



7 NOVEMBER 2019

NOTICE OF MEETING

You are advised of the following meeting:

THURSDAY 14 NOVEMBER 2019.

City of Ryde Local Planning Panel Meeting No. 9/19

Council Chambers, Level 1A, 1 Pope Street, Ryde - 5.00pm

English

If you do not understand this letter, please come to the 1 Pope Street, Ryde (within Top Ryde Shopping Centre), Ryde, to discuss it with Council Staff who will arrange an interpreter service. Or you may ring the Translating & Interpreting Service on 131 450 to ask an interpreter to contact you. Council's phone number is 9952 8222. Council office hours are 8:30am to 5:00pm, Monday to Friday.

Arabic

إذا لم تفهم محتوى هذه الرسالة، يرجى الحضور إلى 1 Pope Street، Ryde (في Top Ryde Shopping Centre)، Ryde، لمناقشتها مع موظفي المجلس الذين سوف يرتبون للاستعانة بمترجم شفهي. أو قد يمكنك الاتصال بخدمة الترجمة التحريرية والشفهية على الرقم 131 450 لتتطلب من المترجم الاتصال بك. رقم هاتف المجلس هو 9952 8222. ساعات عمل المجلس هي 8:30 صباحاً حتى 5:00 مساءً، من الاثنين إلى الجمعة.

Armenian

Եթե դուք չեք հասկանում սույն նամակի բովանդակությունը, խնդրում ենք այցելել 1 Pope Street, Ryde (որը գտնվում է Top Ryde Shopping Centre-ի մեջ), Ryde, քննարկելու այն Քաղաքային Խորհրդի անձնակազմի հետ, ովքեր ձեզ համար կապահովեն թարգմանչական ծառայություն: Կամ կարող եք զանգահարել Թարգմանչական Ծառայություն 131 450 հեռախոսահամարով և խնդրել, որ թարգմանիչը ձեզ զանգահարի: Խորհրդի հեռախոսահամարն է 9952 8222: Խորհրդի աշխատանքային ժամերն են առավոտյան ժամը 8:30-ից մինչև երեկոյան ժամը 5:00, երկուշաբթիից մինչև ուրբաթ:

Chinese

如果你不明白这封信的内容，敬请前往1 Pope Street, Ryde（位于Top Ryde Shopping Centre内），向市政府工作人员咨询，他们会为您安排口译服务。此外，您也可以拨打131 450联络翻译和口译服务，要求口译员与您联系。市政府电话号码为9952 8222。市政府办公时间为周一至周五上午8:30至下午5:00。

Farsi

لطفاً اگر نمی توانید مندرجات این نامه را درک کنید، به نشانی 1 Pope Street، Ryde (در Top Ryde Shopping Centre) مراجعه کنید تا با استفاده از یک مترجم در این باره با یکی از کارکنان شورای شهر گفتگو کنید. یا آنکه می توانید با خدمات ترجمه کتبی و شفاهی به شماره 131 450 تماس گرفته و بخواهید که به یک مترجم ارتباط داده شوید. شماره تماس شورای شهر 9952 8222 و ساعات کاری آن از 8:30 صبح تا 5:00 بعد از ظهر روزهای دوشنبه تا جمعه است.

Italian

Se avete difficoltà a comprendere questa lettera, venite in 1 Pope Street, Ryde (dentro al Top Ryde Shopping Centre), Ryde, per discutere con il personale del Comune che organizzerà un servizio di interpretariato. Potete anche contattare il Servizio di Traduzione e Interpretariato al 131 450 per chiedere a un interprete di contattarvi. Il numero di telefono del Comune è il 9952 8222. Gli orari di ufficio del Comune sono dalle 8.30 alle 17 dal lunedì al venerdì.

Korean

이 서신을 이해할 수 없을 경우, 1 Pope Street, Ryde (Top Ryde Shopping Centre 내)에 오셔서 통역사 서비스를 주선할 시의회 직원과 논의하십시오. 혹은 통번역서비스에 131 450으로 전화하셔서 통역사가 여러분에게 연락하도록 요청하십시오. 시의회의 전화번호는 9952 8222입니다. 시의회 사무실 업무시간은 월요일에서 금요일, 오전 8시 30분에서 오후 5시까지입니다.

Meeting Date: Thursday 14 November 2019
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.00pm

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

NOTICE OF BUSINESS

Item **Page**

DECLARATIONS OF INTEREST

DEVELOPMENT APPLICATIONS

- | | | |
|---|---|-----|
| 1 | 121 Church Street & 19 Porter Street, Ryde - Demolition of a single storey warehouse and construction of a part 4 / part 7 storey apartment building comprising of 1 x studio, 4 x 1 bedroom and 16 x 2 bedroom apartments with basement carparking - LDA2018/0152..... | 3 |
| 2 | 13-15 Farm Street, Gladesville - Construction of a part 3 /part 4 storey residential apartment building containing 21 dwellings over basement parking for 26 vehicles - under the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 - LDA2018/0500 | 133 |

There are no LPP Planning Proposals

DEVELOPMENT APPLICATIONS

- 1 121 Church Street & 19 Porter Street, Ryde - Demolition of a single storey warehouse and construction of a part 4 / part 7 storey apartment building comprising of 1 x studio, 4 x 1 bedroom and 16 x 2 bedroom apartments with basement carparking - LDA2018/0152**

Report prepared by: Acting Senior Coordinator - Major Development

Report approved by: Manager - Development Assessment; Director - City Planning and Environment

Report dated: 6 November 2019

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

BP19/1354

City of Ryde Local Planning Panel Report

DA Number	LDA2018/0152
Site Address & Ward	121 Church street & 19 Porter Street, Ryde East Ward
Zoning	B4 Mixed Use under RLEP 2014
Proposal	Demolition of a single storey warehouse and construction of a part 7/ part 4 storey apartment building comprising of 1 x studio, 4 x 1 bedroom and 16 x 2 bedroom apartments with basement carparking
Property Owner	Cap Demolition & Excavation Pty Limited
Applicant	Urban Design & Planning
Report Author	Sandra McCarry – Senior Town Planner
Lodgement Date	18 April 2018
No. of Submission	Eight (8) submissions were received in the first public notification period Four (4) submissions received objecting to the development in the second public notification period
Cost of Works	\$10,287,612.00
Reason for Referral to RLPP	Sensitive Development - SEPP 65 applies Contentious Development – Development is the subject of 10 or more unique submissions by way of objection
Recommendation	Approval subject to conditions
Attachments	Attachment 1 – Draft Conditions of Consent Attachment 2 – Architectural Plans

1. Executive Summary

ITEM 1 (continued)

The following report is an assessment of a development application for the demolition of the existing warehouse and construction of a part 4/part 7 storey residential apartment building comprising of 1 x studio, 4 x 1 bedroom and 16 x 2 bedroom apartments with basement carparking for 22 car parking spaces.

The application was lodged on the 18 April 2018 and has been reviewed by the Ryde Urban Design Review Panel (UDRP) on 3 occasions. Amended plans were submitted in August 2019 with final plans submitted on 8 October 2019.

The proposal amended the design by changing the building typology to a single building with 2 storeys apartments and lowered the basement level to align the ground floor of building with the adjacent Hayes Reserve. The commercial component has been deleted and the number of units reduced from 27 to 21 with the communal open space relocated to Level 4.

The above amendments are in accordance with the recommendations made by the UDRP.

During the two separate notification periods, Council received eight (8) submissions for the original notification period and four (4) submissions for the second notification period.

The issues raised in the submissions related to concerns with the design of the building, private access to Hayes Reserve, lack of parking, construction activities within the area, high density developments, impact to the environment and adjoining/adjacent properties. These matters are addressed in full detail in Section 7 of this report. The second notification period also included a letter from the local member of Ryde on behalf of one of the objector.

The subject site is a long and narrow site, being only 13.7m in width and as such, is not able to comply with the building separation and setbacks controls contained under the Apartment Design Guidelines and the Ryde Development Control Plan 2014 respectively.

These non-compliances are considered to be acceptable given the context of the development as discussed in the body of this report. The development complies with the height and floor space ratio and provides adequate amenity to future residents whilst maintaining the residential amenity of surrounding properties.

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 issues of concern such that the application should be refused.

Consequently, this report concludes the application to be well founded in terms of its design, function, and relationship with its neighbours and is recommended for approval in accordance with conditions provided at **Attachment 1**.

ITEM 1 (continued)

2. The Site and Locality

The site is legally described as Lots 11 and 16 DP 19725 and has a site area of 1101.65m². The development site has two street frontages, 19 Porter Street and 121 Church Street, Ryde.

The site is a rectangular shaped allotment with a 13.7m and 13.74m frontage to Church Street and Porter Street, respectively. It has a depth of 80.33m on its north eastern boundary and 80.19m on its south western boundary. The site falls from Porter Street to Church Street approximately 3.42m. Hayes Reserve adjoins the site's north eastern boundary.

The allotment is highly constrained due to its narrow width and is one of the last remaining undeveloped site on Church Street (with the exception of 123 Church Street).

Both sites have historically has been used for industrial purposes and a single storey warehouse exists on both sites.

Figure 1 below shows the site in context to its surroundings.

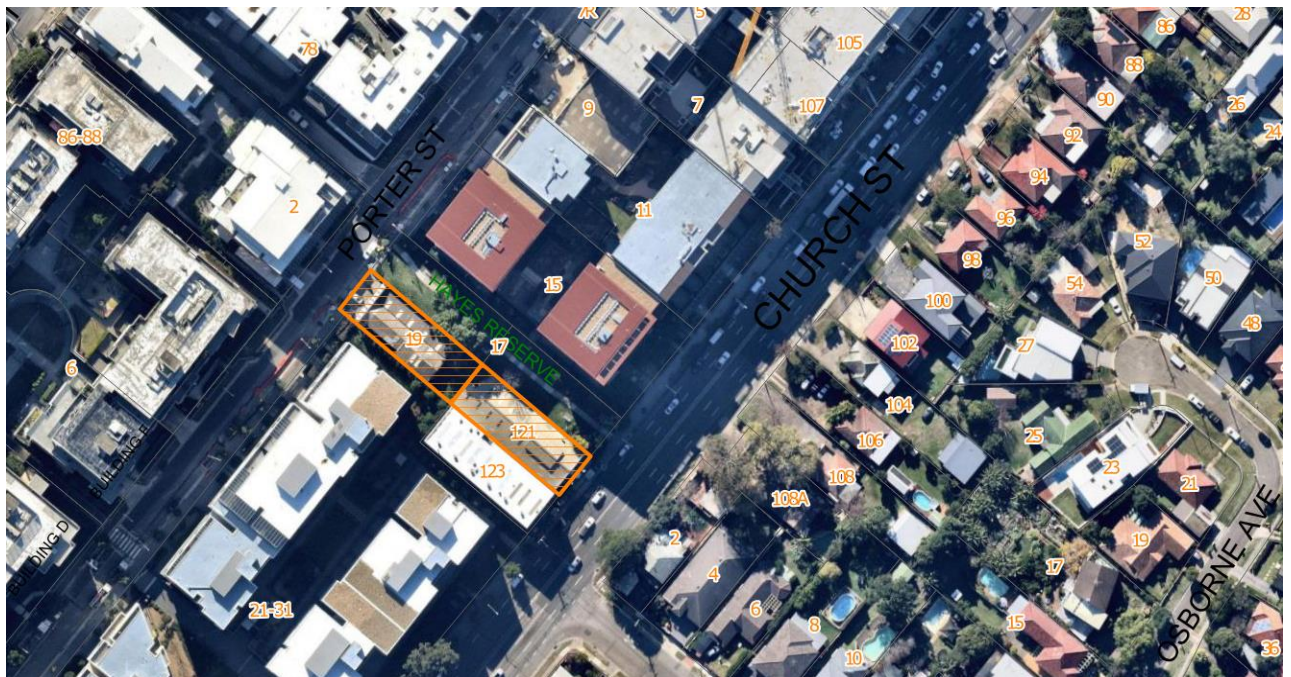


Figure 1: Aerial photo of the subject site.

Figures 2 & 3 below shows the site as viewed from the respective streets.

ITEM 1 (continued)



Figure 2: Existing single storey warehouse – 121 Church Street frontage.



Figure 3: Existing single storey warehouse – 19 Porter Street frontage.

ITEM 1 (continued)



Figure 4: Adjoining Hayes Reserves and existing warehouse.

3. The Proposal (AS AMENDED)

It is proposed to demolish the existing warehouse buildings and construct a part 4/part 7 storey residential apartment building comprising of twenty one (21) residential apartments consisting of 1 x studio (4.8%), 4 x 1 bedroom (19%) and 16 x 2 bedroom units (76.2%).

The proposed building includes a single storey basement carpark for 22 car spaces. Of these spaces 10 are located on Basement 1 and a further 12 in the multi car parking stacker. The car stacker is a single-row two-level system with lift and horizontal conveyor. The cars drive into a lift which has a rotating platform allowing cars to drive in a forwards direction and drive out in a forwards direction. The cars are stacked underground using a conveyor with 2 rows of 12 cars accommodated over two levels, as shown below in **Figure 5**. The car stacker is for residents use only. Mechanical parking devices are generally not preferred however given the constraints of this site, the proposed car stacker is supported by Council's Senior Development Engineer. See full discussion further in the report under "Part 9.4 - Car Parking".

Pedestrian access to the development is from both street frontages Church Street and Porter Street with the ground floor units facing Hayes Reserve having courtyards facing Hayes Reserve. Vehicular access is from Porter Street with the driveway located adjacent to the south western side of the site.

The design also provides a 2m wide road widening along Porter Street frontage as required under Ryde DCP 2014.

ITEM 1 (continued)

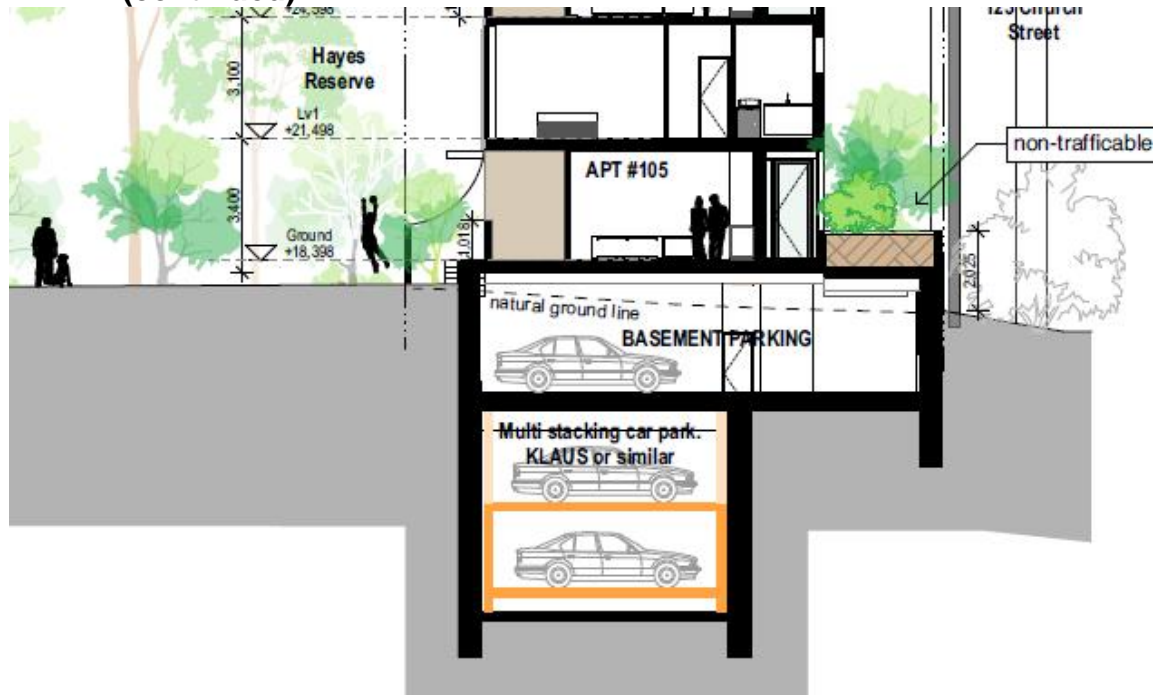


Figure 5: Cross Section of the multi-stacker parking for 12 resident's car spaces over 2 levels.

Figures 6 & 7 below provides photomontages of the development.



Figure 6: Photomontage of proposed development, as viewed from Hayes Reserve.

ITEM 1 (continued)



Figure 7: Photomontage of proposed development, as viewed from Porter Street.

4. Background

- The application was lodged with Council on 18 April 2018.
- On 14 June 2018 the proposal was reviewed by Ryde Urban Design Review Panel (UDRP). The Panel raised concerns about site planning, setbacks and building separation.

The UDRP advised that the location of the site adjoining the linear park (Hayes Reserve) to the north presented opportunities for a better site planning and building form strategy that engaged with the park. The proposed 1.3m setback at ground level and nil setback above for Building A and B along the boundary to the park created inactive undercroft space and blank edges which were not supported.

The Panel discussed the potential to complete the block by aligning the building form along the linear park and using stacked terrace apartments with gallery access to the south. This could provide better activation and address to the park.

ITEM 1 (continued)

It was also advised that if the two-part building is retained, a clear 12m separation is required. It was recommended that communal open space be provided on the roof to either compliment the central courtyard or to support an alternative site approach.

It was recommended that the proposal be adjusted to respond to the UDRP comments and be resubmitted to Panel for review.

- A letter was sent to the applicant on 25 June 2018 which identified various issues with the application. These issues included:

- Adjoining property at 123 Church Street- isolated site and access for the site.
It was noted that 123 Church Street, which is a single allotment of approximately 544m² and adjoins 121 Church Street, was not included as part of the development.

The adjoining property at 125 Church Street has already been developed for a mixed used development therefore the redevelopment of 121 Church and 19 Porter Street, as proposed will effectively isolate 123 Church Street and diminish its development potential. The applicant was advised to amalgamate with 123 Church Street or demonstrate that 123 Church Street is not willing to amalgamate.

- Car parking.
Not compliant with Part 9.3 of the *Ryde Development Control Plan 2014* with a shortfall of 18 parking spaces.

- Setbacks
Council's DCP –Part 4.2 Shepherd's Bay, Meadowbank stipulate a front setback of 12m from Church Street, 4m from Hayes Reserve and 6m setback from Porter Street. The proposal does not comply with this requirement along the Church Street frontage and Hayes Reserve setback. The proposal is required to be amended to provide a minimum 12m setback from Church Street (no encroachment into the 12m zone is allowed).

The proposal is required to have a side setback of 4m from Hayes Reserve. The proposed zero and 1.3m setback and its interface to Hayes Reserve will not be supported. Along the Porter Street frontage, a minimum 6m is required with the top level setback 4m from the building façade. In addition, Porter Street is to be widened by 2m.

- Communal Open Space & Deep soil zones
The proposal fails to comply with the required communal open space (COS) and good solar access to the COS is questionable. Consideration should be given to providing a roof top terrace to provide the required COS.

ITEM 1 (continued)

The deep soil zones (DSZ) are also questionable as some of the zones are less than the minimum dimension of 3m. Paths and walkways have resulted in the DSZ being less than a minimum 3m in width with the communal open space between the two buildings not satisfying the DSZ due to the basement below.

- Building Separation
The proposal does not comply with the building separation required under the Apartment Design Guide.
- Stormwater Management
Require amended stormwater management plan to be submitted.
- Waste and Service Requirements
The development lacks any service bay to accommodate the service needs of the residents. There is no bulky waste room shown on the plans. Bulky waste room is required to ensure that residents do not leave unwanted household items out on the nature strip.
- Additional information relating to the site isolation planning principals and a concept design was submitted to Council on 31 October 2018 and a 2nd UDRP meeting was conducted on 8 November 2018.

The concept design amended the building form to a single building and the following comments were provided by the UDRP:

“The Panel understands that the applicant has been unable to amalgamate with the adjacent site and that to try and allow future development on that site a small area of party wall for the lift and stair is proposed. However, the long open circulation corridor to provide access to the proposed units will create real amenity and separation issues for any future development.

The Panel also notes that no arrangement for shared car access appears to have been considered in the plans.

The Panel notes that the alternative scheme has lowered the previous exposed basement car park to minimize its exposure to the park edge and has proposed mounding of the site to Church St to reduce the visual impact from the basement. This approach is considered an improvement however the panel still notes the very narrow setback from the park to the development which does restrict landscape opportunities.

The Porter Street frontage of the scheme is still heavily compromised by the car access and the fire egress which reduce the sense of address of the proposal.

ITEM 1 (continued)

The long form seeking to achieve the maximum height over the entirety of the length of the lot (other than front setbacks) is not supported as it creates a wall of development and severely exacerbates the overshadowing impact of the proposal.

The alternative scheme to the 2-building model improves the presentation of the development to the park and the stair connections to the park are supported if landscaping is maximized in the remaining area.

However, the Panel considers that the long form of the building to a height of 6 storeys is not supportable and that the form needs to be better articulated through the deletion of at least 2 units generally in the middle of the development. This would create a 2 storey break at the top of the development which would assist in moderating its length. It is positive that the units step down the length of the site to follow its topography, however the long circulation corridor is compromised by this grade change.

The Panel suggests that whilst there may be a continuous pathway at ground level to access the rear core near Church St, the proposal should use its 2 cores as distinct buildings. This would reduce the long corridor, allow wider units in places that can accommodate 'ear windows' or side windows to bedrooms (where the wall parallel to the boundary is rotated somewhat to allow openings perpendicular to the boundary) and reduce the privacy and amenity impacts of the long corridors in addition to their compromised grade changes.

Privacy concerns with the neighbours to the south are serious. In general, ADG separation/setback distances should be achieved. These allow a minimum 3m setback to non-habitable rooms/blank walls. In addition, and depending on the overall design outcome, walls to lifts or stairs may be on or closer to the boundary than 3m. If it is satisfied that the overall outcome is satisfactory, the Panel will support such non-compliances.

Ideally the eastern core should shift towards the west so that it is more central which would then allow the middle and end units to use more of the width of the building on the corridor floors.

The Panel also considers that the remaining corridors should be enclosed fully so that they do not create acoustic issues combined with privacy measure. This will add FSR to the scheme.

The two-storey approach to the units is supported by the Panel, but the layout of the units is not working due to the tight dimensions driven by trying to fit too many units into the scheme. At least one unit per floor should be deleted (possibly 2) to enable wide enough units to ensure an adequate living area and circulation in addition to the dining space.

ITEM 1 (continued)

As mentioned earlier the units appear too tight to provide workable furniture layouts and circulation and the Panel considers that at least one unit needs to be deleted on each floor to allow more generous lengths to each apartment.

The entry from Porter St is heavily compromised by the vehicle ramp and fire egress. The Panel appreciates that the width of the site creates real issues, however a performance solution should be explored with the fire egress exiting to the park. This would allow a wider entry lobby and the pathway to move away from the driveway with a small landscape strip possible between the two.

The layout of the ground floor unit to Porter St is not contributing to any passive surveillance of the street. This should be provided to the maximum extent possible.”

- As a response to the UDRP comments of 8 November 2018 further amendments were made to the proposal and concept plans were submitted to Council on 5 March 2019 and reviewed again by the UDRP on 13 March 2019.

These amendments included deleting 6 units (reduction in units to 21 units) and creating a 2 storey break at the centre of the building on levels 4 & 5.

The panel raised the following issues:

- The long open circulation corridor that was not supported by the panel previously is still evident and creates privacy concerns.
 - Not clear that an arrangement for shared car access with 123 Church are provided.
 - Insufficient details to show that the basement is lower relative to the park edge with mounding to Church Street to reduce the visual impact.
 - Entry to Porter Street – heavily compromised by vehicle ramp and fire egress. The entry is long and very narrow with no sense of arrival.
 - The layout of the ground floor unit to Porter Street is not contributing to direct access or passive surveillance.
- Amended plans were received on 9 August 2019 and adjoining properties were renotified of the amended proposal. Five submissions were received with regard to the 2nd notification.
 - A desktop review of the amended plans was undertaken by the UDRP on 11 September 2019 and the panel’s comments are discussed in detail later in this report.

5. Planning Assessment

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

- State Environmental Planning Policy No. 55 – Remediation of Land;

ITEM 1 (continued)

- 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 4.2 Shepherd’s Bay, Meadowbank;
 - Part 7.2 Waste Minimisation and Management;
 - Part 9.2 Access People with Disabilities; and
 - Part 9.3 Car Parking.
- Section 7.11 Contribution Plan.

5.1 State Environmental Planning Instruments**State Environmental Planning Policy No. 55 – Remediation of Land**

In accordance with Clause 7 of the SEPP, 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.

Historically the site has been used for industrial purposes and currently existing on the site are two single storey warehouses. A Preliminary Site Investigation Report prepared by eiAustralia dated 27 November 2017 has been submitted with the application. Council’s Environmental Health Officer has reviewed the report and has made the following comments:

“The report indicates that the site was historically used as an industrial site including a mechanics workshop and a sheet metal fabricator.

The consultant states “there is potential for contamination to be present on site” and as such it is recommended that a Hazardous Materials Survey of existing site structures be completed. A Detailed Site Investigation (DSI) should be completed to verify the quality and to characterise the soil and groundwater. The consultant stated that the site can be made suitable for its proposed use, subject to these recommendations.

*Conditions which address the possibility of additional contaminants being found during the demolition work have been imposed”. See **Conditions 32, 33, 70 to 74.***

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

ITEM 1 (continued)

been prepared for the development 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 & 148**.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP applies to the subject site given its location adjacent to a classified road, being Church Street. The following provisions of the Infrastructure SEPP are applicable to this DA:

Infrastructure SEPP	Comments	Comply
<p>Clause 101 Development with frontage to a classified road</p> <p>(1) The objectives of this clause are:</p> <p>(a) To ensure that new development does not compromise the effective and ongoing operation and function of classified roads; and</p> <p>(b) To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</p> <p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</p> <p>(a) Where practicable, vehicular access to the land is provided by a road, other than a classified road; and</p> <p>(b) The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:</p> <p>i. The design of vehicular access to the land, or</p> <p>ii. The emission of smoke or dust from the development, or</p> <p>iii. The nature, volume or frequency of vehicles using the classified road to gain access to the land.</p> <p>(c) The development is of a type that</p>	<p>The subject site will have a 13.7m frontage to Church Street and a 13.74m frontage to Porter Street. This site has an area of 1101.65m².</p> <p>The proposal will have no vehicular access from Church Street with all vehicular access from Porter Street. The proposal was referred to Roads & Maritime Services (RMS) who raised no objections to the proposal subject to conditions. See Conditions 15 to 20.</p> <p>Access is from Porter Street which is not a classified road.</p> <p>Council's Traffic and Development Engineers have not raised objections to the proposed location of the vehicular access from Porter Street with the proposal considered satisfactory in terms of traffic impact.</p> <p>In the Acoustic Report submitted with the proposal it states: "<i>For development of a building for residential use, the consent authority must be satisfied that</i></p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes Subject to Condition 47</p>

ITEM 1 (continued)

Infrastructure SEPP	Comments	Comply
<p>is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>	<p><i>measures will be incorporated so that a noise level of 35 dB (A) LA_{eq} will not be exceeded in any bedroom between 10pm and 7am and a noise level of 40 dB (A) LA_{eq} will not be exceeded in other habitable rooms at any time. Appropriate measures are required to be taken to ensure that the above noise levels are not exceeded for road traffic noise impact.</i></p> <p>The report concludes that acoustic treatments to the windows, walls and roof are required to mitigate road traffic noise. Conditions 46 & 47 have been imposed requiring compliance with the recommendations in the Acoustic Report, to comply with <i>Development Near Rail Corridors and Busy Roads – Interim Guidelines</i> and the relevant standards.</p>	
<p>Clause 102 Impact of road noise or vibration on non-road development This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers likely to be adversely affected by road noise or vibration: (a) A building for residential uses.</p> <p>If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is</p>	<p>Church Street is a State classified road. An Acoustic Report has been submitted as part of the Development application. The Acoustic Report has provided recommendations contained in Section 7 of the report and Condition 47 has been imposed requiring compliance with the</p>	<p>Yes Subject to Condition 47</p>

ITEM 1 (continued)

Infrastructure SEPP	Comments	Comply
satisfied that appropriate measures will be taken to ensure that the following LAeq measures are not exceeded: I. In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am II. Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time	recommendations.	

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 Flat 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 9 SEPP 65 Design Quality Principles; and
- Apartment Design Guide.

Ryde Urban Design Review Panel (UDRP)

As discussed earlier in the report, the proposal has been reviewed by the UDRP on three separate occasions.

From the review of 13 March 2019 amended plans were received on 12 August 2019 which forms the basis of the comments in the table below. The desktop review commented that, subject to clarification or conditions, the proposal was acceptable.

The table below details the UDRP's comments of 13 March 2019 and of the desktop review of 11 September 2019.

ITEM 1 (continued)

Design Quality Principle	UDRP and Assessing Officer Comments
<p>1. Context and Neighbourhood Character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p><u>UDRP Comments</u></p> <p><i>The site is located in a precinct undergoing significant change from light industrial to high density residential. The site is very narrow (13.7m) and 80m long extending from Church Street in the east to Porter Street in the west. The site benefits from a linear park to its immediate north which provides a through site pedestrian link between the two streets. To the south of the site is a recently completed large redevelopment site that completes the urban block to the south with the exception of 123 Church Street, which is an isolated site.</i></p> <p><i>The linear park to the immediate north is a major asset for the site and provides opportunities for outlook, address for ground floor units and increased activation and safety for the park.</i></p> <p><i>Porter Street is planned to be widened in the future. A 2m setback dedication clear of all structures is required to enable the road widening. This includes fire boosters, walls and fences.</i></p> <p><i>The isolation of 123 Church Street between the subject site and the large recently developed high-density mixed-use site to the south creates a constraint that the Panel considers is likely to significantly limit the development opportunity of this site given its narrow frontages.</i></p> <p><i>The Panel understands that the applicant has been unable to amalgamate with the adjacent site so continues to propose a nil setback for a small section of the wall near Church St to try and address this issue. However, the long open circulation corridor that was not supported by the panel previously is still evident in this proposal. Whilst it occurs on every second floor (cross over units) it will have an impact due to the lack of sufficient setback to ameliorate its effects. This will force a greater separation onto the isolated site if it wishes to redevelop in the future for residential uses. As the shared boundary is the northern boundary for the isolated site any scheme would perforce have to orient living areas and balconies towards this boundary.</i></p> <p><i>It is also not clear from the new drawings whether arrangements for shared car access are proposed in the plans. There is an area of narrower wall shown near the adjacent site but no note is provided on the plans and should be added.</i></p>

ITEM 1 (continued)

Design Quality Principle	UDRP and Assessing Officer Comments
	<p><i>There isn't sufficient information in the package to determine if the basement is still lowered relative to the park edge with mounding to Church St to reduce the visual impact from the basement. This approach must be continued. The issue of the narrow setback from the park is still evident which does restrict landscape opportunities.</i></p> <p><i>The Porter St frontage of the scheme is still heavily compromised by the car access and the fire egress which reduce the sense of address of the proposal. No attempt has been made to create an interaction between the ground level unit and the streetscape and a side entry is shown which is not ideal. The location of the stair in the unit is unfortunate as it compromises the opportunity for ground level access and doors towards the street. No information is provided on the courtyard/landscape treatment for this lower level either.</i></p> <p><i>The previously long form seeking to achieve the maximum height over the entirety of the length of the lot (other than front setbacks) has been slightly amended by removal of 2 units in the centre of the site to break up the form to some degree which is a positive improvement.</i></p> <p><i>The applicant has not chosen to adopt the Panel's recommendation that at the upper levels the continuous corridor is deleted and the two cores do not link. This is unfortunate as it would have assisted in reducing the extent of visual and acoustic impacts from the corridor at the upper levels due to the inadequate setbacks.</i></p> <p><i>A unit per floor has been removed which has allowed more appropriate unit layouts which is positive.</i></p> <p><u>Assessing Officer Comments</u></p> <p>The building form has been amended to align with the park and the basement has been lowered relative to the park edge with a 2 metre landscaped setback is provided to the park into a front semi private space.</p> <p>Council's City Works - Parks Planning do not support the direct access from private courtyard areas to the adjoining Hayes Reserve. As such the proposal has been amended which deleted the individual access to the adjoining Hayes Reserve from the private courtyards on the ground floor. The courtyard will still have passive surveillance to the park and is considered satisfactory.</p>

ITEM 1 (continued)

Design Quality Principle	UDRP and Assessing Officer Comments
	<p>As the adjoining site 123 Church Street does not wish to amalgamate a detailed analysis of a future residential flat building design at 123 Church Street has been included as part of this application. The design for a residential apartment building results in two apartments per level with one to the street and the other to the rear. A 3m setback from 123 Church Street is proposed and it is envisaged that any new development will also have a 3m setback. The concern by the UDRP with regards to the corridor is addressed by enclosing the corridor and providing high slot windows.</p> <p>The corridor allows for access to both streets and the corridor is enclosed and has fixed windows every alternate level. The sill heights of the upper corridor level are 1700mm therefore privacy and acoustic issues are mitigated. Ground level fixed openings are setback 3m from the common boundary. A unit per level has been removed, reducing the number of apartments from 27 to 21.</p> <p>A ROW has been shown on Architectural Plan Dwg No 100-01 showing vehicular access through the proposed basement into a future basement design. Condition 158 has also been imposed requiring the ROW to be created.</p> <p>The recommendation to remove two units to break the building up at the top level has been implemented and the communal open space is located in this position.</p> <p>The Porter Street frontage entry has since been amended (amended plans received 8 October 2019) and the concerns about the entry have been addressed by the removal of the fire egress corridor to the side with a side pathway to Porter Street. This has allowed a wider building entrance to be provided. Given Council's requirements for garbage collection and vehicular passing bay to be provided on site, the amendment to the building entrance and the proposed façade to Porter Street is now considered satisfactory.</p> <p>The desktop review comments have been addressed by the latest set of amended plans (dated 8 October 2019) which has widened the building entrance at Porter Street and of the amended plans by the UDRP raised no further issues with the design.</p>

ITEM 1 (continued)

Design Quality Principle	UDRP and Assessing Officer Comments
<p>2. Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p><u>UDRP Comments</u></p> <p><i>The very tight setback to the park is not ideal however given the tight confines of the site it could be acceptable if landscaping is maximized in the remaining setback area. As no landscape concept has been provided it cannot be confirmed if this is intended.</i></p> <p><i>The deletion of 2 units in the middle of the development has created a 2 storey break at the top of the development which assists in moderating to some degree its length. It is positive that the units step down the length of the site to follow its topography.</i></p> <p><i>The Panel still considers that whilst there may be a continuous pathway at ground level to access the rear core near Church St, the proposal should use its 2 cores as distinct buildings. This would reduce the long corridor, allow wider units in places that can accommodate 'ear windows' or side windows to bedrooms (where the wall parallel to the boundary is rotated somewhat to allow openings perpendicular to the boundary) and reduce the privacy and amenity impacts of the long corridors in addition to their compromised grade changes.</i></p> <p><i>The Panel notes that the amended plans no longer have bedrooms facing the southern boundary and only wet areas are proposed. This assist with the privacy concerns for the units but the long open corridors for access still create serious privacy concerns.</i></p> <p><i>The Panel also considers that if the long corridors remain in the final DA they must be enclosed fully with translucent glazing or something similar so that they do not create visual or acoustic issues. This will add FSR to the scheme.</i></p> <p><i>The two-storey approach to the units is supported by the Panel, and the deletion of one unit per floor has now provided adequate living area and circulation in addition to the dining space.</i></p> <p><u>Assessing Officer Comments</u></p> <p>The proposal has been amended with an increased setback to the park. Given the narrowness of the site, a 2m setback was considered acceptable if landscaping within this area is maximised. Landscaping is proposed within this setback</p>

ITEM 1 (continued)

Design Quality Principle	UDRP and Assessing Officer Comments
	<p>area and is considered satisfactory.</p> <p>The UDRP desktop review of the amended plans of 12 August 2019, noted that the two-core option was not adopted therefore it is essential that the corridor is enclosed.</p> <p>The applicant has advised that the corridor allows for access to both streets and, if the lifts were used as a distinct building core, this would not allow this. The corridor is enclosed with the floor space included in the FSR calculation.</p> <p>The development (as amended) is considered to satisfy this Principle.</p>
<p>3. Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p>	<p><u>UDRP Comments</u></p> <p><i>The proposal complies with the FSR</i></p> <p><u>Assessing Officer Comments</u></p> <p>Noted.</p> <p>The development (as amended) is considered to satisfy this Principle.</p>
<p>4. Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil</p>	<p><u>UDRP Comments</u></p> <p><i>The Panel notes that 2 storey apartments will not meet the ADG cross ventilation requirements. However, given the site constraints and that they are dual aspect the Panel considers that they could be supported on a merit basis.</i></p> <p><i>The proposal should achieve a good outcome in terms of solar access.</i></p> <p><u>Assessing Officer Comments</u></p> <p>The applicant has provided a BASIX Certificate which indicates that the building will meet the energy and water use targets set by the BASIX SEPP.</p> <p>The applicant has submitted cross ventilation diagrams which illustrate cross ventilation for the 2 storey apartments on the upper level of each apartment.</p> <p>The development (as amended) is considered to satisfy this Principle.</p>

ITEM 1 (continued)

Design Quality Principle	UDRP and Assessing Officer Comments
<p>zones for groundwater recharge and vegetation.</p>	
<p>5. Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p><u>UDRP Comments</u></p> <p><i>As discussed above, the park edge should be heavily landscaped, as should both street frontages.</i></p> <p><i>The Church Street setback should include significant tree planting in deep soil.</i></p> <p><i>Coordination with Council is needed to ensure proposed Porter Street setbacks are designed to enable future road widening and a positive address to the street in both the short and long term.</i></p> <p><i>Communal open space has been relocated to the slot in the building from which is positive however adequate privacy measures will be required given its close proximity to the southern boundary.</i></p> <p><i>A detailed landscape plan is required.</i></p> <p><u>Assessing Officer Comments</u></p> <p>The proposal has increased the setback from the park to allow landscaping between the interface of the park and the subject building. An amended Landscape plan has been submitted and the desk top review by UDRP has advised that the amended plan is satisfactory.</p> <p>The Church Street setback includes planting in deep soil.</p> <p>The 2 metre setback for road widening has been incorporated into the design and the widening of Porter Street has been imposed by Conditions 54 & 55.</p> <p>A timber screen is located on the southern side of the communal open space to mitigate overlooking. This is considered satisfactory by the UDRP in the desktop review.</p> <p>The development (as amended) is considered to satisfy this Principle.</p>
<p>6. Amenity</p> <p>Good design positively</p>	<p><u>UDRP Comments</u></p> <p><i>The entry from Porter St is still heavily compromised by the vehicle ramp and fire egress. The Panel appreciates that the</i></p>

ITEM 1 (continued)

Design Quality Principle	UDRP and Assessing Officer Comments
<p>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><i>width of the site creates real issues; however a performance solution should still be explored with the fire egress potentially via the park. This may require the applicant to purchase an easement from council for egress or that the fire stair exits earlier into the same access way as the entry to avoid loss of landscape area to the street.</i></p> <p><i>No door is shown in any event to the entry which is a security issue and if the fire corridor and the entryway were combined as an open area before the doors into the building this would provide a more generous entry sequence where it is under the building and allow landscaping between the pedestrian egress and the ramp. This is a significant safety concern.</i></p> <p><i>Added to this is the entry itself which is not pleasant – it is a long and very narrow corridor with no sense of arrival and no waiting area. This is not considered to be a suitable solution at present.</i></p> <p><i>The layout of the ground floor unit to Porter St is still not contributing to direct access or passive surveillance of the street at ground level. This should be provided to the maximum extent possible.</i></p> <p><u>Assessing Officer Comments</u> The proposal has been amended (8 October 2019) to relocate the fire escape exit door to the northern elevation (still able to comply with BCA requirements as an external pathway is provided to Porter Street). This, together with the deletion of the ground floor unit and converting this area for a waste collection area has addressed Council's concerns with regard to servicing for the site and has allowed the entry area to be widen with a more legible entrance and sense of address.</p> <p>Passive surveillance to the street is provided from the upper levels of the building. This is considered satisfactory.</p>
<p>7. Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are</p>	<p><u>UDRP Comments</u> <i>A wider lobby is still required to provide an improved entry and the pedestrian and vehicle entry should be separated by at least some landscape.</i></p> <p><u>Assessing Officer Comments</u> Amended plans (8 October 2019) have been submitted</p>

ITEM 1 (continued)

Design Quality Principle	UDRP and Assessing Officer Comments
<p>clearly defined and fit for the intended purpose.</p> <p>Opportunities to maximise passive surveillance of public and communal areas promote safety.</p>	<p>which has provided the wider lobby area.</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 upper front units overlooking Porter and Church Street.</p> <p>The development (as amended) is considered to satisfy this Principle.</p>
<p>8. Housing Diversity and Social Interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p><u>UDRP Comments</u> <i>Acceptable</i></p> <p><u>Assessing Officer Comments</u> The proposal is for 21 apartments of 1 x studio, 4 x 1 bedroom and 16 x 2 bedroom units. Whilst no 3 bedroom are proposed, the development is 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>In addition, 4 units have been designed to meet the Liveable Housing Design Guidelines (LHDG) silver level. This will provide flexible, versatile and cost effective designs to meet the changing needs of occupants over their lifetimes.</p> <p>The development (as amended) is considered to satisfy this Principle.</p>
<p>9. Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p>	<p><u>UDRP Comments</u> <i>The elevations are not yet fully developed with materials. The stepping of the units down the topography offers the opportunity for an interesting architectural expression.</i></p> <p><u>Assessing Officer Comments</u> The UDRP conducted a desktop review of the amended plans of 12 August 2019 and has advised: <i>a full set of elevations is now provided. The architectural language creates an interesting building form and sculptural expression for the scheme which is supported.</i></p>

ITEM 1 (continued)

Design Quality Principle	UDRP and Assessing Officer Comments
<p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The development (as amended) is considered to satisfy this Principle.</p>

Site Isolation

There is a general expectation that site amalgamation will occur for sites to develop to their highest and best use. Where amalgamation is not possible, it is the onus of the Applicant to adequately address the potential for "site isolation" so that the remaining site will not be unduly disadvantaged in term of development potential. This is to include consideration of the principles established by the NSW Land and Environment Court in proceedings of *Melissa Grech vs. Auburn Council [2004] NSWLEC 40*.

