



7 MAY 2020

NOTICE OF MEETING

You are advised of the following meeting:

THURSDAY 14 MAY 2020.

City of Ryde Local Planning Panel Meeting No. 3/20

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 May 2020
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 APPLICATION

| | | |
|---|--|---|
| 1 | 10 LINSLEY STREET, GLADESVILLE - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A THREE STOREY RESIDENTIAL APARTMENT BUILDING CONTAINING SIX UNITS AND BASEMENT PARKING - LDA2019/0228..... | 3 |
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There are no LPP Planning Proposals

DEVELOPMENT APPLICATIONS

1 10 LINSLEY STREET, GLADESVILLE - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A THREE STOREY RESIDENTIAL APARTMENT BUILDING CONTAINING SIX UNITS AND BASEMENT PARKING - LDA2019/0228

Report prepared by: Assessment Officer - Town Planner

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

Report dated: 6 May 2020 **File Number:** GRP/09/6/12/1 - BP20/395

City of Ryde Local Planning Panel Report

| | |
|--|---|
| DA Number | LDA 2019/0228 |
| Street Address & Ward | 10 Linsley Street, Gladesville East Ward |
| Zoning | R4 High Density Residential under RLEP 2014 |
| Proposed Development | Demolition of existing dwelling and construction of a three storey residential apartment building containing six units and basement parking (3 x 2 bedroom and 2 x 3 bedroom, 1 x 4 bedroom). |
| Owner | Cipher Property Development Pty Ltd |
| Applicant | Mackenzie Architects International |
| Report Author | Madeline Thomas - Senior Town Planner |
| Lodgement Date | 11 July 2019 |
| Number of Submissions | 2 submissions received |
| Cost of Works | \$2,938,491.00 |
| Reason for Referral to Local Planning Panel | <ul style="list-style-type: none"> • Sensitive Development - SEPP 65 applies • Departure from Development Standard greater than 10% - Clause 4.3 Height of Building |
| Recommendation | Approval |

ITEM 1 (continued)

| | |
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| Attachments | Attachment 1: Draft conditions of consent Attachment 2: Clause 4.6 Variation Attachment 3: Architectural Plans |
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1. Executive Summary

The following report is an assessment of a development application for the demolition of the existing dwelling and construction of a three (3) storey residential apartment building at No. 10 Linsley Street, Gladesville.

The development application (as amended) proposes the demolition of an existing building and the construction of a residential apartment building containing six (6) residential units (comprising 3 x 2 bedroom and 2 x 3 bedroom and 1 x 4 bedroom) with basement car parking for ten (10) vehicles. The application also includes associate landscape works.

During the first notification period (19 July 2019 to 14 August 2019) Council received two (2) submissions raising concerns about the proposed development. Issues raised in the submissions primarily involve the noise and disturbance caused by demolition and construction.

Amended plans were received on 21 November 2019 and surrounding properties were re-notified accordingly. During the second notification period (22 November to 10 December 2019) Council received no submissions in response to the amended proposal.

The proposal amended the side and rear setbacks, increased the width of the driveway to allow for a passing bay and reduced the number of units in order to comply with the requested side and rear setbacks.

The above amendments are in accordance with some of the recommendations made by the Ryde Urban Design Review Panel (UDRP).

The proposal generally complies with State and Council controls with exception to a maximum variation of 15.2% to the permitted building height of 11.5m, and side and rear setbacks.

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

ITEM 1 (continued)

Assessment of the amended application against the relevant planning framework, and consideration of various design matters by Council's technical departments have not identified any fundamental issues of concern such that the application should be refused.

Consequently, this report concludes the application to be sound in terms of its design, function, and relationship with its neighbours and is recommended for approval.

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

2. The Site and Locality

The development site is legally described as Lot 1 in DP 87828, No. 10 Linsley Street, Gladesville, and has a site area of 569.1m². The site is located on the southern corner of Linsley Street and Orr Street.

It is a regular rectangular shaped allotment with a 12.19m frontage to Linsley Street and a 46.82m frontage to Orr Street.

The site accommodates a single storey dwelling house that addresses Linsley Street, as well as a detached double garage at the rear of the site.

The surrounding residential area is predominately made up of older style, strata, three storey walk-up residential apartment buildings. Gladesville Public School adjoins the site to the south east (rear boundary). The car park of Gladesville Public School is adjacent to the site, whilst the school buildings are located more centrally within the school site.

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



Figure 1: Aerial photo of subject site (site outlined in orange)

ITEM 1 (continued)

Figure 2 below shows the site as viewed from the street.



Figure 2: Existing dwelling as viewed from Linsley Street



Figure 3: Existing double garage at rear of site

ITEM 1 (continued)

Figures 4 to 7 show the surrounding development.



Figure 4: School site as viewed from corner of Linsley and Orr Street



Figure 5: School site directly adjoining subject site (including car park and demountable buildings)

ITEM 1 (continued)



Figure 6: No. 12 and 14 Linsley Street



Figure 7: Three storey residential flat buildings on north eastern side of Linsley Street

3. The Proposal

It is proposed to demolish the existing building and construct a residential apartment building comprising of six (6) residential apartments consisting of 3 x 2 bedroom units (50%), 2 x 3 bedroom units (33.3%) and 1 x 4 bedroom unit (16.7%).

The proposed building is 3 storeys with a single storey basement carpark, which is accessed from Linsley Street. Pedestrian access to the development is provided from Orr Street.

ITEM 1 (continued)

Figure 8 below provides a photomontage of the development.



Figure 8: Photomontage of proposed development, as viewed from the corner of Linsley Street and Orr Street.

Figure 9 below shows detail from the Landscape Plan.

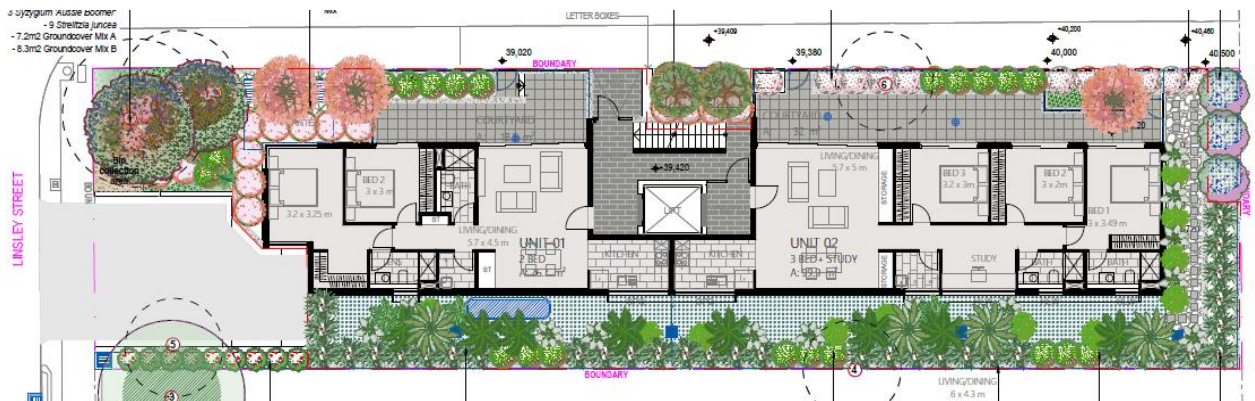


Figure 9: Landscape scheme

4. Background

The application was lodged with Council on 11 July 2019. The original development application, before being amended by the applicant, included seven (7) units.

ITEM 1 (continued)

On 5 September 2019, the proposal was reviewed by the Ryde Urban Design Review Panel (UDRP). The UDRP advised that the proposal was to be amended to address the following issues:

- Building separation and setbacks to adjoining property at No. 12 Linsley Street. Setbacks of proposed building to the side boundary are to be a minimum of 3m and consideration of openings and the privacy impact on the habitable rooms of No. 12 Linsley Street need to be considered.
- A 3m setback is to be provided along the short rear boundary. Unit 03 currently encroaches into this setback. Furthermore, the Panel had concern that Unit 03 has poor solar access, and as such, recommended Unit 03 be deleted.
- The Panel requested the boundary wall at the street corner be deleted.
- The Panel raised concern with the lack of deep soil area provided, and suggested a reconfiguration and reduction in the basement footprint to allow for more deep soil.
- Panel requested shading for the bedrooms facing Linsley Street.

A letter was sent to the applicant on 9 October 2019 which identified various issues with the application. These issues included:

- Stormwater Management: Issues were raised by Council's Senior Development Engineer regarding the onsite detention system (OSD) proposed for the development.
- Car parking allocation: The proposal failed to be compliant with Part 9.3 of the Ryde Development Control Plan 2014 regarding the number of visitor parking spaces allocated.
- Internal parking arrangement: Council's Senior Development Engineer required the width of the driveway to be increased to allow for a vehicle passing bay. This passing bay was required due to the site's proximity to Gladesville Public School and street intersection. Swept path diagrams were also requested by Council's Senior Development Engineer to demonstrate compliance with Australian Standards.
- Tree retention: Council's Landscape Architect requested root mapping of Tree 3 to ensure its retention.
- Landscape Plan: A revised landscape scheme requested to provide a screen planting along boundaries.
- Waste: Inadequate bin storage and bulky waste storage provided, and as such, Council's Waste Officer requested a revised bin storage room and Waste Management Plan.
- UDRP: It was requested the applicant comply with the requests made by the UDRP. It is noted that the UDRP recommended a minimum of 3m for side and rear setbacks, however, Council requested a 6m rear setback given the insufficient deep soil area provided on the site.

