensure that the adjoining owners and occupiers are given prior written notice (by registered post) of when construction works will occur. The notice is to include a contact number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.
21. **Public areas and restoration works** - Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP 2014 *Public Civil Works*.

**ITEM 7 (continued)**

**ATTACHMENT 1**

22. **Driveway Construction.** The portions of driveway located within the Tree Protection Zones of those trees to be retained on site must be constructed entirely above the existing ground level with no excavation to take place. Any fill necessary for construction is to be gap graded structural soils which allows for gaseous exchange and future root growth. The Project Arborist is to confirm suitability of the proposed material prior to installation.

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

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

24. **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.

25. **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 prior to the issue of any Occupation Certificate.

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

**ITEM 7 (continued)**

**ATTACHMENT 1**

**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.

**26. Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:

- (a) Council must be notified of the following particulars:
  - (iii) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
  - (iv) 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.

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

**28. Excavation**

- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with Safework NSW in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

**29. 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.

Due to heavy traffic congestion throughout Macquarie Park, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the DTMP.

The DTMP must:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. The DTMP is to be adhered to at all times during the project.

**ITEM 7 (continued)**

**ATTACHMENT 1**

- iii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- iv. 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
- v. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- vi. 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.
- vii. 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.
- viii. 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.
- ix. Specify spoil management process and facilities to be used on site.
- x. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xi. The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”, Council’s DCP 2014 Part 8.1 (Construction Activities) and Council’s DTMP checklist. A copy of Council’s DTMP checklist shall be obtained from Council’s Traffic, Transport and Development Department prior to submission of DTMP.
- xii. 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 to the site.

**ITEM 7 (continued)**

**ATTACHMENT 1**

30. **Implementation of Demolition Traffic Management Plan.** All works and demolition activities are to be undertaken in accordance with the approved Demolition Traffic Management Plan (DTMP). All controls in the DTMP 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 DTMP be impacted by surrounding major development not encompassed in the approved DTMP, the DTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved DTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
31. **Identification and removal of hazardous materials.** Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
32. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.
33. **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.
34. **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. Demolition & Construction material must be managed in accordance with the approved waste management plan.
35. **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.
36. **Tip dockets.** Tip Dockets identifying the type and quantity of waste disposed/recycled during demolition are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.
37. **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.
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.

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**ATTACHMENT 1**

**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.

39. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$57,777.73
Open Space & Recreation Facilities	\$142,237.18
Civic & Urban Improvements	\$48,377.76
Roads & Traffic Management facilities	\$6,599.02
Cycleways	\$4,121.99
Stormwater Management Facilities	\$13,101.96
Plan Administration	\$ 1,111.21
<b>The total contribution is</b>	<b>\$ 273,326.85</b>

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 Interim Update (2014), effective from 10 December 2014.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

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

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

40. **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**.
41. **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**.
42. **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)
43. **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
44. **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**.
45. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.
46. **Acoustic Protection.** The development must be acoustically designed and constructed in accordance with the acoustical treatments nominated in the Acoustical Assessment Report by Renzo Tonin & Associates (Project No TJ583-01F02 dated 12 October 2017 and any related project documentation must be implemented. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.
47. **Compliance with Geotechnical Report.** All design and construction works be carried out in accordance with the recommendations contained in the Geotechnical Assessment Report prepared by Assetgeo dated 14 February 2017.

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**ATTACHMENT 1**

48. **Compliance with Access Report.** The development is to comply with the requirements contained in the Accessibility Report prepared by Building Control Group dated 27 April 2017. The development is to comply with the Access to Premises Standard 2010, BCA 2014 and Australian Standard AS 1428.1 – 2009 Design for Access and Mobility – General Requirements For Access -New Building Work. Australian Standard AS 4299 – 1995 Adaptable Housing. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
49. **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**.
50. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 - Fences. Please note: the northern front return fence is not to be more than 1.2m, as marked in red on Architectural Plan DA102 Issue E. Details of compliance are to be provided in the plans for the **Construction Certificate**.
51. **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.
52. **Replacement Planting.** A minimum of ten (10) locally native canopy trees of minimum 75 Litre pot size are to be included within the open space areas on site as compensatory planting for those trees to be removed. Details of compliance are to be shown on the plans for **Construction Certificate**.
53. **Tree Protection Plan and Specification.** A dedicated and detailed Tree Protection Plan & Specification is to be prepared by a minimum AQF Level 5 consulting Arborist which provides details and guidance as to how existing trees to be retained are to be protected during construction. This is to take into consideration all trees on site, within the neighbouring allotments and within the adjoining Waterloo Park which may be affected by the proposed construction works. This document is to be prepared prior to the issue of **Construction Certificate**.
54. **Retaining Wall Construction.** Any retaining wall construction necessary within the Tree Protection Zones of trees to be retained is to utilise a construction technique which minimises the level of impact to existing tree roots such as pier and beam with a suspended beam, modular concrete sleepers with steel post supports or gravity wall. The design and method of construction is to be reviewed and approved by the Project Arborist as part of the **Construction Certificate**.