To the south of the subject site is 123 Church Street, which is a small narrow site with an area of 544m², width of approximately 13.7m to Church Street. Existing on site is a three storey industrial building which is currently being used as a warehouse.

Adjoining 123 Church Street to the south west is a large redevelopment, known as 125 – 135 Church Street comprising of 4 mixed residential and retail buildings. This development extends to the rear of 123 Church Street.

Figure 8 below shows the location of 123 Church Street and its location adjacent to adjoining properties.

ITEM 1 (continued)

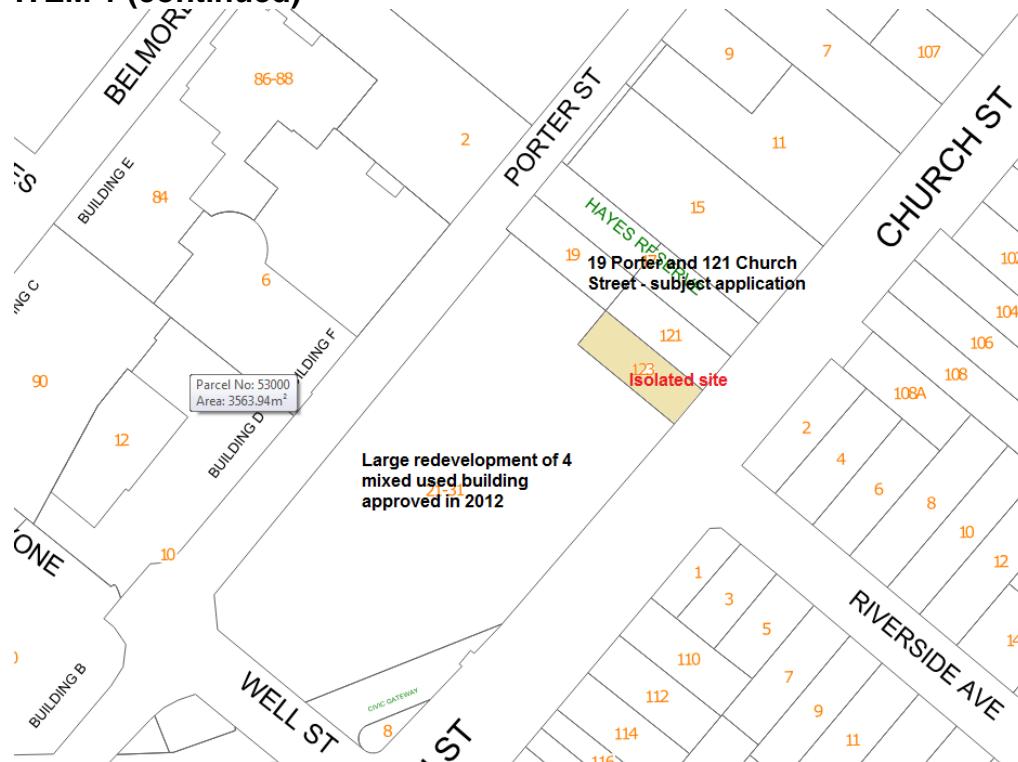


Figure 8: Location of 123 Church Street.

The construction of a residential flat building on the subject site would isolate 123 Church Street. The small lot size and frontage restrict redevelopment for high density residential development.

Based on the above, it is necessary to consider the Planning Principles for site isolation, established by the NSW Land and Environment Court in proceedings of *Melissa Grech vs. Auburn Council [2004] NSWLEC 40*.

The three (3) principles to consider are:

1. *Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.*
2. *Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.*

ITEM 1 (continued)

3. *Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s79C of the Environmental Planning and Assessment Act 1979.*

Discussion with regard to the above principles is provided:

Principle 1:

Council has been provided with a letter, signed by the owner of 123 Church Street, advising that the applicant has met with owner of 123 Church Street on 24 August 2018, and that the owner of 123 Church Street is not interested in selling or undertaking a joint venture with the subject site (121 Church Street and 19 Porter Street).

This letter was dated 24 August 2018 which is after lodgement of the application (application was lodged with Council on 18 April 2018) and not in accordance with the requirement to start negotiations at an early stage.

The Applicant has subsequently provided copies of emails dating back to 2015 of internal discussions between the representatives of the subject site discussing options of amalgamation with 123 Church Street. An email dated 4 November 2015 from one of the applicant representative to the architect advised that the neighbour is not interested in joining with 121 Church Street.

Notwithstanding, it is noted that emails are between the applicants own representatives with no correspondence from the owner of 123 Church Street confirming that he has been contacted and that he does not wish to sell or join in.

Two prelodgements meeting were conducted for 123 Church Street back in 2013 and 2014 both for adaptive re-use of the warehouse building into residential apartment building.

At both meetings, the Panel strongly recommended that 123 Church Street be consolidated with the adjoining site (121 Church Street) so that an integrated design solution could be pursued and that access to a basement car park from Porter Street could be obtained rather than Church Street.

Council contacted the owner of 123 Church Street on 24 April 2019 explaining that if 121 Church Street & 19 Porter Street was to be redeveloped then it would be become difficult for 123 Church Street to redevelop to its full potential and that it would become an isolated site. The owner confirmed that he was not interested in selling to 121 Church Street and has been considering a separate redevelopment.

ITEM 1 (continued)

The owner of 123 Church Street advised he has previously spoken to the owners of 121 Church Street and they were willing to grant him a Right of Way for future access to his site, he has no objections to the proposed redevelopment of 121 Church Street.

Principle 2:

Principle 2 states that the offer to the owner of the isolated property must be:

- Reasonable;
- Based on at least one (1) recent independent valuation; and
- May include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

The Applicant has attached 2 valuation reports (one prepared by State-wide Valuations P/L and another prepared by Vanguard Valuations), both with similar valuations for 123 Church Street.

The letter submitted to Council on 24 August 2018 did not clarify that the market value was offered to the owner of 123 Church Street. A letter dated 30 September 2019 by the applicant states that a *"fair and reasonable offer was made to Mr Cheung, based on two (2) valuation reports the owner had provided"*.

Principle 3:

Evidence has been submitted to suggest that attempts have been undertaken to address the site isolation issue with the owner of 123 Church Street. Council also contacted the owner of 123 Church Street to ascertain whether he fully understood the site insulation issue. It was advised that the owner did not wish to do a joint venture or to sell to the applicant.

It is considered that the court requirements have been satisfied. Given the evidence provided, the applicant can be considered to have made attempts to purchase 123 Church Street at a reasonable value and that this offer was not accepted by the property owner.

Principle 3 requires consideration of the *"level"* of negotiation in consideration of the development application. In this case the consent authority must consider whether the offers made to the owner is *"reasonable or unreasonable"* to determine the amount of weight to be given to this issue in the determination of this application.

As noted above, the valuation reports were shown to the owner of 123 Church Street to discuss the possible purchase of the property. The report was prepared by a registered valuer using direct comparison approach for site area and gross floor area.

The *"reasonable"* nature of the level of negotiation and offer made to the owner should also be based on attempts to purchase the property. The applicant advised that it was very difficult to contact the owner of 123 Church Street before lodgement of the application and attempts were made but to no avail. Emails dated between

ITEM 1 (continued)

October and November 2015 details discussion between the owners and the architect attempting to contact the owner of 123 Church Street (before lodgement of the application). The applicant has advised that a meeting was eventually held with the owner of 123 Church Street in late 2015 where the owner verbally advised that he was not interested in selling or undertaking a joint venture.

Therefore it is considered that the level of negotiation with the owner was adequate.

It should also be noted that the owner of 123 Church Street was notified of the proposal and given an opportunity to comment on the proposal. No submission was received from him.

While Council does not favour the isolation of the site, it must be accepted that the applicant has technically acted in accordance with the Land and Environment Court Principles relating to site isolation and that these attempts were unsuccessful in this instance.

Given the evidence provided, the application can be considered to have satisfied Council in relation to these principles. Therefore, a refusal of the proposal based on site isolation is not warranted.

It should also be stated that the Land and Environment Court in *Cornerstone Property Group Pty Ltd vs. Warringah Council [2004] NSWLEC 189* added another principle to site isolation issues that must be considered, which states:-

4. *Can orderly and economic use and development of the separate site be achieved if amalgamation is not feasible?*

123 Church Street may be redeveloped in an orderly and economic manner as a stand-alone site subject to a Right of Way being created to allow future access and servicing for 123 Church Street. However due to its limited site area (544m² and 14.2m frontage to Church Street), the development potential is very restricted.

The applicant has provided an indicative scheme for 123 Church Street comprising of a 4 storey apartment building containing two apartments, front and rear facing, on each floor level. A 3m setback is provided from each of the adjoining side boundaries. See **Figure 9** below.

ITEM 1 (continued)

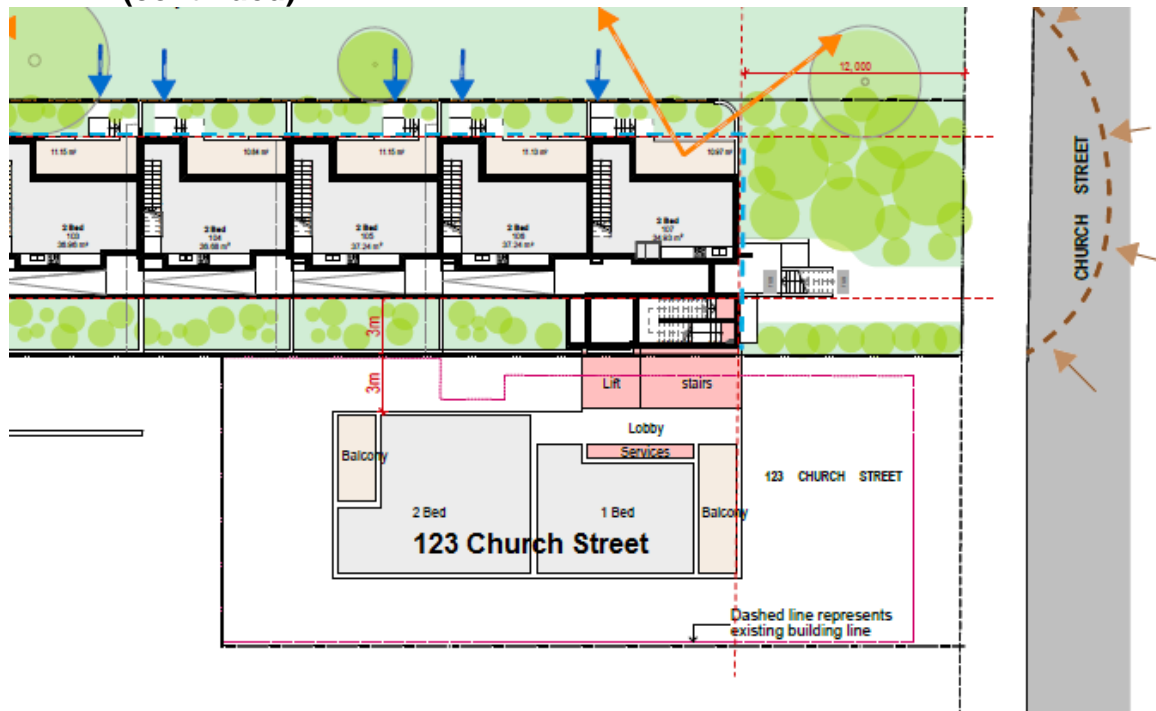


Figure 9: Indicative scheme of possible development at 123 Church Street.

Any approval for this development will include a condition of consent that requires a ROW to be created over the subject site through the basement to allow vehicular access to 123 Church Street – See **Condition 158**. Therefore, it can be assumed that a small apartment building with basement parking could be designed for the site.

Council’s Legal Counsel has reviewed the documentation submitted and has advised that reasonable efforts to contact the owner of 123 Church Street and to negotiate the purchase of the property has been made. It is clear that the owner of 123 Church Street has no intention of selling the property or to enter into a joint venture.

With regard to the above and the issue of site isolation, it is considered that the Applicant has satisfied the process and requirements of the Land and Environment Court Principles relating to site isolation and refusal of the proposal on the basis of site isolation and failure for the Applicant to satisfactorily respond to these principles is not warranted.

Apartment Design Guide

The SEPP also requires the Consent Authority to take into consideration the requirements of the ADG with regard to the proposed residential apartment building.

The following table addresses the relevant matters.

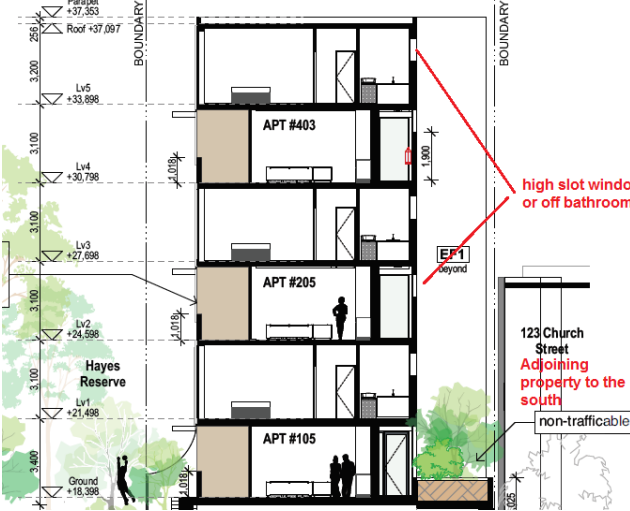
ITEM 1 (continued)

Clause	Proposal	Compliance
<p>Part 2 - Development Controls Note: This part explains the application of building envelopes and primary controls including building height, floor space ratio, building depth, separation and setbacks. It provides tools to support the strategic planning process when preparing planning controls. It is used here only to ascertain degrees of compliance with the most applied controls under Parts 3 and 4 later in this table.</p>		
<p>2E - Building Depth</p> <p>Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.</p>	<p>The development is a narrow infill development on a deep and narrow block.</p> <p>As a response to the dimensions of the site, the depth of the apartment is 8.8m.</p>	<p>Yes</p>
<p>2F - Building Separation</p> <p>Minimum separation distances for buildings up to 5 to 8 storeys should be:</p> <ul style="list-style-type: none"> • 18m between habitable rooms / balconies • 12m between habitable / balconies and non-habitable rooms • 9m between non-habitable rooms. 	<p>Based on a part 7 storey building the development should provide an 18m separation distance. Applying half the minimum separation distance required by the ADG results in a required setback to the boundary of 9m.</p> <p>The development has provided a setback of 3m along the southern boundary with a zero setback for a small section near Church Street for a length of 9m for the lift well and stairs. This nil setback is provided in anticipation of a future development of 123 Church Street to provide a lift in the same location.</p> <p>The subject site is 13.7m wide and 80.2m long with Hayes Reserve to the north, the adjoining sites to the south contain a 6 storey residential flat building (21-27 Porter Street) and a 3 storey industrial warehouse (123 Church Street).</p> <p>Adhering to a minimal 9m setback for building separation and a 4m setback to Hayes Reserve on a site with such a narrow width would render the site undevelopable for medium density purposes, particularly given that</p>	<p>No Variation acceptable</p>

ITEM 1 (continued)

Clause	Proposal	Compliance
	<p>amalgamation with 123 Church Street is not possible (see Site isolation discussion above).</p> <p>Accordingly, consideration has been given to reducing the setbacks along the boundaries to 3m, provided there are no overlooking impacts and architectural relief is provided.</p> <p>The proposed building separation between this development and the 6 storey building at 21-27 Porter Street is 9m. The RFB at 21-27 Porter Street is setback 6m with its northern elevation containing obscure living room windows. See Figure 10 below illustrating the northern elevation of the adjoining building with its side facing obscure glass windows.</p>  <p>Figure 10: Adjoining property side elevation facing the subject site. Obscure glass windows off living areas are along this side elevation.</p> <p>At the time of the approval for the adjoining residential building, Council required the</p>	

ITEM 1 (continued)

Clause	Proposal	Compliance
	<p>windows along this elevation to be of obscure glazing to negate any issues of overlooking to future development to the north (the subject site).</p> <p>Given the site constraints, any new infill development proposed for this site will present overlooking opportunity. As such, privacy impacts to the adjoining properties have been carefully considered and all apartments have been orientated to Hayes Reserve with the elevation facing the adjoining the southern properties comprising of a corridor on the ground and Levels 2 & 4. The corridor is fully enclosed with high level slot windows. On alternative levels 1, 3 & 5 the rooms facing the adjoining southern properties comprise of bathroom or laundry. These rooms are non-habitable areas. Condition 1(a) has been imposed requiring these windows to be of obscure glazing so as to maintain privacy for the existing and future neighbouring apartments.</p>  <p>Figure 11: Section showing side windows to the adjoining site. The windows are either off a corridor and a high slotted or off a bathroom or laundry which is not a habitable room.</p>	

ITEM 1 (continued)

Clause	Proposal	Compliance
	<p>As previously stated, it is not possible to provide the required setback of 9m between buildings and given the site constraints, any new infill development proposed for this site will have a building separation variation. Privacy impacts have been carefully considered.</p> <p>The UDRP has advised: <i>“The ADG allows a minimum 3m setback to non-habitable rooms/blank walls. In addition, and depending on the overall design outcome, walls to lifts or stairs may be on or closer to the boundary than 3m. If it is satisfied that the overall outcome is satisfactory, the Panel will support such non-compliances.”</i> The proposal was reviewed by the UDRP who raised no objections to the setback proposed.</p> <p><u>Separation between 13-15 Porter Street & 115 – 117 Church Street and subject site.</u></p> <p>The building located at 15 Porter Street and 115 Church Street is separated by Hayes Reserve. Hayes Reserve is approximately 14m wide, this together with each of the buildings setback to Hayes Reserve, the building separation is 18.8m. This complies with the building separation of 18m between habitable rooms / balconies.</p>	<p>Yes</p>
<p>2G – Street Setbacks</p> <p>See discussion under the relevant Development Control Plan.</p> <p>Determine street setback controls relative to the desired streetscape and building forms, for example:</p> <ul style="list-style-type: none"> • define a future streetscape 	<p>The Shepherd’s Bay, Meadowbank DCP requires a four metres setback to all the frontages – Porter Street and Hayes Reserves with a 12m residential setback from Church Street.</p> <p>The development provides a 4m setback to Porter Street (after 2m wide dedication) and 12m setback to Church Street in accordance with the DCP.</p>	<p>Yes to Porter and Church Street.</p>

ITEM 1 (continued)

Clause	Proposal	Compliance
with the front building line <ul style="list-style-type: none"> • match existing development • step back from special buildings • retain significant trees • in centres the street setback may need to be consistent to reinforce the street edge • consider articulation zones accommodating balconies, landscaping etc. within the street setback • use a setback range where the desired character is for variation within overall consistency, or where subdivision is at an angle to the street • manage corner sites and secondary road frontages 	<p>Council's DCP requires a 4m setback to the park. This is challenging to achieve on such a narrow site, and the original design proposed a zero and 1.3m setback to the park which was not supported. The UDRP advised that a 2m planted edge and a 2m balcony would create an appropriate park edge which will provide privacy separation from the park while enabling surveillance.</p> <p>A 2m setback is now proposed and the UDRP has advised that given that landscape concept plans have been provided which provide deep soil and planting bed within the 2m setback, the setback is acceptable.</p>	<p>No to setback to Hayes Reserve.</p>
<p>Part 3 - Siting the Development</p> <p>This part provides guidance on the design and configuration of apartment development at a site scale. Objectives, design criteria and design guidance outline how to relate to the immediate context, consider the interface to neighbours and the public domain, achieve quality open spaces and maximise residential amenity. It is to be used during the design process and in the preparation and assessment of development applications</p>		
<p>3B Orientation</p> <p>Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.</p>	<p>The site has two frontages and the building layout has been orientated to face both Church Street and Porter Street.</p> <p>The apartment layout has also been orientated to face the reserve, providing a pleasant outlook and optimising solar access.</p>	<p>Yes</p>
<p>3C Public domain interface</p> <p>Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained</p>	<p>The proposal has been amended to improve the interface with private and public domain.</p>	<p>Yes</p>

ITEM 1 (continued)

Clause	Proposal	Compliance
and enhanced.		
<p>3D Communal & public open space</p> <p>Provide communal open space to enhance amenity and opportunities for landscaping & communal activities.</p> <ol style="list-style-type: none"> 1. Provide communal open space with an area equal to 25% of site; 2. Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June. 	<p>The ADG requires that the site provide 275m² as communal open space. The proposal provides a 138m² of communal open space on Level 4 and a secondary communal area of 106m² on the ground floor adjacent to the southern property (total 244m²) Whilst the area adjacent to the southern property does not receive good sunlight, this is a secondary communal area. In addition the ADG states:</p> <p><i>Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:</i></p> <ul style="list-style-type: none"> - provide communal spaces elsewhere such as a landscaped roof top terrace or a common room - provide larger balconies or increased private open space for apartments - demonstrate good proximity to public open space and facilities and/or provide contributions to public open space. <p>The proposed variation can be supported as the roof top communal area receives northern sun, has views to the park, and passive areas with a large pergola. The proposal is located adjacent to Hayes Reserve and the apartment balconies are larger than required with the ground floor apartment having front lawn area.</p>	<p>No – variation acceptable</p>
<p>3E Deep Soil Zone</p> <p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and</p>	<p>7% (77m²) of the site area is to be deep soil. The development has provided 88.8m² of deep soil zones within the front</p>	<p>Yes</p>

ITEM 1 (continued)

Clause	Proposal	Compliance									
promote management of water and air quality. <ul style="list-style-type: none"> • Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 3m – 6m. 	setback to Church Street and is considered satisfactory.										
<p>3F Visual Privacy</p> <p>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="256 1077 715 1368"> <thead> <tr> <th data-bbox="256 1077 395 1171">Building Height</th> <th data-bbox="400 1077 564 1171">Habitable rooms & balconies</th> <th data-bbox="569 1077 715 1171">Non habitable rooms</th> </tr> </thead> <tbody> <tr> <td data-bbox="256 1178 395 1272">Up to 25m (5-8 storeys)</td> <td data-bbox="400 1178 564 1272">9m</td> <td data-bbox="569 1178 715 1272">4.5m</td> </tr> <tr> <td data-bbox="256 1279 395 1368">Over 25m (9+ storeys)</td> <td data-bbox="400 1279 564 1368">12m</td> <td data-bbox="569 1279 715 1368">6m</td> </tr> </tbody> </table>	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	See discussion under Clause 2 - Building Separation.	<p>No Variation acceptable . (See full discussion under Building Separation) subject to condition</p>
Building Height	Habitable rooms & balconies	Non habitable rooms									
Up to 25m (5-8 storeys)	9m	4.5m									
Over 25m (9+ storeys)	12m	6m									
<p>3G Pedestrian Access & entries</p> <p>Pedestrian access, entries and pathways are accessible and easy to identify.</p>	<p>The development proposes a pedestrian entry to the building from Church and Porter Street. The entry is accessible and easy to identify.</p>	<p>Yes</p>									
<p>3H Vehicle Access.</p> <p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>The development provides a 5.5m wide driveway with a passing bay at the front</p> <p>This access point will provide for adequate sight distances with a waiting bay at the front to allow for vehicles to pass.</p>	<p>Yes</p>									
<p>3J Parking Provisions.</p> <p><u>Car parking</u></p>	<p>The site is not located within 800m of a railway station but is zoned B4 mixed use.</p>	<p>Yes</p>									

ITEM 1 (continued)

Clause	Proposal	Compliance
<p>For development in the following locations:</p> <ul style="list-style-type: none"> • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <p>The car parking needs for a development must be provided off street</p>	<p>The NSW RMS Guide to Traffic Generating parking rates are the same as the RDCP 2014 car parking requirements.</p> <p>See discussion under Part 9.3 of the RDCP 2014 later in this report.</p>	
<p>Part 4 - Designing the Building This part addresses the design of apartment buildings in more detail. It focuses on building form, layout, functionality, landscape design, environmental performance and residential amenity. It is to be used during the design process and in the preparation and assessment of development applications</p>		
<p>4A Solar & daylight access</p> <p>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.</p> <p>No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at</p>	<p>All apartments face north and will receive the required 2 hours of direct sunlight between 9am and 3pm midwinter – 100%</p>	<p>Yes</p>

ITEM 1 (continued)

Clause	Proposal	Compliance
mid- winter. Design should incorporate shading and glare control, particularly for warmer months	Anodised aluminium vertical screens to windows to reduce glare and balconies are indented into the building façade.	Yes
4B Natural Ventilation At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	All apartments will be cross ventilated.	Yes
4C Ceiling Heights Ceiling height achieves sufficient natural ventilation and daylight access. The development is required to provide 2.7m minimum ceiling heights.	The proposed floor to floor height is from 3.1m to 3.4m, minimum of 2.7m floor to ceiling height is able to be achieved.	Yes
4D Apartment size and layout Apartments are required to have the following minimum internal areas with one bathroom: <ul style="list-style-type: none"> • Studio = 35m² • 1 bedroom = 50m² • 2 bedroom = 70m² (+ 5m² for extra bathroom) • 3 bedroom = 90m² • 4 bedroom = 102m² Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan	<ul style="list-style-type: none"> • 2 bed & 2 bathroom units - range 92 - 107m² • 1 bedroom units – 55m² All of the apartments exceed the minimum requirements. All habitable rooms have a window compliant with the rates. All habitable room depths are compliant and have optimal layouts to ensure functionally and high amenity. Each apartment has external windows with the 10% of the floor area.	Yes

ITEM 1 (continued)

Clause	Proposal	Compliance																		
<p>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 10m² Excluding wardrobe spaces.</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments 	<p>The master bedrooms have a minimum area of 10m², excluding wardrobe space.</p> <p>Living rooms/combined living/dining area have the required minimum width.</p>																			
<p>4E Private Open Space and balconies</p> <p>All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="261 1308 699 1653"> <thead> <tr> <th>Dwelling type</th> <th>Min area</th> <th>Min depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m²</td> <td>N/A</td> </tr> <tr> <td>1 bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m²</td> <td>2.4m</td> </tr> <tr> <td>Ground or podium</td> <td>15m²</td> <td>3m</td> </tr> </tbody> </table>	Dwelling type	Min area	Min depth	Studio apartments	4m ²	N/A	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	Ground or podium	15m ²	3m	<p>Balconies meet minimum size requirements.</p> <p>Ground level courtyards meet required 15m² and minimum dimensions.</p>	Yes
Dwelling type	Min area	Min depth																		
Studio apartments	4m ²	N/A																		
1 bedroom	8m ²	2m																		
2 bedroom	10m ²	2m																		
3+ bedroom	12m ²	2.4m																		
Ground or podium	15m ²	3m																		
<p>4F Common circulation and spaces.</p> <p>The maximum number of apartments off a circulation core on a single level is 8.</p> <p>Daylight and natural ventilation should be provided to all common circulation space</p>	<p>The development proposes a maximum of 7 apartments to be accessed from the circulation space. Daylight is provided by block window.</p>	Yes																		

ITEM 1 (continued)

Clause	Proposal	Compliance																		
above ground. Windows should be provided at the end wall of the corridor.																				
<p>4G Storage</p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p> <table border="1" data-bbox="256 770 699 1171"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m³</td> </tr> <tr> <td>1 bedroom apt</td> <td>6m³</td> </tr> <tr> <td>2 bedroom apt</td> <td>8m³</td> </tr> <tr> <td>3 + bedroom apt</td> <td>10m³</td> </tr> </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 ³	1 bedroom apt	6m ³	2 bedroom apt	8m ³	3 + bedroom apt	10m ³	<table border="1" data-bbox="735 544 1289 790"> <thead> <tr> <th>Unit Type</th> <th>Provided</th> </tr> </thead> <tbody> <tr> <td>Studio (0)</td> <td>Nil</td> </tr> <tr> <td>1 bedroom</td> <td>1.1m³ in apartment and plus 6.5m³ in basement.*¹</td> </tr> <tr> <td>2 bedroom</td> <td>8m³</td> </tr> </tbody> </table> <p>*¹ Note: The ADG states that 50% of the required storage should be located in the apartment. The proposal has provided the required storage for the 2 bedroom within the apartments however the 1 bedroom apartments only have 1.1m³ of additional storage in the apartment with 6.5m³ storage in the basement. Whilst this does not comply with the ADG requirement, the proposal has provided more storage than required. The variation with regard to the location of the storage space is considered acceptable.</p>	Unit Type	Provided	Studio (0)	Nil	1 bedroom	1.1m ³ in apartment and plus 6.5m ³ in basement.* ¹	2 bedroom	8m ³	Yes for 2 bedroom apartments , slight variation for the 1 bedroom apartments – variation acceptable
Dwelling type	Storage size volume																			
Studio	4m ³																			
1 bedroom apt	6m ³																			
2 bedroom apt	8m ³																			
3 + bedroom apt	10m ³																			
Unit Type	Provided																			
Studio (0)	Nil																			
1 bedroom	1.1m ³ in apartment and plus 6.5m ³ in basement.* ¹																			
2 bedroom	8m ³																			
<p>4H Acoustic privacy</p> <p>Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments.</p> <p>Plant rooms, services and communal open space and the like to be located at least 3m away from the bedrooms.</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	<p>Appropriate acoustic privacy will be provided for each apartment. Living rooms and balconies have been orientated to face the park away from adjoining apartment buildings.</p> <p>The site is located on a main road and is subject to road traffic noise intrusion from Church Street. It should be noted that the building is setback 12m from Church Street, as required by the DCP.</p> <p>An Acoustic Report has been submitted and has provided recommendations to ensure compliance with the relevant noise criteria is achieved. Condition 47 has been imposed requiring compliance with the recommendation provided in the report.</p>	Yes																		

ITEM 1 (continued)

Clause	Proposal	Compliance
<p>4K Apartment mix</p> <p>A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.</p>	<p>The development has incorporated 16 x 2, 4 x 1 bedroom & 1 studio apartments. Whilst there are no 3 bedroom apartments, this development is relatively small (21 apartments), the proposed development provides housing choice which meets the general market needs.</p>	<p>Yes</p>
<p>4M Facades</p> <p>Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.</p> <p>Building facades are expressed by the façade.</p>	<p>The proposed development incorporates a composition of vertical and horizontal building elements such as vertical slats, different material and finishes which contribute to a well design building.</p> <p>The UDRP has provided the following comments with regard to the façade: <i>“The architectural language creates an interesting building form and sculptural expression for the scheme which is supported.”</i></p>	<p>Yes</p>
<p>4N Roof design</p> <p>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.</p>	<p>The development has proposed a flat roof which is integrated with the overall development.</p>	<p>Yes</p>
<p>4O Landscape design</p> <p>Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable</p>	<p>Landscaping is proposed along the perimeter of the site, with deep soil zone within the front and rear setback. Council’s Consultant Landscape Architect has advised that the amended landscaping plan is satisfactory.</p>	<p>Yes</p>
<p>4P Planting on structures</p> <p>Appropriate soil profiles are</p>	<p>Condition 64 has also been imposed to</p>	<p>Yes</p>

ITEM 1 (continued)

Clause	Proposal	Compliance
provided.	ensure compliance.	
4Q Universal design Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided.	Four universal design “silver” units (Liveable Housing Guidelines) ^{*1} , (three of which are adaptable) are proposed, which provide flexible housing stock. The development complies with these requirements.	Yes
4U Energy efficiency Development incorporates passive environmental design measures – solar design, natural ventilation etc.	The development complies with these requirements complying with the solar and natural ventilation requirement. A BASIX certificate is submitted with the application which indicates that the building will meet the energy and water use targets set by the BASIX SEPP.	Yes

^{*1}Liveable 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.

5.2 Ryde Local Environmental Plan 2014 (RLEP 2014)

The site is zoned B4 Mixed Use 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 B4 Mixed Use are as follows:

- *To provide a mixture of compatible uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible location so as to maximise public transport patronage and encourage walking and cycling.*

ITEM 1 (continued)

- *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 development complies with the above objectives. It will be consistent with the desired future character for the precinct by replacing old derelict buildings and introducing a residential building.

While the above objectives encourage mixed use development, some locations (such as the subject site) may not be suitable for uses other than residential because of physical site constraints and the site not being in established commercially accessible location. Church Street is not conducive for passing pedestrian trade as there is no vehicular parking along Church Street.

It is noted that a mixture of other compatible uses are available in the locality, more suitably located towards Constitution Road and Bowden Street within Meadowbank. Thus the zone objectives will be met through other developments which are more suitably located, when considered in the context of the overall locality. It is also proposed to widen Porter Street which has been identified in the DCP as important for improving traffic flow and providing a safe and improved environment for pedestrians.

The predominant residential use as proposed is permitted in the zone. No issues are raised in relation to this requirement.

Clause 4.3 Height of Buildings

The height of a building on any land is not to exceed the maximum height of 21.5m.

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.*”

The proposed building including the lift overrun complies with the height control.

Clause 4.4 - Floor Space Ratios

The FSR for the site is 2:1. The proposal will have a gross floor area of 2,185m² (which equates to a FSR of 1.98:1), which complies with this control.

ITEM 1 (continued)**Clause 5.10 Heritage conservation**

The site is not listed as a heritage item in Schedule 5 of the LEP however the site is also located within the vicinity of 'Crowle Home', which is an item of heritage significance, listed on Schedule 5 of the *Ryde LEP 2014*.

The provisions of clause 5.10(5) are applicable. The objectives of clause 5.10 are as follows:

- (a) *To conserve the environmental heritage of Ryde,*
- (b) *To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views,*
- (c) *To conserve archaeological sites,*
- (d) *To conserve Aboriginal objects and Aboriginal places of heritage significance.*

The development was referred for heritage consideration and Council's Heritage Advisor has provided the following comments:

"The subject site contains a single-storey commercial building of a combination of masonry and steel construction. The building has a utilitarian character and is reflective of the light industrial built form character that characterised much of the Meadowbank locality for the 20th century. The site is one of few remaining commercial / light industrial buildings along Church Street, with much of the surrounding context having transitioned to multi-storey residential.

The extant built form is considered of little architectural or historical value and demolition is supported. I do not consider an archival recording of the existing building to be warranted in this instance."

While the subject site is within the vicinity of Cowle Home in Bowden Street, much of its immediate setting has been significantly eroded and changed with the recent development of multi-storey residential flat buildings. Consequently, Cowle Home no longer has any significant and direct visual relationship with the streetscape and is entirely obscured from view from the subject site.

In this manner, the proposed development will not result in any obscuration of views to the heritage item and with the built form largely consistent with the transitioning and establishing built form character, it will not visually impact on the backdrop to the heritage item.

The proposal is supported on heritage grounds accordingly." See **Condition 114**.

Clause 6.1 Acid sulfate soils

Clause 6.1 aims to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.

ITEM 1 (continued)

The Acid Sulfate Soils Map establishes five classes of acid sulfate land (classes 1 - 5), 1 being most sever and 5 being least severely affected. Development consent is required (and thus a soil management plan is required) if the site is located in class 5 acid sulfate soil and works are below 5m AHD and the water table is likely to be lowered below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.

The site is currently mapped as containing acid sulphate soils, Class 5. The development is not proposed on land that is below 5m AHD. Furthermore, the site is located in an area with no known occurrence of ASS and a detailed assessment undertaken by JK Geotechnics has not identified the area as having ASS. In addition the Geotechnics report states *“that the natural regional groundwater table is well below the proposed bulk excavation level.”*

Accordingly, the subject site is not affected by the above constraint.

Clause 6.2 Earthworks

Development consent is required for the earthworks associated with the development. Before granting consent for earthworks the consent authority must consider the following matters:

- The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality.
- The effect of the proposed development on the likely future use or redevelopment of the land.
- The quality of the fill or the soil to be excavated, or both.
- The effect of the proposed development on the existing and likely amenity of adjoining properties.
- The source of any fills material and the destination of any excavated material.
- The likelihood of disturbing relics.
- Proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.
- Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The proposed development includes excavation for one level of basement car park. Council's Development Engineering Services requires that a number of conditions be included in the consent to address engineering issues such as a sediment and erosion control plan to be submitted prior to any works commencing on the site. See **Conditions 83 & 127**.

5.3 Draft Environmental Planning Instruments

There are no draft planning instruments applicable to this site.