ITEM 1 (continued)

Amended plans were submitted on 21 November 2019 which generally addressed the issues raised, with the exception of the side setbacks provided. These issues were addressed as detailed below:

- Amalgamation of Unit 02 and 03 into one 4 x bedroom, reducing the number of units from seven (7) to six (6).
- Amended Stormwater Management Plans that comply with OSD requirements.
- Reduction in basement footprint and reconfiguration of basement to increase deep soil area.
- Amended landscaping plans with sufficient planting provided on the boundaries.
- Root mapping for Tree 3 provided with amended Arborist Report.
- Widening of driveway to include vehicle passing bay.
- Increased rear setback to 3m. This setback was considered acceptable given the amended proposal included sufficient deep soil planting, and no privacy or amenity issues were caused by the proposed setback.
- Increased side setbacks, however, 3m not achieved for all of building to the north east and south west.
- Inclusion of waste collection area adjoining the driveway at Linsley Street and addition of bulky waste storage area within the basement.

A letter was sent to the applicant on 29 February 2020 identifying the following issues that remained outstanding with the amended plans:

- Car parking allocation: The amended plans provided a new unit mix, however, this mix did not trigger a change in the parking requirement under the RDCP 2014. The applicant did not amend the parking number or allocation, and thus the parking non-compliance remained unresolved. It was requested this be resolved in further amended plans.
- Side setbacks: The amended plans did not provide a 3m side setback along the entire north western and south eastern boundaries. It was requested this be resolved in amended plans.

Amended plans were submitted on 19 March 2020 that addressed these issues by amending parking allocation and increasing side setbacks to 3m. It is noted minor encroachments, including core circulation, balconies and window shades, are still depicted within the 3m side setbacks. This has been justified by the applicant and is considered acceptable, as detailed 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 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**

The requirements of the SEPP apply to the subject site.

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.

Currently the site contains a single storey residential dwelling house and detached garage.

A search of Council's records and mapping confirms that the site has continuously been used as a dwelling house with no history land uses that could cause suspected contamination. As such, further investigation is not warranted, and the site is suitable for the proposed residential development in this regard.

Council's Environmental Health Officer has raised no issues with the proposal, subject to **Conditions 21 and 22** being imposed.

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

The SEPP aims to improve the design quality of residential flat development.

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

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

ITEM 1 (continued)
Ryde Urban Design Review Panel (UDRP)

The proposal was reviewed by the UDRP on 5 September 2019 after lodgement. The comments made by the Panel are included below.

| 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>In general, the proposal provides an acceptable fit within its context.</p> <p>The relationship of the current proposal to the existing flat building next door at 12 Linsley Street is the main contextual concern. Although the existing building has bedrooms and bathrooms facing the proposal, the neighbour's bedrooms are defined as "habitable rooms" under the ADG and as such the proposal must be set back a minimum of 3m from the common side boundary. The current encroachments (en-suite shower in the front apartments; kitchens in front and rear units and bedroom 1 of the rear apartments) need to be removed. Openings with fixed translucent glass can be included in the relocated façade.</p> <p>In addition, a minimum 3m setback should also be provided along the short rear boundary. At present the bedroom of Unit 03 encroaches into this setback.</p> <p><u>Assessing officer comment:</u></p> <p>The amended plans show a 3m setback from the common side boundary and short rear boundary, and thus, the amended plans have addressed the Panel's comments with respect to the relationship of the proposal to the building at No. 12 Linsley Street. It is noted that the window shades of various windows encroach into the 3m setback on the south western boundary, however, this does not create any privacy issues or add to bulk and scale of the building.</p> <p>The development (as amended) is considered to satisfy this principle.</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>The proposal exceeds the LEP height plane, however the exceedance is limited to the stair well and lift shaft (which provides barrier-free access to the communal roof terrace) and as such is considered acceptable by the Panel.</p> <p>The Panel has concerns about Unit 03 at ground level:</p> <p>It encroaches into the 3m setback zone along both the rear and southwestern boundaries, it is up to 1.2m below street level; and less than ideal daylight access to both the living room and bedroom. At a minimum, the bedroom should be deleted. The apartment could then be a studio, or it could take the adjacent bedroom from Unit 02 and turn that apartment into a one-bedder. The Panel would prefer to see Unit 03 deleted in its entirety.</p> |

ITEM 1 (continued)

| SEPP 65 – Design Quality of Residential Flat Buildings | UDRP Comments |
|---|--|
| <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>Assessing Officer comment:</u></p> <p>The amended plans amalgamated Unit 02 and Unit 03 into a 4 bedroom unit in order to achieve the 3m setback requested by the Panel. The revised design allows for sufficient solar access and amenity for this unit.</p> <p>The development (as amended) is considered to satisfy this principle.</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>The Panel is satisfied that if the changes in these minutes are made, the density (which is permissible) will result in a satisfactory development.</p> <p><u>Assessing Officer comment:</u></p> <p>The amended plans received 19 March 2020 included all the requested changes made by the Panel, including a reduction in the number of units and increased side and rear setbacks. As such, the density proposed is considered to be satisfactory.</p> <p>The development (as amended) is considered to satisfy this principle.</p> |
| <p>Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p> | <p>This principle was not directly discussed at the meeting.</p> <p><u>Assessing Officer comment:</u></p> <p>A suitable BASIX Certificate has been supplied with the amended plans, which indicates that the building will meet the energy and water use targets set by the BASIX SEPP.</p> <p>Shadow diagrams have been provided demonstrating that the proposed units and adjoining residential properties receive sufficient solar access.</p> <p>The development (as amended) is considered to satisfy this principle.</p> |
| <p>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and</p> | <p>The currently proposed boundary wall at the street corner is not compatible with the immediate street context and is an unnecessary addition to the streetscape. The wall should be removed and the land within the property set at the same level as</p> |

ITEM 1 (continued)

| SEPP 65 – Design Quality of Residential Flat Buildings | UDRP Comments |
|---|--|
| <p>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>the street verge and graded up to the building, meeting it at ground floor level. The planter on top of the basement slab and in front of the Linsley Street façade can then be deleted. Two large trees should be planted in the deep soil area to replace the existing trees which are to be deleted under the proposal.</p> <p>The Panel is concerned by the limited amount of deep soil provided. It recommends that the outside area between Orr Street and the fire stair be allocated as deep soil, by reducing the size of the storeroom in the basement below (sufficient storage for individual units as per the ADG must still be provided). This new area of deep soil will be fully contiguous with the earth under the street so that a large tree can be planted.</p> <p><u>Assessing Officer comment:</u></p> <p>The amended plans received 19 March 2020 removed the boundary wall on the street corner as requested by the UDRP. Two trees have been shown on the amended plans in this deep soil area to allow for the development to better integrate with the streetscape.</p> <p>The amended plans have also provided for increased deep soil area by reducing the basement footprint. The revised landscape scheme is considered to be compatible with the character of the area.</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 room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p> | <p>The bedrooms facing northwest to Linsley Street require summer shading to avoid excessive heat build-up.</p> <p><u>Assessing Officer comment:</u></p> <p>The amended plans provide shading on the bedroom window on the north west elevation.</p> <p>Sufficient setbacks have been provided to ensure the amenity of the adjoining units at No. 12 Linsley Street is maintained. No living, kitchen or bedroom windows are located on the south western elevation, preventing views into the windows of No. 12 Linsley Street.</p> <p>The rooms within the proposed units are adequate in size and have sufficient storage and private open space.</p> |
| <p>Safety</p> <p>Good design optimises safety</p> | <p>Satisfactory.</p> |

ITEM 1 (continued)

| SEPP 65 – Design Quality of Residential Flat Buildings | UDRP Comments |
|---|---|
| <p>and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p> | <p><u>Assessing Officer comment:</u></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 front units overlooking Linsley Street, and the remaining units overlooking Orr Street. The development also provides secure access points to the site and car park entry.</p> <p>The development (as amended) is considered to satisfy this principle.</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>The range of unit sizes is considered acceptable.</p> <p><u>Assessing Officer comment:</u></p> <p>The proposal is for 6 units of 3 x 2 bedroom and 2 x 3 bedroom and 1 x 4 bedroom units. Whilst no 1 bedroom or studio apartments 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, the submitted Access Report prepared by Vista Access Architects states that 2 units have been designated as being 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>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-</p> | <p>The architectural character of the proposal is acceptable. The northwest-facing windows on Linsley Street require summer shading.</p> <p><u>Assessing Officer comment:</u></p> <p>Shading has been provided for the north-west facing bedroom</p> |

ITEM 1 (continued)

| SEPP 65 – Design Quality of Residential Flat Buildings | UDRP Comments |
|--|--|
| designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape. | windows. Overall, the design of the building is compatible with the character of the surrounding area, and comprises of sufficient variety of materials and building articulation. The development (as amended) is considered to satisfy this principle. |

Apartment Design Guide (ADG)

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.