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55. **Soil Depth over Structures.** Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Apartment Design Guide. Information verifying that the development complies with these requirements to be provided on the Construction Certificate plans.
56. **Irrigation.** An automatic watering system is to be supplied to all landscape areas including common areas, private open spaces to ensure adequate water is available to lawns and vegetation. Irrigation systems shall be fully automated and capable of seasonal adjustments. Details are to be submitted prior to the issue of Construction Certificate.
57. **Adaptable Units.** Four 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.
58. **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.
59. **Vehicular entry.** The vehicular entries are to have high quality finishes and detailing to the walls and ceiling. Service ducts or pipes are to be covered and not visible from any public domain. Details demonstrating compliance is to be submitted on the Construction Certificate plans.
60. **Design verification in respect of SEPP 65.** 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.
61. **Evidence of connection by gravity flow.** Documentary evidence from a professional hydraulic engineer or other suitably qualified person demonstrating that all of the premises will be connected directly to the sewerage system by gravity flow must be submitted with the application for the **Construction Certificate**.

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62. **Ventilation of Car park:** The basement car park must be provided with an adequate system of natural or mechanical ventilation complying with Building Code of Australia. Any ventilation screens are to be integrated into the façade and landscape design. Details to be submitted to the PCA prior to the issue of the Construction Certificate. Details of the all proposed mechanical ventilation system must be submitted to Council or an accredited private certifier with the application for the Construction Certificate. Such details must include:

- a. Plans and specifications of the mechanical ventilation system
- b. A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, air intakes, exhaust outlet and natural ventilation openings.

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

64. **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 any Construction Certificate.

Due to heavy traffic congestion throughout Macquarie Park, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CTMP.

The CTMP 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. Make provision for parking onsite once basement level is constructed. All Staff and Contractors are to use the basement parking once available.
- iv. 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.
- v. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- vi. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- vii. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.

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- viii. 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 submitted to Council prior to work commencing on site.
- ix. Specify spoil management process and facilities to be used on site.
- x. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xi. The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”, Council’s DCP 2014 Part 8.1 (Construction Activities) and Council’s CTMP checklist. A copy of Council’s CTMP checklist shall be obtained from Council’s Traffic, Transport and Development Department prior to submission of CTMP.
- xii. 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 Construction 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 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 to the site.

- 65. Waste and Service Vehicle Access.** Access to the on-site loading bay area including ramp grades, transitions and height clearance shall be designed for safe forward in and forward out access of 11m Council’s waste vehicle, as a minimum requirement. The height clearance required is 4m, measured from the floor level to any overhead structures such as pipes. Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 11m Council’s waste vehicle shall be submitted to and approved by Council’s Traffic Engineer prior to the issue of the Construction Certificate. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.
- 66. Waste and Service Vehicle Access – Civil Drawings.** Suitably prepared civil drawings demonstrating access arrangements for waste and delivery service vehicles must be submitted to and approved by Council prior to the issue of any Construction Certificate. The plans must ensure that proposed driveways at Culloden Road are compatible with proposed levels associated with the proposed two-lane roundabout at Waterloo Road and Culloden Road.

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67. **Waste Management.** Any changes to the Waste Management Plan or DA 102 Issue E plans which were utilized to evaluate the waste collection by Council, have to be approved by the Waste Department at the City of Ryde Council before the issue of a Construction Certificate to ensure the waste collection is not affected. Compaction of waste and recycling is not permitted.

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

- 660L Bins – width 1.3m, depth 0.8m, height 1.3m
- 240L Bins – width 0.6m, depth 0.8m, height 1.1m
- An On-site storage area 5m<sup>2</sup> must be provided for the storage of bulky waste items awaiting collection. Suitable details must be clearly shown on the approved plan before the issue of any Construction Certificate
- 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.

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- (k) Where there is a lockable door to access a bin room or hardwaste storage room, the universal Council key should be installed so the contractor can access the room for servicing bins or collect the household cleanup items.
- (l) 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 maneuvered to the collection point and located no more than 15metres from the collection point for access by the collection contractor.