ITEM 1 (continued)
5.4 City of Ryde Development Control Plan 2014

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

Part 4.2 – Shepherd Bay Meadowbank

Control	Comments	Comply
4.0 General Development Controls		
Mixed-use development will comprise either: <ul style="list-style-type: none"> • a combination of medium and high density residential development with compatible employment related activity. • Compatible employment related activities include: <ul style="list-style-type: none"> - restaurants and cafés; - small scale retail establishments such as convenience stores and news agencies up to 2000 m²; - small commercial offices and studios such as real estate agencies offices; professional suites such as doctors suits; and home offices. 	The B4 zone permits the proposed residential use on the site. The development will comprise of high density residential development without any retail component. This is acceptable as the site interfaces with lower density residential area and the viability of any commercial tenancy on this frontage is questionable as no vehicular stopping is permitted along Church Street. Therefore commercial uses would be more appropriate for sites that allow pedestrian traffic such as Constitution Road and Bowden Street.	No – variation acceptable.
Private living spaces and communal or public spaces should be clearly identified and defined	Each apartment has its own balcony and a communal area provided at the rear and on Level 4 of the building.	Yes
Pedestrian entry to the residential component of mixed-use developments should be: <ul style="list-style-type: none"> - separated from entry to other land uses in the building(s); and - have a clear address and presentation to the street. 	Separate entry has been provided to each road frontages. The development has provided residential lobby, which has a clear presentation to the street.	Yes
The Church Street frontage should be used for commercial uses with residential uses setback at 12m and fronting Porter Street.	Residential use setback 12m.	N/a - No commercial use
4.1.2 Public Doman, Access and Pedestrian/Cyclist Amenity		

ITEM 1 (continued)

Control	Comments	Comply
4.0 General Development Controls		
The achievement of maximum heights and density is contingent on meeting the public domain provisions of this plan and all public domain items being provided by the proponent	Conditions 54 & 55 have been imposed for public domain works.	Yes
New developments must be provided with a minimum of one barrier free access point to the main entry.	The building has been provided with one barrier free access point to each of the entry.	Yes
New commercial development should provide facilities, including showers, bike lockers etc, to encourage walking and cycling to work – refer to Part 9.3 - Parking.	Part 9.3 – Parking states that for new building where floor space exceed 600m ² GFA bicycle parking equivalent to 10% of required car spaces be provided. Based on this, 3 bicycle spaces is required. 3 bicycle and 2 motor bike spaces have been provided.	Yes
New roads, shared ways, pedestrian and cycle paths shall be provided in accordance with Figure 4.2.03.	No road, pedestrian and cycle paths required to be provided.	N/a
Constitution Road, Faraday Lane and Porter Street (see Figure 4.2.03, Figure 4.2.04, Figure 4.2.05 and Figure 4.2.06) are to be widened.	Porter Street is to be widened by 2m. This has been shown on the architectural plan drawing no. 100-01 (Rev G). The subject site adjoins Hayes Reserve and as waste collection will be collected from Porter Street, the frontage along Hayes Reserve will also need to be widened to allow trucks to pull in. The applicant is aware of this and Condition 54 & 55 has been imposed requiring the widening.	Yes
The design and location of vehicle access to developments should minimise conflicts between pedestrian and vehicles on footpaths,	Vehicular access is from Porter Street. The design of the vehicular access has been amended (8 October	Yes

ITEM 1 (continued)

Control	Comments	Comply
4.0 General Development Controls		
particularly along high volume pedestrian streets.	2019) as required by Council's Traffic Engineer and is considered satisfactory.	
Service vehicle access is to be combined with parking access and limited to a maximum of one access point per building.	Amended plans (8 October 2019) has provided a garbage collection room on site. A runner will collect the bins from the garbage collection room, accordingly a service vehicle is not required to enter the site. Council's Waste Officer supports the proposed garbage collection.	Yes
Wherever practicable, vehicle access is to be a single crossing, perpendicular to the kerb alignment.	5.5m crossing which is perpendicular to the kerb alignment.	Yes
Vehicle access ramps parallel to the street frontage will not be permitted.	The vehicle access ramp to the basement car park from Porter Street is perpendicular to the street frontage.	Yes
Vehicle entries are to have high quality finishes to walls and ceiling as well as high standard detailing. No service ducts or pipes are to be visible from the street.	No details have been provided as to whether security entry roller door is provided. It is proposed to include a condition on the consent to ensure that the walls of the ramp that will be visible from Porter Street have high quality finishes and do not contain any service ducts or pipes and security to the car parking area is provided. See Condition 67.	Yes – subject to Condition.
The ground floor of all development is to be flush with the street footpath for the predominant level of the street frontage and at the main entry to the building.	Along Porter Street frontage, the ground floor is flush with the street footpath. At Church Street due to the fall (from Porter Street to Church Street) the ground floor at Church Street will be higher than the street	Yes No for Church Street – variation acceptable.

ITEM 1 (continued)

Control	Comments	Comply
4.0 General Development Controls		
	<p>footpath. Given that this is not the main entry, the building is setback 12m from the boundary with deep soil planting within the setback and an accessible entry platform lift provided, the proposed variation is acceptable.</p>	
<p>Recesses for roller doors and fire escapes are to be wide and shallow to provide for personal security. Narrow, deep recesses are to be avoided.</p>	<p>No details have been provided as to whether security entry roller door is provided. It is proposed to include a condition on the consent to provide security to the parking area and for any security roller door to be provided at the end of the driveway ramp. This will enable a vehicle wishing to enter the basement to queue on the ramp rather than the road. See Condition 67.</p>	<p>Yes - subject to Condition.</p>
4.1.3 Implementation - Infrastructure, Facilities & Public Domain Improvements		
<p>The public land such as the road verge adjoining a development site is to be embellished and if required dedicated to Council as part of any new development. The design and construction of the works are to be undertaken in accordance with section Figure 4.2.03, Figure 4.2.04, Figure 4.2.05, Figure 4.2.06 and Figure 4.2.08.</p>		<p>Yes – see Conditions 54, 55 & 157.</p>
<p>The Access Network being the roads, pedestrian connections and open space network as shown Figure 4.2.03 is to be embellished if required and dedicated to Council as part of the new development. The design and construction of the works are to be undertaken in accordance with Ryde Public Domain Technical Manual and section 4.1.2 of this DCP</p>	<p>Porter Street is to be widened by 2m. See Condition 54 & 55.</p>	<p>Yes</p>

ITEM 1 (continued)

Control	Comments	Comply
4.0 General Development Controls		
S7.11 contributions still apply throughout area, notwithstanding any land dedications, public domain improvements, infrastructure provision etc as required by this DCP.	An appropriate condition of consent will be imposed on any development consent to reflect the required Section 7.11 contributions. See Condition 39.	Yes
4.1.4 Views and Vistas		
Development is to ensure that vistas towards Parramatta River are maintained (refer to Figure 4.2.08)	The proposal complies with the height control. Any redevelopment of the uplifted zoning (B4 Mixed use) will be of a similar scale and density than the properties located north east and will have an impact to their vista to Parramatta River. However other tall buildings are located between the river and the subject site. The proposed building is not higher than buildings located further south west.	Yes
Development must reflect the topography of the area taking into consideration views from the Rhodes Peninsula, Railway Bridge and Ryde Bridge.	The development has reflected the topography of the area by ensuring that the ground level is as close as possible to the street level. In addition, the development has reflected the height of buildings as permitted in RLEP 2014. The development will not adversely affect the views from the Rhodes Peninsula, Railway Bridge or Ryde Bridge.	Yes
Maintain views for pedestrians and cyclists along the public open space to the Parramatta River.	The development will not adversely affect the views for pedestrians and cyclists along the public open space adjacent to Parramatta River.	Yes
New buildings are to take into account the existing views on the subject site and adjoining sites.	The development will not materially affect the views of adjacent properties.	Yes

ITEM 1 (continued)

Control	Comments	Comply
4.0 General Development Controls		
Orientate new development to take advantage of water views and vistas.	Orientated to face Hayes Reserve as recommended by UDRP.	No – orientated to face the adjoining reserve. Considered acceptable.
New developments are not to materially compromise views of the northern ridgeline of Meadowbank.	As the development is complying with the height controls, it will not unreasonably compromise views of the northern ridgeline of Meadowbank.	Yes
4.1.5 Landscaping and Open Space		
All development proposals are to be accompanied by a Landscape Plan prepared by a qualified and suitably experienced landscape architect. This is to include an arborist's report on existing trees, and demonstrate how proposed landscaping will contribute to ecological sustainability. Management of construction impacts must also be addressed.	A Landscaping Plan and Arborist report has been submitted with the application. Council's Consultant Landscape Architect has raised no objections to the proposed landscaping of the site.	Yes.
Roof gardens are encouraged and must be considered in any landscaping plan.	A communal open space area is proposed on Level 4.	Yes
Any development located adjacent to, or immediately across the road from open space is required to address the open space by way of design and orientation.	Amended to have the apartments to face Hayes Reserve as recommended by UDRP.	Yes
All existing mature trees that enhance the quality of the area are to be retained.	No existing trees on site.	Yes
Provide adequate deep planting zones above car parking and other concrete or similar structures to allow sustainable planting.	Deep soil area at setback to Church Street and Porter Street.	Yes
Provide at ground floor level, where possible, open space for dwelling units and contiguous open garden areas to create common large landscaped space.	Ground floor units have private courtyard area at the front, facing Hayes Reserve. Not possible to provide large communal open space at ground floor – communal open space is provided on	Yes

ITEM 1 (continued)

Control	Comments	Comply
4.0 General Development Controls		
	Level 4 with a smaller secondary area adjacent to the southern boundary.	
Where appropriate, developments should incorporate landscaping (such as planter boxes) integrated into the upper levels of building to soften building form.	Planting is proposed on level 4.	Yes
Building setbacks are to allow for landscaping/planting as in section 4.2.2 Setbacks.	<p>Setback in accordance with the DCP – the building is proposed to be set back 4m from Porter Street (after road widening) and 12m from Church Street to allow for landscaping.</p> <p>The reduced setback to Hayes Reserve of 2m is acceptable as landscaping is provided within this setback.</p>	<p>Yes - for Porter Street & Church Street.</p> <p>No - Variation to the setback to Hayes Reserve, considered acceptable.</p>
Where a proposal involves redevelopment of a site, the developer is to arrange for electricity and telecommunications utilities to be under grounded along the entire length of all street frontages. Such utility modifications will be carried out to the satisfaction of the responsible authority (e.g. Energy Australia). This is to improve the visual amenity of the area and allow street trees to grow unimpeded.	Any approval will be conditioned to require undergrounding along Porter and Church Street. See Conditions 54 & 55.	Yes
Permeable landscape surface materials are to be maximised, to allow maximum penetration of stormwater and urban runoff. Recommended permeable landscape materials include gravel, loosely fitting pavers, stepping stones, vegetative groundcover such as grass, creepers, and shrubs.	Permeable landscape surface materials including decorative gravel and vegetative groundcover have been maximized to allow penetration of stormwater and urban runoff. Council's Senior Development Engineer has no objection to the proposal with regards to stormwater runoff.	Yes
4.1.6 Street Furniture and Public Art		

ITEM 1 (continued)

Control	Comments	Comply
4.0 General Development Controls		
All development proposals are to be accompanied by a landscape plan, prepared by a qualified and suitably experienced landscape architect, indicating how public domain improvements including paving, street furniture and lighting will be incorporated into the development.	A landscape plan has been submitted but has not detail any aspects of the public domain works. Public domain has traditionally been addressed via conditions of consent. These conditions identify what is required in respect of the public domain as well as requiring a plan to be submitted in respect of the public domain. This plan requires Council's approval prior to the issue of any Construction Certificate with works completed prior to the any Occupation Certificate. See Conditions 1 (c) & 54.	Yes
Public art is to be provided in accordance with Council's Public Art Policy. Developers must examine opportunities to incorporate public art in both internal and external public spaces and indicate how public art will be incorporated into major developments. Relevant themes include: i. the harbour location; ii. industrial history and heritage; iii. Aboriginal heritage; and iv. urban revitalisation.	Condition 69 has been imposed requiring submission of public art details for the subject site.	No – to be condition
4.1.7 Safety		
Public spaces need to be designed to meet <i>Crime Prevention Through Environmental Design (CPTED) principles (DUAP 2001)</i> .	The proposal was referred to NSW Police who has imposed conditions to provide appropriate lighting, security, surveillance camera etc to ensure that the development complies with CPTED principles. See Conditions 165 to 169.	Yes
Open sightlines and landscaping needs to be provided that allows for	The landscaping along the street frontages will not	Yes

ITEM 1 (continued)

Control	Comments	Comply
4.0 General Development Controls		
high levels of public surveillance by residents and visitors.	obscure sight lines from or towards the development. In addition, the design also allows for casual surveillance from the apartments to the public spaces by residents and visitors.	
Lighting is to be provided to all pedestrian ways, building entries, corridors, laundries, lifts, stairwells, driveways and car parks to ensure a high level of safety and security for residents and visitors at night. Further, external lighting including street lighting if necessary (in accordance with pedestrian lighting AS1158 is to be provided which makes visible potential hiding spots at night.	Appropriate conditions will be imposed to require external lighting to the development. See Condition 62 .	Yes
4.2 Architectural Characteristics		
4.2.1 Height		
The maximum building height is to comply with the heights shown in Ryde Local Environmental Plan 2014 Height of Buildings Map. Buildings must comply with the maximum number of stories shown in Figure 4.2.10.		Yes – below the 21.5m height control.
The ground floor height shall be 4 m floor to floor regardless of use.	3.1 to 3.4m. The ground floor is short of the required floor to floor height however the ground floor apartments are two storeys with dual aspect therefore providing good amenity to the apartments.	No - variation acceptable.
Retail and commercial uses at ground floor are to have floor levels contiguous with finished footpath levels. On sloping sites the levels must be contiguous at entries.	No retail or commercial proposed.	N/a
4.2.2 Setbacks		
Setbacks must be consistent with the setback map (see Figure 4.2.12):	Setback to Porter Street 4m (after 2m wide road widening) Church Street –	Yes

ITEM 1 (continued)

Control	Comments	Comply
4.0 General Development Controls		
I. New development to have 4 m setbacks II. Development along the northern boundary of the Meadowbank area adjacent to R2 low density residential zones is to have 6 m landscape buffer setback III. Development fronting Church Street to have 6 m landscaped buffer setbacks	12m	
Setbacks for buildings of four storeys and above to be consistent with Figure 4.2.13.	Existing and recent approved applications for development along Porter Street have only the upper floor setback 4m from the building façade. For consistency around the Meadowbank area, only the most upper floor is required to be set back 4m from the building façade. This proposal has indented the top floor facing Porter Street 4m on the 5 th floor (top floor). This has provided the modulation required.	Yes
Low native shrubs should be provided within all setbacks with the selection of species discussed with Council.	A Landscaping Plan has been submitted and Council's Consultant Landscape Architect has no objections to the proposed landscaping of the site.	Yes
4.2.3 Roof Form		
Buildings below RL 15 must have articulated roofs, as they will be viewed from buildings above. Articulated roofs refer to well-designed roof zones with landscaping, useable areas and/or richly detailed roofs made of high quality materials.	This is not applicable to the development as the building is not below RL15.	N/a
The use of solar panels on roofs is encouraged where possible.	The application does not include the provision for the installation of solar roof panels. This may be	N/a

ITEM 1 (continued)

Control	Comments	Comply
4.0 General Development Controls		
	considered at a future date and if it is considered to be feasible and desirable, this work would be permissible under the Infrastructure SEPP.	
Attics are to be avoided – as they are not in character with the locale.	No attic roofs are proposed.	N/a
4.2.4 Building Facades and Articulation		
Building facades should be articulated within a 3-metre zone to provide entries, external balconies, porches, glazed balcony enclosures, terraces, verandas, sun shading elements etc.	Building facades articulated with balconies/entries. The development complies with this requirement.	Yes
Articulate buildings to respond to orientation, views, breezes, privacy, views, acoustic requirements, street widths and the relationship of the building to external garden spaces.	The building entries have been orientated to Porter and Church Street.	Yes
Articulate buildings vertically and horizontally: materials and building setbacks on the upper storeys are to be used to reduce the perceived bulk of buildings.	The finishes and materials of the development will add to the vertical and horizontal articulation in the building. The development complies with this requirement.	Yes
Provide and denote entries along street frontages and public domain spaces where appropriate.	Entries will be clearly identifiable from the public domain.	Yes
Buildings are to address streets, open spaces and the river foreshore. Street frontages are to be parallel with or aligned to the street alignment.	Street frontages are parallel with the street alignment and the apartments are orientated towards open spaces and streets.	Yes
Provide balconies and terraces, particularly where buildings overlook public spaces.	Each apartment has been allocated a balcony. These balconies are oriented to face Church Street, Porter Street and Hayes Reserve.	Yes
All facades visible from the public domain are to be durable, low maintenance and of high quality.	A condition will be imposed requiring any facades along the public domain to be maintained and any graffiti to	Yes -

ITEM 1 (continued)

Control	Comments	Comply
4.0 General Development Controls		
	be remove within a specified time frame. See Condition 166.	
External glass to be non-reflective and have a maximum of 20% tint.	This matter can be addressed as a condition of consent. See Condition 60.	Yes
4.2.5 Private and Communal Open Space		
Private open space with sunlight access, ventilation and privacy shall be provided for apartments in accordance with SEPP65.	The proposal complies with solar access for more than 70% of the development. Ventilation and privacy also complies with SEPP 65 requirements.	Yes
No more than 50% of communal open space provided at ground level shall be paved or of other non-permeable materials;	The extent of paving and other non-permeable material in the communal open space is less than 50%.	Yes
Landscaping to be in accordance with approved landscape plan.	Any approval would be conditioned to require landscaping to be provided prior to the occupation of the development. See Condition 150.	Yes
4.2.6 Residential Amenity		
In considering compliance with SEPP65, regard will be given to: <ul style="list-style-type: none"> i. limitations imposed by heritage items to be retained on the site; ii. sunlight access to adjoining balconies of living rooms; and appropriate urban form, site orientation and other constraints. 	No heritage item on site. Overshadowing impact to adjoining properties is unavoidable given the site constraints, however the orientation and design of the buildings have taken into consideration site constraints and orientation.	Yes
4.3 Ecological Sustainability		
4.3.2 Energy Efficient Design		
Residential development must be designed in accordance with principle outlined in the Building Sustainability Index (BASIX)	The applicant has submitted a BASIX Certificate which demonstrates that the development complies with the requirements.	Yes
The principles and properties of thermal mass, insulation and glazing	As the development has provided an acceptable	Yes

ITEM 1 (continued)

Control	Comments	Comply
4.0 General Development Controls		
are to be considered in the design of buildings to achieve a high level of energy efficiency	BASIX Certificate, the development complies with this requirement.	
4.4.2 Noise and Vibration Attenuation		
Residential		
New residential developments, including those within a mixed-use building, are required to consider noise attenuation and acoustic treatment in their design. Particularly, the building layout, walls, windows, doors and roofs are to be designed and detailed to reduce intrusive noise levels.	Condition 46 has been imposed requiring the development to comply with the requirement for Road and Rail noise and vibration criteria for sensitive developments and the relevant standards.	Yes
Development must have regard to "Interim Guidelines for Development Near Busy Road and Rail Corridors" Department of Planning.	Condition 46 imposed to be acoustically designed to meet the provisions of the AS2107.2000 Recommended design sound levels and reverberation times for building interiors.	Yes
Balconies and other external building elements are to be located, designed and treated to minimise infiltration of noise into the building and reflection of noise from the façade.	The development complies with this requirement.	Yes
Loading and unloading facilities must not be located immediately adjacent to residential development.	No loading and unloading facilities.	N/a
5.0 PRECINCT SPECIFIC DEVELOPMENT CONTROLS		
5.4 Precinct 4 - Church Street		
New development in this precinct is to respond to, and consider views from, the Parramatta River.	Orientated to Hayes Reserve – open space, as recommended by the UDRP.	N/a
Retain all existing mature trees that add to the high quality of the area.	No significant trees are located on site.	N/a
New commercial buildings in this precinct are to have a maximum depth from window to core of 12 metres to ensure adequate natural light and ventilation.		N/a
Low native shrubs should be provided within all setbacks with the	Council's Landscape Consultant supports the	Yes

ITEM 1 (continued)

Control	Comments	Comply
4.0 General Development Controls		
selection of species discusses with Council.	proposed plantings/landscaping on the site.	
Council seeks contributions from developers along Church Street for the upgrade of the public domain on the opposite side of the street.	S7.11 contribution will be imposed as required by S7.11 the Contribution Plan. See Condition 39.	Yes – to be condition.
Residential development must be setback at least 12m from Church Street.	Setback 12m from Church Street.	Yes

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) which has been reviewed by Council's Environment Health Officer and is considered satisfactory.

This DCP also requires that the development provide an appropriate space for the storage of wastes. General waste and recycling bins collection will be collected from the building. A bulky good room has been provided in the basement. It will be necessary for "No Stopping" signs to be installed along the property's frontage of Porter Street for garbage between the hours of 5.00am & 11.00am. **Condition 172** has been imposed requiring submission of a signage plan.

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

Part 9.2 - Access for People with Disabilities

This DCP requires that for residential development it is necessary to provide an accessible path of travel from the street to and through the front door to all units on each level of the building. Also 10% of the units are to be adaptable units in terms of AS4299.

An Accessibility Report by BCA Logic has been submitted with the application.

The report by BCA Logic has concluded as follows:

The design documentation as referred to in this report has been assessed against the applicable provisions of the BCA2019 as outlined in Part 1.2 of this report and it is considered that such documentation complies or is capable of complying (as outlined in Report) with those documents.

ITEM 1 (continued)

Condition 49 has been imposed requiring compliance with the recommendations contained in the report by BCA Logic.

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

The development will contain a total of 21 apartments comprising of:

- 1 studio
- 4 x One Bedroom
- 16 x Two Bedroom

The proposed development requires off street car parking to be provided at the following rates:

	Lower Limit	Upper Limit
One bedroom units/ Studio Apartments x 5	3	5
Two bedroom units x 16	14.4	19.2
Subtotal	17.4 (18)	24.2 (25)
Visitors' spaces 1 / 5 units	4.2 (5)	4.2 (5)
	18 residents & 5 visitor = 23 spaces	25 residents & 5 visitor = 23 spaces

The development has provided a total of 18 resident spaces (3 accessible), 4 visitor spaces (1 accessible). There are also 3 bicycle spaces and 2 motorcycle spaces.

The development is noted to be short 1 visitor space however there is no ready means to provide for this in the confined basement level. Council's Senior Development Engineer has advised that given the degree of non-compliance (0.2 space) is considered minor, the shortfall could be accepted.

A multi car parking stacker for 12 vehicles is proposed. Council's Senior Development Engineer has advised "*Mechanical parking devices are generally not preferred given that a mechanical solution with all parking accessed through a single entry point can present potential issues in terms of practicality, safety, sustainability and efficiency. Despite this, their use is considered applicable for constrained sites where there is an inability to accommodate a conventional curved ramp, providing for vehicles to manoeuvre a full 180 degrees to access lower parking levels. The subject site is*

ITEM 1 (continued)

approximately 13m wide and with this width reduced further by shoring along each boundary, the resulting site width would not safely accommodate a vehicle swept path (noting that a B99 vehicle under AS 2890.1 has swept path of 12.6m for a U-turn). Had the development attempted to accommodate a conventional ramp, there is great potential that larger vehicles and less skilled drivers would be required to perform multipoint turns on such ramps if implemented.

The proposed device is therefore considered in light of the concerns noted above;

- Whilst the reliance on a power source for the operation of the device is a concern, this is typically been contested that the system could be likened to other building system in a development which are reliant on a power source. These include elevators, escalators, travelators, large security gates and air conditioning systems, etc. Unless Council implements a particular policy against their use, then this factor alone is not significant to rule out their implementation.*
- Some systems are not preferred with respect that the user may be discouraged to utilise the parking spaces. The proposed system is considered “user friendly” in that an occupant drives into the device, with dimensions similar to a double garage, and can operate the system by an external keypad. Much like a conventional double garage. Similarly the retrieval of the vehicle is just as user friendly.*
- The above point raises concerns that this could result in a delay in the device operation, causing traffic congestion. With the subject development, the access point to the device is located well within the site and provides ample area for a waiting bay without imposing on through traffic.*
- The proposed system will require the owner to exit the vehicle and close the access door prior to it being activated. The system will not operate until the driver vacates the area and therefore does not present a safety concern.*
- The proposed system implements a traffic turntable which ensures vehicles can efficiently enter the facility. When exiting, the vehicle will be rotated such to allow exit in a forward manner. As such, the device facilitates an efficient entry and exit to / from the parking space and this mitigates most of the concerns above.”*

The Access report accompanying the application specifies that 3 of the units will be adaptable. Council requires that a disabled space be allocated to each of these units. Four disabled parking spaces have been provided comprising of 3 disabled spaces for the residents and one for visitors. **Condition 59** has been imposed requiring the residential disabled car spaces to be reallocated to the adaptable units.

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

Based on the above, 3 bicycle spaces are required to be provided. See **Condition 179**.

ITEM 1 (continued)

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

5.5 Section 7.11 Development Contributions Plan 2007 (2010 Amendment)

Council's current Section 7.11 Contributions Plan (adopted 19 December 2007) requires a contribution for the provision of various additional services required as a result of new developments. The contribution is calculated based on the number of additional dwellings. The proposal comprises of 5 x 1 bedroom & 16 x 2 bedrooms.

A concession has not been given for the industrial buildings at 121 Church Street & 19 Porter Street as no details has been provided with regards to the warehouse component and is unlikely that a S7.11 contribution was paid for these buildings.

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$ 58,285.70
Open Space & Recreation Facilities	\$143,487.43
Civic & Urban Improvements	\$48,802.93
Roads & Traffic Management Facilities	\$6,657.00
Cycleways	\$4,158.35
Stormwater Management Facilities	\$13,217.04
Plan Administration	\$1,121.09
The total contribution is	\$275,729.54

Condition 39 requiring the payment of a Section 7.11 contribution has been included in the recommendation of this report which will further be indexed at the time of payment if not paid in the same quarter.

6. The likely impacts of the development

Built Form

The subject site is a highly constraint site, being only 13.7m wide with the adjoining property to the south west not wishing to amalgamate with the subject site.

The development is designed as a high quality residential building that contributes to the public domain and provides a presence to Hayes Reserve. The design has been amended to face and integrate with the park. The design of the building provides a 'bookend' to the built form to the immediate southwest and has a curved façade, which provides a point of difference in the local area. The two storey typology of the apartments provides amenity and the built form response to the slope and steps down the site to Church Street.

ITEM 1 (continued)

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

Access and Traffic

The development has proposed entry/exit driveway located off Porter Street and will provide off street car parking within the basement levels of the development. A Traffic Impact Assessment was submitted and it was concluded by Council's Traffic Engineer that with the widening of Porter Street, from a traffic perspective the development will not result in any unacceptable traffic implications to the road network.

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 70% of apartments receiving the required three hours 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.

Visual & Acoustic 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 properties. This has been achieved by designing building layouts with windows and balconies orientated to Porter and Church Streets and Hayes Reserve. Porter and Church Streets are 16m and 28m wide roads, respectively. Accordingly sufficient separation is provided to minimise any overlooking concern.

Along the northern elevation facing Hayes Reserve and opposite at 115-117 Church Street & 13-15 Porter Street there is a building separation of 18.8m. Hayes Reserve is 14m wide with each of the buildings having a setback from the balconies 2m and 2.8m. This complies with the building separation of 18m between habitable rooms / balconies.

The adjoining property to the south (21-27 Porter Street) is setback 6m from the common boundary with obscure glass windows. Privacy impacts have been carefully considered and all apartments have been orientated to Hayes Reserve with the elevation facing the adjoining the southern properties comprising of a corridor on the ground and Levels 2 & 4. The corridor is fully enclosed with high level slot windows. On alternative levels 1, 3 & 5 the rooms facing the adjoining southern properties comprise of bathroom or laundry. These rooms are non-habitable areas. The

ITEM 1 (continued)

southern elevation has been carefully treated with high slot openable windows or is small bathroom or laundry windows. **Condition 1(a)** has been imposed requiring these windows to be of obscure glazing so as to maintain privacy for the existing and future neighbouring apartments.

An Acoustic Report prepared by Acoustic Consulting has been submitted with the proposal which made recommendations for the treatment of the building/plants to ensure that acoustic amenity and controlled noise impact is achieved.

With regards to noise from the proposed multi car stacker, the car stacker is located in the basement, under ground with the wall adjacent to the stacker being of solid construction which dampens noise and vibration, as such, the stacker is unlikely to present a noise issue. **Condition 47** has included a requirement for a noise assessment of the multi car stacker and the practical effective noise controls where required.

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.

Public Domain

Council has a Public Domain Technical Manual that applies to Meadowbank. This document specifies the landscaping, paving and street furniture required to be provided as part of an upgrade of the existing public domain. **Conditions 54 & 55** has been imposed to ensure that the public domain is upgraded as part of this development consent. These conditions will also require the 2m wide road dedication in front of the site plus the widening of the road in front of Hayes Reserve. All of this work will contribute positively to the streetscape.

7. Public Notification & Submissions

The original development application was advertised in the Northern District Time and notified between the period of 2 May 2018 and 23 May 2018. During this period, eight (8) submissions were received raising the following concerns:

- Too many units in the area, overcrowding of the area – the area should be used as open park.
- Ryde Road already congested.
- Not enough parking for the number of units.
- Noise and pollution from construction activities
- Overlooking.
- Suggest that the developer contribute to rebuild Hayes Reserve.

ITEM 1 (continued)

After recommendations by the UDRP, amended plans were submitted on 12 August 2019. The amended plans made the following changes:

- Amend the building form from 2 separate building to a single building, aligning with the adjoining Hayes Reserve
- Increase the setback to Hayes Reserve to a 2m setback
- The commercial component of the development deleted
- Number of apartments reduced from 27 to 21 apartments
- Communal open space relocated to level 4 of the building
- Multi stacker car lift in basement so as to comply with Council's parking requirement.

The amended plans of 12 August 2019 were renotified between the periods of 14 August 2019 to 2 September 2019. During this period four (4) submissions were received raising the concerns discussed below.

Figure 12 shows the location of where the submissions were received. Note: Some of the objectors did not leave a residential address, only emails or were located well outside the immediate area.

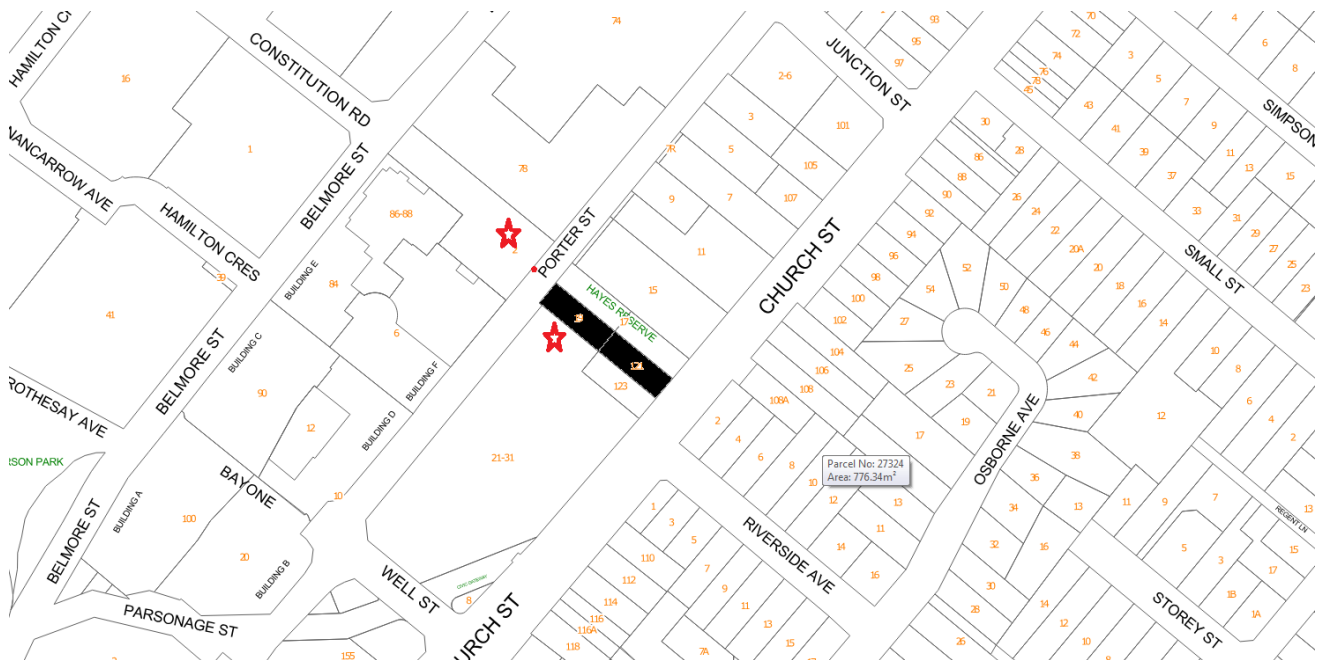


Figure 12: Red star denote location of submissions. Some objectors did not leave their residential address or were outside the immediate area shown on the map above.

Note: The amended plans of 8 October 2019 was not required to be renotified as the amended plans results in an improvement to Porter Street elevation and would not adversely impact adjoining properties.

ITEM 1 (continued)

- ***Will the building foundation at 21 – 25 Porter Street and 123 Church Street be undermined? What is the overshadowing impact to these buildings?***

Assessment Officer's Comment:

The building at 21-25 Porter Street is setback 6m from the common boundary however 123 Church Street has a zero setback with the common boundary.

A Geotechnical Report prepared by JK Geotechnics has been submitted with the application. It is noted in the report that as the excavation will extend to the site boundaries, recommendations for excavation methods and techniques in order to protect the structural integrity of neighbouring buildings were made. **Conditions 48 & 81** have been imposed requiring compliance with the recommendations contained in the report and for dilapidation surveys of neighbouring buildings being undertaken.

Shadow diagrams for 21 June has been submitted which illustrate that the development will cast shadows on the adjoining southern properties, (21-27 Porter Street and 123 Church Street).

Due to the orientation of the site, east to west, overshadowing to southern properties are unavoidable and 123 Church Street will be impacted by overshadowing by any new development on the site. However the amendment to delete the upper floor apartments in the middle of Level 4 (for the communal open space and to reduce building mass) has improved solar access to 123 Church Street. See shadow diagrams, **Figures 13 to 16** below.

ITEM 1 (continued)

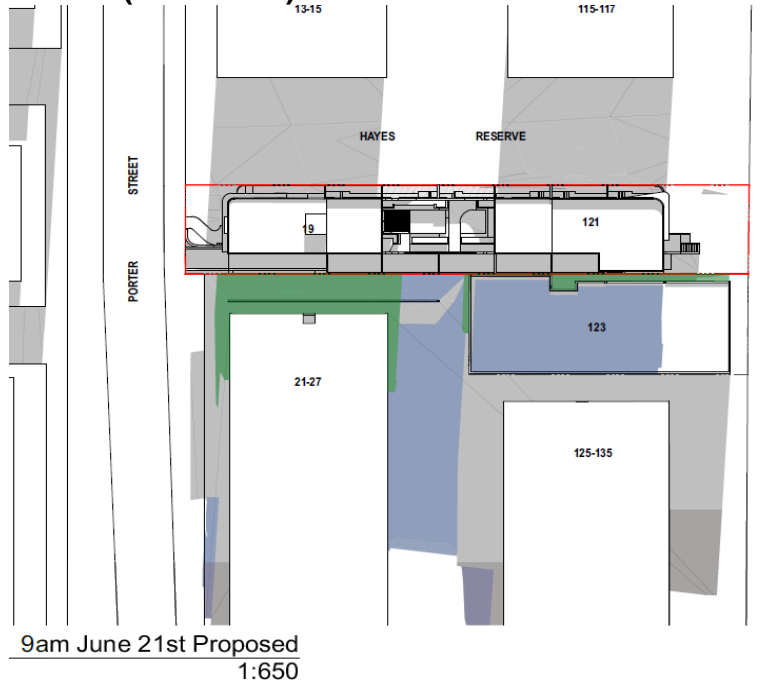


Figure 13: Shadow diagram of overshadowing at 9am from subject site with shadows from the existing buildings (green) and proposed development (blue).

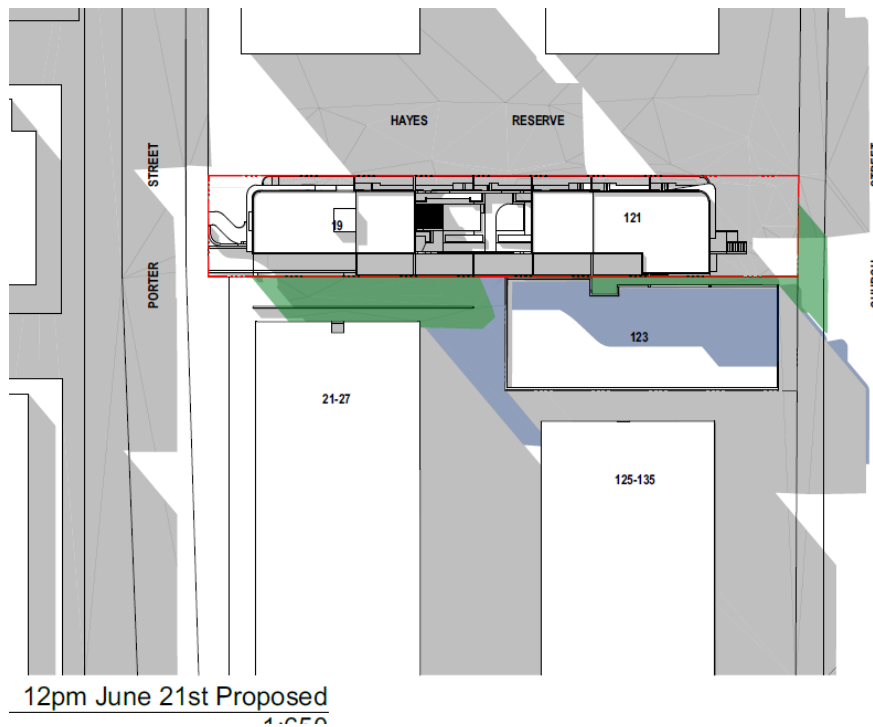
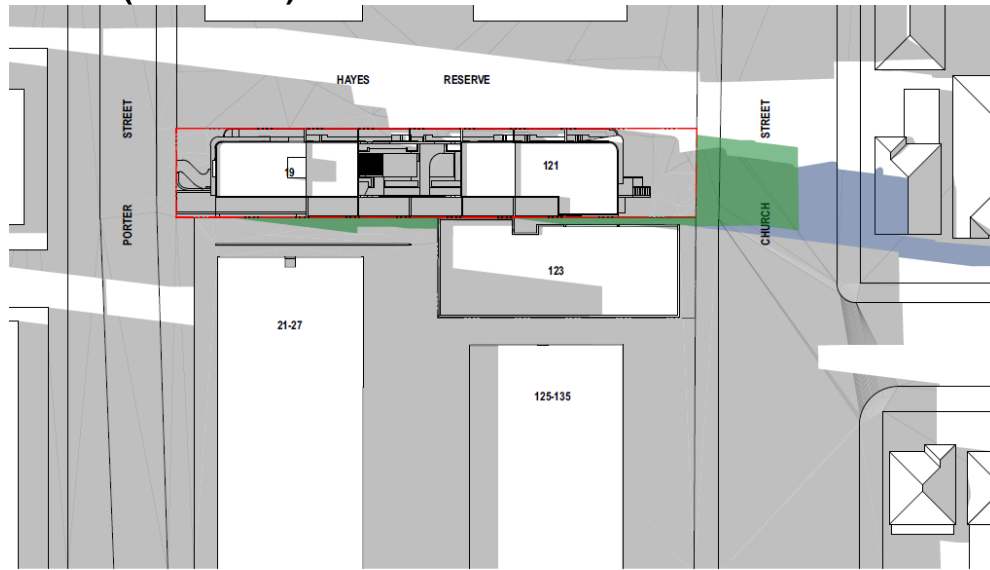


Figure 14: Shadow diagram of overshadowing at 12 noon from subject site with shadows from the existing buildings (green) and proposed development (blue).

ITEM 1 (continued)



3pm June 21st Proposed

Figure 15: Shadow diagram of overshadowing at 3pm from subject site with shadows from the existing buildings (green) and proposed development (blue).