| Clause | Proposal | Compliance |
|---|---|------------------------------------|
| 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. | | |
| 2E - Building Depth Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line. | The development is a narrow infill development on a deep and narrow block. As a response to the dimensions of the site, the depth of the apartment is 7.2m. The proposed building depth allows for appropriately sized rooms with sufficient solar access and natural ventilation. | Yes |
| 2F - Building Separation Minimum separation distances for buildings up to 4 storeys should be: <ul style="list-style-type: none"> • 12m between habitable rooms / balconies • 9m between habitable / balconies and non-habitable rooms • 6m between non-habitable rooms. | The adjoining site to the south west contains a three storey residential flat building (RFB). Based on a 3 storey building the development should provide a 12m separation distance. Applying half the minimum separation distance required by the ADG results in a required setback to the south west boundary of 6m. The development has provided a setback of 3m along the south western boundary. Minor encroachments for the window shades occur within this setback. The subject site is 12.19m wide and 46.82m long, and is in a residential area predominately comprising 3 storey walk up residential flat buildings. Adhering to a minimal 6m setback on a site with such a narrow width would render the site | No Variation acceptable. |

ITEM 1 (continued)

| Clause | Proposal | Compliance |
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| | <p>undevelopable for medium density purposes, particularly given that future amalgamation is highly unlikely given the adjoining site to the south west has been strata subdivided, the site to the north east is the school site and the site is also a corner allotment.</p> <p>Accordingly, consideration has been given to reducing the setbacks along the side boundaries to 3m, provided there are no overlooking impacts and architectural relief is provided.</p> <p>The building separation between this development and the 3 storey building at No. 12 Linsley Street is 6.9m.</p> <p><u>South Western Boundary (12 Linsley Street)</u> The adjoining building at 12 Linsley Street is setback 3.9m from the common boundary.</p> <p>The proposed development maintains a 3m setback to the common boundary with 12 Linsley Street, with a slight encroachment to 2.7m for the window frames/boxes. This is considered acceptable as the window design will provide some architectural relief.</p> <p>The development proposes similar setbacks as the adjoining property and has minimised overlooking with the main living area orientated to the Orr Street boundary, and the only windows proposed on the south western boundary being bathrooms, study and kitchen windows. The kitchen windows are highlight windows with obscure glazing, preventing any overlooking into 12 Linsley Street. The remaining study and bathroom windows are highlight windows which will also prevent overlooking into the adjoining property.</p> <p><u>South Eastern Boundary (School Site).</u> Along the south eastern elevation, the building is setback 3m.</p> <p>The main buildings within the school are located much further into the site. There are, however, demountable classrooms located within 8m of the south eastern corner of the site. Given these buildings are single storey, and the 11m separation between the proposed building and these structures, it is not anticipated the building will overlook the demountable classrooms.</p> <p>Furthermore, the windows along the south eastern</p> | |

ITEM 1 (continued)

| Clause | Proposal | Compliance |
|---|---|------------|
| | elevation are highlight windows and will mitigate any views towards the school site. | |
| <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 with the front building line • 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>There is no DCP applicable to this site so the requirements of the ADG apply.</p> <p><u>North Western boundary</u> The proposed building will be setback 6m from the front boundary (Linsley Street), which is consistent with the setback of the existing dwelling on the site, and is also compatible with the surrounding development.</p> <p>The setback allows for deep soil planting which provides screening to the development. The proposed setback is considered consistent with the streetscape.</p> <p><u>North Eastern boundary</u> The site has a secondary frontage to Orr Street to the north east. The setback to this boundary is predominantly 3m, with encroachments of the core circulation and balconies being setback 2m from the boundary.</p> <p>The proposed setback is considered suitable as it is consistent with the side setbacks of existing RFBs in the surrounding area.</p> | <p>Yes</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 building layout has been orientated to predominantly face Orr Street and is not out of character with the existing streetscape.</p> | <p>Yes</p> |

ITEM 1 (continued)

| Clause | Proposal | Compliance |
|--|--|------------|
| <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>The building has well defined private and communal open spaces that transition adequately from the public domain.</p> | <p>Yes</p> |
| <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 142.3m² as communal open space. The proposed development provides a communal area of 94.6m² in the form of the rooftop terrace.</p> <p>However, the ADG also provides design guidance that small lots should provide communal open space in the form of rooftop terraces, increase the size of balconies and demonstrate that the development is within good proximity to public open space and facilities.</p> <p>The rooftop terrace provided is considered to be sufficient communal open space for the proposed development, as it receives sufficient solar access and has sufficient area for the recreational use of the future occupants of the development.</p> <p>The size and width of the site limits the opportunities for ground floor communal open space. Open space on the ground floor predominately consists of landscaping and contributes to the amenity for occupants of the development.</p> <p>The site is within 350m of Glades Bay Park, and within 100m of Trim Place. As such, it is within good proximity to public open space.</p> <p>Therefore, the proposal is complies with this provision.</p> | <p>Yes</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> <ol style="list-style-type: none"> 1. Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 3m – 6m. If the site is less than 650m² than no minimum | <p>7% (39.8m²) of the site area is to be deep soil. The development has provided 52.4m² of deep soil zones within the street setback areas. This DSA is 9.21% of the site area and is considered satisfactory.</p> | <p>Yes</p> |

ITEM 1 (continued)

| Clause | Proposal | Compliance | | | | | | | | | | | | |
|--|---|-----------------------------|---------------------|----------------------|----|----|-------------------------|----|------|-----------------------|-----|----|---|--|
| <p>dimensions are applied.</p> | | | | | | | | | | | | | | |
| <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"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms & balconies</th> <th>Non habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m(4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table> | Building Height | Habitable rooms & balconies | Non habitable rooms | Up to 12m(4 storeys) | 6m | 3m | Up to 25m (5-8 storeys) | 9m | 4.5m | Over 25m (9+ storeys) | 12m | 6m | <p>See discussion under Section 2F - Building Separation.</p> | <p>No Variation acceptable. (See full discussion under Building Separation)</p> |
| Building Height | Habitable rooms & balconies | Non habitable rooms | | | | | | | | | | | | |
| Up to 12m(4 storeys) | 6m | 3m | | | | | | | | | | | | |
| Up to 25m (5-8 storeys) | 9m | 4.5m | | | | | | | | | | | | |
| Over 25m (9+ storeys) | 12m | 6m | | | | | | | | | | | | |
| <p>3G Pedestrian Access & entries</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 Orr 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 which narrows to a 3.4m wide ramp into the basement car park.</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> For development on sites that are within 800m of a railway station, the minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.</p> <p><u>Bicycle Parking</u> Provide adequate motorbike, scooter and bicycle parking space (undercover).</p> | <p>The site is not located within 800m of a railway station.</p> <p>Regardless, 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>Yes</p> | | | | | | | | | | | | |


ITEM 1 (continued)

| 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 | | |
|--|---|-----|
| 4A Solar & daylight access Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter. Design should incorporate shading and glare control, particularly for warmer months | Six (i.e. 100%) of the proposed units will receive the required 2 hours of direct sunlight between 9am and 3pm midwinter. The BASIX Certificate is included with the application demonstrating that the proposal achieves required thermal comfort levels. Materials and finishes which incorporate shading and glare control measures including awnings are proposed. | Yes |
| 4B Natural Ventilation At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. | 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. | All of the floors will have a floor to ceiling height of 2.7m, complying with this provision. | Yes |
| 4D Apartment size and layout Apartments are required to have the following minimum internal areas with one bathroom: <ul style="list-style-type: none"> • Studio = 35m² • 1 bedroom = 50m² • 2 bedroom = 70m² • 3 bedroom = 90m² • 4 bedroom = 102m² Every habitable room must have a | <ul style="list-style-type: none"> • 2 bed units - range 75.8m² – 78.8m² • 3 bed units – 98.4m² – 99.9m² • 4 bed unit – 108m² All of the apartments exceed the minimum requirements. All habitable rooms have a window compliant with the rates. The master bedrooms, where proposed, have a minimum area of 10m ² , excluding wardrobe space. | Yes |

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| <p>window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p> <p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan where the living, dining and kitchen are combined, there is to be a maximum depth of 8m from a window.</p> <p>Master bedrooms – minimum area 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>Living rooms/combined living/dining area have a minimum 4m width for 2 and 3 bedrooms, respectively.</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 1252 699 1597"> <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 | <ul style="list-style-type: none"> • 2 bed units: 12.1m² – 18.5m² • 3 and 4 bed units: 13.9m² – 32m² <p>Balconies meet the minimum size requirements. Ground level courtyards meet the required 15m² and minimum dimensions.</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 | | | | | | | | | | | | | | | | | | |
| 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 above ground. Windows should be provided at the end wall of the corridor.</p> | <p>The development proposes a maximum of 2 apartments to be accessed from the circulation space.</p> <p>The circulation space is open stairwell and walkways, with louvered balustrades provided on the stairwells to provide visual privacy and to provide architectural relief (see Figure 10).</p> | <p>Yes</p> | | | | | | | | | | | | | | | | | | |