**69. Public domain improvements** - The public domain is to be upgraded along the Waterloo Road and Culloden Road frontages of the development site in accordance with the City of Ryde standards and requirements, 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. New street light using LED luminaire is to be designed and installed to Australian Standard AS1158:2010 *Lighting for Roads and Public Spaces*, with vehicular luminance category V3 and pedestrian luminance category P2 along the Waterloo Road and Culloden Road frontages of the development site. 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. The street lighting will remain on the Ausgrid street lighting network.

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

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

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

- a. The removal of redundant vehicular crossing at Culloden Road and replacement with new kerb and gutter, including restoration of the adjacent road pavement.
- b. Turfing of the nature strips adjacent to the existing concrete footpath across the entire frontage of the development site, in accordance with Council's standard turf profile shown on Drawing No. PL7.1.

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- c. Two driveway access in Culloden Road to the proposed entry and exit driveways to the on-site loading area. The two driveway access must be designed and constructed from Culloden Road for 11 metres truck overall length as per Council's requirements and Road Safety check reports recommendations.
- d. New driveway access in Waterloo Road with the finished level at the entrance along the boundary alignment being RL 69.35m AHD. In order to assess the susceptibility of vehicles to scraping as they pass over the proposed access the applicant shall submit longitudinal sections along each side of the proposed new access drawn at 1:20 Natural Scale. The section shall show the existing and proposed levels to AHD along the vehicle path from the centre of Waterloo Road through the gutter/layback to the proposed new parking areas. The driveway is to be designed using the B99 Ground Clearance Template from AS2890.1.
- e. Signage and linemarking details.
- f. Staging of the public civil works, if any, and transitions between the stages.
- g. The relocation/adjustment of all public utility services affected by any of the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

**Notes:**

1. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths, prior to setting the floor levels for the proposed building.
2. Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
3. Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - *Public Civil Works, Section 5 "Standards Enforcement"*. A checklist is also available upon request to Council's City Works & Infrastructure Directorate.

71. **Driveway Access and Boundary Alignment Levels.** The applicant shall apply to Council for site specific driveway access and boundary alignment levels prior to the submission of plans for the public domain improvements and infrastructure works. The application shall be accompanied by preliminary 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.

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**72. Vehicle Footpath Crossings** – To protect the footpath from damage resulting from the vehicular traffic, the footpath crossings shall be designed and constructed in accordance with the City of Ryde Development Control Plan 2014 Part 8.3 *Driveways* and Part 8.5 - *Public Civil Works*, and all relevant Australian Codes and Standards (AS2890.1). The crossings shall match the paving style along the frontages of the development site.

In order to avoid the access driveway looking like a public road, kerbs shall not be returned to the boundary alignment line.

The applicant shall provide Council with certification from a Chartered Civil Engineer (registered on the NER of Engineers Australia) confirming that the vehicle footpath crossing and driveway design meet Council requirements and the relevant standards, prior to the issue of the Construction Certificate.

**73. Public Domain Works – Defects Security Bond** – To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue by Council, of the Compliance Certificate for the External Works. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period. A bond in the form of a cash deposit or Bank Guarantee of \$20,000 shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.

**74. 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.

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

**75. Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the in ground public drainage infrastructure in Waterloo Park, generally in accordance with the plans by Partridge Hydraulic Services (Refer to Job No. 2017H0016 Dwgs SWDA 1.1 - SWDA 1.7 Rev P3 dated 19 October 2017).

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a chartered civil engineer and comply with the following;

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

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

This engineer is to prepare the following documentation;

- a) Certification that the civil and structural details of all subsurface structures are designed to;
  - provide appropriate support and retention to neighbouring property,
  - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
  - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;
  - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
  - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;



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- details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
- details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.
- Is in accordance with the recommendations of any approved Geotechnical Report.

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

**77. Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work namely 146 Culloden Road. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of 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.

**78. 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.

**79. Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

**80. Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:

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- (a) in the case of work for which a principal contractor is required to be appointed:
  - (i) the name and licence number of the principal contractor; and
  - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
  
- (b) in the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder; and
  - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

**81. Excavation adjacent to adjoining land**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

**82. Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with Safework NSW requirements and be a minimum of 1.8m in height.

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

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

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

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

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

The report is to be dated and submitted to, and accepted by Council's City Works & Infrastructure Directorate, prior to any work commencing.

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

86. **Road Activity Permits** To carry out work in, on or over a public road, the Consent of Council is required as per the *Roads Act 1993*. Prior to the commencement of the relevant works and considering the lead times required for each application, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence 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.**

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- c. Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d. Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e. Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f. Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g. Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.