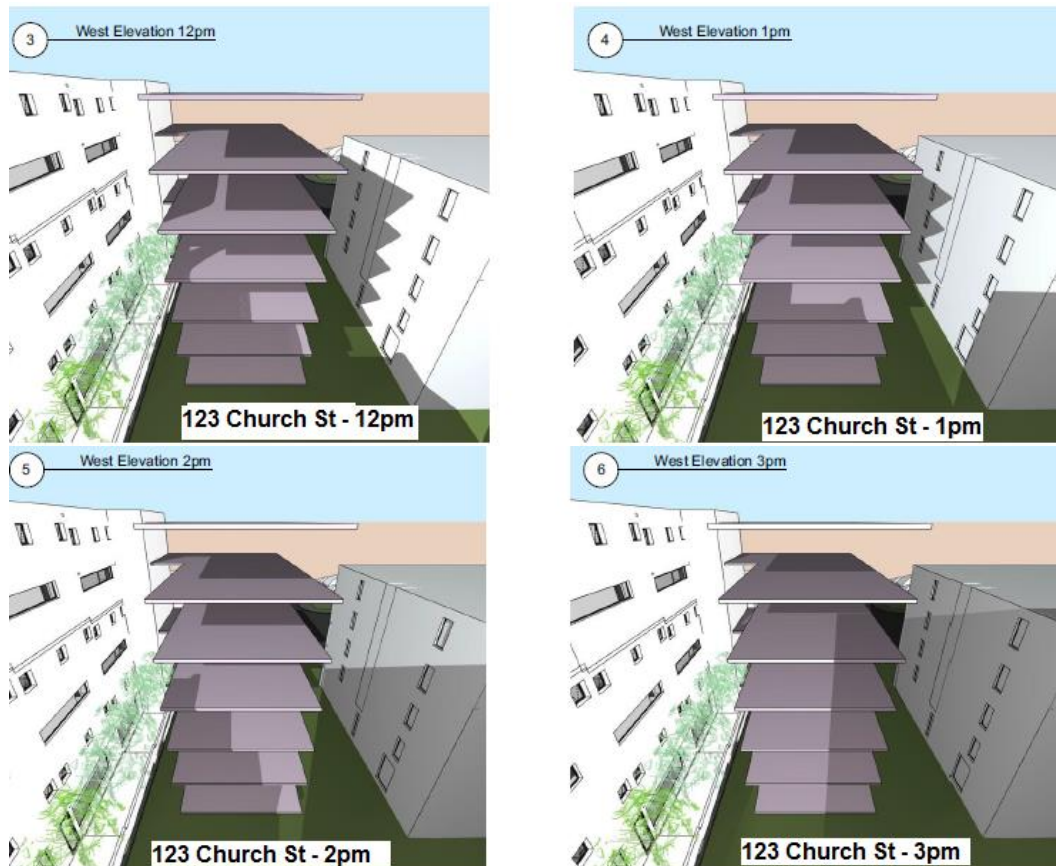


Figure 16 Elevation shadow diagrams illustrating an indicative scheme at 123 Church Street with solar access to the rear apartments from 12pm to 3pm.

ITEM 1 (continued)

The northern elevation of 21-27 Porter Street has slot windows at the middle of the façade and windows either end of this façade. This property will continue to receive solar access from 11- 3pm.

As mentioned above, due to the orientation of the street block, any redevelopment of the site will have overshadowing impact to the immediate adjoining southern property at 123 Church Street, which is currently an industrial building with a zero setback to the common adjoining boundary. Analysis of the schematic provided to illustrate a possible redevelopment for 123 Church Street indicated the front facing apartments on the eastern elevation facing Church Street would receive solar access in the morning and the rear facing apartments on the western elevation in the afternoon.

- ***There will be a large car park in place, how will the additional traffic volume and congestion, road safety be managed? Parking for the development – insufficient – where will visitor park? The development will have 21 units, one commercial tenancy and total car spaces will be 13. Most of the area in Porter Street is marked as “No Stopping” – no area for people to park or for vehicles when people move in or out. Illegal parking highly dangerous as it blocked sight lines.***

Assessment Officer’s Comment:

The proposal has been amended to reduce the number of apartments to 21 units and the amended plans include a multi stacker car lift to comply with the required number of parking spaces. Accordingly a total of 22 off street parking spaces will be provided comprising of 18 residents and 4 visitors. Council’s Senior Development Engineer has reviewed the parking number and layout and has advised that the proposal is satisfactory. Four (4) visitor parking spaces are proposed within the basement car parking area. A passing bay has been provided in the front setback area and Council’s Traffic Engineer has reviewed the amended proposal and is satisfied with this part of the proposal.

A Traffic Impact Report by Henson Consulting was submitted with the application and reviewed by Council’s Traffic Engineer. The report concludes:

- *Vehicle traffic generation is relatively low at less than 10 vehicles per hour at all times, only a small increase over the existing.*
- *Traffic generated by the proposed development can be accommodated at acceptable levels of service without adversely affecting traffic, pedestrian, bicycle or bus network efficiency on the existing road and path network.*
- *Access points for pedestrians, cyclists, and vehicles are suitable and in accordance with road hierarchy considerations. The proposed operation can be appropriately managed and have no significant impact on amenity.*
- *There will be no adverse effects on the safety of any road users including public transport, emergency vehicles, pedestrians and*

ITEM 1 (continued)

Porter Street will be widened as part of this application, in accordance with the requirements of the DCP. The widening of Porter Street will help alleviate some of the traffic problems currently being experienced. Porter Street will be widened to “three” lanes (two lanes of transit and one parking). The submitted Traffic Report has raised no concerns with regards to traffic impact due to the proposed development. The resulting traffic generation rates are considered to be consistent with the zoning of the site and are relatively minor in comparison to the surrounding road network. In this regard, Council’s Traffic Engineer has advised “*the development is unlikely to impact the efficiency of the traffic network or reduce road safety and therefore does not warrant concern*”.

The area is well connected to public transport, with rail, ferry and bus connections. A bus services runs along Church Street which link the area with Strathfield and Rhodes in the south with various other bus connections at Victoria Road to the north. The Sydney ferry services links the site with Parramatta in the west and Circular Quay in the east. The site is well located to all forms of public transport which would help minimise the need of residents and visitors to drive to the area.

- ***The development will press on existing infrastructure – where is the plan to accommodate new residents?***

Assessment Officer’s Comment:

The provision of new infrastructure (such as schools, public transport etc) is under the State government jurisdiction and Council needed to consider the provision of new infrastructure at the time of making of the current planning controls being RLEP 2014.

As part of the new redevelopment to the south (the State Government approved Shepherd’s Bay Redevelopment) the Concept approval incorporates a series of public road and infrastructure upgrades within the area, including but not limited to:

- The extension of Nancarrow Avenue to connect with Bowden Street
- The implementation of Local Area Traffic Management (LATM) measures
- Implementation of left in/left out arrangement at the intersection of Belmore Street and Hamilton Crescent
- The installation of a pedestrian crossing facility at the intersection of Bowden Street and Nancarrow Ave
- The installation of a roundabout at the intersection of Belmore Street and Rothesay Ave
- Implementation of left in/left out arrangement at the intersection of Belmore Street and Yerong Street and
- The signalisation of Constitution Road and Bowen Street.

These upgrades including the provision for a widened Porter Street will improve the traffic infrastructure in the area.

ITEM 1 (continued)

- ***Hours of operation for the commercial activities if any? Why the deletion of commercial space?***

Assessment Officer's Comment:

The amended plans have deleted the commercial component from the proposal. Council raises no objections to the deletion of the commercial use as it is acknowledged that it is difficult to get suitable commercial tenants along this section of Church and Porter Street. This is because there is no vehicular stopping or parking along Church Street, thus Church Street is a busy arterial road as such it is not very conducive for pedestrian traffic. Accordingly, commercial tenancies are not very viable along this section of Church Street.

- ***How the development may impact on drainage patterns in the area. Is the new development capable to handle discharge of stormwater?***

Assessment Officer's Comment:

Council's Senior Development Engineer has reviewed the proposed stormwater plans which proposes to discharges to a new kerb inlet pit in Church Street and incorporates an onsite detention system. Subject to conditions Council's Senior Development Engineer has raised no objections with regard to the drainage for the site.

- ***How does the development fit with any objectives of the planning scheme to protect and enhance the natural environment?***

Assessment Officer's Comment:

It is considered that the development complies with the objectives of the RLEP 2014 as the development will provide new housing, introducing a residential building offering a mix of bedrooms to meet the different housing need within the area.

The proposal will be consistent with the desired future character for the precinct by replacing an old derelict building with a new contemporary building. The site is within walking distance to public transport and will encourage walking and cycling. The natural environment will not be adversely impacted on – no significant trees are currently located on site and the proposal will provide new plantings within a well design landscaped area.

- ***Has An Environmental Impact Statement been prepared and approved?***

Assessment Officer's Comment:

An Environmental Impact Statement is not required to be submitted with this application.

- ***Mitigation proposed to reduce construction noise? Construction activities, before 6am, after 7pm, illegal parking and work practices.***

ITEM 1 (continued)

As a consequence of new planning controls which allow for greater density and height, new developments will occur, changing the character of the area from an industrial area to a predominantly residential area. With new developments/urban renewal there will be disruption due to construction works however it should be noted that construction impacts are controlled by Part 8.1 of the Ryde DCP 2014 and are temporary. Council's standard conditions of consent have been imposed to control the impact of the construction activities. In addition **Conditions 27, 75 & 131** have been imposed requiring a Construction Traffic Management Plan to be submitted detailing traffic management procedures and systems. This will ensure that traffic management will be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems.

Any potential noise sources which could impact on the amenity of nearby land users are noise generated by mechanical plants (such as air condition and car park fans) and **Condition 187** has been imposed to ensure that the use of the premises do not cause the emission of "offensive noise". Also **Condition 5** has been imposed restricting the hours of building works, which is restricted to 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.

Any breaches to the conditions should be reported to Council's Compliance Team for investigation and further action, if necessary.

- ***The proposal should be reduced in scale and setback further from the rear boundary as the proposal is directly adjacent to living bedroom.***

Assessment Officer's Comment:

The proposal has been setback 3m from the rear boundary (southern boundary) and, given the narrowness of the site (13.7m), it is not possible to comply with the required setback of 6m to the southern boundary and 4m to the northern boundary (Haynes Reserve). Compliance with these setbacks would render the site undevelopable for medium density purposes, to which the site is zoned, particularly given that amalgamation with the adjoining 123 Church is not possible.

Accordingly, consideration has been given to reducing the setback along the rear boundary provided there are no overlooking impacts. As discussed earlier in the report under Building Separation, the adjoining site at 21-27 Porter Street is setback 6m with its northern elevation containing obscure living room windows. See Figure 9 earlier in the report.

Given the site constraints, any new infill development proposed for this site will present overlooking opportunities. As such, privacy impacts to the adjoining properties have been carefully considered and all apartments have been orientated to Hayes Reserve with the elevation facing the adjoining the southern properties comprising of a corridor on the ground and Levels 2 & 4. The corridor is fully enclosed with high level slot windows. On alternative levels 1, 3 & 5 the rooms facing

ITEM 1 (continued)

the adjoining southern properties comprise of bathroom or laundry. These rooms are non-habitable areas. The southern elevation has been carefully treated with high slot openable windows or they are small bathroom or laundry windows. **Condition 1(a)** has been imposed requiring these windows to be of obscure glazing so as to maintain privacy for the existing and future neighbouring apartments.

- ***I object to the apartments having private access to Hayes Reserve.***

Assessment Officer's Comment:

The proposal has been amended to delete access from the private courtyards facing Hayes Reserve, accordingly there is no private access from the development to the adjoining Hayes Reserve.

8. ReferralsInternal Referrals:

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

Stormwater Management

As noted in the last report, the OSD storage solution should provide an overflow weir on the Church Street façade so as to ensure that blockage free failure mode is provided for. This is addressed by condition.

Vehicle Access and Parking

The revised plans have provided a two way access at the entry to the property, having dimensions of 6m wide for the initial 6m into the property. The grade of the ramp at the entry is not fully compliant with AS 2890.1 (requiring 5% for the first 6m) however the configuration is accepted considering the determined difference in drivers eye height (level derived from the average between the front and back tire on the drive, m from the) is 54mm and that the development can provide clear, unrestricted sight distance splays on either side of the egress.

The following measures are addressed by condition;

- *The previous report noted that the first visitor space on entry to the facility was poorly located relative to the entry. In hindsight, the space (nominated for disabled parking) is, whilst poorly located, to remain as utilisation of the space will be infrequent (reserved for disabled drivers) and the provision of the adjoining shared space facilitates entry into the space from the entrance to the ramp. For this reason, the space is maintained.*
- *The development warrants some design changes to the proposed car stacker (widening of the entry to the device) as well as need for a designated waiting bay*

ITEM 1 (continued)

and for the applicant to register a Positive Covenant on the site. These matters are addressed by conditions.

Recommendation

*There are no objections to the proposed development with respect to the engineering components, subject to the application of the following conditions being applied to any development consent being issued for the proposed development. See **Conditions 76 to 83, 124 to 198, 157 to 164 & 179.***

City Works (Public Domain, Drainage, Traffic & Waste)Public Domain

The following comments are made with regards to Public domain works:

According to the City of Ryde Council DCP 2014 Part 4.2 Shepherds Bay, Meadowbank, Porter Street is to be widened by 2.0m in order to accommodate two x 3.5m wide footways and a minimum 9m kerb-to-kerb road pavement width. The above will be achieved through the construction of new kerb and gutter along the Porter Street frontage and infill of road pavement between the new kerb pavement and the existing road pavement. The new kerb and gutter along Porter Street shall be constructed at an alignment 3.5m from the new property boundary. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along Porter Street.

Considering the narrow frontage of only about 15m in Porter Street, this Developer will be asked to re-construct the kerb and gutter in front of Hayes Reserve (Council land) and do the widening of the road pavement.

With the widening of the road, the public footpath in front of Hayes Reserve will be narrowed down to approximately 1.45m. If the Council's aim is to provide a continuous strip of footpath of 3.5m wide along that side of Porter Street, then there will be the need of a 2m wide strip of land of Hayes Reserve to be dedicated as public road. Given that Hayes Reserve is Community Land, such dedication will not be a quick and easy process

The applicant is to submit to Council suitably prepared engineering plans providing details that demonstrate the smooth connection of the proposed works with the remaining street scape. This will include relevant existing and design surface levels, drainage pit configurations, kerb returns, etc."

No objection subject to conditions. See **Conditions 54 to 58, 96 to 101, 123, 135 to 147.**

Drainage

Stormwater and Catchments has raised no objections to approval of the application subject to conditions. See **Conditions 50 to 52, 121, 152 to 157.**

ITEM 1 (continued)Traffic

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

"Traffic Implication

The proposed residential development can potentially generate up to 10 vehicle trips per hour during both peak periods, which is considered negligible on the existing road network.

Service and Access Arrangement

Due to the restricted width of the subject site, an on-site loading bay is not provided. Small service vehicles such as minivans and Ute can utilise the visitor parking spaces and any services which require vehicles larger than a standard B99 vehicle will be carried out from Porter Street. To facilitate the domestic waste collection, an on-street waste collection zone in Porter Street can be supported by the Transport Department, subject to the widening of Porter Street carriageway and the provision of a kerb-side parking lane to Council's satisfaction.

*The submitted amended civil plans specified that the extent of public domain works in Porter Street is limited to the subject site's frontage only. However, in order to accommodate Council's 10.8m waste collection vehicle, the kerb line in front of Hayes Reverse shall also be modified to align with the rest of Porter Street. To provide a continuous 3.5m-wide footpath along the eastern side of Porter Street, a 2-metre wide strip of Hayes Reverse will need to be dedicated as public road reserve, which is currently zoned as community land. It is understood that converting a piece of community land to a public road reserve would be a lengthy process. Therefore, it is considered acceptable by Transport Department that as a temporary measure, the width of the footpath along Hayes Reserve's Porter Street frontage be reduced to about 1.5 metres to ensure the waste collection vehicle will not block Porter Street or the proposed driveway." See **Conditions 27, 28, 75, 84, 119, 124, 132, 163, and 171 to 173.***

Waste

"The property is too narrow for a waste truck to enter the basement, so therefore the bins will be serviced from the kerbside.

The bin room is located on ground level and is of adequate size to house the required bins. The contractor will pull the bins from the room, service and return.

Bin allocation:

- 11 x 240L recycle bins serviced fortnightly*
- 11 x 240L waste bins serviced weekly*

ITEM 1 (continued)

A bulky waste storage room is located in the basement and the managing agent or cleaner will be required to present the items at the kerbside for collection the night prior to a pre-booked household clean-up collection”.

No objections subject to conditions. See **Conditions 85, 86, 175 to 177, 183 to 188.**

Consultant Landscape Architect

Council's Consultant Landscape Architect has reviewed the amended landscaping and architectural plans and has made the following comments:

“An Arborist Report has NOT been submitted with the application.

There are two trees and one clump of shrubs and small trees worth retaining in the adjoining Hayes Reserve. The trees are:

- *Tree 1 Jacaranda mimosifolia (Jacaranda)*
- *Tree 2 Platycladus x hybrida (London Plane)*
- *Tree 3 a clump of shrubs and small trees*

Trees 1, 2 and 3 are located only 1.5 metres from the boundary however the existing buildings on site are on the boundary and extend below ground level. Therefore it is unlikely that any roots from these trees extend into the site. These should not be adversely affected by the proposed buildings.

The Landscape plan is satisfactory as it has satisfied the following:

- *Planting beds have been provided to all boundaries where possible.*
- *Trees and shrubs are in scale with the development*
- *Street tree planting of the correct species*
- *Granite paving to Church Street and Poster Street has been provided*
- *Private open space has been provided to the units*

However the Landscape Plan needs to be amended to reflect changes shown on the Architectural Plans.

The stormwater pipes are generally compatible with retention of the existing trees to be retained.

The areas of cut will not impact the existing trees to be retained.

Recommendations

There is no objection to the development if the following conditions are imposed”

See **Conditions 1 (c), 64, 65, 102 to 112 & 174.**

ITEM 1 (continued)**Open Space**

The proposal was referred to Council's Parks Department as it was proposed to have private access from the ground floor units to Hayes Reserve. The Parks Department did not support the proposal and made the following comments:

- *“Removal of all private accesses from Hayes Reserve as these access points are not supported by Council.*
- *Extension of the proposed balustrade/fence to block the proposed access points”.*

Amended plans received 8 October 2019 removed the private access to Hayes Reserve and a continuous balustrade along the common boundary with Hayes Reserve has been provided.

External Referrals

Roads and Maritime Services: Roads and Maritime Services have reviewed the proposal and raised no objections, subject to conditions. See **Conditions 15 to 20**.

NSW Police: NSW Police have raised no objections to the development however they have provided comments and recommendations with regard to:

1. Surveillance
2. Landscaping
3. Lighting
4. Environmental Maintenance
5. Space/activity management
6. Access Control
7. Other matters

Generally, the proposed development is capable of addressing each of the above criteria in an acceptable manner and conditions have been imposed as recommended. See **Conditions 165 to 169**.

9. 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 a highly constrained site with a contemporary residential apartment building that is generally consistent with the Apartment Design Guide and strategic intentions of the associated planning controls adopted for the locality by the Council.

ITEM 1 (continued)

The proposed development was amended to take on board the recommendations of the UDRP in providing a building designed as 'up and over apartments' (2 storey apartments). The apartments have the character of a terrace building typology providing a different style of apartment living within the area. The building has been design to integrate with the adjoining park to provide good surveillance of the park by new residents.

The site is zoned B4 Mixed Use under Ryde LEP 2014 and the development generally complies with the relevant planning controls except for the building separation and setbacks. The owner of 123 Church Street has confirmed that he is not interested in selling his site or a joint venture and given the site constraint (narrow site – 13.7m wide), the proposal provides for acceptable amenity to future residents. **Condition 158** has been imposed to ensure that the isolated site will have vehicular access from Porter Street.

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

The reasons for approval are as follows:

1. The proposal is consistent with the objectives of the B4 Mixed Use zone under RLEP 2014. The development is also consistent with the development standards in RLEP 2014.
2. The proposal results in breaches to the Apartment Design Guide in respect to building separation and setbacks. Despite the non-compliances, the development will still provide adequate amenity to future residents whilst maintaining amenity to the adjoining residential properties.
3. The proposal is consistent with the desired future character of the area.
4. The proposal is not considered to create likely impacts on the residential amenity of adjoining properties.

10. 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 LDA2018/152 for the construction of a residential apartment building development at No. 121 Church Street & 19 Porter Street, Meadowbank subject to the conditions of consent in **Attachment 1** of this report; and
- B. That the person who made a submission in the second round of notification be advised of the decision.

ITEM 1 (continued)

ATTACHMENTS

- 1 Draft Consitions of Consent
- 2 Architectural Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Sandra Mccarry
Acting Senior Coordinator - Major Development

Report Approved By:

Sandra Bailey
Manager - Development Assessment

Liz Coad
Director - City Planning and Environment

ITEM 1 (continued) **ATTACHMENT 1**
Attachment 1 – Draft Conditions for LDA 2018/152 – 121 Church Street & 19 Porter Street, Ryde.

GENERAL

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

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

Document Description	Date	Plan No/Reference
Cover Sheet	09 August 2019	000 Rev G
Site Plan and Demolition	08 Oct 2019	100-02 Rev H
Site Analysis	08 Oct 2019	100-01 Rev H
Levels B, G & 1	08 Oct 2019	110-00 Rev H
Levels 2, 3 & 4	09 August 2019	110-01 Rev G
Level 5 & Roof	08 Oct 2019	110-02 Rev H
Elevations	08 Oct 2019	210-01 Rev H
Sections	08 Oct 2019	310-01 Rev H
Materials Board	09 August 2019	810-02 Rev G
Landscape Plans	02 August 2019	DA-LA 0.0.01 to 0.0.03

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

- (a) **Obscure glazing windows.** All the windows along the southern elevation facing the the adjoining properties 21-25 Porter Street and 123 Church Street, except for the high light window along the corridor, are to be of obscure glazing so as to maintain privacy for the adjoining properties.
- (b) **Studio Apartment.** Drawing No 110-02 Rev H is to be amended to label apartment 501 as a studio apartment with the bedroom not being capable of being closed off.
- (c) **Amended Landscape Plan.** The Landscape Plan needs to be amended to reflect changes shown on the Architectural Plans as listed in Condition 1 above. The amended Landscape Plans are to be submitted to and approved by the Principal Certifier prior to the issue of a **Construction Certificate**.

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

ITEM 1 (continued)

ATTACHMENT 1

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 885831M-03, dated 5 August 2019.
4. **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.
5. **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.
6. **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.
7. **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.
8. **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.
9. **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.

ITEM 1 (continued)

ATTACHMENT 1

10. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
11. **Public Utilities and Service Alterations.** All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the Applicant's expense. The Applicant shall comply with the requirements (including financial costs) of the relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council, etc) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development.
12. **Road Opening Permit.** In accordance with the requirements of the Roads Act, the applicant must obtain consent (*Road opening Permit*) from Council prior to any excavation being undertaken in the road reserve (this includes verge and public footpath areas). No works shall be carried out in the road reserve without this permit being paid and a copy kept on the site.

Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.
13. **Construction Staging.** For any staging of the public domain works, the applicant shall provide a detailed construction management and staging plan.
14. **Public areas and restoration works.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP 2014 Part 8.5 *Public Civil Works*, to the satisfaction of Council. Council's standards and specifications are available on the Council website.
15. **Roads & Maritime Services (RMS).** All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Church Street boundary.
16. **RMS Redundant driveways.** Redundant driveways on Church Street shall be replaced with Kerb and gutter to match existing. The design and construction of the kerb and gutter on Church Street shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au.

ITEM 1 (continued)

ATTACHMENT 1

Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@rms.nsw.gov.au.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

17. **RMS – Excavation.** The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings.

The notice is to include complete details of the work.

18. **RMS.** Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.

19. **RMS.** No demolition and construction vehicles access via Church Street and a construction zone will not be permitted on Church Street.

20. **RMS.** A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Church Street during construction activities.

21. **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 2014 Part 8.5 (*Public Domain Works*), except otherwise as amended by conditions of this consent.

ITEM 1 (continued)

ATTACHMENT 1

22. Service Alterations. All services or utilities required to be altered in order to complete the development works are to be undertaken in accordance with the requirements of the relevant service provider (eg Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.

23. Restoration. Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

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.

24. 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.

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

26. 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

ITEM 1 (continued)

ATTACHMENT 1

applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

27. Demolition Pedestrian and Traffic Management Plan. For all works including demolition activities, a Demolition Pedestrian and Traffic Management Plan (DPTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council's Transport Department prior to issue of any Construction Certificate.

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

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

29. 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.

30. 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.

31. Waste Management Plan. Demolition material must be managed in accordance with the approved Waste Management Plan and all demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

32. 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 1 (continued)

ATTACHMENT 1

33. **Contaminated soil.** All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines* (DECCW, 2009) before being transported from the site.
34. **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.
35. **Surplus excavated material.** All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site.
36. **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.
37. **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.
38. **Dust control.** Appropriate measures must be taken to control the generation of dust during demolition and excavation work:
- Any materials that are likely to generate dust during demolition, excavation or removal must be wetted down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system.
 - All stockpiles of materials that are likely to generate dust must be kept damp or covered.
 - Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifier 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.

ITEM 1 (continued)

ATTACHMENT 1

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifier 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 Certifier.

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$ 58,285.70
Open Space & Recreation Facilities	\$143,487.43
Civic & Urban Improvements	\$48,802.93
Roads & Traffic Management Facilities	\$6,657.00
Cycleways	\$4,158.35
Stormwater Management Facilities	\$13,217.04
Plan Administration	\$1,121.09
The total contribution is	\$275,729.54

These are contributions under the provisions of Section 7.11 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 7.11 Development Contributions Plan may be inspected at the Ryde Customer Service Centre, 1 Pope Street Ryde (corner

ITEM 1 (continued)

ATTACHMENT 1

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 Certifier 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 4.17(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the 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 Certifier 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 to apply.
46. **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.

ITEM 1 (continued)

ATTACHMENT 1

47. Compliance Acoustical Assessment Report . The development is to comply with the recommendations contained in the Acoustic Report prepared by TTM Acoustic Consulting dated 7 August 2019.

In addition to the recommendations made in the report, a detailed noise assessment of the multi car stacker detailing the cumulative noise effect of the stacker and practical effective noise control where required, is to be provided.

All noise and vibration control measures nominated in the acoustical consultant's report and any related project documentation must be implemented and shown on the Construction Certificate plans.

48. Compliance with Geotechnical Report. All design and construction work be conducted in full compliance with all of the recommendations as contained in the Geotechnical Report prepared by JK Geotechnics dated 28 March 2018.

49. Compliance with Access Report. The development is to comply with the requirements contained in the Access Design Assessment Report P217_301-3 (Access) LD prepared by Design Confidence dated 20 December 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. Prior to the issue of any construction Certificate, a suitably qualified access consultant is to certify that the development complies with the requirement of this condition.

50. Stormwater – Property Outlet – New Kerb Inlet Pit. The proposed site drainage outlet shall be connected to the existing 750 mm diameter Council drainage pipe on Church Street via a new kerb inlet pit. The pit shall be constructed as per City of Ryde Standard Drawing SWD 1.1.1 with a nominal precast lintel length of 1.8m.

The site drainage connection pipe shall be cut flush with the internal wall of the pit and should enter the pit perpendicular to the pit wall.

Amended stormwater plans complying with this condition shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. The plans shall be prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent.

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

ITEM 1 (continued)

ATTACHMENT 1

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

52. Stormwater - Drainage Design Submission. Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council's City Works Directorate for the proposed drainage works in accordance with Council's DCP (2014) Part 8.2 Stormwater and Floodplain Management Technical Manual, prior to the issue of the Construction Certificate.

The design submission shall address the following:

- a) A drainage system layout plan and structural details shall be drawn at a scale of 1:100, 1:200 or 1:250 and shall show the location of drainage pits and pipe and any other information necessary for the design and construction of the drainage system (i.e. utility services).
- b) A drainage system longitudinal section shall be drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and shall show the underground channel and pipe size, class and type, pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system (i.e. utility services).
- c) Special details including non-standard pits, pit benching and transitions shall be provided on the drawings at scales appropriate to the type and complexity of the detail being shown.
- d) Any stormwater pit with a depth greater than 1.8 metres shall be designed and certified by a suitably qualified Structural Engineer and the certification shall be submitted with the drainage design drawings.
- e) The drainage system layout plan shall be documented on a detailed features survey plan that describes all existing structures, utility services, vegetation and other relevant features.
- f) New stormwater drainage pipes shall be located underneath the kerb & gutter alignment to facilitate future maintenance.

53. Ground Anchors. The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to an application to Council's City Works Directorate, and approval obtained as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural engineering plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, minimum depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to:

- a. Advice being provided to the relevant Public Utility Authorities of the proposed anchoring, including confirmation that their requirements are being met.

ITEM 1 (continued)

ATTACHMENT 1

- b. the payment of all fees in accordance with Council's Schedule of Fees & Charges at the time of the issue of the approval, and
- c. the provision of a copy of the Public Liability insurance cover of not less than \$20million with Council's interest noted on the policy. The policy shall remain valid until the de-commissioning of the ground anchors.

54. Public domain improvements. The public domain is to be upgraded along both the Church Street and Porter Street frontages of the development site and the road widening in front of Hayes Reserve, in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank and generally the concept civil engineering plans from Australian Consulting Engineers, issue A – dated 4/10/2019. The works, along the Church Street and Porter Street frontages shall include paving, multifunction light poles, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council.

A detailed public domain plan for the following works shall be submitted to, and approved by Council's City Works Directorate, prior to the issue of the 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 Meadowbank Street Tree Master Plan. The designated species are "Syncarpia glomulifera" (Turpentine) for Porter Street, and "Corymbia maculata" (Spotted Gum) for Church Street.

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

- (c) All telecommunication and utility services are to be placed underground along the Church Street and Porter 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. The public utility cover requirements shall be based on the approved Finished Surface Levels for the footpath, driveways and kerb ramps.

ITEM 1 (continued)

ATTACHMENT 1

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

- (d) New street lighting serviced by metered underground power and on multifunction poles (MFPs) shall be designed and installed to Australian Standard AS1158:2010 *Lighting for Roads and Public Spaces*, with a minimum vehicular luminance category V3 and pedestrian luminance category P2 along Church Street.

Subject to design, it is expected that one new street light on multi-function pole (MFP) will be required along the Church Street frontage of the site. Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank. The consultant shall liaise with Council's City Works Directorate in obtaining Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter boxes.

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

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

55. **Public Infrastructure Works** – Public infrastructure works shall be designed and constructed as outlined in this condition of consent and generally in accordance with the concept civil engineering plans from Australian Consulting Engineers, issue A – dated 4/10/2019. Revised plans are to be submitted in order to comply with this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

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

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns, existing and proposed signage and linemarking, and other relevant details for the new works. The

ITEM 1 (continued)

ATTACHMENT 1

drawings shall also demonstrate the smooth connection of the proposed road pavement widening into the remaining street scape.

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

- (a) The full reconstruction of half road width for the Porter Street frontage of the development site in accordance with the City of Ryde DCP 2014 *Part 8.5 - Public Civil Works*, Clause 1.1.4 – *Constructing Half Road*.
- (b) The full reconstruction of half road width for the Porter Street frontage of Hayes Reserve in accordance with the City of Ryde DCP 2014 *Part 8.5 - Public Civil Works*, Clause 1.1.4 – *Constructing Half Road*.
- (c) The removal of all redundant vehicular crossings and replacement with new kerb and gutter, and the adjacent road pavement reconstruction along the Church Street frontage of the development site according to RMS's standards and specifications.
- (d) The construction of new kerb and gutter along the Porter Street frontage of the development site. The new kerb and gutter along Porter Street shall be constructed at an alignment 3.5m from the new property boundary. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along Porter Street.
- (e) The construction of new kerb and gutter along the Porter Street frontage of Hayes Reserve; with this new kerb and gutter being constructed as a continuation in a straight line of the kerb line mentioned in point (d) above.
- (f) Construction of granite footway along the Church Street and Porter Street frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank.
- (g) Restoration of the granite footway along the Porter Street frontage of Hayes Reserve in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank. This may involve some widening of the existing granite footway in order to achieve safe pedestrian thoroughfare along that part of Porter Street.
- (h) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- (i) Signage and linemarking details.
- (j) Staging of the public civil works, if any, and transitions between the stages.
- (k) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

Notes:

ITEM 1 (continued)

ATTACHMENT 1

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 has also been prepared to provide guidance, and is available upon request to Council's City Works Directorate.
4. City of Ryde standard drawings for public domain infrastructure assets are available on the Council website. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated.

56. Vehicle Footpath Crossing and Gutter Crossover. A new vehicle footpath crossing and associated gutter crossover shall be constructed at the approved vehicular access location. The location, design and construction shall be in accordance with City of Ryde Development Control Plan 2014 Part 8.3 *Driveways* and Part 8.5 - *Public Civil Works* and Australian Standard AS2890.1 – 2004 *Offstreet Parking*.

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

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

All grades and transitions shall comply with Australian Standard AS 2890.1-2004 *Offstreet Parking* and Council's specifications. The new crossing shall be min 6.10m wide (as per Architectural drawing 110-00, Revision H, dated 8/10/2019), without the splays, and shall be constructed at right angle to the alignment of the kerb and gutter, and located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

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

ITEM 1 (continued)

ATTACHMENT 1

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

57. 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 the amount of \$50,000 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.

58. Engineering plans assessment and works inspection fees. The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to such approval being granted by Council.

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

59. 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.

60. Reflectivity of materials. Roofing and other external materials must be of low glare and reflectivity. External glass is to be non reflective and have a maximum tint of 20%. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifier prior to the release of the **Construction Certificate**.

61. Fencing. Any boundary fencing shall be erected in such a manner as not to interfere with the natural flow of ground and surface water to the detriment of any other party.

ITEM 1 (continued)

ATTACHMENT 1

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 and southern front return fence is to be reduce in height to be not to than 900mm so as to allow for adequate sightline. Details of compliance are to be provided in the plans for the **Construction Certificate**.

62. 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**. Automatic lighting along the side entrance pathway is to be provided. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.

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

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

And

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

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

64. 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.

65. 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.

66. Storage. Each residential unit is to be provided with the minimum internal storage area as required by the Apartment Design Guide. Details of the

ITEM 1 (continued)

ATTACHMENT 1

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.

67. **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. Any security roller door is to be provided at the end of the driveway ramp. Details demonstrating compliance is to be submitted on the Construction Certificate plans.

68. **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.

69. **Arts and Cultural Plan.** Prior to the issue of the Construction Certificate, a site specific Public Arts Plan is to be submitted for approval by Council. This plan is to be prepared by an arts and cultural planner and will be required to address the following:

- Identify opportunities for the integration of public art in the propose development;
- Identify themes for public art;
- Durability, robustness and longevity of the public art; and
- Demonstrate how public art is incorporated in the site and built form design.

70. **Detailed site investigation report.** The proponent must submit a detailed site investigation report for Council's consideration. The detailed site investigation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use.

If remediation is required, the report should also set out the remediation options available for the site and whether the work is considered to be category 1 or category 2 remediation works.

71. **Remediation of land following detailed site investigation.** If required by the detailed site investigation report, the land must be remediated to the

ITEM 1 (continued)

ATTACHMENT 1

extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.

72. Notice of remediation work - Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of *State Environmental Planning Policy No. 55 - Remediation of Land*.

73. Remediation work - All remediation work must be carried out in accordance with the requirements of:

State Environmental Planning Policy No. 55 - Remediation of Land;

- (a) any relevant guidelines published by the NSW Environment Protection Authority; and
- (b) any council policy or development control plan relating to the remediation of land.

74. Council may require site audit of validation report. If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the site validation report.

75. Construction Pedestrian and Traffic Management Plan. As a result of the site constraints, limited vehicle access and parking, a Construction Pedestrian and Traffic Management Plan (CPTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council's Transport Department prior to issue of any Construction Certificate.

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 Pedestrian and Traffic Management Plan is submitted.

The CPTMP must:-

- i. Make provision for all construction materials to be stored on site, at all times.

ITEM 1 (continued)

ATTACHMENT 1

- 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 City Works Directorate.
- v. Specify that, due to the proximity of the site adjacent to Meadowbank Public School, no heavy vehicle movements or construction activities affecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).
- vi. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- vii. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- viii. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- ix. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CPTMP 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.
- x. Specify spoil management process and facilities to be used on site.
- xi. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xii. Comply with relevant sections of 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 CPTMP checklist shall be obtained from Council’s Traffic, Transport and Development Department prior to submission of CPTMP.

Note: This condition is to ensure public safety and minimise any impacts on the adjoining pedestrian and vehicular traffic systems. The CPTMP is intended to minimise impact of construction activities on the surrounding

ITEM 1 (continued)

ATTACHMENT 1

community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.

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

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

- a) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, both sides of the driveway entry at the property boundary must have clear sight through a splayed region defined by Figure 3.3 of AS 2890.1 (2004) and Council's DCP. Due to the nominated entry grade on the driveway, the region must be free of all obstructions, otherwise any solid obstructions are to be no greater than 700mm above finished surfaces and horizontal fencing/ slats are to permit no less than 50% visual permeability.
- b) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans to be prepared for the Construction Certificate must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.
- c) A vehicle swept path analysis is to be prepared for a vehicle entering and having to manoeuvre around the intercom on which the intercom / entry control is to be situated. The swept path is to assist in locating the median, ensuring efficient entry can be achieved by ensuring minimal manoeuvring is undertaken.
- d) The entry to the car stacker device is noted to have an access width which is less than required by the Standard. Accordingly the entry to the car stacker shall be widened sufficiently to allow vehicles to enter in one manoeuvre and this is to be confirmed by swept path analysis.
- e) The entry to the car stacker device must have a designated waiting bay area, positioned to allow the vehicle egressing the device to pass a vehicle waiting to enter the facility. The device must have an internal

ITEM 1 (continued)

ATTACHMENT 1

signal system to warn drivers approaching in the basement level of any vehicle about to exit the device.

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

77. Stormwater Management. Stormwater runoff from the development shall be collected and piped by gravity flow to the inground drainage infrastructure in Church Street, generally in accordance with the plans by Australian Consulting Engineers (Refer to Job No. 151247 Dwgs D00-D05 Iss. D 7 August 2019) subject to any variations marked in red on the approved plans or noted following;

- The driveway grate is noted to be elevated at the same level of several surface pits downstream. In the event of blockage in the downstream system, the trench grate would be susceptible to surcharge resulting in the inundation of the basement level. To prevent this, it is accepted that the driveway grate may simply discharge to the basement pump/ sump system and the design of this component adjusted to account for this area.

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

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (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.

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

As a minimum, the OSD system must;

ITEM 1 (continued)

ATTACHMENT 1

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

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

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

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

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

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

- 80. 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;

ITEM 1 (continued)

ATTACHMENT 1

- 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;
 - 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 the 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.

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

- 123 Church Street
- 21 to 31 Porter 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.

82. 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.

ITEM 1 (continued)

ATTACHMENT 1

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

- a) All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
- b) Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
- c) Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
- d) The maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging to the kerb.
- e) Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- f) Be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
- g) Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.
- h) Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act.