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| |  <p>Figure 10: Vertical louvres (outlined in red) on Orr Street elevation</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|--------------------------|--------|-----------------|---------------|-----------------|---------------|-----------------|-----------------|------------------|--|-----------|----------|----------|--------------|-----------------|-------------------|--------------|------------------|--------------------|--------------|-----------------|--------------------|--------------|------------------|--------------------|--------------|-----------------|--------------------|--------------|------------------|--------------------|--------------|------------------------|--------------------------|---|
| <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="256 855 699 1070"> <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="730 696 1347 994"> <thead> <tr> <th>Unit Type</th> <th>Required</th> <th>Provided</th> </tr> </thead> <tbody> <tr> <td>Unit 1 (2bd)</td> <td>8m³</td> <td>6.3m³</td> </tr> <tr> <td>Unit 2 (3bd)</td> <td>10m³</td> <td>10.3m³</td> </tr> <tr> <td>Unit 3 (2bd)</td> <td>8m³</td> <td>10.3m³</td> </tr> <tr> <td>Unit 4 (3bd)</td> <td>10m³</td> <td>10.3m³</td> </tr> <tr> <td>Unit 5 (2bd)</td> <td>8m³</td> <td>10.3m³</td> </tr> <tr> <td>Unit 6 (4bd)</td> <td>10m³</td> <td>12.4m³</td> </tr> <tr> <td>Total</td> <td>54m³</td> <td>59.9m³</td> </tr> </tbody> </table> <p>The storage provided consists of both storage space within the units and storage cages within the basement.</p> <p>Whilst Unit 1 does not achieve the required 8m³, this is considered acceptable given the ample storage space provided in each of the bedrooms within this unit.</p> <p>In each unit, more than 50% of the storage is provided within the apartment.</p> | Unit Type | Required | Provided | Unit 1 (2bd) | 8m ³ | 6.3m ³ | Unit 2 (3bd) | 10m ³ | 10.3m ³ | Unit 3 (2bd) | 8m ³ | 10.3m ³ | Unit 4 (3bd) | 10m ³ | 10.3m ³ | Unit 5 (2bd) | 8m ³ | 10.3m ³ | Unit 6 (4bd) | 10m ³ | 12.4m ³ | Total | 54m³ | 59.9m³ | <p>No. Variation acceptable.</p> |
| 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 | Required | Provided | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Unit 1 (2bd) | 8m ³ | 6.3m ³ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Unit 2 (3bd) | 10m ³ | 10.3m ³ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Unit 3 (2bd) | 8m ³ | 10.3m ³ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Unit 4 (3bd) | 10m ³ | 10.3m ³ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Unit 5 (2bd) | 8m ³ | 10.3m ³ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Unit 6 (4bd) | 10m ³ | 12.4m ³ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | 54m³ | 59.9m³ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <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 generally been orientated away from adjoining apartment buildings.</p> <p>The site is not located on a main or busy road there no intrusive noise sources exist in the vicinity.</p> <p>Noisy areas within buildings (such as the entrance) are not located next to bedrooms.</p> | <p>Yes</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4K Apartment mix</p> <p>A range of apartment types with different number of bedrooms (1bed,</p> | <p>The development has incorporated 2 (50%), 3 (33%) & 4 (17%) bedroom apartments. Whilst there are no 1 bedroom apartments, this development is relatively small (6 apartments), the proposed development provides housing choice which meets</p> | <p>Yes</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| 2 bed, 3 bed etc) should be provided. | the general market needs. | |
| 4M Facades Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents. Building facades are expressed by the façade. | The building facades are strongly articulated with the use of framed windows and balcony indentations. The façade also provides an acceptable contextual fit with the surrounding development. | Yes |
| 4N Roof design Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use the roof space for residential accommodation and open space are maximised. Roof design incorporates sustainability features. | The development has proposed a flat roof which is integrated with the overall development. The roof design incorporates communal open space and landscaping that improves the amenity for future occupants of the building. | Yes |
| 4O Landscape design Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable | Landscaping is proposed along the perimeters of the site, with deep soil zone in the front corner of the site and within the Orr Street front setback area. Council's Landscape Architect has advised that the amended landscaping plan is satisfactory. | Yes |
| 4P Planting on structures Appropriate soil profiles are provided. | The development will comply with the minimum soil depth as specified in the ADG. | Yes |
| 4Q Universal design Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided. | Two (2) universal design "silver" units (Livable Housing Guidelines) ^{*1} 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 solar access and natural ventilation requirements. 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}Livable Housing Guidelines (LHD Guidelines) provides design guide lines to help make home more versatile, easier access and cost effective to better meet the changing needs of occupants over their lifetimes.

Three levels of performance are detailed in the LHD Guidelines, Silver Level, Gold Level and Platinum Level. The Silver Level provides for 7 core design elements which provide home occupants with the opportunity to reduce or avoid costs

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associated with retrofitting a home to improve access in future, should it be required.

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, an amended BASIX Certificate has been submitted (No. 1009319M_02, dated 20 March 2020) 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 & 106**.

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.

5.2 Ryde Local Environmental Plan 2014 (RLEP 2014)

The following is an assessment of the proposed development against the applicable provisions from the RLEP 2014.

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

Clause 2.3 – Zone Objectives

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

The objectives for the R4 High Density Residential zone are:

- *To provide for the housing needs of the community within a high density residential environment.*

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

The development complies with the above objectives. It will be consistent with the desired future character of the area by providing residential accommodation within an established high density residential environment.

Clause 4.4 Floor Space Ratio

The FSR for the site is 1:1. The proposal will have a gross floor area of 568.9m² (FSR of 1:1) which complies with this control.

Clause 4.3 Height of buildings

The Height of Buildings Map specifies the maximum heights of any building on the site must not exceed 11.5m.

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 proposal provides a communal open space area on the roof with lift access. This has resulted in a height exceedance of between 1m to 1.75m (lift overrun and pergola structure), which is a variation of between 8.7% and 15.2%.

Figures 11 and **12** below illustrate the 11.5m height plane and the extent of non-compliance.

ITEM 1 (continued)

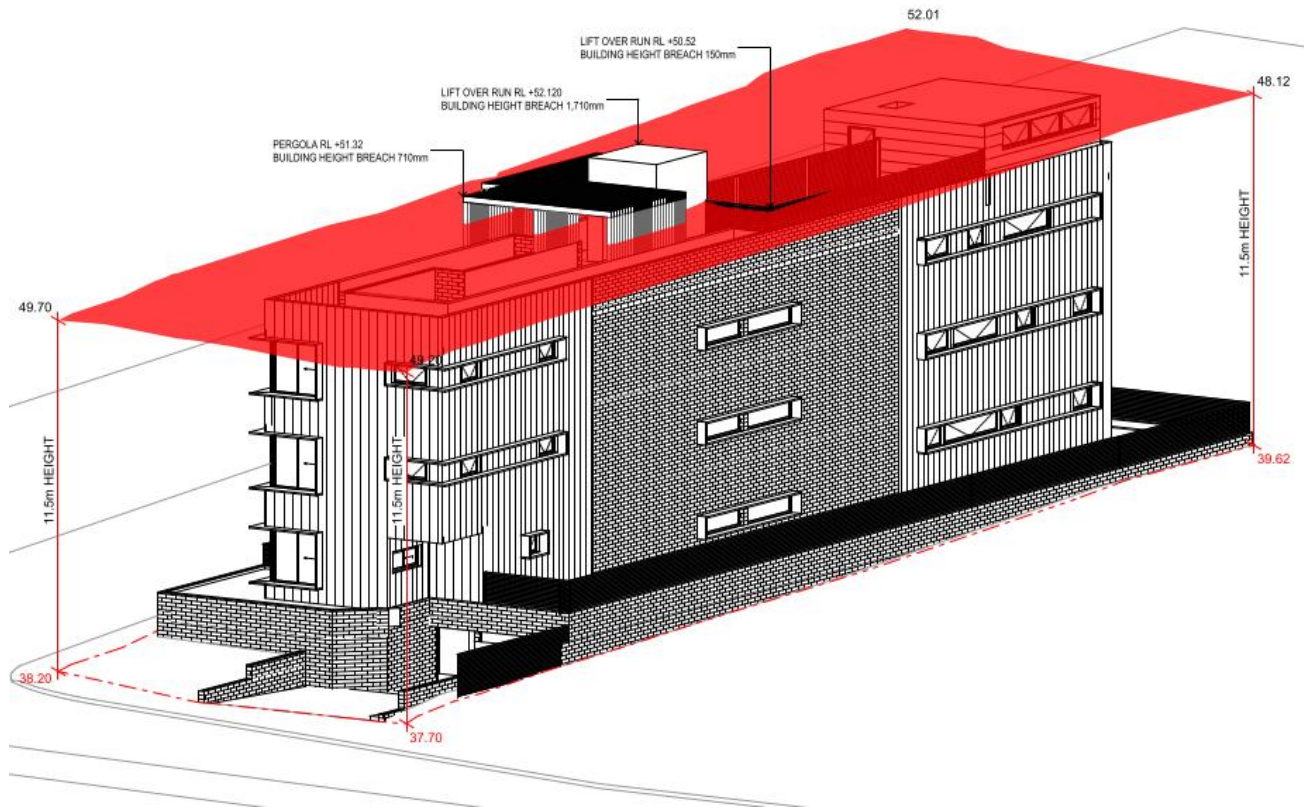


Figure 11: Height Plane illustrating the areas of non-compliance.