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

**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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**88. 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*.

**89. 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.

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

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

**91. Hold Points during construction - Public Domain** – Council requires inspections to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.

The Applicant shall submit to Council’s City Works and Infrastructure, certification from the Engineer, at each stage of the inspection listed below, within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

- a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
- b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
- c) Upon compaction of the applicable sub-base course.

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

**92. 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.

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

**94. Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:

- (a) Fill is allowed under this consent;
- (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
- (c) the material is reused only to the extent that fill is allowed by the consent.

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

**96. Site Facilities**

The following facilities must be provided on the site:

- (a) toilet facilities in accordance with Safework NSW requirements, at a ratio of one toilet per every 20 employees, and
- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

**97. 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.

**98. 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".

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99. **Tree Protection.** All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site. Trees 1, 2, 3, 9, 10, 11, 12, 17, 18, 25, 26, 27, 28, 29, 33, 34, 36, 40, 42, 43, 45, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 73, 74, 75, 76, 79, 81 as referenced within the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 20.04.2017 to be retained and protected with Tree protection Fencing & boarding of stems and branches to eliminate possible damage. The site arborist (Level 5) must certify tree protection measures are in place and in accordance with AS4970 Protection of trees on development sites. The tree protection measures must be adequate and in place throughout the development.
100. **Tree Protection.** To ensure their ongoing health and survival Trees 50, 51, 52, 53, 54, 56 & 57 which are located in Waterloo Park are to be monitored during construction works and for a period of 12 months at the completion of the works by the qualified arborist to ensure their ongoing health and survival.
101. **Tree Protection Fencing.** All protective fencing and signage around TPZs must be located in accordance with AS4970: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.
102. **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 in accordance with AS4970-2009 Protection of trees on development sites and the Tree Protection Plan & Specification provided as part of the Construction Certificate. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.
103. **Arborist Supervision.** All work within the Tree Protection Zones and Structural Root zones of trees to be retained is to be supervised and overseen by the Project Arborist.
104. **Stormwater Trench/Pit Locations.** The alignment of stormwater infrastructure is to be located as far away from existing trees to be retained as practical. Should the excavation for the stormwater pits and trenches conflict with any major structural roots (greater than >25 mm diameter) of existing trees, their location and alignment is to be modified in consultation with the Project Arborist to avoid impact. Under no circumstances should roots be severed or cut without prior approval from the Project Arborist.
105. **Underground Utilities.** Any utility services to be located underground within the TPZ are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >25 mm diameter). To prevent soil compaction and root damage these works should be conducted with non- motorised hand tools or directional drilling.

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106. **Excavation within TPZ.** Any excavation or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.
107. **Canopy Tying.** Where possible tree branches overhanging the construction zones and building are to be tied back to the main trunk rather than pruned.
108. **Machinery Damage.** Care shall be taken when operating cranes, drilling rigs and similar equipment near trees to avoid damage to tree canopies (foliage and branches). Under no circumstances shall branches be torn-off by construction equipment. Where there is potential conflict between tree canopy & construction activities, the advice of the Project Arborist must be sought.
109. **Tree Damage.** In the event of any tree being damaged during the construction period, the Project Arborist is to inspect and provide advice on any remedial action to minimise any adverse impact. Such remedial action shall be implemented as soon as practicable and certified by the arborist.
110. **Root Pruning.** Where root pruning is required, roots shall be severed with clean, sharp pruning implements and retained in a moist condition during the construction phase using hessian material or mulch where practical. Severed roots shall be treated with a suitable root growth hormone.
111. **Canopy Pruning.** All canopy pruning work required shall be carried out in accordance with Australian Standard 4373-2007 – Pruning of Amenity Trees.
112. **Soil Moisture within TPZ.** Soil moisture levels within all TPZs are to be regularly monitored by the Project Arborist. If temporary irrigation or watering is required within the TPZ, then any above-ground irrigation system is to be installed and maintained by a suitably qualified individual.
113. **Traffic Management.** Any traffic management procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.
114. **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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115. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Partridge Hydraulic Services (Refer to Job No. 2017H0016 Dwgs SWDA 1.1 - SWDA 1.7 Rev P3 dated 19 October 2017) submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.
116. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by Partridge Hydraulic Services (Refer to Job No. 2017H0016 Dwgs SWDA 1.8 Rev P3 dated 19 October 2017) at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction“ by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.
117. **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.
118. **Tip Dockets.** Tip Dockets identifying the type and quantity of waste disposed/recycled during construction are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.
119. **Maintenance.** The area surrounding the construction site must be maintained to reduce the incidence of illegal dumping and management of litter from the site and workers associated with the site must be undertaken.