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

- Existing and final contours
- The location of all earthworks, including roads, areas of cut and fill
- Location of all impervious areas
- Location and design criteria of erosion and sediment control structures,
- Location and description of existing vegetation
- Site access point/s and means of limiting material leaving the site
- Location of proposed vegetated buffer strips
- Location of critical areas (drainage lines, water bodies and unstable slopes)
- Location of stockpiles

ITEM 1 (continued)

ATTACHMENT 1

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

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

84. Waste Vehicle Access. The on-street waste collection area, including the transition of the realigned kerb line, shall be designed for safe forward in and forward out access of 11m Council's waste vehicle, (without blocking access to the site's driveway) as a minimum requirement. Swept path diagrams of 11m Council's waste vehicle shall be submitted to and approved by Council's Transport Department prior to the issue of any relevant Construction Certificate. Swept path diagrams must include details of the widened Porter Street including the kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.

85. Waste Collection. Any changes to the plans Project Number 15011 Drawing 110-00 (sent on the 08/10/2019) 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.

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

- 240L Bins – width 600mm, depth 800mm, height 1100mm

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

- a) Two separate receptacles must be provided inside each dwelling to store up to two days' worth of waste and recyclables awaiting transfer to the communal bin disposal areas to ensure source separation of recyclables.
- b) On-site storage of a minimum of 5m³ must be provided for the storage of unwanted household items awaiting the household cleanup collection.
- c) 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.
- d) All garbage and recycling rooms must be constructed in accordance with the following requirements:

ITEM 1 (continued)

ATTACHMENT 1

- i. 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;
- ii. 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;
- iii. The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
- iv. 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;
- v. The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
- vi. 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;
- vii. 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;
- viii. The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
- ix. The room must be provided with adequate artificial lighting; and
- x. a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning.

87. Mechanical Ventilation Details. Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**. Such details must include:

- (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems;
- (b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity; and
- (c) A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and setting out the basis on which the certificate is given and the extent to which the certifier has relied upon relevant specifications, rules, codes of practice or other publications.

ITEM 1 (continued)

ATTACHMENT 1

88. **Carpark exhaust vent.** The carpark exhaust vent must be located at least 3m above ground level or any pedestrian thoroughfare and: at least 6m from any fresh air intake vent or natural ventilation opening; and at least 6m or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.
89. **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.
90. **Substation.** If a substation is required to be provided, a Section 4.55 application is to be submitted to and approved by Council for the placement of substation. The substation is to be located along the Church Street frontage.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

91. Site Sign

- (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 Certifier 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.

92. Excavation adjacent to adjoining land

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

ITEM 1 (continued)

ATTACHMENT 1

carried out on the allotment of land being excavated or on the adjoining allotment of land.

93. **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.
94. **Work Zones and Permits.** Prior to commencement of associated 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.
95. **Stormwater - Pre-Construction CCTV Report.** To ensure Council's stormwater infrastructures are adequately protected, a pre-construction CCTV report on the existing stormwater pipeline in the vicinity of the proposed development is to be submitted to Council prior to the commencement of any construction works.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator that assesses the condition of the existing drainage line adjacent to the site is required. This report shall include the date of CCTV inspection and shall be submitted to Council's City Works Directorate for approval prior to commencement of any works.

Note: The applicant shall contact Council's Stormwater and Catchments section to obtain a map of Council's existing Stormwater network in the vicinity prior to conducting the CCTV survey.

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 report is submitted. The applicable fee is for 1.0 hour of Staff Time.

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

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

ITEM 1 (continued)

ATTACHMENT 1

97. Notification of adjoining owners & occupiers – public domain works.

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

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

99. Pre-Construction Dilapidation Report. To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable.

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

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

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

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

- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a

ITEM 1 (continued)

ATTACHMENT 1

Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.

- b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.
- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period 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.

ITEM 1 (continued)

ATTACHMENT 1

101. **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.
102. **Tree Retention.** The existing Trees in Hayes Reserve are to be retained and protected.
103. **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.
104. **Tree Protection Fencing.** All trees to be retained in Hayes Reserve are to have protective fencing and signage around TPZs and must be located in accordance with AS4970-2009: 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.
105. **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 adjoining allotments in accordance with AS4970-2009 Protection of trees on development sites. All trees are to be monitored to ensure adequate health throughout the construction period. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction.
106. **Provision of Arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.
107. **Project Arborist Inspections.** The Project Arborist is to inspect and document with Certificates of Compliance to the certifying authority as stipulated in SECTION 5 MONITORING AND CERTIFICATION of AS4970-2009.

PROJECT PHASE	ACTIVITIES	PROJECT ARBORIST to
Initial Site Preparation	Establish/delineate TPZ Install protective measures and undertake soil rehabilitation for all trees to be retained.	Project Arborist to mark Tree Protection Zones and install fences, mulch, irrigation and signage Issue a Certification of Compliance of tree protection measures being in place and

ITEM 1 (continued)

ATTACHMENT 1

		soil rehabilitation undertaken
Construction work	Liaison with site manager, compliance and any deviation from approved plan	Maintain or amend protective measures Supervision and monitoring formal notification of any deviation from approved tree protection plan
Stormwater connection installation through TPZ, Implement hard and soft landscape works	Supervise Installation of pipes within tree TPZ	Excavate trench through TPZ under Arborist supervision, install pipework, remove selected protective measures as necessary and perform remedial tree works Issue a Certificate of Compliance
Practical Completion	Tree vigour and structure Assessment and undertake soil rehabilitation for all retained trees	Remove all remaining tree Protection measures Certification of tree protection and soil rehabilitation for Protected Trees
Defects liability / maintenance period	Tree vigour and structure	Undertake any required remedial tree works Certification of tree protection if necessary

108. **Tree works – Australian Standards.** All tree work must be carried out by a qualified and experienced Arborist with a minimum of AQF level 3 in Arboriculture with NSW Work Cover Code of Practice for Amenity Tree Industry (1998) and AS4373 Pruning of amenity trees (2007).
109. **Excavation within TPZ.** Any excavation or grading/re-grading within the 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.
110. **Canopy Tying.** Where possible tree branches overhanging the construction zones are to be tied back to the main trunk rather than pruned.
111. **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.

ITEM 1 (continued)

ATTACHMENT 1

112. **Canopy Pruning.** All canopy pruning work required shall be carried out in accordance with Australian Standard 4373-2007 – Pruning of Amenity Trees. All pruning work shall be carried out by an experienced Arborist with minimum AQF Level 3 qualifications. No branches of greater than 100mm in diameter should be removed or pruned without further advice from the Project Arborist.

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.

113. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifier during construction to ensure that the critical stage inspections are undertaken, as specified under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
114. **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.

115. **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.

ITEM 1 (continued)

ATTACHMENT 1

- (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.

116. **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.

117. **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.

118. **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.

119. **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".

120. **Construction requirements.** All acoustical treatments nominated in the acoustical assessment report and any related project documentation must be implemented during construction.

121. **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.

122. **Stormwater - Hold Points during construction.** Council Drainage Works – Council requires inspections to be undertaken by a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, for all Council stormwater drainage works.

The Applicant shall submit to the Principal Certifying Authority, certification from the Engineer, at each stage of the inspection listed below, stating all civil

ITEM 1 (continued)

ATTACHMENT 1

and structural construction works have been executed as detailed in the stamped approved plans, and in accordance with the relevant Australian Standards, City of Ryde standards and specifications within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

- a) Upon excavation of trenches shown on the approved drainage drawings.
- b) Upon installation of pit reinforcement but prior to concrete pour for cast in-situ pits.
- c) Upon installation of pipes and other drainage structures prior to backfilling.
- d) Upon backfilling of excavated areas and prior to the construction of the final pavement surface.
- e) Upon connection to the kerb inlet pit.
- f) Final inspection - upon the practical completion of all drainage and associated works (including road pavements, kerb & gutters, footpaths and driveways) with all disturbed areas satisfactorily restored.

Any stormwater pit with a depth greater than 1.8 metres shall be certified by a suitably qualified Structural Engineer.

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

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

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

ITEM 1 (continued)

ATTACHMENT 1

124. **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.
125. **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.
126. **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 Australian Consulting Engineers (Refer to Job No. 151247 Dwg's D00-D05 Iss. D 7 August 2019) submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.
127. **Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. No sediment, dust, soil or similar material shall leave the site during construction work.
128. **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.
129. **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.

ITEM 1 (continued)

ATTACHMENT 1

130. **Construction materials.** All materials associated with construction must be retained within the site.
131. **Construction requirements** - All acoustical treatments nominated in the acoustical assessment report and any related project documentation must be implemented during construction.
132. **Implementation of Construction Pedestrian and Traffic Management Plan.** All works and construction activities are to be undertaken in accordance with the approved Construction Pedestrian and Traffic Management Plan (CPTMP). All controls in the CPTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CPTMP be impacted by surrounding major development not encompassed in the approved CPTMP, the CPTMP measures and controls are to be revised accordingly and submitted to Council's Transport Department for approval. A copy of the approved CPTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
133. **Tip docket.** 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.
134. **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 Certifier 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 Certifier 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 Certifier 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 Certifier.

135. **Road Widening – dedication.** The dedication of a 2.0m strip of land to Council for public road along the Porter Street frontage of the site will be

ITEM 1 (continued)

ATTACHMENT 1

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 dedication shall occur prior to the issue of any Occupation Certificate. The Plan of dedication is to be lodged and registered with the Land and Property Management Authority prior to issue of the Occupation Certificate.

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

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

137. **Compliance Certificate – Vehicle Footpath Crossing and Gutter Crossover.** A Compliance Certificate shall be obtained from Council's City Works Directorate and a copy submitted to the Principal Certifier prior to the issue of any Occupation Certificate, confirming that the vehicle footpath crossing and gutter crossover have been constructed in accordance with the Council's standards and requirements. Fees are payable for the issue of the Compliance Certificate, in accordance with Council's Schedule of Fees and Charges.

138. **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.

139. **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 1 (continued)

ATTACHMENT 1

140. **Electricity accounts for new street lighting.** Prior to the issue of any Occupation Certificate, the Applicant shall liaise with Council's Public Domain Development Section regarding the setting up of the electricity account/s in order to energise the newly installed street lighting.
141. **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.
142. **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.
143. **Public Domain Works-as-Executed Plans.** To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, Works-as-Executed (WAE) Plans shall be submitted to Council for review and approval. The WAE Plans shall be prepared on a copy of the approved plans and shall be certified by a Registered Surveyor. All departures from the Council approved details shall be marked in red with proper notations. Any rectifications required by Council shall be completed by the Developer prior to the issue of any Occupation Certificate.
- In addition to the WAE Plans, a list of all infrastructure assets (new and improved) that are to be handed over to Council shall be submitted in a form advised by Council. The list shall include all the relevant quantities in order to facilitate the registration of the assets in Council's Asset Registers.
144. **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.
145. **Post-Construction Dilapidation Report .** To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and

ITEM 1 (continued)

ATTACHMENT 1

photographic record of any observable defects to the following infrastructure where applicable.

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

The report shall include summary statement/s comparing the pre and post construction conditions of the public infrastructure. The report is to be dated and submitted to, and accepted by Council's City Works Directorate, prior to issue of the Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, and to assess whether restoration works will be required prior to the issue of the Compliance Certificate for External Works and Public Infrastructure Restoration.

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

146. 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.

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

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

148. Compliance Certificate – External Works and Public Infrastructure Restoration. Prior to the issue of any Occupation Certificate, a compliance certificate shall be obtained from Council's City Works Directorate confirming that all works in the road reserve including all public domain improvement works and restoration of infrastructure assets that have dilapidated as a result of the development works, have been completed to Council's satisfaction and

ITEM 1 (continued)

ATTACHMENT 1

in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this Certificate in accordance with Council's Schedule of Fees and Charges at the time of issue of the Certificate.

149. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 885831M-03, dated 5 August 2019.
150. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final Occupation Certificate.
151. **Sydney Water – Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

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

152. **Stormwater - Final Inspection – Drainage Assets Handover -** For the purpose of the handover of the drainage assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer from City Works Directorate following the completion of the trunk drainage works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the trunk drainage Works.

Note: Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

153. **Stormwater – Council Drainage Works – Post Construction Certifications -** Following completion of the final stage of the drainage and associated works and prior to the issue of the Occupation Certificate, the applicant shall submit all certifications from the Supervising Engineer for each hold point inspection required for the drainage works, as outlined in the condition for "Stormwater - Hold Points during construction – Council Drainage Works", to Council's City Works Directorate for written acceptance. The certificates shall contain photographs of the completed works and commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

ITEM 1 (continued)

ATTACHMENT 1

154. **Stormwater - Post-Construction CCTV Report** . To ensure Council's stormwater infrastructures are adequately protected, there are no damages and no protruding pipe inside Council's pipeline due to proposed construction activities and property drainage connection, a post-construction CCTV report on the existing and new stormwater pipeline and the new kerb inlet pit in the vicinity of the proposed development is to be submitted to Council.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing drainage line adjacent to the site is required. The report is to be dated and submitted to, and accepted by Council's City Works Directorate, prior to issue of the Occupation Certificate.

The report shall be used by Council to compare with the pre-construction CCTV footage report, and to assess whether any rectification works will be required to Council's satisfaction at no cost to Council. The applicant shall obtain written approval from a Council Engineer prior to the issue of the Occupation Certificate.

Note: The applicant shall contact Council's Stormwater and Catchments section to obtain a map of Council's existing stormwater network in the vicinity prior to conducting the CCTV survey.

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 report is submitted. The applicable fee is for 2.0 hour of Staff Time.

155. **Stormwater – Council Drainage Works - Works-as-Executed Plans**. To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, and that the assets to be handed over to Council are accounted for inclusion in Council's Assets Register, Works-as-Executed Plans (in both hard and soft copies - AutoCAD, CivilCAD, Civil 3D, 12D or any other commercially used program), certified by a Registered Surveyor shall be submitted to, and accepted by Council in writing, with any rectifications required by Council to be completed by the Developer prior to the issue of any Occupation Certificate.

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

156. **Flooding – Building Components - Basement Carpark**. A certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, shall be provided to the Principal

ITEM 1 (continued)

ATTACHMENT 1

Certifying Authority, prior to the issue of the Occupation Certificate, confirming that all basement carpark areas have been designed and constructed to resist floodwater ingress for up to the Probable Maximum Flood (PMF) event. This includes protection of lifts, stairwells, ventilation shafts and other components which may otherwise create a water ingress risk.

157. **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.

158. **Rights of Way for Vehicular Access for adjoining site – 123 Church Street.** To provide vehicular access from Porter Street to the adjoining southern property – 123 Church Street, Meadowbank, a private Right-of-Way must be created and registered over the subject site (121 Church Street & 19 Porter Street) extending from Porter Street to 123 Church Street, as shown on architectural plan drawing No 100-01 dated 9 August 2019.

Council must review and approve the terms of all easements prior to registration should they differ from those terms defined in Schedule 8 of the Conveyancing Act – 1919. Council must also be listed as the body having authority to alter, reconfigure or extinguish these easements.

Documentary evidence of registration of the Right of Ways for the Vehicular Access are to be submitted to Council prior to the issue of any **Occupation Certificate**.

159. **Multi Car stacker – Positive Covenants.** 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 vehicle stacker in the lot. This is to ensure that the car stacker system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The systems must be completely installed and operational prior to endorsement and therefore will require certification be submitted to Council with the application for endorsement of the instrument.

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.

ITEM 1 (continued)

ATTACHMENT 1

160. **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.
161. **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 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 erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
 - f) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public

ITEM 1 (continued)

ATTACHMENT 1

roadway, have been de-stressed and are no longer providing any structural support.

- g) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
- h) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

162. 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).

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

164. Traffic Signal System. To prevent conflicting traffic flows on the section of single lane driveway access / ramp in the property, particularly when sight distance from the entry to the end of the access is obscured, a traffic signal must be installed to warn a driver entering of any vehicles approaching from the opposite direction.

The signal system must;

- (a) Be clearly visible from both entry points to the access/ ramp,
- (b) Present as a traffic control device to a driver, in the sense of having red/ green illuminated lamps or wording.
- (c) Must clearly indicate to the driver entering, by way of red lamp or wording, a requirement to give way to the opposing vehicle approaching,
- (d) Default to green for traffic entering the development from the public domain.
- (e) Provide demarcated waiting bay (linemarked) for the vehicle having to give way to the approaching vehicle. The waiting bay must be located

ITEM 1 (continued)

ATTACHMENT 1

inside the property boundary at the entry to the development, clear of the swept turning path of the opposing vehicle such to allow the vehicle to pass and is to be (where possible) clear of any manoeuvring paths to adjacent parking spaces.

The system is to be operational prior to the issue of any Occupation Certificate. Details of the system, including the system operation, components and placement within the development, must be detailed by a practising Traffic Engineer. This engineer is to submit these details and certify that the system has been installed accordingly, to the Accredited Certifier prior to the issue of any Occupation Certificate.

165. **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.

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.

166. **Graffiti.** All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti. A

ITEM 1 (continued)

ATTACHMENT 1

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.

167. **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.

168. **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.

169. **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.

170. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Each year the Owners must send to the Council and the Fire and Rescue NSW an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

ITEM 1 (continued)

ATTACHMENT 1

171. **Ryde Traffic Committee Approval.** A plan showing details of the proposed signage and line marking, and/or traffic devices including pedestrian refuge, pedestrian crossing or LATM measures, shall be submitted to the Council and approved by the Ryde Traffic Committee prior to the installation of any traffic devices, signage and linemarking.
172. **Signage and Linemarking – External.** “NO PARKING WASTE VEHICLES EXCEPTED” signs shall be installed on Porter Street along the site’s frontage and Hayes Reserve to enable unimpeded access for Council’s 11m waste vehicle for kerbside collection on waste collection day(s) only. “2P” parking restriction to be applied during the weekdays. 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 any Occupation Certificate.
- Note:** The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.
173. **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 any Occupation Certificate.
174. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of any Occupation Certificate.
175. **Waste Inspection.** An authorised Council Traffic Engineer or Waste Officer is to conduct an onsite inspection to ensure that the development complies with the approved Waste Management Plan and provides safe easy access to service the waste containers. Approval must be provided by City of Ryde Council prior to the issue of the Occupation Certificate.
176. **Garbage Services.** Suitable arrangements must be made with the City of Ryde Council for the provision of garbage services to the premises prior to the issue of any Occupation Certificate.
177. **Access to Waste Servicing areas.** 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.
178. **Finishes and Material.** Prior to the release of any Occupation Certificate the project architect is to certify that the material and finishes detailed on the drawings titled Material Board, Drawing No 810-02 dated 9 September 2019 have been used in construction of the project.

ITEM 1 (continued)

ATTACHMENT 1

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.

179. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- 18 x residential spaces (inclusive of 3 x residential disabled space)
 - 4 x visitor spaces.
 - 3 x bicycle and 2 x motor bike parking spaces.
180. **Lots Consolidation.** 121 Church Street and 9 Porter Street Meadowbank, being Lot 11 in DP 19725 and Lot 16 in DP 19725, respectively are to be consolidated to one lot.
181. **Resident Parking Permits.** Any residents and/or tenants of the subject development are not eligible for resident parking permits as part of any current, or future Resident Parking Schemes.
182. **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.
183. **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.
184. **Signs within the garbage area.** 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.
185. **Storage and disposal of wastes.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner. Waste storage areas must be maintained in a clean and tidy condition at all times.
186. **Waste containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste. Garbage and recycling bins must always be stored on-site between collections.
187. **Bulky Goods.** All material in the bulky items/hard waste storage rooms is to be taken to the collection area stipulated by Council, by the staff or contractors the night prior to the booked household cleanup collection. The

ITEM 1 (continued)

ATTACHMENT 1

material is to be placed in such a manner so that it will not impede the access to any bins from a side arm waste collection vehicle or pedestrian access” Unwanted household items must be stored onsite until the night prior to a pre-booked household cleanup collection .

188. **Recyclable wastes.** Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.
189. **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*.
190. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:
- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).
 - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
 - (c) The transmission of vibration to any place of different occupancy.
191. **Access to Communal Open Space.** The communal open space is not to be used between the hours of 10pm to 7am.
192. **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*.

- 2 13-15 Farm Street, Gladesville - Construction of a part 3 /part 4 storey residential apartment building containing 21 dwellings over basement parking for 26 vehicles - under the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 - LDA2018/0500**

Report prepared by: Senior Town Planner

Report approved by: Manager - Development Assessment; Director - City Planning and Environment

Report dated: 5 November 2019
BP19/1350

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

City of Ryde Local Planning Panel Report

DA Number	LDA2018/0500
Site Address & Ward	13 – 15 Farm Street, Gladesville East Ward
Zoning	B4 Mixed Use under RLEP 2014
Proposal	Construction of a part 3/part 4 storey residential apartment building containing 21 dwellings over basement parking for 26 vehicles - under the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
Property Owner	Farm Road Developments Pty Ltd
Applicant	Farm Road Developments Pty Ltd
Lodgement Date	18 December 2018
No. of Submission	Five submissions received objecting to the development.
Cost of Works	\$6,219,301.00
Reason for Referral to LPP	Sensitive Development – Development to which State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies.
Recommendation	Approval – Deferred Commencement
Report Author	Rebecca Lockart

ITEM 2 (continued)

Attachments	Attachment 1 – Conditions. Attachment 2 - Architectural plans for LDA2016/0003 Attachment 3 – Architectural plans for LDA2018/0500
--------------------	--

1. Executive Summary

The following report is an assessment of a development application for the construction of a residential apartment building with basement parking pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP) at 13 – 15 Farm Street Gladesville. The overall height of the building is 4 storeys and the development will contain 21 apartments and parking for 26 vehicles in the basement. A total of 6 apartments will be provided as affordable housing on Level 01 pursuant to the AHSEPP.

The development has been assessed in respect of the relevant planning instruments and the application is non –compliant with the living room widths under Objective 4D-3 of the Apartment Design Guideline (ADG). These living rooms widths are required to be a minimum 4m for 2-bedroom apartments. Units 04, 05, 11 and 12 are 2-bedroom apartments with living room widths of 3.8m.

Following an assessment of the development application, it is considered that this non-compliance is acceptable on planning grounds. The development otherwise complies with the relevant environmental planning instruments and policies applying to the development, or is capable of complying through recommended conditions of consent.

During the notification period, Council received five submissions, all objecting to the development. The issues raised in the submissions related to concerns with the building height, bulk and scale, privacy impacts, car parking and traffic, motivations of the developer, climate change, removal of trees, and impacts of the current (or past) construction activities of the subject site and 11 Farm Street. These matters are addressed in full detail in Section 9 of this report.

The subject site benefits from an existing development approval from 2016 for the development of the site for demolition and a part 3/ part 4 storey residential flat building containing 20 apartments. Construction for this development has commenced. The subject application seeks additional density generally within the existing approved development envelope.

This development is recommended for approval subject to conditions. Because of the association to LDA2016/0003, a Deferred Commencement condition is recommended which requires the surrender of LDA2016/0003.

ITEM 2 (continued)

The recommended conditions of consent are provided in **Attachment 1** of this report.

2. The Site and Locality

The site is legally defined as Lot 35 DP 11022 and Lot 34 DP 11022 and is known as 13 to 15 Farm Street, Gladesville.

The site is a regular shaped corner allotment with a 26.1m frontage to Farm Street and 45m frontage to The Avenue.

The site has a total site area of 1,295.8m². The northern rear boundary has a length of 27.9m, while the eastern side boundary has a length of 46.5m.



Figure 1 - Aerial image indicating location of the site and surrounding development.

The site has a moderate slope with a fall towards Farm Street of 5.8m from front to rear.

The site is adjoined to the north and north-east by one to two-storey commercial, light industrial and mixed use development.

To the east of 11 Farm Street is the car park of the Gladesville Hotel as shown at **Figures 1 and 4**.

ITEM 2 (continued)

The character of development along Victoria Road is changing from older light industrial and commercial premises to mixed use and commercial developments.

On the opposite side of Victoria Road is a range of mixed uses including a McDonalds Restaurant, a 6-storey mixed use residential flat building with Aldi supermarket and a number of cafes and retail uses, and a storage facility.

To the south and south-west, the site adjoins low density residential development of one and two storeys in height.

The topography of the area slopes to the south from Victoria Road, with the natural ground level of low density residential lots on the opposite side of Farm Street up to 12m lower than the highest point of the subject site.

Neighbouring sites

Local Development Application No. LDA2016/0146 (applying to the adjoining site at 11 Farm Street) was approved by Council on 29 September 2016 (shown at **Figures 3 and 4**). Consent was granted for demolition and erection of a residential apartment building containing nine (9) apartments and 15 parking spaces.

The existing approvals under LDA2016/0003 and LDA2016/0146 were designed in conjunction with one another and accordingly propose a nil side setback along the adjoining boundary, with designs which respect the solar access and privacy of the adjoining site and provide a uniform presentation to Farm Street.



Figure 2 – Pre-construction photograph of the site from Farm Street looking north.



Figure 3 – Pre-construction photograph of the site from Farm Street looking north-north-east (with 11 Farm Street on the right of the photo).

ITEM 2 (continued)



Figure 4 - Photograph of 11 Farm Street.



Figure 5 - Photograph of the Gladesville Hotel carpark from Farm Street.



Figure 6 – Pre-construction photograph of the site from The Avenue looking south.



Figure 7 - Photograph of residential dwellings on the opposite side of the site on Farm Street.

Existing consent & Construction Works (LDA2016/0003)

The site benefits from Development Consent LDA2016/0003 (issued on 13 October 2016) and is currently under construction pursuant to that Consent for demolition works and the construction of a part 3, part 4 storey residential flat building containing 20 apartments and 1 and a half levels of basement parking.

An inspection of the interior of the building took place on 1 October 2019 to ascertain the level of work already undertaken with respect to LDA2016/0003 and to ensure that no works had occurred with respect to the subject application.

It was found that, although well advanced, works had ceased on the site once LDA2018/0500 had been lodged and that no works had occurred which relate to LDA2018/0500. Apart from lift shafts and stair wells, no internal or external vertical walls had been constructed and all works conducted on the site to date relate only to LDA2016/0003.

ITEM 2 (continued)

Figures 8 to 11 below show the internal areas of the site which relate to the areas being the subject to this application.

Unit 01 (expansion)



Figure 8 - Unit 01 (View to Farm Street)



Figure 9 - Unit 01 (View to The Avenue)

Unit 18 (expansion) & 21 (new studio)



Figure 10 – Unit 18 (View to the front)



Figure 11 – New Studio Unit 21 (View to the east)

3. The Proposal

The applicant seeks consent to continue with the construction of the building subject to changes which necessitate the submission of a new Development Application made under the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP).

LDA2016/0003 approved of the following:

ITEM 2 (continued)

- Demolition of all existing structures.
- Construction of a part 3/ part 4 storey residential flat building containing 20 apartments – comprising 6 x 1 bedroom apartments, 12 x 2 bedroom apartments, and 2 x 3 bedroom apartments.
- Provision of 26 car parking spaces located over the ground floor and one basement level.
- Vehicular access from Farm Street.
- Removal of all trees on site, with landscaping works including replacement planting of 15 trees.

As seen in **Figures 8 to 11**, the building is largely constructed (as per LDA2016/0003) and that this proposal does not alter the already established building footprint and height.

The subject application (LDA2018/0500) amends LDA2016/0003 in the following manner:

Ground Floor

- Unit 01 increased in area (56.8m² to 99.4m²) from a 1 bedroom apartment to a 3 bedroom apartment. The private open space area has been relocated from the front setback to the side setback.
- Bin room elongated.
- Rear fire escape amended from single stair to double stair.
- 3 x visitor parking spaces have been nominated in the car park.

First Floor

- Unit 02 has changed shape (from an L shape to a more regular shape) and slightly increased in area from 75.1m² to 75.6m².
- Unit 03 has changed orientation (from north-south to east-west) and has increased in area (75.1m² to 83.4m²).
- Unit 06 has increased in area (75m² to 104.4m²) from a 2 bedroom apartment to a 3 bedroom apartment replacing the private open space with a bedroom and amenities.
- Unit 08 has slightly increased in area from 50m² to 51.1m².

Second Floor

- Unit 09 has changed shape (from an L shape to a more regular shape) and slightly increased in area from 75.1m² to 75.6m².
- Unit 10 has changed orientation (from north-south to east-west) and has increased in area (75.1m² to 83.4m²).
- Unit 12 has slightly increased in area from 75.1m² to 75.7m².

ITEM 2 (continued)

- Unit 13 has increased in area (74.7m² to 101.1m²) from a 2 bedroom apartment to a 3 bedroom apartment. The private open space (balcony) has been reduced to 15.1m².
- Unit 15 has slightly increased in area from 50m² to 51m².

Third Floor

- Unit 16 has increased in area (75m² to 78.1m²) and bedroom locations have changed.
- Unit 18 has increased in area (75m² to 101.2m²) from a 2 bedroom apartment to a 3 bedroom apartment. The private open space (balcony) has been reduced to 15.1m².
- Unit 21 is a new 41m² studio apartment which is located at the south-eastern corner of the third floor and will occupy an area nominated under LDA2016/0003 as a covered terrace/BBQ area.

Fourth Floor

- Unit 20 has increased in area (95.3m² to 116.8m²).

The proposed development now incorporates the following residential unit mix:

- 5 x 1 bedroom apartments;
- 10 x 2 bedroom apartments; and
- 6 x 3 bedroom apartments.

Note: Attachment 3 illustrates the current architectural plans. These plans outline the building envelope of approved development application LDA2016/0003.

No less than 20.8% of the total gross floor area of the approved development is to be allocated as Affordable Housing within the meaning of *State Environmental Planning Policy (Affordable Rental Housing) (AHSEPP) 2009*. This is addressed under **Condition 4**.

Figure 12 below shows the development as viewed from the corner of Farm Street and The Avenue.

ITEM 2 (continued)



Figure 12 - Proposed development as depicted from the corner of The Avenue and Farm Street.

4. Background

The development application was lodged with Council on 18 December 2018.

Ryde Urban Design Review Panel (UDRP)

The first UDRP meeting was held on 7 February 2019.

Key issues raised in the meeting related to Units 6, 13, 18, 21 and 22 as summarised as follows:

Unit 21 (Ground Floor)

- Unit 21 is a new unit compared with the LDA2016/0003 approval.
- Unit 21 is largely sited below street level.
- Inconsistency between drawings with Section 4 showing an RL45 for ground level units and an RL46.3 at the street boundary with The Avenue. These drawings are inconsistent, and the level change between the floor level of Unit 21 and levels along the boundary is unclear.
- The bedroom for this unit is underground with outlook limited to its undercover terrace.

ITEM 2 (continued)

- The storage area is of a sufficient area to be used as a bedroom and should be removed from the unit.
- The location of a unit in this part of the building is constrained and does not appear to be capable of achieving adequate living standards.

Unit 06 (Level 1)

- Has an additional bedroom compared with the approved plans under 2016/0003, which has in turn reduces the communal open space area.
- The southern wall of the bedroom should be aligned with the bathroom wall to make the access to the common open space legible and inviting to all residents. There should be no windows to the bedroom along the common accessway.

Units 13 (on Level 2) and 18 (on Level 3) should be amended to have the southern wall align with Unit 06 as per the comments above.

Unit 22 (Level 3)

- This is a new unit compared with the LDA2016/0003 consent.
- There is insufficient information to assess the solar access and privacy impacts on the adjacent property at 11 Farm Street.
- A part of the living room and the balcony overhangs the building alignment below creates an awkward built form above the communal open space.
- The overhang also impacts the solar access to the living area of Unit 12, by increasing the dimension from the building edge to window.

The UDRP meeting minutes outlined that the Panel did not support the proposal, recommending that *“the proposal be revised in accordance with their comments and then be resubmitted to the Panel for review”*.

Amended plans (21 March 2019)

Before the UDRP meeting minutes were issued, the applicant submitted amended plans on 21 March 2019 anticipating the comments based on the verbal feedback given at the meeting.

Letter to the applicant (6 April 2019)

A letter was sent to the applicant on 6 April 2019 which reviewed the amended plans against the issues raised in UDRP meeting minutes and other issues with the application, including:

- Matters to address the design principles of SEPP 65 outlined by the Urban Design Review Panel meeting.
- The information submitted with the application did not provide an assessment of whether the development complies with the Apartment Design Guide in respect to deep soil zones.

ITEM 2 (continued)

- The information submitted contained inconsistent information across versions and plans.
- The new unit 22 resulted in a new blank wall with zero setback facing the communal open space of 11 Farm Street, which to the north of the building and will provide additional overshadowing to the open space of 11 Farm Street. For this reason unit 22 was requested to be reduced in size to comply with the height control in this portion of the development.
- A revised parking assessment was required against the AHSEPP and the amended unit layouts.
- Solar access and cross ventilation for the minimum number of apartments under the AHSEPP and/or SEPP 65 not achieved.
- The position of Unit 21 below ground level was identified as providing an unacceptable level of amenity.
- Landscape plans are to be updated to reflect the proposed substation and stairs within the rear setback.
- The height plane provided indicated a breach in height.
- The development failed to comply with Ryde DCP 2014 in respect to parking.
- The applicant was advised of the concerns raised in the submissions received by Council during the notification period.

The relevant comments from Council's City Works Department were also provided to the applicant.

Amended plans (14 May 2019)

Amended plans and further information was submitted to Council on 14 May 2019.

UDRP Meeting (4 July 2019)

A second UDRP meeting was undertaken on 4 July 2019 to review the amended plans.

At this meeting the UDRP again raised concern with the amenity of Ground Floor Unit 21 being located largely below natural ground level, and Level 3, Unit 22 and amenity impacts on 11 Farm Street. It was advised that, if these two issues could be addressed in addition to a number of other minor issues, the application may be supported by the UDRP.

At this meeting, the Council Assessment Officer also advised that the details submitted in the amended plans regarding solar access for apartments appeared incorrect, with the information identifying solar access to private open space only, when the controls require access to be calculated to both living room and private open space under both the ARHSEPP and SEPP 65.

Letter to the applicant (4 July 2019)

ITEM 2 (continued)

In light of the verbal feedback given by the UDRP, on 4 July 2019 a letter was sent to the applicant to outline the options available for the application to progress.

Options included the submission of amended plans that addressed the UDRP comments and improved solar access; withdrawal of the application; or assessment of the application based on the 14 May 2019 plans which would likely result in a refusal of the application.

Amended plans (12 July 2019)

In response the applicant submitted amended plans on 12 July 2017, again prior to UDRP meeting minutes being issued, which:

- Deleted Ground Floor Unit 21, and increased Unit 01 to a 4 bedroom apartment.
- Amended Unit 6, 13 and 18 windows to enlarge north elevation windows, and included a side sliding door to Unit 06.
- Adjusted internal layout to Unit 05 & 12 to reduce corridor length & view to kitchen.
- Rename Unit 22 on Level 3 as Unit 21 and adjusted the layout of this apartment to reduce the footprint of the unit to the north.
- Included shadow impact to adjacent common open space at 11 Farm Street.

Advice to the applicant (17 July 2019)

On 17 July 2019 the Council Assessment Officer advised the applicant that the amended plans still had fundamental issues that could not be supported by Council and did not adequately address the concerns raised by the UDRP. Issues raised by Council to the amended plans included:

- Cross ventilation being achieved via the front door opening of Units 7, 14 and 17 which was not supported.
- Calculation of deep soil area including areas that did not meet the relevant definitions.
- Solar access for the minimum number of apartments under the AHSEPP and SEPP 65 not achieved.
- Level 3 Unit 22, which had been renamed to Unit 21, was not amended to adequately address the concerns of the UDRP, with overshadowing still occurring to 11 Farm Street, and the length and height of the boundary wall not supported due to amenity impacts to the common open space and occupants of 11 Farm Street.
- Ground Floor Unit 21 which had been combined with Unit 1 to form a 4 bedroom apartment still was positioned largely below natural ground level, raising privacy concerns and offering below acceptable levels of amenity for occupants.

ITEM 2 (continued)

The UDRP meeting minutes for the 4 July 2019 meeting were issued on 22 July 2019. As outlined in the meeting, the panel had the following issues with the 14 May 2019 amended plans:

- “Unit 21

The previous minutes stated: “Unit 21 is a proposed new unit and has poor amenity with Section 1 and the West Elevation showing that Unit 21 is largely sited below street level. The bedroom for this unit is underground with outlook limited to its undercover terrace. The storage area is of a sufficient area to be used as a bedroom and should be removed from the unit.”

Unit 21 remains unacceptable in terms of internal amenity, with insufficient daylight access and poor privacy from the street. The store room must be deleted. Swapping the living room and bedroom may provide a better trade-off of daylight between the two spaces, but loss of amenity for the bedroom would result. A better approach would be to replan both Units 01 and 21, to locate living areas further to the south towards Farm Street. As well as the “storeroom” to Unit 21, deletion of one bedroom from Unit 01 may be necessary. The current external wall/glazing line along the west side of the building at this (ground) level can also be adjusted – noting the need to manage the architectural design of this corner of the building.

- Units 06, 13, 18, 20

These units have their longest external wall facing north but only 700mm high windows, one to the living area and one to each bedroom. From both sustainability and amenity aspects, it would be better to enlarge these openings, with lower sills and higher heads, to let in more daylight and sunlight in winter. With the 6m setback provided from the boundary, ADG compliance is still achieved and no significant privacy problems can be expected. The external area immediately to the north of the living area of Unit 16 should be reorganised so that the fire stair up from the basement is against the boundary and the recaptured external space is allocated to the unit as private open space.

- Unit 22

The previous minutes stated: “Unit 22 has been added at Level 3. While the addition appears to be in alignment with the height control, there is insufficient information to assess the solar access and privacy impacts on the adjacent property at 11 Farm Street. A part of the living room and the balcony overhangs the building alignment below and creates an awkward built form above the communal open space. The overhang also impacts the solar access to the living area of Unit 12, by increasing the dimension from the building edge to window.”

These comments generally stand. No part of Unit 22 should overhang the apartments below, including the outer edge of their balconies (that is, the northern wall of Unit 22 should align with the southern wall of the adjoining fire stair). The current balcony of Unit 22 should be deleted, because it also overshadows some of the bedroom windows to the apartments below and part of

ITEM 2 (continued)

the exterior open space. In much the same way that Unit 16 has private open space along its south side adjacent to the rooftop common open space on this level, Unit 22 could have its private open space in this location as an alternative to locating it south of the line of the fire stair wall. There are multiple common open areas and this is a relatively small development, therefore the Panel would accept deletion of the toilet to the common space on this level, with the floor area reallocated to Unit 22. Because of the location of the change in height plane, it appears that the above changes will result in a smaller Unit 22 (studio or one bedroom, as opposed to the current two-bedroom proposal)”.

The UDRP meeting minutes outlined that “*the Panel recommends that the proposal be revised in accordance with the above comments. In that event, the Panel need not review the proposal again.*”

Amended plans (24 & 25 July 2019)

In response, on 24 July 2019 the applicant provided draft revisions of the Level 3 Unit 21 (previously labelled Unit 22) and Ground Floor Unit 1 layouts to Council’s Development Assessment Officer to address the matters raised in the UDRP minutes. Review of the draft amendments were supported by Council’s Assessment Officer with a number of refinements.

On 25 July 2019 amended plans were formally lodged with Council (Issue M), which form the assessment of this application. The amended development reduces the number of units to 21 through combining Unit 1 and Unit 22 on the ground floor to a single 3 bedroom unit; in addition to reducing Unit 21 on Level 3 to a studio apartment and reducing the footprint of the unit adjacent to the side boundary. The number of car spaces was also reduced from 27 to 26.

Council’s review of the amended plans questioned the solar access and ventilation achieved based on the reduced apartment numbers and information previously submitted. In particular Unit 16 was queried regarding its ability to achieve 3 hours solar access. In response the applicant provided a sun access analysis for Unit 16 which satisfactorily demonstrated that the unit achieves solar access to the living room and private open space between 12 noon and 3pm on 21 June, and compliance of the development with the AHSEPP and ADG requirements.

These plans were not required to be renotified, with the amendments considered of a minor nature in the context of the development as a whole and as the key changes were not directly related to any of the issues raised in the submissions.