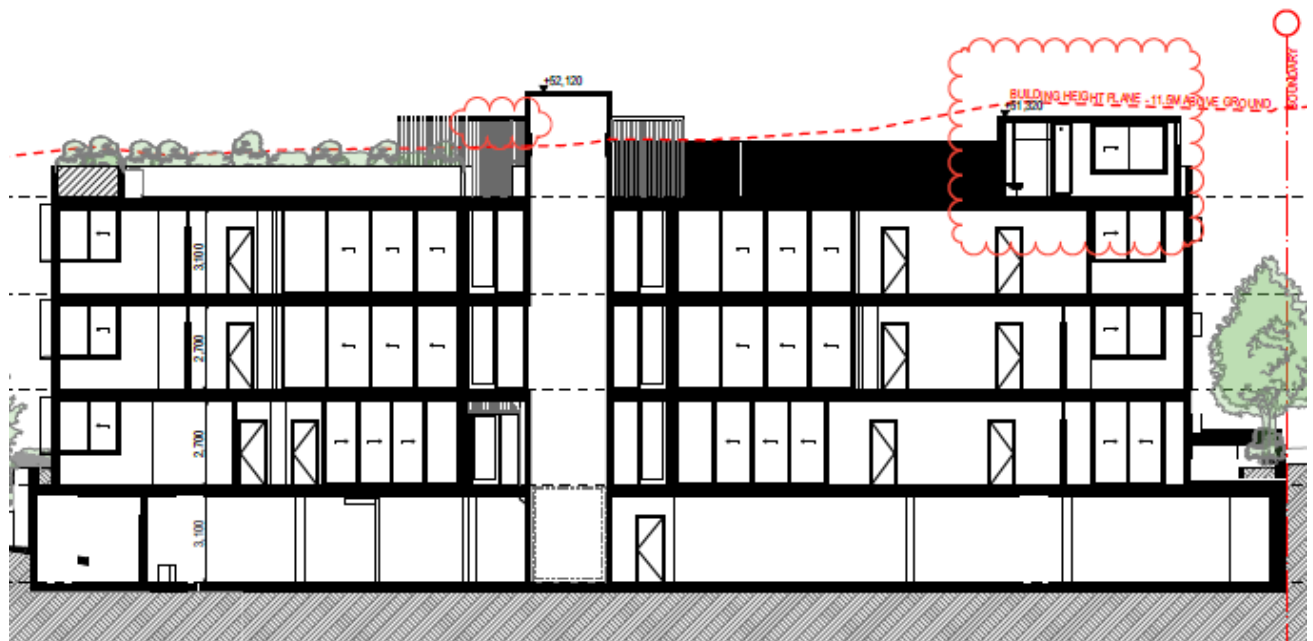


Figure 12: Side section illustrating the area and extent of non-compliant in height.

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Accordingly, the applicant has submitted a written request seeking to justify the variation to the development standard contained in Clause 4.3. A Clause 4.6 statement accompanied the amended plans received on 19 March 2020.

Clause 4.6 Exceptions to development standards

Clause 4.6 of the RLEP 2014 provides flexibility in the application of planning controls by allowing Council to approve a development application that does not comply with a development standard where it can be demonstrated that flexibility in the particular circumstances achieve a better outcome for and from development.

Several key Land and Environment Court (NSW LEC) planning principles and judgements have refined the manner in which variations to development standards are required to be approached. The key findings and directions of each of these matters are outlined in the following discussion.

The decision of Justice Lloyd in *Winten v North Sydney Council* established the basis on which the former Department of Planning and Infrastructure's Guidelines for varying development standards was formulated.

These principles for assessment and determination of applications to vary development standards are relevant and include:

- Is the planning control in question a development standard?
- What is the underlying object or purpose of the standard?
- Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?
- Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?
- Is a development which complies with the development standard unreasonable or unnecessary in the circumstances of the case?; and
- Is the objection well founded?

The decision of Justice Preston in *Wehbe V Pittwater [2007] NSW LEC 827* expanded on the above and established the five part test to determine whether compliance with a development standard is unreasonable or unnecessary considering the following questions:

- Would the proposal, despite numerical non-compliance be consistent with the relevant environmental or planning objectives?
- Is the underlying objective or purpose of the standard not relevant to the development thereby making compliance with any such development standard is unnecessary?

ITEM 1 (continued)

- Would the underlying objective or purpose be defeated or thwarted were compliance required, making compliance with any such development standard unreasonable?
- Has Council by its own actions, abandoned or destroyed the development standard, by granting consent that depart from the standard, making compliance with the development standard by others both unnecessary and unreasonable?
- Is the “*zoning of particular land*” unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable and unnecessary as it applied to that land? Consequently compliance with that development standard is unnecessary and unreasonable.

In the matter of *Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC*, it was found that an application under clause 4.6 to vary a development standard must go beyond the five (5) part test of *Wehbe V Pittwater [2007] NSW LEC 827* and demonstrate the following:

- Compliance with the particular requirements of Clause 4.6, with particular regard to the provisions of subclauses (3) and (4) of the LEP; and
- That there are sufficient environment planning grounds, particular to the circumstances of the proposed development (as opposed to general planning grounds that may apply to any similar development occurring on the site or within its vicinity);
- That maintenance of the development standard is unreasonable and unnecessary on the basis of planning merit that goes beyond the consideration of consistency with the objectives of the development standard and/or the land use zone in which the site occurs.

The applicant has submitted a written request to vary the height control. The applicant has advised that the written request has been set out in accordance with the relevant principles set out by the court, as follows:

1. Compliance with the development standard is unreasonable or unnecessary in this particular case

The applicant has stated that strict compliance with the building height development standard is unreasonable and unnecessary in this instance, as:

“...the proposed residential flat building achieves the objectives of the height of buildings standard, notwithstanding non-compliance with the standard.

The objectives of the development standard are at clause 4.3(1) of the Ryde LEP 2014 as follows:

- (a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,*
- (b) to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,*

ITEM 1 (continued)

- (c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,*
- (d) to minimise the impact of development on the amenity of surrounding properties,*
- (e) to emphasise road frontages along road corridors.*

The proposed building achieves the objectives of the building height development standard based on the following assessment:

Objective (a): *The proposal has been designed with a 3 storey built form consistent with the intent of the 11.5m height limit and the height of adjacent residential flat buildings noting 3 – 4 storey built forms are present in the streetscape.*

Objective (b): *The additional height does not result in additional amenity impacts to adjoining properties with negligible overshadowing generated by the additional height being located central to the roof form.*

Objective (c): *Not applicable.*

Objective (d): *The subject site is a corner allotment. The rear boundary adjoins the car park of the Gladesville Public School and the south-western boundary adjoins an existing residential flat building. The building height above the control does not result in unacceptable amenity impacts to this adjoining property.*

Objective (e): *The 3 storey form is suitable for the corner site, addressing both street frontages and the upper level pergola roof and lift overrun is set back from the building line on both street frontages of this corner site.*

Assessing Officer comment:

It is agreed that the proposal achieves the objectives of the development standard.

2. There are sufficient environmental planning grounds to justify contravening the development standard

The applicant has stated that there are sufficient planning grounds to justify contravention of the development standard, as outlined below:

- The development proposal presents a 3 storey form to the street and the proposed variation (pergola roof above communal terrace and lift overrun) will not be visually dominant or present uncharacteristic bulk and scale.*
- The proposed variation will not result in unreasonable amenity impacts, noting Solar Access diagrams prepared by Mackenzie Architects International confirms that adjoining development will retain adequate levels of solar access.*
- The development proposal provides accessible and functional open space at the roof terrace.*
- The variation will not result in overlooking that would adversely impact the visual privacy of adjoining properties, noting the communal roof terrace is*

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located within the height limit and planter boxes will screen this area from adjoining properties.

- *The variation is confined to the pergola roof form and lift overrun, and will not be visually perceptible when viewed from the adjoining properties or the public domain.*
- *The variation to the height control is partly a result of the site topography sloping from the rear of the site to Linsley Street, noting the front edges of the pergola roof and lift overrun results in the greatest variation to the 11.5m height.*
- *The roof parapet/upper level and communal open space sits within the 11.5m height control.*
- *The variation does not result in unreasonable amenity impacts, visual bulk and scale, overshadowing or a loss of views-outlook.*
- *The proposed development meets the relevant objects of the Environmental Planning and Assessment Act, 1979 as follows:*
 - *1.3(c) - The proposal is an orderly and economic use and development of land with the building height being consistent with the desired character for development in the locality and the variation will not result in unreasonable amenity impacts compared to the approved development on the site.*
 - *1.3(g) - The height of the building is compatible with development in the locality and the built form steps with the topography being a suitable built form on the site.*
- *The proposed development meets the relevant aims of the Ryde LEP 2014 as follows:*
 - *2(a) – The residential flat building contributes to housing choice with the development containing 2, 3 and 4 bedroom units,*
 - *2(b) – The development contributes to additional housing and housing choice in Gladesville being a development that is consistent with the R4 High Density Residential zone,*
 - *2(e) – The proposed residential flat building provides housing within the catchment of the Gladesville town centre and public transport,*
 - *2(g) – The design form and scale of the proposed development is suitable for the R4 – High Density Residential zone and consistent with the desired future character of the locality*
- *The variation above the height limit ensures that despite the development's variation to the height control, the proposal will still be able to achieve;*
 - *Appropriate built form for the site; and*
 - *Maintaining a bulk, scale and streetscape consistent with the character of the locality.*

Assessing Officer comment:

It is agreed that there are sufficient environmental planning grounds to vary the building height development standard.

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3. Clause 4.6 (4)(a)(i) – The consent authority is satisfied that the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3)

The applicant has stated that the proposal has satisfied the matters in Clause 4.6(3) of the RLEP 2014 by demonstrating the following:

- *Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, by establishing that the objectives of the development standard are achieved notwithstanding the non-compliance.*
- *The environmental planning grounds relied on are sufficient to justify the development standard.*

Assessing Officer comment:

It is agreed that the applicant has satisfied the matters in Clause 4.6(3) of the RLEP 2014.