**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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120. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 776775M\_02 dated 5 December 2017.
121. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
122. **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](http://www.sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.
123. **Final Assessment of Trees.** At completion of all construction works the Project Arborist is to carry out an assessment of all trees that were required to be retained. This assessment is to be documented in writing, a copy of which is to be submitted to Council prior to the issue of any occupation certificate for the development. The documentation is also to specify any required on-going remedial care that is required to be undertaken to ensure the continuous health and retention of the specified trees.
124. **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.
125. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of any **Occupation Certificate**.
126. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.

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127. **Works-As- Executed Drawing.** Works-As-Executed Drawings prepared by a registered surveyor shall be submitted to the Principal Certifying Authority accompanied by a certificate from a suitably qualified stormwater engineer showing that the crest of the driveway to the basement car park and habitable floor levels comply with the recommendations within the Flood Impact Statement letter dated 28 August 2017 and prepared by Partridge Hydraulic Services Pty Ltd.
128. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention and pump/ sump components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's standard terms for such systems, as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7 and to the satisfaction of Council. The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.
129. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
  - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
  - c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
  - d) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).

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- e) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
- f) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

130. **Public Domain Improvements and Infrastructure Works – Completion.** All public domain improvements and infrastructure works shall be completed to Council's satisfaction, in accordance with the approved public domain plans and at no cost to the Council, prior to the issue of any Occupation Certificate.
131. **Restoration – Supervising Engineer's Certificate.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council a certificate from the Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular crossings as a result of the construction works associated with this development site, have been completed in accordance with the Council's standards and specifications, and DCP2014 Part 8.5 Public Civil Works, or the Roads and Maritime Services' standards and specifications, where applicable.
132. **Compliance Certificates – Street Lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a *Certificate of Compliance - Electrical Work (CCEW)* from the Electrical Contractor, and certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
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 shall be submitted to Council for review and approval. The Works-as-Executed Plans are to be prepared on a copy of the approved plans and certified by a Registered Surveyor, and shall contain notations in red, all departures from the Council approved details. Any rectifications required by Council shall be completed by the Developer prior to the issue of any Occupation Certificate.

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134. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).
135. **Supervising Engineer Final Certificate.** Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.
136. **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.
- Road pavement,
  - Kerb and gutter,
  - Footpath,
  - Drainage pits,
  - Traffic signs, and
  - Any other relevant infrastructure.

The report shall include summary statement/s comparing the pre and post construction conditions of the public infrastructure. The report is to be dated and submitted to, and accepted by Council's City Works and Infrastructure Directorate, prior to issue of the 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 shall be in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the Dilapidation Report is submitted.

137. **Final Inspection – Assets Handover** - For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer from City Works & Infrastructure Directorate following the completion of the external works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the External Works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time. A minimum 48 hours' notice will be required when booking for the final inspection.

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138. **Compliance Certificate – External Works** – Prior to the issue of any 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.
139. **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.
140. **Loading Dock Management Plan.** A Loading Dock Management Plan will need to be prepared by the applicant and submitted to and approved by Council prior to the issue of any Occupation Certificate.
141. **Garbage Service.** 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.
142. **Onsite Waste Collection – Positive Covenant.** Where it is necessary for waste collection vehicles to enter the property to service the waste containers, A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), ensuring that future owners provide and maintain the access driveway and loading bay accommodating waste collection services undertaken by Council. The terms of the instrument are to be generally in accordance with the standard terms (available from Council) and any amendments undertaken in accordance with the City of Ryde DCP 2014 - Part 8.4 (*Title Encumbrances*) - Section 7. The terms of the covenant are to be to the satisfaction of Council prior to endorsement and are to be registered on the title prior to the release of any Occupation Certificate. The application to Council for endorsement of the positive covenant must be accompanied by a Works-As-Executed plan of the service area ensuring there is adequate swept path and height clearances so as to accommodate Council waste vehicles. A swept path analysis may also be required to clarify this.

**OPERATIONAL CONDITIONS**

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

143. **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*.
144. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:

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

145. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;

- 25 residential spaces (including 3 disabled spaces)
- 7 visitor spaces

146. **Waste Collection.** Council does not support the use of private contractors for the collection of domestic waste. All domestic waste will be collected by the Council waste collection contractor. All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

147. **Signs.** 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