5. Planning Assessment

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

ITEM 2 (continued)

It is noted that while an existing development application for a similar development is approved on the site, the subject application is a new application sought for approval under a different environmental planning instrument to the 2016 approval (i.e. the AHSEPP). The existing consent is currently operable with demolition and tree removal, and the building basement and structure already undertaken. The applicant has the ability to continue the construction of the development as approved under the existing consent. However, the subject application is to be assessed on its merits under Section 4.15 of the EP&A Act as a standalone application.

The development consent is recommended to be issued as deferred commencement to require the surrender of the existing consent and ensure there is no ambiguity in the applicable consent for construction.

5.1 State Environmental Planning Instrument**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 revised BASIX Certificate has been prepared for the development (Certificate No. 977484M_04, issued Wednesday 28 August 2019) which provides the development with a satisfactory target rating.

Appropriate conditions will be imposed requiring compliance with the BASIX commitments detailed within the Certificate. See **Conditions 3, 37 & 102**.

State Environmental Planning Policy No 55 – Remediation of Land

In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated. If it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

In the Statement of Environmental Effects submitted with the development application, it is stated that *“Given the historical use of the site for residential purposes, land contamination is not likely. Further investigation and reporting under SEPP 55 is not considered necessary.”*

The basement excavation and site earthworks as approved under LDA2016/0003 have also been undertaken.

As part of this application it was concluded that, given the historical use of the site for residential purposes, the site was unlikely to be contaminated. The application was conditioned to require Council and the PCA to be advised as soon as practicable if any information was discovered during demolition and construction works that had

ITEM 2 (continued)

the potential to alter the conclusions about site contamination. No issues have been identified during the works to date.

There is nothing with the current application that would warrant any changes to the previous conclusions. The site is considered suitable for the proposed development with regard to SEPP 55.

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

The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

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

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

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

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

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

Urban Design Review Panel (UDRP)

The proposal was reviewed by the UDRP on 7 February 2019 following lodgement of the Development Application, and again on 4 July 2019 after the lodgement of amended plans.

Below details the UDRP's latest comments of 4 July 2019 and how the proposal has responded to their comments. The UDRP noted that "*The Panel recommends that the proposal be revised in accordance with the above comments. In that event, the Panel need not review the proposal again*".

Table 1. UDRP review against the 9 SEPP 65 Design Quality Principles

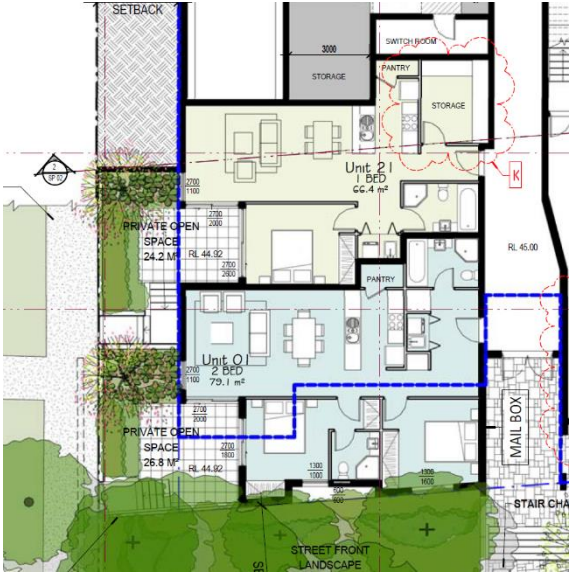
ITEM 2 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>Context and Neighbourhood Character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area’s existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p><u>Urban Design Review Panel</u></p> <p><i>The relationship of the current proposal to the new apartment building next door at 11 Farm Street is the main contextual concern. The proposal and the neighbour have a common party wall for about 40 percent of the length of their shared side boundary. See discussion below under Built Form and Scale</i></p> <p><u>Comment:</u> The surrounding area primarily consists of single dwellings along Farm Street with commercial development to the rear/north of the site. The site is within close proximity of the Gladesville Town Centre but is not located within the mapped Town Centre area under Ryde Local Environmental Plan 2014.</p> <p>The site is zoned for B4 Mixed Use, however as it is not within the Gladesville Town Centre area, the proposed development responds appropriately to the ‘transitional’ role that the site plays between the low density residential areas to the south and the Town Centre commercial development to the north.</p> <p>The requirements by Council’s City Works Department for footpath paving and street tree planting will assist in linking the Town Centre to the proposed development and the future development at No. 11 Farm Street. The units with direct individual access from The Avenue will contribute to activation along this street.</p> <p>The proposal has also been amended to better respond to the built form of No. 11 Farm Street as detailed below.</p>
<p>Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p><u>Urban Design Review Panel</u></p> <p><i>The Panel understands that the proposal now has no exceedances above the LEP height plane.</i></p> <p><i>Consistent with the previous minutes, individual units are discussed here (rather than under “Amenity”).</i></p> <ul style="list-style-type: none"> • <u>Unit 21</u> <i>The previous minutes stated: “Unit 21 is a proposed new unit and has poor amenity with Section 1 and the West Elevation showing that Unit 21 is largely sited below street level. The bedroom for this unit is underground with outlook limited to its undercover terrace. The storage area is of a sufficient area to be used as a bedroom and should be removed from the unit.”</i> <p><i>Unit 21 remains unacceptable in terms of internal amenity, with insufficient daylight access and poor privacy from the street. The store room must be deleted. Swapping the living room and bedroom may provide a better trade-off of daylight between the two spaces, but loss of amenity for the bedroom would result. A better approach would be to re-</i></p>

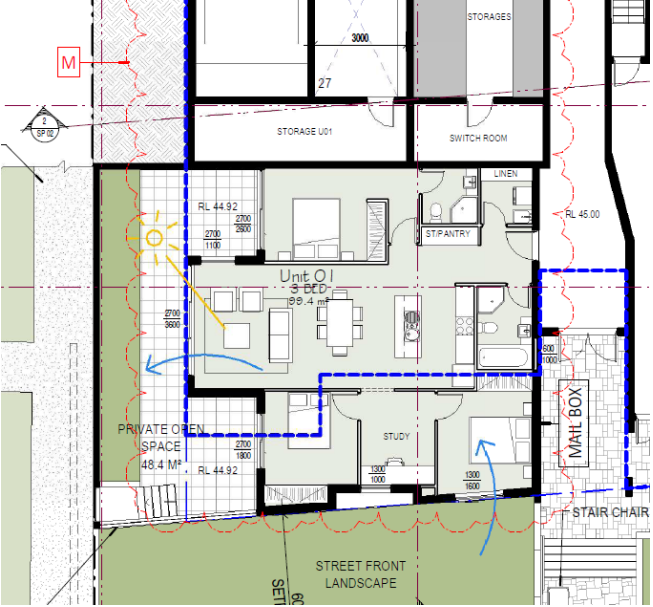
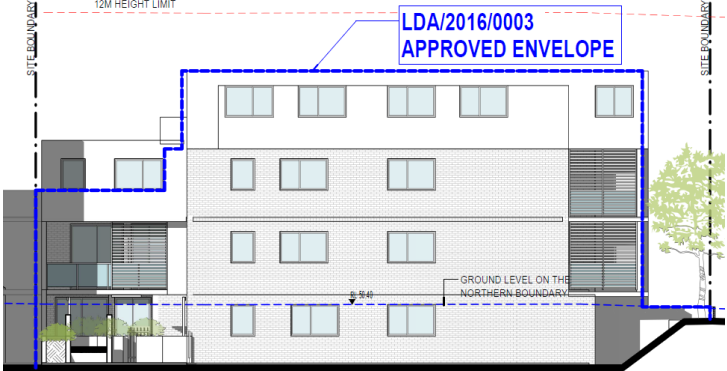
ITEM 2 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	<p><i>plan both Units 01 and 21, to locate living areas further to the south towards Farm Street. As well as the “storeroom” to Unit 21, deletion of one bedroom from Unit 01 may be necessary. The current external wall/glazing line along the west side of the building at this (ground) level can also be adjusted – noting the need to manage the architectural design of this corner of the building.</i></p> <ul style="list-style-type: none"> • <u>Units 06, 13, 18, 20</u> <i>These units have their longest external wall facing north but only 700mm high windows, one to the living area and one to each bedroom. From both sustainability and amenity aspects, it would be better to enlarge these openings, with lower sills and higher heads, to let in more daylight and sunlight in winter. With the 6m setback provided from the boundary, ADG compliance is still achieved and no significant privacy problems can be expected. The external area immediately to the north of the living area of Unit 16 should be reorganised so that the fire stair up from the basement is against the boundary and the recaptured external space is allocated to the unit as private open space.</i> • <u>Unit 22</u> <i>The previous minutes stated: “Unit 22 has been added at Level 3. While the addition appears to be in alignment with the height control, there is insufficient information to assess the solar access and privacy impacts on the adjacent property at 11 Farm Street. A part of the living room and the balcony overhangs the building alignment below and creates an awkward built form above the communal open space. The overhang also impacts the solar access to the living area of Unit 12, by increasing the dimension from the building edge to window.”</i> <i>These comments generally stand. No part of Unit 22 should overhang the apartments below, including the outer edge of their balconies (that is, the northern wall of Unit 22 should align with the southern wall of the adjoining fire stair). The current balcony of Unit 22 should be deleted, because it also overshadows some of the bedroom windows to the apartments below and part of the exterior open space. In much the same way that Unit 16 has private open space along its south side adjacent to the rooftop common open space on this level, Unit 22 could have its private open space in this location as an alternative to locating it south of the line of the fire stair wall. There are multiple common open areas and this is a relatively small development, therefore the Panel would accept deletion of the toilet to the common space on this level, with the floor area reallocated to Unit 22. Because of the location of the change in height plane, it appears that the above changes will result in a smaller Unit 22 (studio or one bedroom, as opposed to the current two-bedroom proposal).</i>

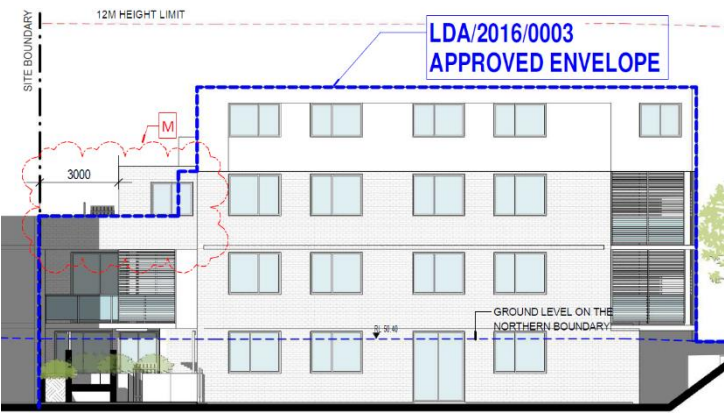
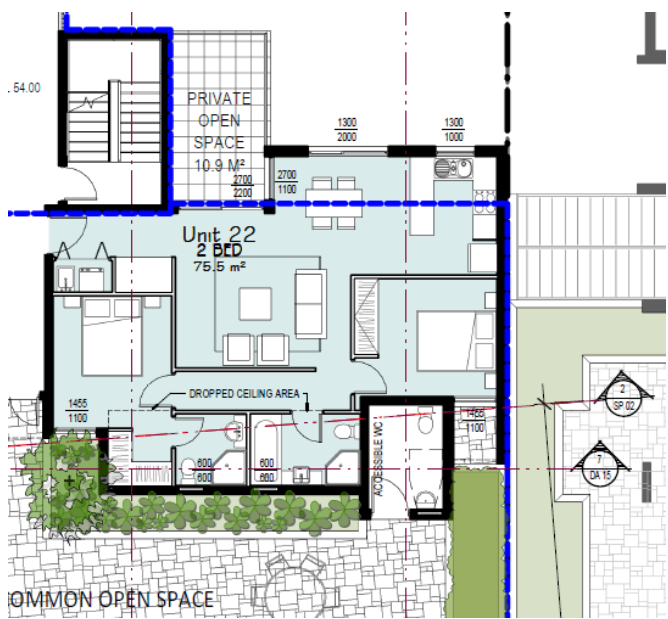
ITEM 2 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	<p><u>Comment</u></p> <p>The following changes were made to directly respond to the matters raised by the UDRP. In making these changes the proposal is now considered acceptable with regard to Built Form and Scale under the ADG.</p> <ul style="list-style-type: none"> • <u>Unit 21</u> <p>This unit was located on the ground level (refer Figure 13) however it has since been deleted in the latest issue of plans (Issue M) (see Figure 14).</p>  <p>Figure 13 - Previous proposed Unit 1 and Unit 21 (Drawing No. 05 Issue K)</p>

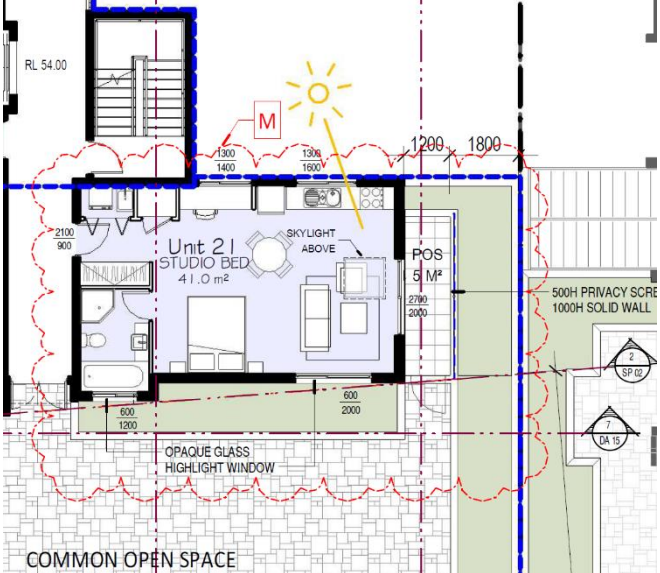
ITEM 2 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	 <p>Figure 14 - Proposed Unit 1 (Drawing No. 05 Issue M)</p> <ul style="list-style-type: none"> • <u>Units 06, 13, 18, 20</u> <p>The windows facing the north have been increased in size to improve solar access for these apartments (see Figures 15 and 16). This will result in improved amenity with the separation distances required for any future development to the north of the site sufficient to ensure internal privacy for occupants.</p>  <p>Figure 15 - Previously proposed rear (north) elevation showing window sizes (Drawing No. 12 Issue K)</p>

ITEM 2 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	 <p>Figure 16 - Proposed rear (north) elevation showing window sizes (Drawing No. 12 Issue M)</p> <ul style="list-style-type: none"> • Unit 22 <p>In response to the issues raised by the UDRP and Council Officers Unit 22 (now 21) has been amended to a studio apartment with a setback of 3m between the external wall and the boundary (see Figures 17 and 18). This has removed the boundary wall that caused impact on 11 Farm Street through overshadowing and visual impacts on the common open space. It also improves the overshadowing of the Level 2 apartment at 11 Farm Street which would have had solar access reduced to the living room window and private open space as a result of the larger window.</p>  <p>Figure 17 - Previously proposed 3rd floor plan showing (previous) Unit 22 (Drawing No. 08 Issue K)</p>

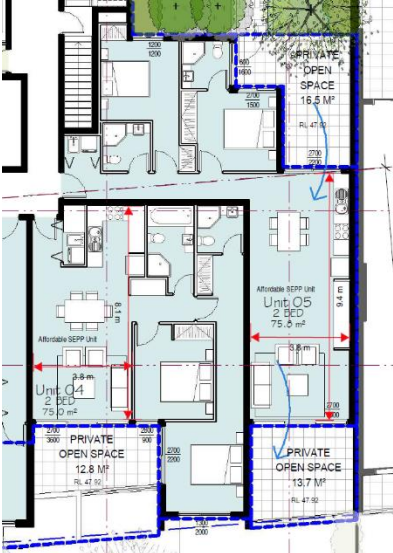
ITEM 2 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	 <p>Figure 18 - Proposed 3rd floor plan showing Unit 21 as amended (Drawing No. 08 Issue M)</p> <p>No part of the unit now overhangs the apartment(s) below, with the northern wall of Unit 21 aligning with the southern wall of the adjoining fire stair. The reduced unit footprint results in an improved outcome in terms of the built form and scale of the terracing of the building, setbacks to No. 11 Farm Street and impacts on neighbouring properties.</p>
<p>Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area’s existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p><u>Urban Design Review Panel</u></p> <p><i>The Panel is satisfied that if the changes in these minutes are made, the density (which is permissible) will result in a satisfactory development.</i></p> <p><u>Comment:</u></p> <p>The proposal complies with the permitted FSR control under AHSEPP 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>
<p>Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes</p>	<p><u>Urban Design Review Panel</u></p> <p><i>This principle was not directly discussed at the meeting.</i></p> <p><u>Comment:</u></p> <p>The proposal complies with solar access and natural cross ventilation targets in the ADG.</p>

ITEM 2 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>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>Specific sustainability strategies were not discussed, however achievement of ADG targets for solar access and cross ventilation, along with satisfactory BASIX scores will address this objective.</p>
<p>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p><u>Urban Design Review Panel</u></p> <p><i>Satisfactory landscape drawings now form part of the proposal.</i></p> <p><u>Comment:</u></p> <p>The development is considered to be appropriate in terms of on-site amenity for the future occupants. Approximately 237.6m² (or 18.3% of the site area) is proposed as deep soil zone in the form of a front, rear and north-western side setback to The Avenue.</p> <p>a positive contribution to the existing vegetation visible within the streetscape, and provide appropriate replacement planting for the proposed trees to be removed. Streetscape planting along neighbouring site boundaries will assist in improving the aesthetics of the building, particularly when viewed from adjacent properties and Farm Street.</p> <p>The site will be landscaped to provide an acceptable aesthetic quality for both the residents and the public.</p>
<p>Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate</p>	<p><u>Urban Design Review Panel</u></p> <p><i>The chief concerns are described above under "Built Form and Scale".</i></p> <ul style="list-style-type: none"> - <i>The previous minutes noted some unit planning deficiencies, some of which have been addressed. It appears from scaling the plans that the width of the living area for Units 05 and 12 is less than the 4.0m required under the ADG.</i>

ITEM 2 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>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>Comment:</u></p> <p>The combined kitchen/living room of Units 04, 05, 11 and 12 have a width of 3.8m, while the length is 9.4m (U5 and U12) and 8.1m (U04 and U11) . To increase the widths of the living spaces by 200mm for the living room would result in taking from the two other apartments within the front portion of the development on the same level (i.e. U02, U03, U09 and U10) through a reduction in living room length and functionality of the internal corridors, and thus impact on the amenity of these units.</p> <p>The widths of apartments are controlled under the ADG Objective 4D-3 which requires 2 and 3 bedroom apartments to have a minimum width of 4m. Despite the noncompliance it is considered that the living spaces for these units adequately provide for a variety of household needs with the dimensions wide enough to fit standard furniture dimensions and bedrooms are suitably separated from living spaces. Accordingly, despite the noncompliance, the internal amenity for these apartments still meets the Design Quality Principle by providing a positive living environment for future occupants.</p>  <p>Figure 19 - Proposed 1st floor plan showing Unit 04 & 05 (Drawing No. 06 Issue M) which have a living room width of 3.8m.</p>
<p>Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities</p>	<p><u>Urban Design Review Panel</u></p> <p><i>Satisfactory.</i></p> <p><u>Comment:</u></p> <p>The development is considered consistent with the CPTED principles as follows:</p>

ITEM 2 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<ul style="list-style-type: none"> • Clearly located entries to the residential lobby and ground/street level units. • Constant passive surveillance of Farm Street and The Avenue. • Clear definition between public and private spaces, with residents only able to access the residential domain. • Appropriate signage will be provided to the buildings entrance with appropriate lighting. • Lighting both internal and external will be provided in accordance with Australian Standards. <p>Additional safety conditions have been included to ensure the development optimises safety and security (refer Conditions 108 to 110)</p>
<p>Housing Diversity and Social Interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p><u>Urban Design Review Panel</u></p> <p>The comments in the previous minutes still apply:</p> <p><i>“The affordable housing aim is supported. The affordable housing dwellings have not yet been nominated. The Panel encourages an equitable distribution of affordable housing dwelling sizes within the building with equivalent amenity to market units. It is noted the affordable housing units are proposed for 10 years, at which time they can be converted to market dwellings. These units should therefore satisfy the requirements of the Apartment Design Guide.”</i></p> <p><u>Comment:</u></p> <p>Issue M of the plans nominate the following 5 apartments, which are all located on Level 1 as Affordable units:</p> <ul style="list-style-type: none"> • Unit 02 – 2 bed – no solar access, single aspect, compliant 4m living room width • Unit 04 – 2 bed – no solar access, single aspect, non-compliant 3.8m living room width • Unit 05 – 2 bed – no solar access, cross ventilated, non-compliant 3.8m living room width • Unit 06 – 3 bed – 6 hour solar access, cross ventilated, varying living room width considered acceptable • Unit 07 – 1 bed – 3 hour solar access, cross ventilated, compliant 3.6m living room width, adaptable unit. <p>The variety offered by the selection of apartments is generally reflective of the unit distribution of the development and offers a diversity of housing choice and equitable distribution. While these units are all located on a single level it is considered the amenity of these units is not dissimilar to that of the higher levels.</p> <p>Units 2, 6, 7 and 8 also have direct access from The Avenue with private courtyards which is considered to offer additional amenity to these units.</p>

ITEM 2 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p><u>Urban Design Review Panel</u></p> <p><i>No further comments.</i></p> <p><u>Comment:</u></p> <p>The visual appearance of the proposed development responds to the streetscape of Farm Street and the neighbouring development at 11 Farm Street. Use of horizontal visual elements, such as windows, balconies and cladding has provided a well-balanced design appropriate to its surroundings.</p>

Apartment Design Guide

SEPP 65 also requires the Consent Authority to take into consideration the requirements of the Apartment Design Guide (ADG) with regard to the proposed residential flat building (RFB). The following table addresses the relevant matters.

Table 2. Apartment Design Guide Assessment

Clause	Comment	Consistent
Part 2 Developing the controls		
<p>Building Depth</p> <p>Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.</p>	<p>The proposed building provides apartment depths of 8m to 16m measured glass line to glass line.</p> <p>The proposed layouts for apartments achieve acceptable amenity with room and apartment depths compliant with the ADG requirements.</p>	Yes
<p>Building Separation</p> <p>Minimum separation distances for buildings are:</p> <p><i>Up to four storeys (approx 12m):</i></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms <p><i>Five to eight storeys (approx. 25m):</i></p>	<p>The proposal is for a maximum of 4 storeys. On the basis of equitability, 50% of the separation distances required by the ADG are to be provided on the subject site including:</p> <ul style="list-style-type: none"> • 3m to the boundary between non-habitable rooms; • 4.5m between habitable and non-habitable rooms; and • 6m between habitable rooms. <p>Bearing this in mind the following setbacks are proposed:</p>	Yes

ITEM 2 (continued)

Clause	Comment	Consistent
<ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms <p><i>Nine storeys and above (over 25m):</i></p> <ul style="list-style-type: none"> • 24m between habitable rooms/balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms <p><u>Note:</u></p> <ul style="list-style-type: none"> • 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 • 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. 	<ul style="list-style-type: none"> • 6m setback to the north boundary. The site adjoins the rear of commercial developments at 394 & 396 Victoria Road. The proposal incorporates a minimum 6m setback to the northern boundary which represents 50% of the required 12m separation. The rear setback of 6m allows for the future development of the site to the north facing Victoria Road which is zoned to allow higher density and heights up to 19m and 22m. • 0m – 8m to the south-east boundary adjoining 11 Farm Street – approved under LDA2016/146 with a 0m – 3.5m setback along this elevation. 	
<p>Front, Rear & Side Setbacks</p> <p>Street setbacks establish the alignment of buildings along the street frontage. Side and rear setbacks govern the distance of a building from the side and rear boundaries and govern the height of the building.</p>	<p><u>Front</u></p> <p>A front setback of 6m to Farm Street and a side setback of 3m to The Avenue are considered sympathetic to the surrounding streetscape, and in keeping with the previous 2016 approval.</p> <p>Low density residential development in the area is required to have a minimum 6m front setback with a minimum 2m side back along the secondary frontage under Part 3.3 of Ryde DCP 2014. Accordingly, the proposed front and secondary frontage setbacks are considered to be consistent with the existing streetscape pattern and contribute to the desired future character of development within the broader context of the site.</p> <p>Additionally, in line with the ADG guidelines the proposed development includes a tiered setback from Farm Street to reduce the impacts to low density residential</p>	<p>Yes</p>

ITEM 2 (continued)

Clause	Comment	Consistent
	<p>development opposite the site.</p> <p><u>Rear & Side</u></p> <p>The 6m rear setback and zero setback to the south-eastern side boundary are acceptable. The rear setback of 6m allows for future development to the north facing Victoria Road which is zoned to allow higher density and heights up to 19m and 22m.</p> <p>The side setback of Unit 21 on Level 3 is an improved outcome with solar access to the common open space at 11 Farm Street largely unaffected by the addition of the unit (compared with the 2016 consent).</p>	
Part 3 Siting the development		
<p>3B Orientation</p> <p>Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.</p>	<p>The building layout has been designed to face Farm Street to the south-west and The Avenue to the north-west. The proposed orientation allows the building to maximise northern solar access balanced against noise impacts from Victoria Road and desirable views to the south. The proposal complies with the LEP height control and suitably minimises overshadowing of neighbouring properties. The proposal is considered satisfactory in this regard.</p>	<p>Yes</p>
<p>3C Public domain interface</p> <p>Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.</p>	<p><u>Ground level</u></p> <p>Unit 1 facing Farm Street provides an appropriate interface to the public domain. Sitting 1.1m above the street level of the Farm Street entry of the building, the unit provides passive surveillance, while the proposed vegetation softens the building edge and provides sufficient privacy for the unit.</p> <p><u>Level 1</u></p> <p>Units 2, 8, 7 and 6 have direct access from The Avenue to private open space courtyards. These entrances sit between +700mm and -700mm level difference with the public domain along The Avenue. The units provide suitable visibility to the street, in line with Figure 3C.1 which advises a maximum 1m level change between the street and ground floor apartments.</p>	<p>Yes</p>
<p>3D Communal & public open space</p> <p>Provide communal open space to enhance amenity and opportunities</p>	<p>The proposal includes three areas of communal open space measuring a total of 484.47m² (127.9m² internal courtyard, 67.57m² rear common open space area, and</p>	<p>Yes</p>

ITEM 2 (continued)

Clause	Comment	Consistent						
<p>for landscaping & communal activities.</p> <p>Design Criteria</p> <ol style="list-style-type: none"> 1. Provide communal open space with an area equal to 25% of site; 2. Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June. 	<p>289m² covered terrace/BBQ area) which equals 37% of the site area.</p> <p>The two 'active' areas comprise areas to the rear and north-eastern side at ground level and a roof terrace on level 3. Given the location, topography and orientation of the site, the main useable area of communal open space will be the 289m² roof terrace which will be suitably landscaped and will offer solar access between 9:30am and 3pm during winter and views for residents.</p> <p>The communal roof terrace on level 3 is 289m² or 59% of the proposed communal open space. Of this, the majority will receive the abovementioned solar access in midwinter.</p>							
<p>3E Deep Soil Zone</p> <p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</p> <p>Design criteria</p> <p>Deep soil zones are to be provided equal to 7% of the site area and with min. dimension of 3m.</p>	<p>The applicant has stated that approximately 237.6m² of deep soil area is proposed which equates to 18.3% of the site area.</p> <p>Only areas with a minimum dimension of 3m are included, which complies with the ADG.</p>	Yes						
<p>3F Visual Privacy</p> <p>Building separation distances to be shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <p>Design Criteria</p> <p>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="256 1910 679 2045"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms & balconies</th> <th>Non habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m(4)</td> <td>6m</td> <td>3m</td> </tr> </tbody> </table>	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m(4)	6m	3m	<p>The proposed development is satisfactory with regard to building separation under the ADG controls (refer building separation and setback assessment outlined earlier in this table). Apartments will receive reasonable levels of external and internal visual privacy with regard to neighbouring sites.</p>	Yes
Building Height	Habitable rooms & balconies	Non habitable rooms						
Up to 12m(4)	6m	3m						

ITEM 2 (continued)

Clause			Comment	Consistent
storeys				
Up to 25m (5-8 storeys)	9m	4.5m		
Over 25m (9+ storeys)	12m	6m		
<p><u>Note:</u></p> <ul style="list-style-type: none"> • Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties. • 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 • No building separation is required between blank party walls. 				
<p>3G Pedestrian Access & entries Pedestrian Access, entries and pathways are accessible and easy to identify.</p>			<p>Pedestrian entry to the building is suitably identifiable from Farm Street. Entries to individual ground floor units are provided to activate the street edge from The Avenue.</p>	Yes
<p>3H Vehicle Access. Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>			<p>The vehicular access point is located adjacent to the south-eastern side boundary onto Farm Street. The location at the furthest point from the Farm Street/The Avenue intersection, is provided with appropriate sight lines and will result in no significant visual impact on the streetscape. The location is adjacent to the 11 Farm St development but is not in conflict and Council's Traffic Engineer supports the location and design of the driveway.</p>	Yes

ITEM 2 (continued)

Clause	Comment	Consistent
<p>3J Parking Provisions.</p> <p>For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station; or within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre, <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>Not applicable.</p> <p>The application is to be assessed under the AHSEPP which provides separate parking requirements under which Council cannot refuse the application.</p>	<p>N/A</p>
<p>Bicycle Parking:</p> <p>Provide adequate motorbike, scooter and bicycle parking space (undercover).</p>	<p>Three (3) bicycle spaces are required and have been provided within the ground level car park.</p>	<p>Yes</p>
<p>Basement Design for parking</p> <ul style="list-style-type: none"> Basement car park not to exceed 1m above ground (use stepped/ split level). Natural ventilation to be provided for basement car parks. Any ventilation grills/ screening device to be integrated into the façade and landscape design. 	<p>Complies.</p>	<p>Yes</p>
<p>Part 4 Designing the building</p>		
<p>4A Solar & daylight access</p> <p><u>Design Criteria</u></p> <p>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.</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>A total of 16 apartments (76.19%) will receive a minimum of 2 hours of direct sunlight to the private open spaces and living rooms between 9am and 3pm midwinter.</p> <p>Four of the apartments (19.04%), being units 04, 05, 11 & 12 will receive no direct sunlight access.</p> <p>Given that the shell of the building has already been constructed, it is difficult to arrange apartments to achieve full compliance and, it is noted that (despite the inclusion of an additional studio apartment) the proposed apartment layout improves upon the non-compliance identified under the approved LDA2016/0003 which resulted in 5</p>	<p>No</p> <p>Supported on merit.</p>

ITEM 2 (continued)

Clause	Comment	Consistent
	<p>apartments not complying with the control (which equated to 25% of that particular scheme).</p> <p>In this respect, the proposed apartment layout optimises sunlight access and improves upon that already approved under LDA2016/0003.</p>	
<p>Design should incorporate shading and glare control, particularly for warmer months.</p>	<p>The BASIX Certificate is included with the application demonstrating that the proposal achieves required thermal comfort levels.</p>	<p>Yes</p>
<p>4B Natural Ventilation</p> <p>All habitable rooms are naturally ventilated.</p>	<p>All habitable rooms have direct access to an external window for natural ventilation.</p>	<p>Yes</p>
<p>Design layout of single aspect apartments to maximises natural ventilation.</p>	<p>The seven (7) single-aspect units have master bedrooms and sliding living room doors opening onto the balcony which capture breezes from different directions.</p> <p>As such, it is considered the design of these units has sought to maximise natural ventilation where possible.</p>	<p>Yes</p>
<p><u>Design criteria</u></p> <ol style="list-style-type: none"> 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. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. 	<p>15 units (71.4%) achieve cross ventilation. Review of the apartments counted in this however identifies that one single aspect unit (Unit 7 on the ground floor) is included by claiming that cross ventilation via a small window above the front door is achieved. As this opens to the common open space and is directly to the outside, this approach is supported.</p> <p>The maximum depth of a cross-through unit is approx. 9.5m – units 05 and 12. These units however are not typical cross through apartments with the bedroom layout and private open space</p>	<p>Yes</p>

ITEM 2 (continued)

Clause	Comment	Consistent												
<p>4C Ceiling Heights</p> <p>Ceiling height achieves sufficient natural ventilation and daylight access. The following is required as a minimum:</p> <table border="1" data-bbox="261 584 679 1084"> <thead> <tr> <th colspan="2" data-bbox="261 584 679 678">Min ceiling height for apartment & mixed use buildings</th> </tr> </thead> <tbody> <tr> <td data-bbox="261 678 427 741">Habitable rooms</td> <td data-bbox="427 678 679 741">2.7m (3.1m floor to floor)</td> </tr> <tr> <td data-bbox="261 741 427 804">Non Habitable</td> <td data-bbox="427 741 679 804">2.4m</td> </tr> <tr> <td data-bbox="261 804 427 898">2 storey parts</td> <td data-bbox="427 804 679 898">2.7m for main living area , m for 2nd floor</td> </tr> <tr> <td data-bbox="261 898 427 960">Attic spaces</td> <td data-bbox="427 898 679 960">1.8m at edge of room</td> </tr> <tr> <td data-bbox="261 960 427 1084">Mixed used zone</td> <td data-bbox="427 960 679 1084">3.3m for ground & 1st floor to promote future flexibility of use.</td> </tr> </tbody> </table>	Min ceiling height for apartment & mixed use buildings		Habitable rooms	2.7m (3.1m floor to floor)	Non Habitable	2.4m	2 storey parts	2.7m for main living area , m for 2 nd floor	Attic spaces	1.8m at edge of room	Mixed used zone	3.3m for ground & 1 st floor to promote future flexibility of use.	<p>All units achieve a minimum ceiling height of 2.7 metres.</p> <p>Although located within a mixed use zone, given the entirely residential nature of The Avenue and Farm Street, it is considered appropriate, for the proposed development to contain only residential units. As such, it is not necessary to provide increased floor to ceiling heights of 3.3m for the ground and first floors.</p>	<p>Yes</p>
Min ceiling height for apartment & mixed use buildings														
Habitable rooms	2.7m (3.1m floor to floor)													
Non Habitable	2.4m													
2 storey parts	2.7m for main living area , m for 2 nd floor													
Attic spaces	1.8m at edge of room													
Mixed used zone	3.3m for ground & 1 st floor to promote future flexibility of use.													
<p>4D Apartment size and layout</p> <p>Apartments are required to have the following minimum internal areas with one bathroom:</p> <ul style="list-style-type: none"> • Studio = 35m²; • 1 bedroom = 50m²; • 2 bedroom = 70m²; • 3 bedroom = 90m²; • 4 bedroom = 102m². <p><u>Note:</u></p> <p>Additional bathrooms increase the minimum internal area by 5m².</p>	<p>The application proposes 1, 2 & 3 bedroom units. The internal areas of the proposed units comply with the minimum requirements.</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 minimum of 10% of the room area.</p> <p>No daylight is borrowed from other rooms.</p>	<p>Yes</p>												
<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p> <p>In open plan layouts – habitable</p>	<p>All units comply with this control.</p>	<p>Yes</p>												

ITEM 2 (continued)

Clause	Comment	Consistent
room (where the living, dining and kitchen are combined) be maximum depth of 8m from a window.		
Master bedrooms - minimum area of 10m ² & other bedrooms 9m ² (excluding wardrobe space).	Bedrooms are a minimum of 9m ² .	Yes
Bedroom - minimum dimension of 3m (excluding wardrobe space)	All bedrooms have minimum dimension of 3m.	Yes
<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments; • 4m for 2 and 3 bedroom apartments. 	<p>As outlined earlier under Table 1 of this report, the combined kitchen/living room of Units 04, 05, 11 and 12 have a width of 3.8m which is below the minimum width for 2 bedroom apartments of 4m.</p> <p>To increase the widths of the living spaces by 200mm for the living room would result in taking amenity from the two other apartments within the front portion of the development on the same level (i.e. U02, U03, U09 and U10) through a reduction in living room length and functionality of the internal corridors.</p> <p>ADG Objective 4D-3 states, “<i>Apartment layouts are designed to accommodate a variety of household activities and needs</i>”. In this regard, the layout of the kitchen/living room spaces is sufficient to facilitate a variety of furniture arrangements and removal.</p> <p>Furthermore the layout is well designed to separate access to bedrooms, bathrooms and laundries from living areas, with minimal openings between living and service areas. Accordingly, despite the numerical noncompliance, the internal amenity of the living spaces are considered to meet the objective of this design criteria.</p>	Yes
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	The building does not have any typical cross-over or cross-through apartments. Unit 05 and 12 are L-shaped apartments which have cross through living/dining spaces with the bedrooms off-set to respond to the building layout. While the internal width of this cross-through element is less than 4m, the space will be of high amenity due to the length of the living space which allows occupants to have an outlook to both the internal courtyard/common open space and Farm Street, allowing for cross ventilation and morning solar access (from early morning to 10am).	No Supported on merit

ITEM 2 (continued)

Clause	Comment	Consistent															
<p>4E Private Open Space and balconies</p> <p>Apartments must provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p>Design criteria</p> <p>1. All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="261 770 679 1021"> <thead> <tr> <th>Dwelling type</th> <th>Min. area</th> <th>Min. depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m²</td> <td>N/A</td> </tr> <tr> <td>1 bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table>	Dwelling type	Min. area	Min. depth	Studio apartments	4m ²	N/A	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	<p>All balconies and private open space comply with minimum depth and size requirement.</p>	<p>Yes</p>
Dwelling type	Min. area	Min. depth															
Studio apartments	4m ²	N/A															
1 bedroom	8m ²	2m															
2 bedroom	10m ²	2m															
3+ bedroom	12m ²	2.4m															
<p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	<p>Ground level units are proposed with private open space area fronting Farm Street and The Avenue. These are all in excess of 15m² and depth greater than 3m.</p>	<p>Yes</p>															
<p>Primary private open space and balconies are appropriately located to enhance liveability for residents.</p>	<p>All balconies and areas of private open space are directly accessible from the living area of each unit.</p> <p>Units 5, 16 and 21 have private open space adjacent to common open space. To ensure the privacy of these private open space areas is maintained Condition 1(c) is proposed to ensure the fencing is a minimum 1.8m on the boundary of these areas.</p>	<p>Yes – acceptable via condition</p>															
<p>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p>	<p>The proposed balconies and areas of private open space are suitably integrated into the overall design of the development and form part of the detail of the building.</p>	<p>Yes</p>															
<p>4F Common circulation and spaces.</p> <p>Design criteria</p> <p>1. The maximum number of apartments off a circulation</p>	<p>One lift core is proposed in the development and will service all units. There are a maximum 7 units on each level.</p>	<p>Yes</p>															

ITEM 2 (continued)

Clause	Comment	Consistent										
core on a single level is 8. 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.												
Design Guide Daylight and natural ventilation should be provided to all common circulation space above ground. Windows should be provided at the end wall of corridor, adjacent to the stair or lift core.	The ground floor lobby has been designed to allow a direct, clear and legible access from the street. The corridors on the upper levels all have access to natural light and ventilation.	Yes										
4G Storage Adequate, well designed storage is to be provided for each apartment. Design criteria 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: <table border="1" data-bbox="256 1200 679 1424"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m³</td> </tr> <tr> <td>1 bedroom apt</td> <td>6m³</td> </tr> <tr> <td>2 bedroom apt</td> <td>8m³</td> </tr> <tr> <td>3 + bedroom apt</td> <td>10m³</td> </tr> </tbody> </table> At least 50% of the required storage is to be located within the apartment. Additional storage is conveniently located, accessible and nominated for individual apartments (show on the plan).	Dwelling type	Storage size volume	Studio	4m ³	1 bedroom apt	6m ³	2 bedroom apt	8m ³	3 + bedroom apt	10m ³	The required storage area has been provided within units and in the basement level. All unit storage meets the minimum requirement and allocation within the apartment and in the basement. It is noted that a previous version of the plans had direct access from Unit 21 (now Unit 1) on the ground floor to the storage room in the basement. This raised concern that the storage room may be used for habitable purposes due to the size of the room and access from the dwelling. The current version (Issue M) has removed this access, however still shows storage for Unit 1 as a separate storage unit adjacent to Unit 1. A general condition is recommended to ensure that no direct access from the storage unit to in the basement to Unit 1 is provided (see Condition 17)	Yes
Dwelling type	Storage size volume											
Studio	4m ³											
1 bedroom apt	6m ³											
2 bedroom apt	8m ³											
3 + bedroom apt	10m ³											
4H Acoustic privacy. Noise transfer is minimised through the siting of buildings and building layout. Noise impacts are mitigated within apartments through layout and acoustic treatments. In noisy or hostile environments the impacts of external noise and pollution are minimised through the	The site is located in close proximity to a major arterial road. It is therefore recommended that Council's standard acoustic condition be imposed to ensure the development complies with all relevant acoustic criteria through means of standard acoustic treatment and management. This will also relate to minimising internal noise transfer. Conditions to limit the transfer of noise vibration from plant or equipment is also	Yes										

ITEM 2 (continued)

Clause	Comment	Consistent
<p>careful siting and layout of buildings.</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	<p>recommended (Conditions 44 & 112).</p>	
<p>4K Apartment mix</p> <p>A range of apartment types with different number of bedrooms (1 bed, 2 bed, 3 bed etc.) should be provided.</p>	<p>A suitable mix of 1, 2 & 3 bedroom units have been provided as follows:</p> <ul style="list-style-type: none"> • 1 bedroom x 5 (24%) • 2 bedroom x 10 (48%) • 3 bedroom x 6 (29%) <p>These apartments also vary in terms of layout, number of studies and orientation which will increase housing choice and variety.</p>	<p>Yes</p>
<p>4L Ground floor apartments</p> <p>Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.</p>	<p>It is considered that the proposed building façade fronting The Avenue and Farm Street will provide suitable visual amenity and safety for residents.</p>	<p>Yes</p>
<p>Building functions are expressed by the façade.</p>	<p>The building is residential only and the design suitably reflects the proposed use of the building.</p>	<p>Yes</p>
<p>Privacy and safety should be provided without obstructing casual surveillance.</p>	<p>Units 2, 8, 7 and 6 have direct access from The Avenue to private open space courtyards. These entrances sit between +700mm and -700mm level difference with the public domain along The Avenue.</p> <p>The height of the fence along The Avenue has been designed to prevent visibility into the living and bedroom spaces of apartments, while allowing solar access. Unit 8 however has at finished floor level being approximately the same as natural ground level at the adjacent boundary. The fence at this location has a variable height between 750mm and 1.4m (shown at Figure 20 with Unit 2 shown for comparison).</p> <p>This raises concern that insufficient physical barriers are proposed between the bedroom windows and the street. While landscaping is proposed, once constructed and in private ownership, the longevity and maintenance of the landscaping of each unit may not thrive. As such, to protect the amenity and privacy</p>	<p>Yes – via Condition 1(a).</p>

ITEM 2 (continued)

Clause	Comment	Consistent
	of this unit Units, a condition is to be included on the consent requiring the screening of the boundary fence along the front of Unit 8 to be a minimum height of 1.7m which should prevent direct or indirect viewing into these rooms.	