4. The proposed development is in the public interest

The applicant has provided the following reasons as to why the development is in the public interest:

In relation to clause 4.6(4)(a)(ii) of the LEP, the proposed residential flat building development is in the public interest because the development meets the objectives of the applicable height of buildings standard (addressed above) and achieves the objectives for development in the R4 – High Density Residential zone. The development proposal achieves the objectives of the zone as follows:

| <i>Objective</i> | <i>Consistency</i> |
|---|---|
| <i>To provide for the housing needs of the community within a high density residential environment.</i> | <i>The proposal provides for additional housing within a high density residential environment that contributes to the achievement of dwelling targets specified under the Sydney Metropolitan Strategy;</i> |
| <i>To provide a variety of housing types within a high density residential environment.</i> | <i>The proposal provides for a variety of dwelling sizes to contribute to the housing needs of the community.</i> <i>The proposal provides for a number of 1, 2, 3 bedroom units within close proximity to the Gladesville commercial/retail precinct.</i> |

ITEM 1 (continued)

| | |
|---|------------------------|
| <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> | <i>Not applicable.</i> |
|---|------------------------|

In addition to the above reasons, the proposal is also in the public interest because:

- *The building height – 3 storeys is consistent with the intent of the height of buildings development standard and the objectives of the R4 – High density residential zone providing additional housing choice with good residential amenity consistent with approved development forms in the high density residential environment.*
- *The additional height facilitates lift and stair access to the rooftop terrace which ensures the primary communal open space for the development is accessible.*
- *The portion of the building exceeding the 11.5m height control will not present unacceptable bulk and scale to the public domain or result in unreasonable amenity impacts.*

Taking into consideration the above, the proposed development is in the public interest as it is consistent with the objectives of the development standard and the R4 – High Density Residential zone.

Assessing Officer comment:

The reasoning provided by the applicant demonstrates that the proposal is consistent with the R4 zone objectives. It is agreed that the development is in the public interest.

Is the objection well founded?

The proposed variation to the building height development standard is considered well founded as:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of the development;
- There are sufficient environmental planning grounds to justify the departure from the standards;
- The development meets the objectives of the standard to be varied (building height) and objectives of the R4 High Density Residential zoning of the land;
- The proposed development is in the public interest and there is no public benefit in maintaining the standard;
- The breach does not raise any matter of State or Regional Significance; and

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- The development submitted aligns with the desired future character of the neighbourhood.

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

Due to the modest scale of the development and having regard to the site constraints, the proposal provides a height departure which has minimal impact. This departure is not a matter for regional or state environmental planning. The proposal achieves a good urban design outcome and the proposal is not considered to raise any matters of significance for State or Regional planning. Importantly this does not establish any precedents as the non-compliance has been considered acceptable in the merits of the specific circumstances of the site.

Is there a public benefit of maintaining the Development Standard?

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

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

Maintaining the development standard would not provide any additional public benefit than what is proposed by the development, being the provision of housing in a location close to transport, educational facilities and shops.

Conclusion

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

The written request is well founded and has demonstrated that compliance is unreasonable or unnecessary as the objectives of the development standard (the height objectives) and the objectives of the Act are achieved.

The design and layout of the proposal is a good planning outcome which fits in a very constrained site (12.19m wide). The additional height is limited to a section of the lift over run and the stairwell/pergola, which is centrally located on the building, set well back from the street boundary.

The proposed variation will not have adverse impact in regard to the local character. The variation to the development standard is not inconsistent with the intended character of the locality. The scale and proportion is similar to the residential flats buildings within close proximity of the site. In addition, the layout and form of the

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development break down the scale of the facades as does the use of the proposed external building materials, colours and finishes together with proposed trees planting that will soften and screen the development.

Furthermore, overshadowing from the lift overrun is minimal and will not adversely impact on the adjoining south western property (12 Linsley Street).

Overall, the development provides a better planning outcome for this particular site and also the surrounding area in terms of streetscape compatibility.

The benefits described above also demonstrate that compliance with the development standard is unreasonable and unnecessary when considered in the context of the development surrounding the site.

Therefore, the development, despite the minor non-compliance with the development standard, is consistent with the planning and environmental objectives of the control and in this instance, numerical compliance would not contribute to an improved outcome. As such it is considered that a complying development is neither reasonable nor necessary in circumstances of the case.

Furthermore, the proposal does not have unreasonable impacts on surrounding properties for the reasons stated above. Accordingly, there are sufficient environmental planning grounds to justify the contravening the standard.

Other applicable RLEP 2014 provisions

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

| Provision | Comment |
|--|--|
| Clause 5.1 Relevant acquisition authority | No part of the site is mapped as being reserved for acquisition for public purposes. |
| Clause 6.2 Earthworks | The proposed development includes excavation for one level of basement car park. Council's Senior Development Engineer has reviewed the submitted sediment and erosion control plan and it is considered satisfactory. Conditions 53 & 100 have been imposed requiring compliance with the measures proposed in the submitted plan. |
| Clause 6.4 Stormwater management | Council's Senior Development Engineer has raised no objections to the proposed stormwater management system for the site, subject to engineering conditions. See Conditions 47, 48, 49, 99, 112, 113 & 128. |

ITEM 1 (continued)**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. Refer to conclusions made in relation to SEPP 55.

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 the following:

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

The site and the adjoining properties do not contain any remnant urban bushland, and as such, State Environmental Planning Policy No. 19 – Bushland in Urban Areas is not applicable to the proposal. Refer to conclusions made in relation to Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

5.4 Ryde Development Control Plan 2014 (RDCP 2014)

The subject site is located outside the Gladesville Town Centre and Victoria Road Corridor, and accordingly is not subject to site specific controls provided under Part 4.6 – Gladesville Town Centre and Victoria Road Corridor.

The relevant sections of the RDCP 2014 have been assessed below.

Part 9.3 - Car Parking*Car Parking*

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The following parking rates are applicable to residential development under the RDCP 2014.

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

Figure 13 below shows the revised parking layout.

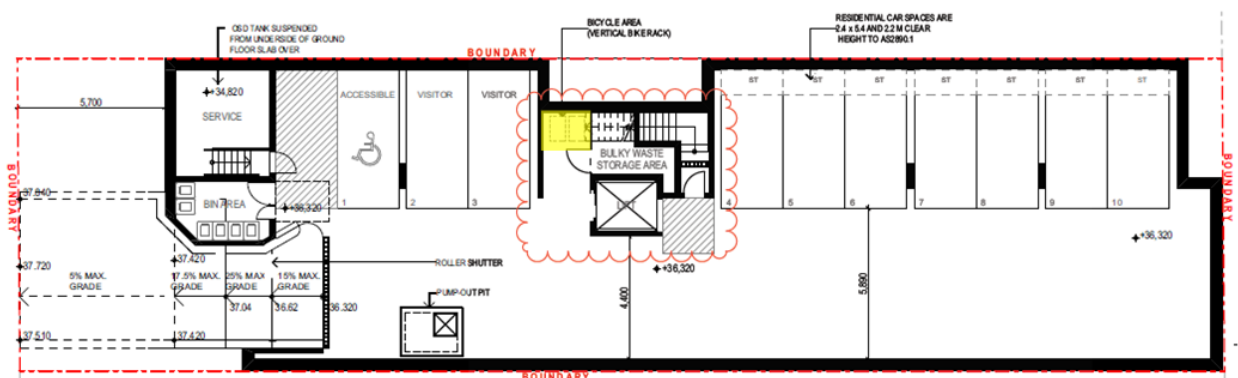


Figure 13: Parking layout within basement level (Bicycle area highlighted in yellow)

An assessment of the above parking rates to the proposed development is below:

| Apartment Type | Minimum | Max | Provided | Compliance |
|------------------|-----------------------|------------------------|------------------|------------|
| 2 bedroom (3) | 2.7 | 3.6 | 8 spaces | Yes |
| 3 bedroom (2) | 2.8 | 3.2 | | |
| 4 bedroom (1)* | 1.4 | 1.6 | | |
| Sub-total | 6.9 (7) | 8.4 | 8 spaces | Yes |
| Visitor | 1.2 (2) | 1.2 (2) | 2 spaces | Yes |
| Total | 8.1 (9) spaces | 9.6 (10) spaces | 10 spaces | Yes |

*The rate of a three bedroom unit is applied for the four bedroom unit in the absence of a specific parking rate in the RDCP 2014.

Bicycle Parking

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.*

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The proposal will have a GFA of 556.7m² therefore, no bicycle parking is required for this development. Regardless, the proposal provides an area for bicycle parking, proposing two vertical bike racks within this area (see **Figure 13**).

Part 7.2 Waste Minimisation and Management

The development involves the demolition of existing structures and construction of a residential flat building, the applicant has submitted a Waste Management Plan (WMP). The WMP has been reviewed by Council's Waste Officer and is considered satisfactory.

Council's Officers have considered the collection of waste, with a garbage room in the basement.

Part 9.2 Access for People with Disabilities

The application includes an Access Report prepared by Vista Access Architects which states subject to compliance with the recommendations, the development can readily comply with the requirements of the BCA/DDA (Access for People with Disabilities).

The DCP 2014 requires provision of Adaptable Housing in developments with 10 or more units. This development proposes 6 dwellings. Therefore the provision of Adaptable Housing is not required.

However, *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* provides design criteria and guidance for the provision of 20% of the total apartments to meet the *Liveable Housing Design Guidelines* (LHDG) silver level. The report states that two units have been designated as being designed to LHDG silver level.

5.5 Planning Agreements OR Draft Planning Agreements

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

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

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

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housing density on the subject site (being for residential development outside the Macquarie Park Area) are as follows:

| A – Contribution Type | B – Contribution Amount |
|---------------------------------------|--------------------------------|
| Community & Cultural Facilities | \$ 16,139.37 |
| Open Space & Recreation Facilities | \$ 39,731.83 |
| Civic & Urban Improvements | \$ 13,513.56 |
| Roads & Traffic Management facilities | \$ 1,843.34 |
| Cycleways | \$ 1,151.44 |
| Stormwater Management Facilities | \$ 3,659.83 |
| Plan Administration | \$ 310.44 |
| The total contribution is | \$ 76,349.81 |

Condition 34 has been imposed with respect to the payment of the Section 7.11 contributions.

5.7 Any matters prescribed by the regulations

There are no matters prescribed by the Regulation that have not been satisfied.

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 requiring further consideration are discussed below.

Built Form

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

Access and Traffic

The application was accompanied by a Traffic and Parking Report prepared by Terrafic Pty Ltd. The report states:

It will be readily appreciated that the additional traffic generated by the proposed development is relatively minor (3vtph) which will not have any noticeable or unacceptable effect on the road network serving the site in terms of road network capacity or traffic-related environmental effect. In the circumstances, it can be concluded that the proposed development has no unacceptable traffic implications.

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Council's Traffic Engineer has advised that the traffic generation is expected to generate 4 additional trips in both AM and PM peak periods, which is considered negligible in the surrounding road network.

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

Visual Privacy

Whilst the proposal does not comply with building separation in accordance with the ADG requirement, the proposal minimise overlooking by orientating main living room windows and balconies to the Orr Street frontage.

Any windows orientated towards the school site or 12 Linsley Street are either non-habitable rooms such as bathrooms, or are highlight windows with obscure glazing. As such, any views into either the school site or the adjoining residential property to the south west are mitigated.

Construction Impacts

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Council's standard conditions of consent have been imposed to control the impact of the construction activities. See **Conditions 25, 26, 27, 28, 29, 68, 85, 88, 92, 97 & 98.**

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 existing character of the area and appropriately responds to the natural and built environmental assets and constraints of the site.

8. The Public Interest

The development is considered to be in the public interest as it is reasonably consistent with the relevant planning controls. Where variations to the planning controls occur in terms of height and setbacks, the proposal has been designed to minimise any potential impact to adjoining properties. The development complies with the objectives of the planning controls.

ITEM 1 (continued)**9. Public Notification & Submissions**Public Notification Period No. 1

The application was advertised in the *Weekly Times* on 24 July 2019 and notified between the period of 19 July 2019 and 21 August 2019.

During this notification period Council received two (2) submissions objecting to the proposal and raised concern with respect to, in summary, parking, acoustic impact, construction impact and visual privacy. These concerns are addressed below:

- Parking

“Request for at least the parking zones on Orr Street to be redressed after completion of works to ensure that more cars carpark legally in the street.”

Council’s Development Control Plan 2014 requires a minimum of 7 resident parking spaces and 2 visitor parking spaces. The development complies with this requirement. The proposal does not involve street parking in Orr Street, and it is anticipated that the residents of the proposed residential flat building will utilise the off-street parking spaces available.

The existing dwelling has a driveway crossing on Orr Street, which is proposed to be removed as part of this application given vehicular access will be provided solely from Linsley Street. Therefore, the development will allow for additional space for parking on Orr Street.

The matter of illegal car parking on Orr Street is not a matter that can be resolved as a result of this development application. Reports of illegal parking in Orr Street should be directed to Council’s Rangers and Parking Services Team. This issue does not warrant the refusal of the application.

- Construction Impact

- *“Building to take into consideration that the construction is taking place directly near three demountable classrooms. Request for additional hoarding to lower noise impact. Direct communication between to the site manager and school will need to take place to ensure no disruption during key assessment times or events such as presentation day in December”.*
- *“The demolition phase could have direct impact on the 535 students attending the school. Either via airborne particles over the playground, and due to the proximity of three demountable classrooms. Request for demolition to take place during school holidays or out of school hours where possible. If this is not possible, strict communication between site manager and the school needs to take place in case students are required to stay indoors”.*

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- *“Access for demolition and site deliveries seems to be Orr Street, at the point of entry to the school. The school has multiple waste pick up each week, where the garbage trucks reverse down Orr Street into the school carpark to collect waste. This service cannot be disrupted. Communication between site manager and school is requested to ensure there is limited impact on these services. Furthermore, this is the emergency vehicle access to the school and cannot be blocked at any time. Council to consider changing the parking restrictions for this part of Orr street if need be during construction”.*

Construction impacts are controlled by Part 8.1 of the RDCP 2014. Similar to any major redevelopment work, some level of inconvenience/impact such as increased noise level, may result once the construction commences. However, to address the issue, Council’s standard conditions of consent have been imposed to control the impact of the construction activities. These will include hours of operation, safety, security, sediment controls and a requirement to submit a Dilapidation Report. See **Conditions 25, 26, 27, 28, 29, 40, 68, 85, 88, 92, 97, 98 & 109.**

Additionally, conditions of consent have been imposed by Council’s Traffic Engineer due to the site’s proximity to the Gladesville Public School. This includes preventing heavy vehicle movements or construction activities affecting vehicle and pedestrian traffic during school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays). These conditions also require the contact details of the Project Manager to be provided to the school, as well as a requirement for a complaints register to be kept. See **Condition 28 & 70.**

With respect to demolition, a condition has been imposed (see **Condition 23** requiring adjoining properties to be notified at least seven (7) days before demolition commences. Other standard conditions of consent have been applied to ensure the safety of adjoining properties during demolition and construction See **Conditions 25, 26, 27, 28, 29, 40, 68, 85, 88, 92, 97, 98 & 109.**

This issue does not warrant the refusal of the application.

- Visual Privacy

“Window awnings/covers near demountable classrooms to ensure direct vision into classrooms, and concern over the roof top terrace - while it is difficult to see what vision of the classrooms/playground each dwelling may have, the school requests that there is sufficient window coverings to ensure privacy”.

The windows facing the school site (i.e. East elevation) are highlight windows that are located within bedrooms of their respective units. Given the sill height proposed, these windows will not create any privacy issues for the school site (see **Figure 14**).

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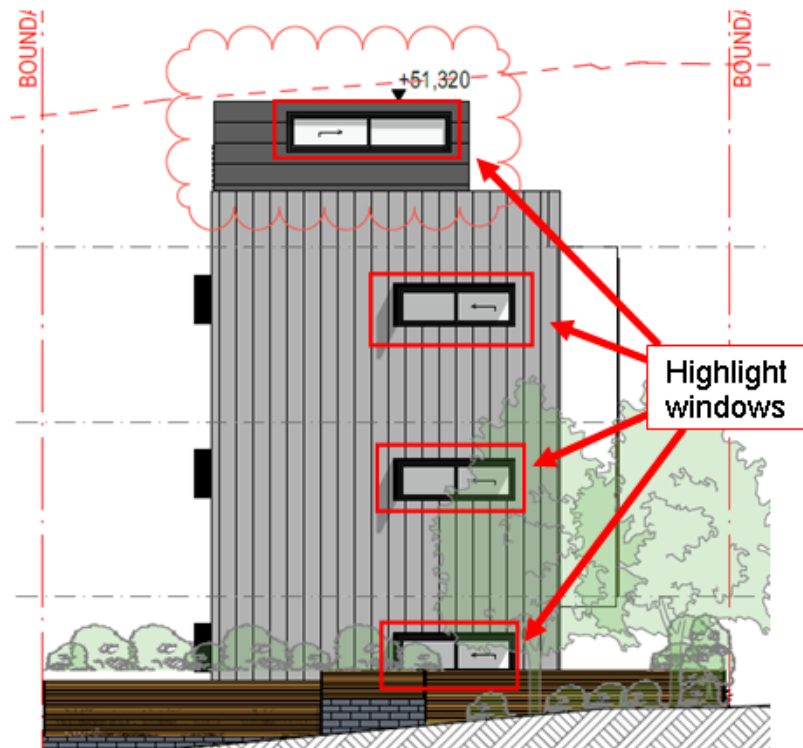


Figure 14: Eastern elevation illustrating highlight windows

Furthermore, the rooftop terrace will not allow for views into the school site, as it is not located at the rear of the building adjacent to the school. A portion of Unit 06 is located at the rear section of this floor, which has highlight windows to prevent overlooking.

This issue does not warrant the refusal of the application.

Public Notification Period No. 2

Amended plans were received on 21 November 2019 and notified between 22 November 2019 and 10 December 2019.

No submissions were received in response to the amended plans during this period.

The amended plans received on 19 March 2020 did not re-notification given the changes reduced the impact on the adjoining properties by increasing the side setbacks.

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10. Referrals
Internal Referrals:
Senior Development Engineer:

Council's Senior Development Engineer has reviewed the proposal (as amended) and has made the following comments:

“Stormwater Management

It appears the amended plan, completed by Enspire Solutions Pty Ltd, drawing number 180071-DA C01.01, C02.01, C03.01, C03.02, C05.01, and C06.01, revision 3, dated 19th March 2020, have emerged due to changes required on the latest set of architectural plans. Essentially the design remains unchanged and thus the existing conditions are to be updated to reflect the latest set of stormwater plans.