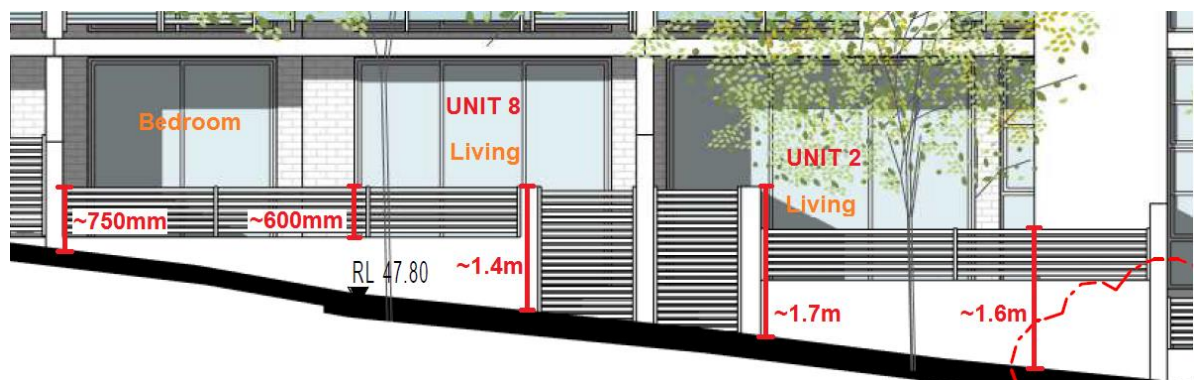


Figure 20 - West Elevation Plan (Dwg No. DA11 (M)) showing fence heights outside Units 2 and 8 along The Avenue.

<p>4N Roof design</p> <p>Roof treatments are integrated into the building design and positively respond to the street.</p>	<p>A flat, stepped roof form is proposed to minimise building bulk and overshadowing and generally complies with the height controls. No adverse impacts are considered to result from the roof design.</p>	<p>Yes</p>
<p>Opportunities to use roof space for residential accommodation and open space are maximised.</p>	<p>A communal roof terrace is proposed on level 3 on the roof space of the three storey component of the development facing The Avenue and Farm Street. Units 19 and 20 also utilise the roof space of level 3 below as a private balcony which will provide district views in addition to architectural articulation and landscape planting.</p> <p>Ground level communal open space is also proposed at the rear of the site</p>	<p>Yes</p>
<p>Roof design incorporates sustainability features.</p>	<p>The proposal complies with BASIX requirements.</p>	<p>Yes</p>
<p>4O Landscape design</p> <p>Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable</p>	<p>The proposal includes a landscape concept plan prepared in accordance with the design principles outlined in this Part, which has been reviewed by Council's Consultant Landscape Architect and considered acceptable.</p>	<p>Yes</p>
<p>4P Planting on structures</p> <p>Appropriate soil profiles are provided.</p>	<p>The proposal includes planters on levels 3 and 4 and on the ground level over the basement. Council's Consultant Landscape Architect has raised no concerns in this</p>	<p>Yes</p>

ITEM 2 (continued)

Clause	Comment	Consistent
	<p>regard and it is considered that the planters are of sufficient size and depth to ensure the future healthy growth of vegetation.</p> <p>The landscape plan identifies the depths of the proposed planters of which all have satisfactory depths in accordance with Table 5 of Part 4P of the ADG.</p>	
4Q Universal design Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided.	The development proposes three (3) adaptable units (i.e. 14.28%) being Units 07, 14 & 17 as detailed in the plans.	Yes
4R Adaptive reuse 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
4S Mixed use Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	N/A	N/A
4T Awnings and signage Awnings are well located and complement and integrate with the building design.	N/A	N/A
4U Energy efficiency Development incorporates passive environmental design measures – solar design, natural ventilation etc.	Complies with BASIX	Yes

State Environmental Planning Policy (Affordable Rental Housing) 2009

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

ITEM 2 (continued)

The relevant sections of the AHSEPP are discussed below:

Table 3. SEPP (Affordable Rental Housing) assessment.

Control	Comment	Complies
Clause 4 – Interpretation: ‘accessible area’	The subject site is located with 270m walking distance from the nearest bus stop being Victoria Rd at Westminster Rd Stop ID: 211115 which has regular services via the 500, 501, 510, 515, 518 and 520 routes with the stop used multiple times per hour between 6am and 9.00pm each weekday and between 8.00am and 6.00pm on weekends	Yes
Clause 8 –Relationship with other environmental planning instruments (EPI) If there is an inconsistency between this Policy and any other EPI, this Policy prevails to extent of inconsistency.	An inconsistency lies between this policy and SEPP 65 and the ADG relating to solar access. However the proposal complies with the solar access requirements for both policies.	Yes
Clause 10 – Development to which Division 1 applies This Division applies to development for the purposes of residential flat buildings if:- a) the development concerned is permitted with consent under another environmental planning instrument; and b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument This Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.	The development is permitted with consent under Ryde Local Environmental Plan 2014 and is not identified as a heritage item. As stated above, the subject site is within an accessible area.	Yes
Clause 13 – Floor space ratios 1) This clause applies to development to which the percentage of the gross floor area of the development that is to be used for the purposes of	380.9m ² is to be used for affordable housing (i.e. 5 units) which equates to 20.8%. GFA proposed: 1759.7m ² Total GFA for AH: 380.9m ² = 20.8%	Yes

ITEM 2 (continued)

Control	Comment	Complies
<p>affordable housing is at least 20 per cent.</p> <p>2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:</p> <p>a) if the existing maximum floor space ratio is 2.5:1 or less:</p> <p>i. 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or</p> <p>ii. Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where: AH is the percentage of the gross floor area of the development that is used for affordable housing. $Y = AH \div 100$</p> <p>3) In this clause, gross floor area does not include any car parking (including any area used for car parking).</p>	<p>Permissible FSR under RLEP 2014 is 1.15:1</p> <p>$Y = AH \div 100$</p> <p>$Y = 20.8\% \div 100$</p> <p>$0.208:1 + 1.15:1 = 1.358:1$</p> <p>Site Area: 1,295.79m² Permissible GFA: 1759.7m² Proposed GFA: 1759.7m²</p> <p>Proposed FSR: 1.358:1</p> <p>Car parking excluded from GFA calculation.</p>	
Clause 14 – Standards that cannot be used to refuse consent		
<p>Clause 14(1)(b) – site area</p> <p>If the site area on which it is proposed to carry out the development is at least 450m²</p>	<p>1,295.79m²</p>	<p>Yes</p>

ITEM 2 (continued)

Control	Comment	Complies
<p>Clause 14(1)(c) – Landscaped area</p> <p>At least 30% (456.36m²) of the site area is to be landscaped</p>	<p>529.5m² (40.8%)</p>	<p>Yes</p>
<p>Clause 14(1)(d) – Deep soil zones</p> <p>An area of not less than 15% (194.37²) of the site area shall be classified as deep soil zone, and each area forming part of the deep soil zone has a minimum dimension of 3 metres. If practicable, at least 2/3 of the deep soil zone is to be located at the rear of the site.</p>	<p>237.6m² (18.3%)</p>	<p>Yes</p>
<p>Clause 14(1)(e) –Solar Access</p> <p>A minimum of 70% of the living rooms and private open spaces of dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</p>	<p>15 units receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter to the living rooms and private open spaces of dwellings.</p> <p>Council was concerned with the ability for Unit 16 to achieve the purported 3 hours of solar access, and in response Dwg No. SP05 was submitted to demonstrate solar access is achieved between 12pm and 3pm.</p>	<p>Yes</p>
<p>Clause 14(2)(a) – parking</p> <p>At least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms</p>	<p>Based on the following calculation, 21.5 (22) spaces are required:</p> <p>0.5 x 5 one bedroom units = 2.5 1 x 10 two bedroom units = 10 1.5 x 6 three bedroom units = 9</p> <p>A total of 26 spaces are proposed. It is noted that there is no specific visitor parking rates required, however visitor spaces have been provided.</p>	<p>Yes</p>
<p>Clause 14(2)(b) – dwelling size</p> <p>Each dwelling has a gross floor area of at least:</p>	<p>The application proposes 1, 2 and 3 bedroom units. The internal areas of the proposed units comply with the minimum requirements.</p>	<p>Yes</p>

ITEM 2 (continued)

Control	Comment	Complies
i. 35m ² - a bedsitter or studio ii. 50m ² - a 1 bedroom dwelling iii. 70m ² - a 2 bedroom dwelling iv. 95m ² - a dwelling having 3 or more bedrooms		
<p>Clause 15 – Design requirements</p> <p>A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.</p>	<p>These guidelines have been prepared to assist in the design of infill development under the State Environmental Planning Policy (Seniors Living) 2004. In accordance with these guidelines, the proposed development positively contributes to the overall character of the area, responds to maintaining amenity (privacy and solar access) and reducing environmental impact. The proposed development achieves an acceptable level of internal amenity (access to public transport and local facilities, safety and security, useability and quality recreational spaces) within the development.</p>	<p>Yes</p>
<p>Clause 16 – Continued application of SEPP 65</p> <p>Nothing in AHSEPP affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any affordable housing development.</p>	<p>State Environmental Planning Policy No 65—Design Quality of Residential Flat Development applies to the proposed development and the relevant provisions has been complied with.</p>	<p>Yes</p>
<p>Clause 16A – Character of local area</p> <p>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</p>	<p>The proposed development meets the requirements with regard to setbacks, street presentation, and building envelope as outlined in the assessment of the development against the provisions of the ADG. The UDRP has reviewed the subject development and has raised no concerns with the design of the development and its compatibility with the local area.</p> <p>The site is zoned for B4 Mixed Use, however as it is not within the Gladesville Town Centre area, the proposed development responds</p>	<p>Yes</p>

ITEM 2 (continued)

Control	Comment	Complies
	<p>appropriately to the 'transitional' role that the site plays between the low density residential areas to the south and the Town Centre commercial development to the north.</p> <p>Accordingly the proposed development is considered acceptable for the purposes of this clause.</p>	
<p>Clause 17 – Must be used for affordable housing for 10 years</p> <p>A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:</p> <p>a) for 10 years from the date of the issue of the occupation certificate:</p> <p style="padding-left: 20px;">i. the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</p> <p style="padding-left: 20px;">ii. all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</p> <p>b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.</p> <p>c) sub-clause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application</p>	<p>Condition 4 has been imposed to ensure that the nominated units are to be used for the purposes of affordable housing for a continuous period of 10 years from the date of the occupation certificate, and all affordable housing accommodation is to be managed by a registered community housing provider.</p> <p>Furthermore, a restriction will be registered in accordance with section 88E of the Conveyancing Act 1919 to ensure these requirements are enforced for the 10 year period. (see conditions 4,5,6,& 103)</p>	<p>Yes, subject to condition</p>

ITEM 2 (continued)

Control	Comment	Complies
made by, or on behalf of, a public authority.		
Clause 18 – Subdivision Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.	No subdivision is proposed as part of this development application.	Yes

5.2 Ryde Local Environmental Plan 2014 (RLEP 2014)
Clause 2.3 Zone Objectives

The proposed residential flat building is permissible within the B4 Mixed Use zone subject to the approval of Council.

The objectives of the B4 Mixed Use zone are:

- *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.*

Assessment Officer's Comments

The proposed development is considered to be consistent with the relevant objectives of the zone as it will provide additional residential accommodation, including affordable housing, within walking and cycling distance of retail and commercial development along Victoria Road and public transport bus routes to the City, Eastwood, Macquarie Park and West Ryde.

The proposal supports and integrates with the commercial uses within the Gladesville Town Centre and Victoria Road Corridor, while also providing a suitable transitioning development between the R2 Low Density Residential zoned land to the south and west of the site.

ITEM 2 (continued)

It is noted that the site is not located within Gladesville Town Centre (as defined by the Ryde LEP 2014 'Centres Map' and Ryde DCP 2014). Although located within a mixed use zone, the proposal, being wholly residential, is considered to constitute a suitable form of development in its context and does not conflict with the above objectives being achieved for the site and for the wider B4 zone.

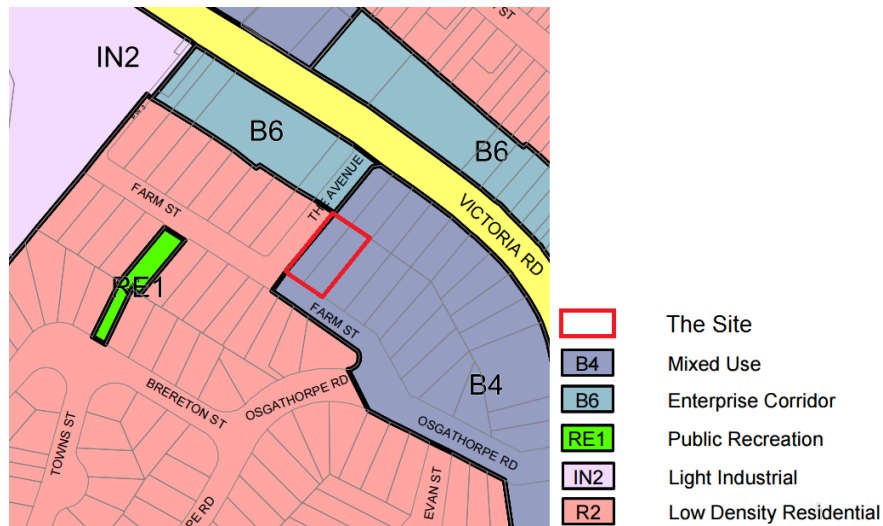
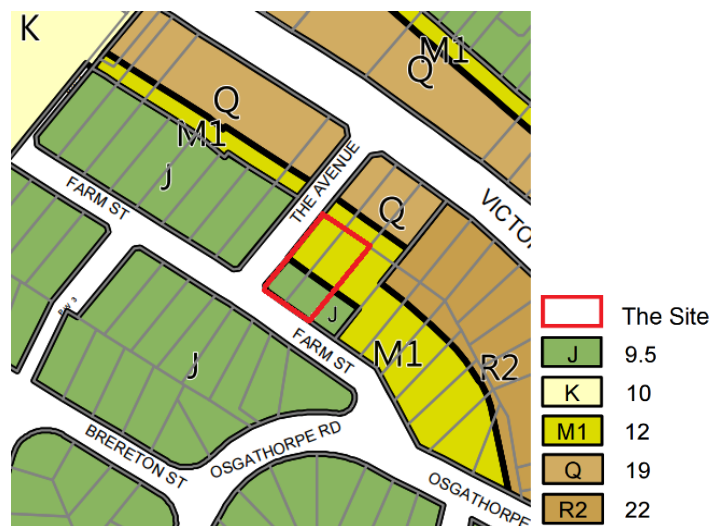


Figure 21 - Ryde LEP 2014 zoning map.

Clause 4.3(2) Height of Buildings

Under this Clause, there are two height controls applying to the subject site, with a 9.5m height control for the front 19m of the site (measured from Farm Street) and 12m for the remainder of the site shown at **Figure 22**.

The objective of this is to provide a transition between the 19m building heights permitted along Victoria Road and the 9.5m low density residential area along Farm Street.



ITEM 2 (continued)

Figure 22 - Ryde LEP 2014 height of buildings map.

Table 4 and Figure 23 below depict the maximum building height of the proposed development within the 12m and 9.5m height control areas, and identify that maximum height of the proposed building complies with the respective 9.5m and 12m height zones applying to the site.

Table 4. Summary of proposed building height.

Height Control	Maximum Height (RL)	Existing ground level (RL)	Maximum Height	Compliance
12m	RL60.00	RL48.00	12m	Yes
9.5m	RL55.00	RL45.5	9.5m	Yes

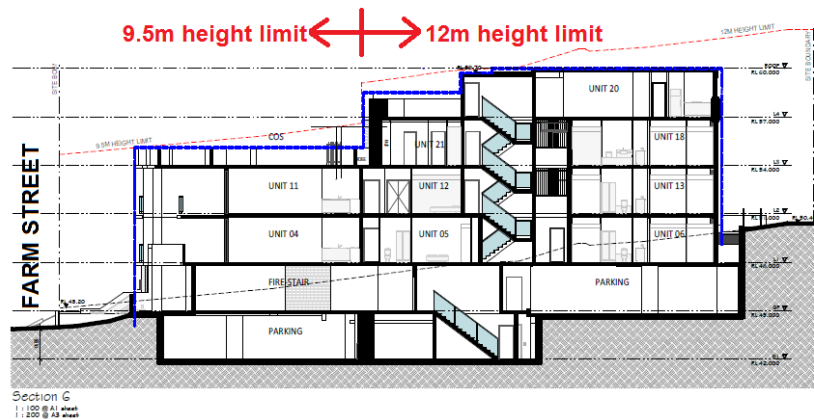


Figure 23 - Section plan of proposed development indicating height control applying to the site.

Clause 4.4 (2) – 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 1.15:1 for the site.

As stated above, in accordance with the Clause 13 of AHSEPP, an additional FSR is permitted on the land based on the percentage of affordable rental housing provided. In accordance with the calculations shown above, the permissible FSR is increased to 1.358:1.

Clause 8 of the AHSEPP states “if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency”. As there is an inconsistency between the SEPP and the RLEP 2014 with respect to FSR, the SEPP prevails.

ITEM 2 (continued)

FSR (RLEP 2014)	FSR (AHSEPP)	Proposed	Complies
1.15:1 (1,490.16m ²)	1.358:1 (1,762.2m ²)	1.358:1 (1,757.4m ²)	Yes

The development complies with the FSR requirement under the provisions of the AHSEPP.

Other relevant provisions

Table 5 below considers other provisions relevant to the evaluation of this proposal:

Table 5. RLEP 2014 Applicable Clauses.

Clause	Comment
Clause 5.1 Relevant acquisition authority	No part of the site is mapped as being reserved for acquisition for public purposes
Clause 6.1 Acid sulfate soils	The site is not impacted by acid sulfate soils.
Clause 6.2 Earthworks	The proposed development does not include excavation as this work has already been completed under the LDA2016/0003 approval.

5.3 Draft Environmental Planning Instruments

Draft Remediation of Land State Environmental Planning Policy

The Draft SEPP is a relevant matter for consideration as it is an Environmental Planning Instrument that has been placed on exhibition. The explanation of Intended Effects accompanying the draft SEPP advises:

“As part of the review of SEPP 55, preliminary stakeholder consultation was undertaken with Councils and industry. A key finding of this preliminary consultation was that although the provisions of SEPP 55 are generally effective, greater clarity is required on the circumstances when development consent is required for remediation work.”

The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of development applications. The requirements under SEPP 55 have been addressed earlier in this report.

As such, it is considered the requirements of the draft SEPP are adequately considered in the assessment of this proposal.

ITEM 2 (continued)**Draft Environment State Environmental Planning Policy**

The draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. The consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways and urban bushland areas. Changes proposed include consolidating SEPPs, which include:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas.
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

The proposal is consistent with the provisions of the draft SEPP.

5.4 Development Control Plans**Ryde Development Control Plan 2014 (RDCP 2014)**

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

- Part 4.6 - Gladesville Town Centre & Victoria Road Corridor.
- 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.

Part 4.6 Gladesville Town Centre & Victoria Road Corridor

In the preparation of Ryde LEP 2014, on 8 October 2013 Council resolved to:-

- *Endorse the preparation of a Planning Proposal to amend Local Environmental Plan 2014 (previously known as LEP 2011) in line with amendments outlined in Table 1 Planning Proposal Amendments to DLEP 2013; and*
- *Endorse an amendment to Table 1 to include the following planning controls for 11 – 15 Farm Street, Gladesville.*
 - *B4 Mixed Use Land Use Zone*
 - *FSR of 1.15:1*
 - *A maximum height of 9.5m for 19m from the front property boundary with the remainder of the site having a maximum height of 12m.*

Following approval of the Planning Proposal, RLEP 2014 was subsequently amended to rezone the subject site, together with 13 to 15 Farm Street, from R2 Low

ITEM 2 (continued)

Density Residential to B4 Mixed Use. Additionally, per the above Council resolution, the following LEP controls were also applied to the site:

- A maximum FSR of 1.15:1.
- A maximum building height of 9.5m for a distance of 19m measured from the front property boundary with the remaining rear portion of the site subject to a maximum building height of 12m.

The boundary of the Gladesville Town Centre was however not adjusted to include the extended B4 Mixed Use zone comprising Nos. 11, 13 and 15 Farm Street within the Town Centre. This is illustrated in **Figure 24** below, which provides the RLEP 2014 'Centres Map' extract and the map showing the area included in Part 4.6 of RDCP 2014.

As the subject site is not located within the Gladesville Town Centre, the proposed development is not subject to the controls contained in Part 4.6 (Gladesville Town Centre & Victoria Road Corridor) of RDCP 2014.

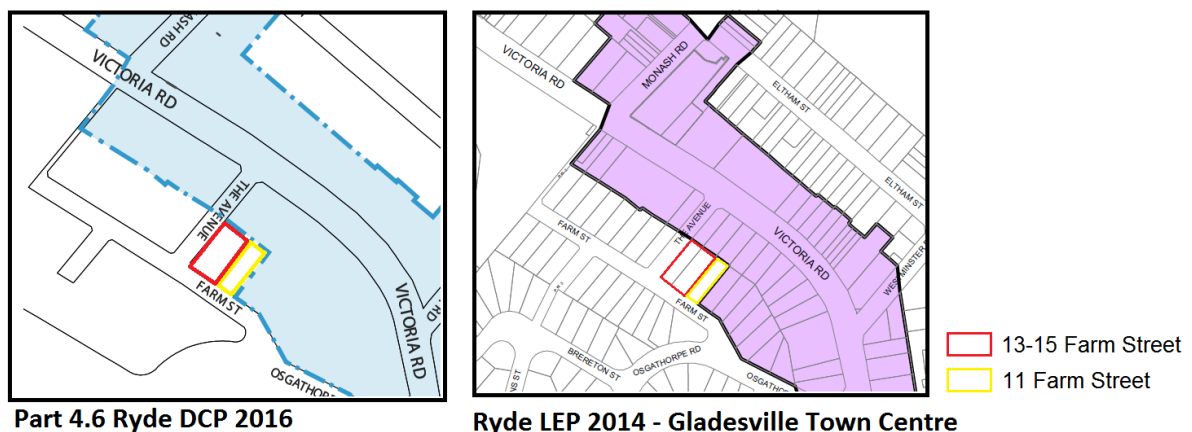


Figure 24 - Ryde LEP 2014 and Ryde DCP 2014 (Part 4.6) Centres Map (Gladesville) identifying subject site and 11 Farm Street.

Part 7.2 Waste Minimisation and Management

The applicant submitted a Waste Management Plan (WMP) with the application which is considered satisfactory with regard to construction.

With regard to ongoing waste management, the waste room is positioned to allow direct access from the basement carpark and from the front of the site for pedestrian access and sufficient space is provided for bulky waste storage.

Council's City Works has reviewed the application with regard to ongoing waste management and has recommended conditions of consent to ensure the development meets Council's standards (see **Conditions 54, 115, 117, 118 and 143 to 147**).

ITEM 2 (continued)
Part 9.2 Access for People with Disabilities

This Part of RDCP 2014 requires that it is necessary for residential apartment buildings to provide an accessible path of travel from the street to and through the front door to all units on each level of the building. The application suitably demonstrates that the proposed development will comply with the DCP access requirements, with a chair lift from the street level to the foyer level, and lift access to upper levels.

Three (3) accessible units (i.e. 14.3%) are to be provided (Unit 7, 14 and 17) which have been assessed in the BCA and Access Compliance Assessment Report prepared by Certified Building Specialists submitted with the application. **Conditions 1, 2, 26 & 42** have been included on the draft consent to ensure compliance with the relevant Australian Standards.

Part 9.3 Parking Controls

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

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 21 apartments comprising of 5 x 1 bedroom, 10 x 2 bedroom and 6 x 3 bedroom apartments.

Therefore, the following car parking is required to be provided:

No. of units	Min	Max
5 x 1 bed	3	5
10 x 2 bed	9	12
6 x 3 bed	8.4	9.6
Subtotal	21.6	26.6
Visitor /5	4.4	5.3
Total	26	32

It is proposed to provide 26 spaces which complies with the DCP requirements. **Condition 141** has been imposed requiring the allocation of spaces.

ITEM 2 (continued)

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

Therefore, three (3) bicycle spaces are required to be provided. The development incorporates six (6) bicycle spaces.

The proposal complies with Council’s car parking and bicycle requirements. Furthermore Council’s Senior Coordinator Development Engineering Services has undertaken an assessment of parking and disabled spaces in accordance with Australian Standards and Councils controls.

The proposal is considered satisfactory with regard to car and bicycle parking.

5.5 Planning Agreements OR Draft Planning Agreements

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

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.

Contributions have already been paid for the development approved under LDA2016/0003 for 20 units with a unit mix of:

- 5 x 1 bedroom units;
- 12 x 2 bedroom units and
- 3 x 3 bedrooms.

The amount payable under that application accounted for the two single dwellings demolished to allow for the development.

The approved 20 units have been included as a credit in the Section 7.11 contribution calculations for this subject DA, with the following payable for the difference in the proposed unit mix for 21 units:

- 5 x 1 bedroom units;
- 10 x 2 bedroom units and
- 6 x 3 bedrooms.

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$5,298.69
Open Space & Recreation Facilities	\$13,044.31

ITEM 2 (continued)

A – Contribution Type	B – Contribution Amount
Civic & Urban Improvements	\$4,436.61
Roads & Traffic Management Facilities	\$605.17
Cycleways	\$378.04
Stormwater Management Facilities	\$1,201.54
Plan Administration	\$101.91
The total contribution is	\$25,066.27

Condition 25 has been imposed to reflect the required Section 7.11 contribution. A note is also recommended to be included on the consent to identify that the Section 7.11 Contributions payable under this consent have considered the contributions already paid to meet the requirements of Condition 34 of LDA2016/0003.

5.7 Any matters prescribed by the regulations

None applicable.

6. The likely impacts of the development

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

Built Form

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

The development is consistent with the height and scale envisaged for the redevelopment of 11 Farm Street and 13-15 Farm Street as assessed in the rezoning of these sites under Ryde LEP 2014. The proposed built form and character of the development will contribute to an attractive public domain and a consistent street frontage when reviewed alongside the existing development at 11 Farm Street.

Overshadowing to neighbouring properties

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

In the assessment of this application, the additional overshadowing of the common open space at 11 Farm Street was a key consideration. The increased side setback of Unit 21 on Level 3 was predominantly for the purpose of improving solar access to the neighbouring common open space and the units below on Level 2 of 11 Farm Street. Shadow diagrams that specifically reviewed the additional overshadowing were provided to Council (Dwg No. SP04 (M)) which identify that the overshadowing of the adjacent common open space will be no more than that approved under

ITEM 2 (continued)

LDA2016/0003 and that the solar access currently achieved between the setback area between the Level 3 of each of the buildings will not be impacted.

The proposal constitutes a permissible form of development that complies with the applicable height, FSR and setback controls under the relevant development controls. The height controls in particular were specifically adopted for the subject site (and 11 Farm Street) at the time Council approved the rezoning of these properties from R2 Low Density to B4 Mixed Use in 2013. Accordingly the extent of overshadowing to neighbouring properties is considered acceptable and within the range anticipated when the property was rezoned.

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 consistent with the relevant planning controls. And will provide for affordable housing which meet the objectives of AHSEPP.

9. Submissions

In accordance with Ryde DCP 2014 Part 2.1 Notice of Development Applications, the proposal was advertised in the Northern District Times on 16 January 2019 and adjoining property owners were notified of the application. Submissions about the proposal closed on 6 February 2019.

In response, five (5) submissions were received. Objectors are all from Farm Street from properties on the opposite side of the road from the site.

ITEM 2 (continued)

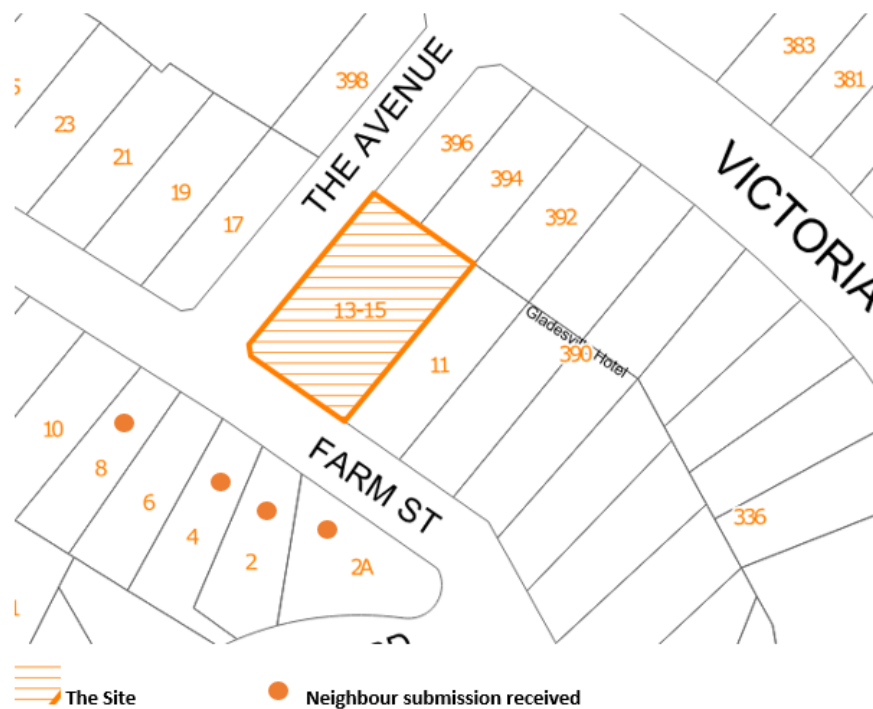


Figure 25 – Map indicating location of received submissions

Many of the objections relate to the construction practices and traffic of the existing development approval on the site, or the 11 Farm Street development. This includes:

- Construction road safety and traffic control, including trucks parking on the nature strip.
- Rubbish, food scraps and wrappings being littered in the area by construction workers.
- Damage to trees and nature strip as a result of construction.
- Trees to be removed are inappropriate, both the tree to be retained is not of significance, and removal of all trees on the site with inadequate replanting.
- Asbestos removal from the demolition of the existing houses.

The subject application does not seek consent for tree removal or demolition of existing buildings as this has already occurred under the existing approval LDA2016/0003. Furthermore, the behaviour and practices during the construction of the neighbouring property at 11 Farm Street is not a relevant consideration under this subject application.

The issues raised in the submissions as they relate to the proposal are outlined and addressed below:

- ***The size and height of the development is inappropriate.***

Comment

ITEM 2 (continued)

The proposal constitutes a permissible form of development that complies with the applicable height, FSR and setback controls under Ryde LEP 2014 and the AHSEPP.

- ***Privacy impacts of the development. Residents in apartments facing south directly on to Farm Street will be able to look straight into the north facing bedrooms on the properties of Farm Street 4 & 6.***

Comment

Neighbouring property boundaries on the southern side (opposite) of Farm Street are located over 20m from the front elevation of the proposed building. This compares favourably to the minimum building separation requirement of 9m stipulated by the ADG where an apartment building is located adjacent to a lower density zone (such as in this instance). As such, visual privacy impacts arising from the proposed built form are considered to be compatible with the B4 Mixed Use zoning and built form controls.

- ***Parking provision is inadequate and will cause pressure on existing on street parking, and the additional cars will cause traffic impacts on the local street network***

Comment

As stated above in this report, parking has been assessed against the relevant provisions in the AHSEPP and the proposed development will provide more than the required amount of parking. Furthermore, the rate of parking required under the Ryde DCP 2014 fall within the acceptable range; therefore it is considered that the 26 parking spaces and 6 bicycle spaces will satisfactorily service the parking needs of the proposed development.

It is unlikely that the on street car parking demand will change as a result of the proposed development as the proposed development provides the required car parking in accordance with the applicable car parking controls and therefore contains all required parking on site.

- ***Why was the provisions of SEPP (Affordable Rental Housing) 2009 was not utilised under the original 2016 development application?***

Comment

The State Government and the Courts have specified that Council or a determination authority must not allow certain issues to influence its decision. These include:

- The applicant's motives.
- Possible future proposals.
- Matters covered by other laws.
- Personal circumstances.

ITEM 2 (continued)

The motives of the developer for utilising the provisions of the AHSEPP under this application, and not the previous application, are not a matter for consideration in the assessment of the subject development application.

- ***Traffic movement on The Avenue and Farm Street should be changed to be one way due to the traffic issues created by development in the area.***

Comment

Council engaged external specialist traffic engineering and transport planning consultants, Bitzios Consulting, to undertake a traffic impact assessment of the LDA2016/0003 development and the cumulative impacts as a result of the proposal at 11 Farm Street. This assessment reviewed existing traffic and the impact of the proposed development on the local roads. The report stated that there 'was very little traffic on the local streets [during the Bitzios site inspection] and the additional traffic would not exacerbate this'.

The assessment further concluded that the development, with 26 parking spaces, will result in an additional 8 trips per hour which will have a minimal impact on the surrounding road network and the traffic impacts were therefore considered to be acceptable.

Council's Traffic Engineers have reviewed the subject application and concluded that compared with the existing approved development on the site, which approved the same number of parking spaces, there will be no impact.

- ***Climate Change: Could Council impose a minimum Green Star Rating of 5 or implement a renewable energy target to meet the City of Ryde 2025 Community Strategic Plan challenge "Adapting to climate change."***

Comment

SEPP (BASIX) imposes a set of energy and water efficiency targets to encourage sustainable residential development. The subject development application is in compliance with those standards for the type and context of the development.

Further to this the development achieves a 6.3 star average rating (out of 10) on the Nationwide House Energy Rating Scheme (NatHERS) which rates the energy efficiency of a home based on its design. This rating is required to meet the mandatory energy efficiency requirements for homes based on the National Construction Code (NCC).

To impose a Green Star Rating, above what is already required by SEPP (BASIX) or the NCC would require a standardised approach of the control at a strategic planning level which does not currently apply to the subject application. As such, while the overall benefit of the Green Star rating is recognised, the development as proposed adequately meets the applicable benchmarks for sustainability.

ITEM 2 (continued)**10. Referrals****Internal Referrals****Senior Development Engineer: 13 April 2019 & 27 June 2019**

Council's Senior Development Engineer has reviewed the application and has raised no objection to the development subject to appropriate conditions of consent (see **Conditions 20, 22, 23, 24, 62, 63, 64, 65, 66, 67, 98 to 101 and 135 to 141**).

City Works & Infrastructure: 5 September 2019Drainage

Council's Stormwater and Catchments Section have stated:

"Stormwater and Catchments considers it necessary to reconstruct the two existing Council inlet pits on Farm Street, where the property connection is made to, on the basis that the pits are of poor condition and noting the scale of the development."

These comments have been reflected in the conditions recommended at **Conditions 19, 55, 71, 72 and 121 to 124**.

Traffic

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

"The proposed development is for construction of a 3-4 storey Residential Flat Building at 13 -15 Farm Street (Cnr The Avenue), Gladesville. The residential flat building will contain a total of 21 residential units over two (2) levels of basement parking providing 26 parking spaces.

This site has been [previously] approved under LDA2016/3 on October 2016 for a residential flat building containing 20 apartments with basement parking. In regard to the traffic implications, the currently submitted development application of 21 residential units is similar to the approved development of 20 residential units. Therefore the impact of the proposal, in comparison to the already approved development is negligible in the surrounding road network. The proposal consists of 26 car parking spaces in total.

Footpath Widening

ITEM 2 (continued)

Currently, the existing footpath at the eastern corner of Farm Street with The Avenue is narrow. Therefore, a Right of Way shall be created over the strip of private land at the splay to allow the widening of the footpath.

Please refer to Public Domain Engineer's comments/conditions regarding the widening of the footpath and the right of way."

From a Traffic perspective there are no objections for the approval of this application subject to **Conditions 18, 33, 70, 90, 119 and 120** being imposed.

Waste

Council's Waste Officer has made the following comments:

"Development of a 21 unit affordable housing residential complex. The bin storage room is located on the ground floor and the contractor will be required to pull the bins out, service them and return to the bin storage room. To enable the waste contractor to safely move the bins to the kerbside a kerb ramp will need to be installed outside the bin room through to the waiting bay.

The bin room will need to house a minimum of 23 x 240L bins.

Bin allocation for 21 units should be:

- *11 x 240L waste bins serviced weekly*
- *11 x 240L recycle bins serviced fortnightly*
- *1 x 240L garden organics bin serviced fortnightly*

The bulky waste area is located too far from the kerbside for the contractors to collect so the building manager will be responsible for taking the items to the kerbside the night prior to the pre-booked household clean up date."

See **Conditions 54, 115 to 118 and 143 to 147.**

Public Domain

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

- *The proposed conditions of consent for public domain have been prepared in accordance with the requirements of the Public Domain Technical Manual PDTM.*
- *The pavement of the footway is to be designed according to the requirements of the Public Domain Technical Manual, Section 2 - Gladesville. According to Figure 7 in Part 2.2 the existing pedestrian connections along both frontages in The Avenue and Farm Street, are to be upgraded with full width Paving Type 2 – grey granite (see Figure 14). The minimum width of the footway is not mentioned in the DCP 2014 and in the PDTM.*

ITEM 2 (continued)

- *In the last submission from 14/05/2019 the Developer is explaining that the existing stone wall along The Avenue and the Farm Street frontages will be demolished and a new retaining wall will be built along the boundary line within the site.*
- *The existing footpath area at the corner of The Avenue and Farm Street is barely 850mm wide from the face of the kerb to the existing stone wall. With the demolition of this wall, the width of the footpath becomes 1.2m, which is still very narrow. Public Domain is requesting for a strip of land offset at 2.00m from the existing splay corner of the site be dedicated to Council. If land dedication is not feasible, the creation of ROW over that strip of land is acceptable to Council.*
- *There appears to be a need to reconstruct part of the road pavement and the kerb return at the intersection of The Avenue and Farm Street. This work will require horizontal and vertical realignment of the kerb line.*
- *Figure 16 in Clause 2.2 of the PDTM shows the site within the area for undergrounding of the overhead services. Existing overhead cables in The Avenue and Farm Street are to be placed underground.*
- *All telecommunication and utility services are to be placed underground along both The Avenue and Farm Street frontages.*
- *Figure 13 of the Public Domain Technical Manual identifies “Future street and open space tree planting” for The Avenue and Farm Street frontages of the development site. The Landscape drawing “Ground floor landscape (Issue 1) from Paul Scrivener Landscape Architecture will need to be co-ordinated with the civil engineering drawings for the stormwater drainage and the public domain works. There is a new note to “Replace existing stone wall with masonry wall along the boundary line. Also a note on the same drawing shows “planting of trees, which would not interfere with the existing power lines”. The power lines will have to go underground – thus the height of the trees in relation to the power lines is irrelevant. The exact type and position for the new trees is to be advised by the Landscape Architect – Development Assessment.*
- *There are two kerb inlet pits very close to each other at the Farm Street frontage of the site, near the intersection with The Avenue. The stormwater drainage discharge from the site is shown to be via a 225mm pipeline to be connected to one of the two kerb inlet pits.*
- *Upgrade of the street lighting will be required along both The Avenue and Farm Street frontages of the development site. The street lights will remain on the Ausgrid network. No Multi-Function Poles (MFP’s) are required.*

ITEM 2 (continued)

- *The applicant is to provide suitably prepared engineering plans providing details that demonstrate the smooth connection of the proposed road works into the remaining street scape. This will include relevant existing and design surface levels, drainage pit configurations, kerb returns, traffic signs, etc.*
- *Road Opening Permits will be required for any construction work on the road.*
- *There will be several hold points for inspections during the course of the construction in the public domain area.”*

From a Public Domain perspective there are no objections to approval of this application subject to **Conditions 20, 21, 22, 56 to 61, 73 to 79, 89 and 125 to 134** being imposed.

Landscape Architect: 7 August 2019

Council’s Landscape Architect has reviewed the proposal and has made the following comments:

“Existing Trees

All existing trees on site have been removed

*One existing street remains which has protective fencing installed around it (see **Figure 26**). The species is *Callistemon citrinus* (Lemon-scented Bottlebrush). This tree is of poor form and located close to the corner. It should be removed and replaced.*



Figure 26 - Corner of Farm Street and The Avenue indicating street tree to be removed

ITEM 2 (continued)Landscape Plan

The Landscape plan is substantially the same as the previously stamped approved Landscape Plan [under LDA2016/0003] and is satisfactory.

Stormwater Plan

The stormwater pipes are generally compatible with retention of the existing tree to be retained.

Architecture Plans

The areas of cut and fill will not impact the existing tree to be retained.

*There are no objections to the proposed development subject to **Conditions 80 to 82 and 104.***

External Referrals**NSW Police: 5 February 2019**

The Ryde Police Area Command Crime Prevention Officer have recommended conditions to ensure compliance with the Guidelines and the principles of Crime Prevention through Environmental Design (See **Conditions 108 to 110**).

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 develop the site with a residential flat building that is considered responsive to the strategic intentions and associated planning controls that have been adopted for the locality. The proposed development was amended as per the recommendations of the UDRP and Council staff assessment, 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 and commercial uses.

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

It is recommended that the application be approved subject to conditions for the following reasons:

ITEM 2 (continued)

- The proposal complies with the principal development standards applicable to the development under Ryde LEP 2014, the AHSEPP and SEPP65.
- The variation to the width of living rooms under the ADG in four of the apartments is justified as:
 - a) There is no impact on the amenity of the occupants of these apartments due to the apartment layout and ability of living rooms to adequately provide for a variety of household needs.
 - b) Strict compliance would result in taking from other units within the same elevation, and impacting the amenity of those units.
 - c) The development otherwise complies with the other relevant provisions of the ADG with a high level of amenity provided throughout the development.
- The proposal is consistent with the desired future character of the area.
- The proposal is not considered to create likely impacts on the residential amenity of adjoining properties.
- The proposal will provide a variety of housing options for the existing and future residents in City of Ryde at a time when housing demands are limited, consistent with aim 1.2(2)(a) of Ryde LEP 2014 including the provision of 5 units as affordable rental accommodation.
- The proposal will deliver new affordable rental housing as a result of the incentives under the floor space ratio bonus and non-discretionary development standards applicable to the subject development.

12. Recommendation

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

- a. That the Ryde Local Planning Panel consent to development application LDA2018/0500 for the construction of a residential flat building development under State Environmental Planning Policy (Affordable Rental Housing) 2009 at 13-15 Farm Street, Gladesville subject to the conditions of consent in Attachment 1 of this report.
- b. That the persons who made submissions be advised of this decision.

ITEM 2 (continued)

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Plans LDA2016/3 - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER
- 3 Plans LDA2018/0500 - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Rebecca Lockart
Senior Town Planner

Report Approved By:

Sandra Bailey
Manager - Development Assessment

Liz Coad
Director - City Planning and Environment

ITEM 2 (continued)
Attachment 1 - Draft Deferred Commencement Conditions

ATTACHMENT 1

PART 1 - The following are the Deferred Commencement condition(s) imposed pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979.

- (A) Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent is granted to LDA2018/0500 at 13 – 15 Farm Street Gladesville for the *construction of a 4 storey residential apartment building containing 21 dwellings over basement parking for 26 vehicles - under the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009* subject to the following conditions:
- i. **Surrender of consent.** In order for the development of land to proceed in a coordinated and orderly manner and to avoid potential conflicts with this consent, the Applicant must and in the manner prescribed by clause 97 of the Environmental Planning and Assessment Regulation 2000, surrender Local Development Application No. LDA2016/0003 and any associated Section 4.15 applications.
 - ii. **Certification of compliance.** The Certifier is to verify to Council in writing that all works have been carried out in accordance with the consent for LDA2016/0003.
 - iii. **Survey.** A survey of the site is to be submitted to Council confirming the finished floor levels and setback requirements.
 - iv. Certification from an appropriately qualified person/s that the structural works have been completed in accordance with the approved plans.
- (B) Written evidence that the matter identified in deferred commencement condition (A) above has been satisfied, must be submitted to Council within twelve (12) months from the date of this development consent, failing which, this development consent **will lapse** pursuant to Section 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) above has been satisfied.

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

Note: The Section 7.11 Contributions payable under this consent have considered the contributions already paid to meet the requirements of Condition 34 of LDA2016/0003.

ITEM 2 (continued)

ATTACHMENT 1

Accordingly, no refund of any Section 7.11 Contributions are to be provided upon the surrender of LDA2016/0003.

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:

Document Description	Date	Plan No/Reference
Architectural Plans prepared by Zhinar Architects Pty Ltd (Job No. 8455)		
Basement	190724	DA04, Issue M
Ground Floor	190724	DA05, Issue M
1 st Floor	190910	DA06, Issue N
2 nd Floor	190715	DA07, Issue L
3 rd Floor	190724	DA08, Issue M
4 th Floor	190724	DA09, Issue M
Roof Plan	190724	DA10, Issue M
Elevation 1 – East and West Elevation	190724	DA11, Issue M
Elevation 2 – North and South Elevation	190724	DA12, Issue M
Section 1 – Section Plan 1 and 2	190724	DA13, Issue M
Section 2 – Section Plan 3 and 4	190724	DA14, Issue M
Section 3 – Section Plan 6, 7 and 9	190724	DA15, Issue M
Colour Schedule – Colour Elevation	190724	DA16, Issue M
Additional Section – Section Plan 10	190724	DA17, Issue M
Area Calculation & Unit Schedule	190304	SP01, Issue J
Landscape Plans prepared by Paul Scrivener (Job Ref: 15/1833/DA)		
Ground Floor Landscape	14.3.19	Sheet 1 of 3, Issue 1
3 rd – 4 th Floor Landscape Plan	14.3.19	Sheet 2 of 3, Issue 1
Planting Plan and Detail	14.3.19	Sheet 3 of 3, Issue 1
Stormwater Management Plan for DA prepared by Quantum Engineers (Job No. 150330)		
Details, Notes & Legend	23.11.2018	Drawing No D1, Revision C
Basement Level 1 Plan	23.11.2018	Drawing No D2, Revision C
Site / Ground Floor Plan	23.11.2018	Drawing No D3, Revision C
Site / Level 1 Floor Plan	23.11.2018	Drawing No D4, Revision C
Roof Plan	23.11.2018	Drawing No D5, Revision C
OSD Details, Calculations & Stormwater Details	23.11.2018	Drawing No D6, Revision C
Sediment Control Plan & Details	23.11.2018	Drawing No D7, Revision C
Waste Management Plan		
Waste Management Plan	06.12.2018	Farm Street Developments P/L
Supporting Documents		

ITEM 2 (continued)

ATTACHMENT 1

Arboricultural Impact Assessment	21.12.2015	Redgum Horticultural
Acoustic Assessment	11.12.2018	Acoustic Logic
Geotechnical Investigation Report	11.12.2018	Morrow
BCA & Access Compliance Assessment Report	18.12.2015	Certified Building Specialists

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

- (a) **The Avenue boundary fence.** The front boundary fence along The Avenue in front of the bedrooms of Unit 8 is to be minimum height of 1.0m consisting of a solid fence base no higher than 900mm, with open screening with an openness ratio of at least 50% up to 1.8m.
- (b) **Unit 19 & 20 Terrace Planting.** The raised planters proposed to the terraces of Units 19 & 20 are to include landscape planting including small trees, shrubs, grasses and groundcovers.
- (c) **Units 5, 16 & 21 Fencing.** Boundary fencing between the private open space areas of Units 5, 16 & 21 and the common open space is to achieve a minimum height of 1.8m from the highest point along the boundary.
- (d) **Bin Room.** A kerb ramp needs to be installed from the bin storage room to the kerbside to ensure easy waste containers can be safely and easily taken to the collection point. 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 taken to the collection point.

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(s) numbered 977484M-04, dated 28 August 2019.
- 4. **Affordable housing restriction- SEPP Affordable Rental Housing.** No less than 20.8% of the total gross floor area (1759.7m²) of the approved development must be allocated as Affordable Housing within the meaning of State Environmental Planning Policy (Affordable Rental Housing) (AHSEPP) 2009.
 - (a) The following must be complied with for 10 years from the date of the issue of the occupation certificate for the approved development:
 - (i) the apartments that comprise of 20.8% of the gross floor area of the approved development identified to be used for the purposes of affordable housing must be used for the purposes of affordable housing; and

ITEM 2 (continued)

ATTACHMENT 1

(ii) all accommodation that is used for affordable housing must be managed by a registered community housing provider.

(b) A registered surveyor shall confirm in writing that the nominated affordable rental component comprise no less than 20.8% of the gross floor area of the approved development, and

(c) A restriction must be registered, before the date of the issue of any Occupation Certificate for the development, against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919* that will ensure that the requirements of paragraph (a) are met.

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

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

ITEM 2 (continued)

ATTACHMENT 1

- (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
10. **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.
11. **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.
12. **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.
13. **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.
14. **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.
15. **Bicycle/motorcycle parking.** An area shall be designated for motorbike and/or bicycle parking on the site within the basement level. A bicycle parking rack must be provided.
16. **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.
17. **Unit 1 Storage.** Under no circumstance shall direct access from Unit 1 be provided to the Ground Floor basement area, including to the areas noted 'Storage U01' and 'Switch Room' on Drawing No. DA05 Issue M.
18. **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

ITEM 2 (continued)

ATTACHMENT 1

systems must be in accordance with AS 1742.3 2009 and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities.

19. **Pit Reconstruction** – There are two existing Council kerb inlet pits in front of the site on Farm Street within close proximity to each other. The two pits and the pipe connection shall be consolidated and reconstructed as a single kerb inlet pit. Refer to condition “Drainage Design Submission” for relevant details.
20. **Public Utilities and Service Alterations** – All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the Applicant’s expense. The Applicant shall comply with the requirements (including financial costs) of the relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council, etc) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development.
21. **Construction Staging** – For any staging of the public domain works, the applicant shall provide a detailed construction management and staging plan.
22. **Public areas and restoration works** - Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council’s standards and specifications, and DCP 2014 Part 8.5 Public Civil Works, to the satisfaction of Council. Council’s standards and specifications are available on the Council website.
23. **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.
24. **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.

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.

ITEM 2 (continued)

ATTACHMENT 1

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.

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$5,298.69
Open Space & Recreation Facilities	\$13,044.31
Civic & Urban Improvements	\$4,436.61
Roads & Traffic Management Facilities	\$605.17
Cycleways	\$378.04
Stormwater Management Facilities	\$1,201.54
Plan Administration	\$101.91
The total contribution is	\$25,066.27

These are contributions under the provisions of Section 7.11 of the Environmental Planning and Assessment Act, 1979 as specified in Section 7.11 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 7.11 Development Contributions Plan may be inspected at the Ryde Customer Service Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

Note: The Section 7.11 Contributions payable under this condition have considered the contributions already paid to meet the requirements of Condition 34 of LDA2016/0003.

ITEM 2 (continued)

ATTACHMENT 1

26. **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**.
27. **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**.
28. **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)
29. **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
30. **Driveway Access Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific driveway access levels by Council prior to the issue of the **Construction Certificate**.
31. **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**.
32. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to www.sydneywater.com.au/tapin to apply.
33. **Construction Pedestrian and Traffic Management Plan.** For all works and construction activities, a Construction Pedestrian and Traffic Management Plan (CPTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of any Construction Certificate.

Note: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CPTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.
34. **Road and rail noise and vibration criteria for sensitive developments.** The buildings must be designed and constructed so that the road traffic noise levels and

ITEM 2 (continued)

ATTACHMENT 1

the rail noise and vibration levels inside the building(s) comply with the criteria specified in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).

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

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

35. **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**.
36. **Irrigation.** An automatic watering system is to be supplied to all landscape areas including common areas, private open spaces as well as to the rooftop gardens 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**.
37. **BASIX Details to be included on the Construction Certificate.** The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
38. **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.
39. **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

ITEM 2 (continued)

ATTACHMENT 1

- (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).

40. **Studies.** All studies within the development are to be provided with the internal joinery for the construction of a desk. Details demonstrating compliance is to be submitted on the relevant **Construction Certificate** plans.
41. **Design verification.** Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a registered architect that has overseen the design. This statement must include verification from the registered architect that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.
42. **Access requirements.** Prior to the issue of a **Construction Certificate**, an updated report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate Drawings fully comply with the Building Code of Australia and Australian Standards AS1428.1, AS4299, AS1735.12 and AS2890.6. The report is to be provided to the PCA and Council (if Council is not the PCA) prior to the issue of a **Construction Certificate**.
43. **Boundary Alignment Levels.** The applicant is to apply to Council for site specific boundary alignment levels prior to the issue of the **Construction Certificate**. The application would need to be accompanied by engineering plans of any civil works along the frontage of the development site. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.
44. **Acoustic Requirements.** The recommendations contained in the Acoustic Reports prepared by Acoustic Logic dated 11 December 2018 (document reference: 20181749.1/1112A/R0/MF) are to be demonstrated on the Construction Certificate plans. Details indicating compliance with these requirements are to be submitted to the PCA prior to the **Construction Certificate** being issued. Prior to the occupation of the development, a suitably qualified acoustic consultant is to verify that the development complies with these recommendations in the above report.
45. **Storage.** Each residential unit is to be provided with the minimum internal storage area as required by the Apartment Design Guide. Details of the location of the storage and dimensions of the storage areas are to be provided on the Construction Certificate plans. The architect is to verify in writing that the development complies prior to the issue of the **Construction Certificate**.

ITEM 2 (continued)

ATTACHMENT 1

46. **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.
47. **Ventilation of Basement:** The basement storage areas 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**.
48. **Crime Prevention - CCTV:**
- a) The applicant must install and maintain surveillance cameras and recorders to monitor and record all common entrance and exit points to the buildings. The cameras should include the foyer area to the buildings including the area around the mail boxes as mail theft in unit complexes in the Sydney Metropolitan area is a reoccurring crime. The cameras should also monitor the 50 metre vicinity outside the building including, but not limited to, the footpath area in front of the premises. CCTV cameras should also cover any communal areas, lifts, public spaces and the basement car parks. Recordings should be made twenty four (24) hours a day seven (7) days a week.
 - b) 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.
 - c) 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.
 - d) If requested by police, the applicant or body corporate is to archive any recording until such time as they are no longer required.
 - e) 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.
 - f) The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel.
 - g) 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.
 - h) CCTV should be installed throughout the basement car park area and should include the entry and exit points to the car park.
49. **Lighting of common area.** A detailed lighting scheme is to be prepared by a suitably qualified lighting consultant which considers lighting for:
- internal driveways.
 - visitor parking area.
 - around the building entrances and communal areas.

ITEM 2 (continued)

ATTACHMENT 1

- the Waterloo Road interface.

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:

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

Details of compliance are to be submitted with the plans for **Construction Certificate**.

50. **Adaptable Units.** A total of 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.
51. **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.
52. **Private Open Space fencing/walls.** Walls or fencing between private courtyards/private open space and adjoining common open space shall be a minimum of 1.8m in height. Details demonstrating compliance are to be submitted on the **Construction Certificate** plans.
53. **Waste Management.** Any changes to the Waste Management Plan dated 22/10/18 or DA 05 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.
54. **Waste Storage Areas.**
 - (a) All waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property to fit through opening including the door.
 - 240L Bins – width 0.6m, depth 0.8m, height 1.1m
 - (b) Two separate receptacles must be provided inside each dwelling to store up to two days worth of waste and recyclables awaiting transfer to the communal bin disposal areas to ensure source separation of recyclables.

ITEM 2 (continued)

ATTACHMENT 1

- (c) A separate room or caged area must be provided for the storage of bulky discarded items such as furniture and white goods.
- (d) All waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property (240L Bins – width 0.6m, depth 0.8m, height 1.1m) to fit through the opening including the door.
- (e) Garbage and recycling rooms must be constructed in accordance with the following requirements:
 - 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;
 - 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;
 - The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
 - 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;
 - The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
 - 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;
 - 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;
 - The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
 - The room must be provided with adequate artificial lighting; and
 - a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning.

55. **Drainage Design Submission** – The stormwater plans shall be amended to show the two existing Council kerb inlet pits shall be demolished and reconstructed as a single kerb inlet pit with equivalently sized kerb inlet and grates. The new kerb inlet pit shall be cast in-situ and conforming to City of Ryde standard drawings (available on the Council website) and the City of Ryde Stormwater and Floodplain Technical Manual.

The amended plans shall be submitted to Council’s City Works Directorate for written approval. A copy of the written approval shall be provided to the Principal Certifying Authority prior to the issue of a **Construction Certificate**.

56. **Public domain improvements** - The public domain is to be upgraded in both The Avenue and Farm Street frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual (PDTM) *Section 2 - Gladesville*. The

ITEM 2 (continued)

ATTACHMENT 1

works shall include paving, street lighting, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council.

A public domain plan for the following works shall be submitted to, and approved by Council's City Works Directorate, prior to the issue of the 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 Gladesville Street Tree Master Plan.

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

- (c) All telecommunication and utility services are to be placed underground along The Avenue and Farm 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. The public utility cover requirements shall be based on the approved Finished Surface Levels for the footpath, driveways and kerb ramps.

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

- (d) New street lighting using LED luminaires is to be designed and installed to Australian Standard AS1158:2010 *Lighting for Roads and Public Spaces*, with vehicular luminance category V5 and pedestrian luminance category P3 along The Avenue and Farm Street frontages of the 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 Directorate prior to lodgement of the scheme with Ausgrid for their approval.

57. **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.

ITEM 2 (continued)

ATTACHMENT 1

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

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

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

- (a) The removal of all redundant vehicular crossings and replacement with new kerb and gutter.
- (b) The removal of the existing kerb return at The Avenue and Farm Street intersection adjacent to the development site, and construction of a new kerb return with new horizontal and vertical alignments.
- (c) Partial reconstruction of the road pavement at the intersection of The Avenue and Farm Street in accordance with City of Ryde DCP 2014 *Part 8.5 – Public Civil Works Clause 1.1.4 – Constructing Half Road*, to suit the new levels of the kerb return (see (b) above). Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along The Avenue and Farm Street.
- (d) Construction of full width Paving Type 2 granite footpath in accordance with the City of Ryde Public Domain Technical Manual *Section 2 – Gladesville*, along The Avenue frontage of the development site.
- (e) Construction of variable width (minimum 1.8m wide) Paving Type 2 granite footpath in accordance with the City of Ryde Public Domain Technical Manual *Section 2 – Gladesville*, along the Farm Street frontage of the development site.
- (f) Construction of variable width (minimum 1.8m wide) Paving Type 2 granite footpath in accordance with the City of Ryde Public Domain Technical Manual *Section 2 – Gladesville*, at the intersection of The Avenue and the Farm Street. Due to the steep slope either bush hammered granite pavers or broom finish concrete may be considered.
- (g) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- (h) Signage and line-marking details.
- (i) Staging of the public civil works, if any, and transitions between the stages.
- (j) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

Notes:

ITEM 2 (continued)

ATTACHMENT 1

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 has also been prepared to provide guidance, and is available upon request to Council's City Works Directorate.
4. City of Ryde standard drawings for public domain infrastructure assets are available on the Council website. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated.

58. **Driveway Access and Boundary Alignment Levels** - The applicant shall apply to Council for site specific driveway access and boundary alignment levels prior to the issue of any Construction Certificate. 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 detail design plans for the public domain improvements and infrastructure works, and 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.

59. **Vehicle Footpath Crossings** – To protect the footpath from damage resulting from the vehicular traffic, the footpath crossing/s 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.

60. **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

ITEM 2 (continued)

ATTACHMENT 1

liability period. A bond in the form of a cash deposit or Bank Guarantee of \$40,000 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.

61. **Engineering plans assessment and works inspection fees** – The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to such approval being granted by Council.

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

62. **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 (Off-street Parking standards).

63. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the in-ground public drainage infrastructure in Farm Street generally in accordance with the plans by Quantum Engineers (Refer to Project No. 150330 Dwgs D1-D6 Rev C dated 23 November 2018) subject to any variations marked in red on the approved plans and noted following;

- The location of the 900SQ inlet pit in the southwestern corner (prior to discharge to the public system) is to be adjusted to account for any additional splay requirements imposed by conditions in this consent)

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.

ITEM 2 (continued)

ATTACHMENT 1

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

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

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

65. **Stormwater Management – Connection to Public Drainage System.** The connection to the public in-ground stormwater drainage infrastructure will require the assessment, approval and inspection by Council's Civil Infrastructure & Integration Department (Stormwater Section) to ensure the integrity of this asset is maintained. Engineering plans detailing the method of connection complying with Council's DCP and Technical Standards and an inspection fee in accordance with Council's Schedule of Fees and Charges must be paid to Council prior to the issue of the Construction Certificate. Council must be notified when the connection has been made to the pit / pipe and an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval.

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

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

ITEM 2 (continued)

ATTACHMENT 1

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

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

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

As a minimum, the OSD system must:

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

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

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.

68. **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

ITEM 2 (continued)

ATTACHMENT 1

(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.

69. **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.

70. **Work Zones and Permits.** Prior to commencement of the associated 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.

71. **Pre-Construction CCTV Report** - To ensure Council's stormwater infrastructures are adequately protected, a pre-construction CCTV report on the existing Council's stormwater pipeline in Farm Street adjacent to the proposed connection point and the reconstructed pit is to be submitted to Council prior to the commencement of any construction works.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator that assesses the condition of the existing drainage line (including pits and pipes) adjacent to the site is required. This report shall include the date of CCTV inspection and shall be submitted to Council's City Works Directorate for approval prior to commencement of any works.

Note: The applicant shall contact Council's Stormwater and Catchments section to obtain a map of Council's existing Stormwater network in the vicinity prior to conducting the CCTV survey.

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 report is submitted. The applicable fee is for 1.0 hour of staff time during Construction.

72. **Hold Points during construction – Drainage Works** - Council requires inspections to be undertaken by a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, for all Council stormwater drainage works at the hold points shown below.

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

ITEM 2 (continued)

ATTACHMENT 1

Note that any stormwater pits with a depth greater than 1.8 metres shall be certified by a suitably qualified Structural Engineer.

The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

- a) Upon installation of the new kerb inlet pit on Farm Street.
- b) Upon connecting the 225 mm diameter private line to the new kerb inlet pit.
- c) Upon backfilling of excavated areas and prior to the construction of the final pavement surface.
- d) Final inspection - upon the practical completion of all drainage and associated works with all disturbed areas (including driveways, footpaths and kerbs and gutters) satisfactorily restored.

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

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

74. **Notification of adjoining owners & occupiers – public domain works** - The Applicant shall provide the adjoining owners and occupiers written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.
75. **Pre-construction inspection** - A joint inspection shall be undertaken with Council's Engineer from City Works Directorate prior to commencement of any public domain works. A minimum 48 hours' notice will be required when booking for the joint inspection.
76. **Pre-Construction Dilapidation Report** - To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.

ITEM 2 (continued)

ATTACHMENT 1

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

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

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

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

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

ITEM 2 (continued)

ATTACHMENT 1

- 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.

78. **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.

79. **Ryde Traffic Committee Approval** - A plan showing details of the proposed signage and line marking, and/or traffic devices including pedestrian refuge, pedestrian crossing or LATM measures, shall be submitted to the Council and approved by the Ryde Traffic Committee prior to the installation of any traffic devices, signage and line marking.

80. **Tree Removal.** As identified in the Arborist Assessment prepared by Redgum Horticultural dated 21st December 2015. The following trees in the public domain are to be removed:

Tree No.	Species "Common name"
6	Callistemon citrinus (Lemon-scented Bottlebrush)

81. **Tree works – Australian Standards.** All tree work must be carried out by a qualified and experienced Arborist with a minimum of AQF level 3 in Arboriculture with NSW Work Cover Code of Practice for Amenity Tree Industry (1998) and AS4373 Pruning of amenity trees (2007).

82. **Landscaping - Public Domain.**

- (a) The Gladesville Public Domain Manual nominates full width granite paving, colour to be "Raven Black".

ITEM 2 (continued)

ATTACHMENT 1

- (b) Street Trees are to be *Cupaniopsis anacardioides* (Tuckeroo). Four (4) trees to be planted in two tree pits, size to be 4.2 x 1.5 meters. The trees are to be minimum 5 metres from any street light poles.

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.

- 83. **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*.
- 84. **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.
- 85. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
- 86. **Construction materials.** All materials associated with construction must be retained within the site.
- 87. **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.
- 88. **Site maintenance**
The applicant must ensure that:
 - (a) approved sediment and erosion control measures are installed and maintained during the construction period;

ITEM 2 (continued)

ATTACHMENT 1

- (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.

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

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

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

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

91. **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”.

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

ITEM 2 (continued)

ATTACHMENT 1

93. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
94. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
95. **Tree works – arborist supervision.** A Consultant Arborist must be appointed to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site.
96. **Tree works – provision of arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.
97. **Construction site 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.
98. **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.
99. **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.
100. **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 Quantum Engineers (Refer to Project No. 150330 Dwgs D1-D6 Rev C dated 23 November 2018) submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.
101. **Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.

PRIOR TO OCCUPATION CERTIFICATE

ITEM 2 (continued)

ATTACHMENT 1

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.

102. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 977484M_04, dated 28 August 2019.

103. **Affordable Housing.** Prior to the issue of any occupation certificate for the approved development, documentary evidence demonstrating compliance with every aspect of Conditions 4, 5 & 6 of this consent, including registration of title restriction and management agreement with a registered community housing provider for the approved affordable housing must be submitted to the Principal Certifying Authority and to Ryde City Council.

104. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of any **Occupation Certificate**.

105. **Sydney Water – Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

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

106. **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**.

ITEM 2 (continued)

ATTACHMENT 1

107. **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**.
108. **Territorial reinforcement & signage – Crime Prevention:**
- a) A street sign should be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No.8.
 - b) Signage also needs to be provided at entry/exit points and throughout the development to assist users. Clear signage should indicate residential and restricted areas.
 - c) Signage also needs to be provided on any fire exit doors warning users that the doors are to be used for emergency purposes only.
 - d) Signage is to be used to indicate entries and exits. Signs should be clear, legible and useful. The front of the building should have clear signage in regards to street numbers so that emergency services are able to clearly read the numbers.
 - e) To assist with way finding for emergency services, numbering of street numbers, building numbers, levels of the building and unit numbers should be clearly displayed.
 - f) Signs should be erected in the car parks and near entry and exit points which details security measures and reminds people to lock their vehicles and remove valuables from their vehicles.
 - g) Location maps should be used throughout the complex to indicate to visitors where they are.
109. **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. The applicant should liaise with Australia Post and develop strategies in relation to security of mail boxes.
110. **Access control – Crime Prevention.**
- a) Access control should be set in place to exclude unauthorized access to the buildings as well as to restricted areas. Access to the residential building should be for residents only and should be accessed by some form of security system such as key access or a swipe card system. Intercom facilities should be incorporated into entry/exit points including access to the basement car parking area, to enable residents to communicate and identify with people prior to admitting them to the development.
 - b) Access should be restricted to residents only to the lifts and stairs leading to the apartments.
 - c) Single cylinder locksets (Australia and New Zealand Standard- Lock Sets) to restrict unauthorized access to the development should be fitted to the:
 - a. Fire exit doors
 - b. Main entry/exit doors to individual units
 - c. Balcony doors to individual units
 - d. Gates to ground floor units with direct access to The Avenue

ITEM 2 (continued)

ATTACHMENT 1

- d) The windows to individual units should also be fitted with key operated locksets (Australia and New Zealand Standard- Lock Sets) to restrict unauthorized access to the unit
- e) The basement car parking area is to have some type of security gate or security roller shutter that can be closed to prevent people loitering in the car park and to prevent crimes such as malicious damage, stealings, assaults and sexual assaults.
- f) Letter boxes should be secured in a location that can be accessed by residents only. Having the letter box opening where mail can be inserted by Australia Post on the external area of the building but having access to the rear of the letter box where you retrieve the mail on the internal side of the building is strongly recommended. The applicant should also liaise with Australia Post and develop strategies in relation to security of mail boxes. Australia Post are able to implement systems to address mail theft in multiple residential complexes.
- g) It is recommended that if there are secure storage facilities for individual units in the basement car park area, that these facilities have good quality locks and ideally would be of a type that people cannot see into.

111. **Compliance report** - A report from a qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the issue of an **Occupation Certificate**

112. **Acoustic Report.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria including compliance with the recommendations contained in the Acoustic report prepared by Acoustic Logic dated 11 December 2018 (document reference: 20181749.1/1112A/R0/MF) must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.

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

114. **Consolidation of Lots.** The following lots are to be consolidated as one (1) allotment and registered on a survey plan (prepared and signed by a Registered Surveyor) with the NSW Land & Property Information Service (NSW Department of Lands):

- Lot 34 DP 11022
- Lot 35 DP 11022

ITEM 2 (continued)

ATTACHMENT 1

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

115. **Waste Management Facilities.** Prior to the issue of any **Occupation Certificate** an authorised Council Waste Officer is to inspect and approve all waste management facilities to ensure they comply with the development approval Waste Management Plan.
116. **Traffic Signage.** To enable clear and easy access to the bins on the service day for collection from the kerbside, traffic will need to be consulted to ensure correct signage is put in place prior to the issue of any **Occupation Certificate**.
117. **Garbage servicing.** 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**.
118. **Waste Room Universal Key.** Where there is a lockable door to access a bin room or hard-waste 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.
119. **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 any **Occupation Certificate**.

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.

120. **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 any Occupation Certificate.
121. **Pit Reconstruction – Post-Construction Certification -** Council’s two existing kerb inlet pits at the front of the site, on Farm Street, through which the proposed site outlet connection is being made to shall be reconstructed as outlined in conditions “Pit Reconstruction” and “Drainage Design Submission”.

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

122. **Drainage Works – Post-Construction Certifications -** Following completion of the final stage of the drainage and associated works and prior to the issue of the Occupation Certificate, the applicant shall submit all certifications from the

ITEM 2 (continued)

ATTACHMENT 1

Supervising Engineer for each hold point inspection required for the drainage works, as outlined in the condition for “Hold Points during construction – Drainage Works”, to Council’s City Works Directorate for acceptance and written approval.

The certificates shall contain photographs of the completed works and commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

123. **Works-As-Executed Drawings – Stormwater Drainage** - To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, and that the assets to be handed over to Council are accounted for inclusion in Council's Assets Register, Works-as-Executed Plans (in both hard and soft copies - AutoCAD, CivilCAD, Civil 3D, 12D or any other commercially used program), certified by a Registered Surveyor shall be submitted to, and accepted by Council in writing, with any rectifications required by Council to be completed by the Developer prior to the issue of any Occupation Certificate.

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

124. **Post-Construction CCTV Report** - To ensure Council’s stormwater infrastructure is adequately protected and there are no damages due to proposed construction activities and property drainage connection, a post-construction CCTV and dilapidation report on the Council’s stormwater pipeline in Farm Street adjacent to the proposed connection point and the reconstructed pit.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator that assesses the condition of the existing drainage line (including pits and pipes) adjacent to the site is required. The report is to be dated and submitted to, and accepted by Council’s City Works Directorate, prior to the issue of the Occupation Certificate. The report shall be used by Council to assess whether any rectification works will be required. The applicant shall obtain written approval from Council Engineers prior to the issue of the Occupation Certificate.

Note: The applicant shall contact Council’s Stormwater and Catchments section to obtain a map of Council’s existing stormwater network in the vicinity prior to conducting the CCTV survey.

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 report is submitted. The applicable fee is for 2.0 hour of Staff Time.

125. **Public Access and Right of Way.** Prior to the issue of any Occupation Certificate, a Right of Way (ROW) shall be created over the strip of private land at the splay at the intersection of Farm Street and The Avenue in favour of Council for public

ITEM 2 (continued)

ATTACHMENT 1

access. Terms regarding the creation of the ROW are to be submitted to and approved by Council prior to the lodgement at the Lands and Property Information Office. Evidence regarding effective registration of the ROW shall be submitted to Council and the PCA prior to the issue of the Occupation Certificate.

The terms of the Right of Way must ensure that:

- a. The footpath is accessible at all times to the Public;
- b. The footpath will be adequately maintained by the occupier/ owner of the site at all times; and
- c. The Council is the only authority empowered to release, vary or modify the terms of the Public Access.

126. **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.
127. **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.
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, Works-as-Executed (WAE) Plans shall be submitted to Council for review and approval. The WAE Plans shall be prepared on a copy of the approved plans and shall be certified by a Registered Surveyor. All departures from the Council approved details shall be marked in red with proper notations. Any rectifications required by Council shall be completed by the Developer prior to the issue of any Occupation Certificate.

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

ITEM 2 (continued)

ATTACHMENT 1

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, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.
- (a) Road pavement,
 - (b) Kerb and gutter,
 - (c) Footpath,
 - (d) Drainage pits,
 - (e) Traffic signs, and
 - (f) Any other relevant infrastructure.

The report shall include summary statement/s comparing the pre and post construction conditions of the public infrastructure. The report is to be dated and submitted to, and accepted by Council’s City Works Directorate. The report shall be used by Council to compare with the pre-construction dilapidation report, and to assess whether restoration works will be required prior to the issue of the Compliance Certificate for External Works and Public Infrastructure Restoration.

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

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 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.

ITEM 2 (continued)

ATTACHMENT 1

134. **Compliance Certificate – External Works and Public Infrastructure Restoration** – Prior to the issue of any Occupation Certificate, a compliance certificate shall be obtained from Council’s City Works Directorate confirming that all works in the road reserve including all public domain improvement works and restoration of infrastructure assets that have been dilapidated as a result of the development works, have been completed to Council’s satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this Certificate in accordance with Council’s Schedule of Fees and Charges at the time of issue of the Certificate.
135. **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.
136. **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 system 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.
137. **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.

ITEM 2 (continued)

ATTACHMENT 1

- 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 erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
- f) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
- g) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
- h) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

138. **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).

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

140. **Traffic Signal System.** To prevent conflicting traffic flows at the point of the single lane driveway entry, a traffic signal must be installed to warn a driver approaching the access, of any vehicles entering from the opposite direction.

ITEM 2 (continued)

ATTACHMENT 1

The signal system must;

- Be clearly visible from either approach and is to indicate to an approaching driver, by way of red light or wording, that a vehicle is approaching on the single lane access in the opposite direction,
- Default to green for entering traffic.
- Provide demarcated waiting bays (linemarked) for the waiting vehicle to stand. These are to be located clear of the swept turning path of the opposing vehicle to allow the vehicle to pass.

The system is to be operational prior to the issue of any Occupation Certificate. Details of the system, including the system operation, components and placement within the development, must be detailed by a practising Traffic Engineer. This engineer is to submit these details and certify that the system has been installed accordingly, to the Accredited Certifier prior to the issue of the Final Occupation Certificate.

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.

141. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows:
- Minimum of 21 residential spaces (including 3 adaptable parking spaces, 1 of which must comply with AS 2890.6). Each set of tandem parking spaces must be allocated to a single unit.
 - Minimum 5 visitor spaces (1 space must be compliant with AS 2890.6).
 - Minimum 3 bicycle parking spaces.
142. **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*.
143. **Council 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.
144. **Waste room signage.** Signs will be required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage.
145. **Waste room lockable door.** Where there is a lockable door to access a bin room or bulky waste storage room, the universal Council key should be installed so the contractor can access the room for servicing bins or collect the household clean-up items.

ITEM 2 (continued)

ATTACHMENT 1

146. **Bulky waste.** All material in the bulky items/hard waste storage rooms is to be taken to the collection area stipulated by Council, by the staff or contractors. The material is to be placed in such a manner so that it will not impede the access to any bins from a side arm waste collection vehicle or pedestrian access.
147. **Bulky waste.** Unwanted household items must be stored onsite until the night prior to a Pre-booked household clean-up collection.

End of consent.

There are no LPP Planning Proposals