Vehicle Access and Parking
Parking Numbers:

The amended plans depict a new unit mix consisting of; 3 x 2 bedroom units, 2 x 3 bedroom units, and 1 x 4 bedroom unit. The parking rates found in Section 2.2 of Part 9.3 from Council's DCP 2014 have been reapplied;

| <i>Space Type</i> | <i>DCP (min)</i> | <i>DCP (max)</i> | <i>Proposed</i> | <i>Compliant</i> |
|--------------------|------------------|------------------|-----------------|------------------|
| <i>Residential</i> | <i>7</i> | <i>9</i> | <i>9</i> | <i>Yes</i> |
| <i>Visitor</i> | <i>2</i> | <i>2</i> | <i>1</i> | <i>No</i> |

As a result, the parking requirement has not changed.

The amended architectural plans have been amended to depict full compliance with Council's DCP requirements in regards to parking allocations. Conditions have been updated to reflect this arrangement.”

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

No objection subject to conditions. (See **Conditions 18, 19, 54, 55, 56, 59, 60, 72, 73, 74, 75, 76, 78, 98, 104, 117, 119, 122, 123 & 124**).

Traffic

No objections subject to conditions. (See **Conditions 17, 71 & 116**).

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Waste

No objections subject to conditions. (See **Conditions 61, 62, 63, 105, 125, 126 & 129**).

Landscape Architect

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

As required in my previous referral an amended Arborist Report has been received detailing root mapping of Tree 3.

The root mapping report is satisfactory with the Arborist concluding there were no roots from Tree 3 in the trench and therefore "The proposed driveway will not reduce Tree 3's useful life expectancy of long-term viability."

Assessing Officer comment:

Tree 3 is located on the adjoining property at No. 12 Linsley Street, as shown in **Figure 15** and **16** below.

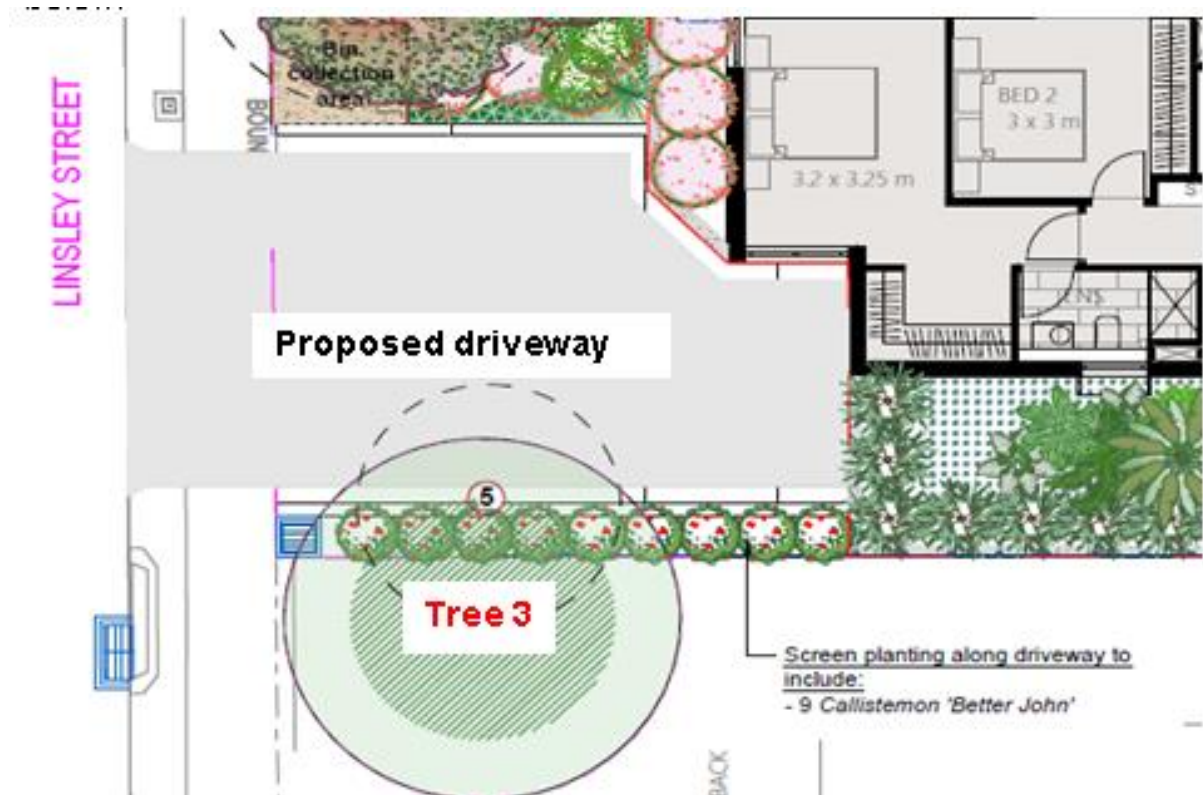


Figure 15: Extract of landscape plan showing location of Tree 3 on adjoining property

ITEM 1 (continued)



Figure 16: Photograph of Tree 3 on adjoining property

The applicant has demonstrated that Tree 3 can be retained subject to the recommendations of the amended Arborist report and conditions of consent. No issues have been raised by Council’s Landscape Architect with respect to the amended landscape plan.

Council’s Landscape Architect has imposed **Conditions 79 to 83, 94, 95, 96 & 107.**

Heritage Advisor

A referral was made to Council’s Heritage Advisor, and the following comments have been made:

“The development proposal has been referred for heritage consideration as the subject site is within the vicinity of Gladesville Public School, which is an item of heritage significance, listed on Schedule 5 of the Ryde LEP 2014.

Situated on the site is a single storey, detached style dwelling house, which displays the principal characteristics attributed to the brick cottages of the early Post-War period. While the house contributes to the existing streetscape

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character and provides evidence of the continued residential development in the mid-20th century, it is considered a typical example of the architectural style and has low design integrity, having been subjected to previous cosmetic changes that have diminished and obscured the dwelling.

No objection is raised to the demolition of the existing dwelling.

A Heritage Impact Statement (HIS) has been submitted with the Development Application. The HIS does not provide an assessment of significance of the existing dwelling, however concludes that the proposed development has an acceptable impact on the Gladesville Public School.

The significance of the Gladesville Public School is embodied in the various buildings on the site, largely the 1920 two storey schoolhouse on the corner of Coulter Street and Linsley Street, the 1879 former school masters residence, which is situated towards the centre of the school site, and the 1927 two storey school building.

The subject site immediately adjoins the Gladesville Public School site, though is separated by Orr Street, which provides for spatial separation between the two sites. A contemporary school building is also situated in the southwestern corner of the school site, which visually separates the subject site from the 1920 school house and the 1879 former school masters residence.

The proposed multi-storey residential flat building will visually alter the streetscape character and will be visible in the backdrop to the heritage item, however given the visual and spatial separation to the significant buildings on the Gladesville Public School site, will have an acceptable visual impact on the heritage item in terms of the relationship and impact to the visual backdrop of the heritage item.”

11. Conclusion

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest.

The proposal provides an opportunity to redevelop 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.

The proposed development was amended to provide adequate deep soil area, increase side and rear setbacks and better respond to its neighbours, and provides a

ITEM 1 (continued)

high degree of amenity for future occupants in terms of access to public transport, education and the Gladesville Town Centre.

The site is consistent with the objectives of the R4 High Density Residential under Ryde LEP 2014 and the development results in one variation to the development standards contained in RLEP 2014 in respect to the overall height of the building.

The height exceedance is not considered to have an unreasonable impact to adjoining properties in terms of overshadowing or overlooking nor is the development out of character with the immediate area. Accordingly, given the circumstance of the case, the applicant has provided a Clause 4.6 variation which is supported.

The development generally complies with the relevant planning controls except for the building separation and setbacks. However, given the width of the site, the proposal provides for acceptable amenity for future occupants and for adjoining properties. The proposal has provided setbacks, similar to nearby properties and the variations are not considered to adversely impact adjoining properties or the streetscape character of the area.

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 written request to vary the maximum height development standards has met the necessary requirements outlined in clause 4.6 in RLEP 2014 and applicant has provided adequate justification for the variation to the building height development standard to allow for this departure.
2. The proposal is consistent with the objectives of the R4 High Density zone under RLEP 2014. The development is also consistent with the development standards in RLEP 2014 with the exception of height.
3. The proposal results in minor 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.
4. The proposal is consistent with the desired future character of the area.
5. The proposal is not considered to create likely impacts on the residential amenity of adjoining properties.
6. The submissions received in response to the development application have been adequately addressed in the assessment of the proposal (as amended).

ITEM 1 (continued)**12. Recommendation**

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

- A. That the Local Planning Panel grant consent to development application LDA2019/0228 for the demolition of existing structures and construction of a residential apartment building development at No. 10 Linsley Street, Gladesville subject to the conditions of consent in **Attachment 1** of this report; and
- B. Those that have made a submission be advised of the decision.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Clause 4.6 Variation
- 3 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Madeline Thomas
Assessment Officer - Town Planner

Report Approved By:

Rebecca Lockart
Senior Town Planner

Sandra Bailey
Manager - Development Assessment

Liz Coad
Director - City Planning and Environment

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ATTACHMENT 1 – Conditions of Consent

ATTACHMENT 1

LDA2019/0228 – 10 Linsley Street, Gladesville

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 |
|---|-------------|------------------------------------|
| Title Page | 20.03.2020 | A000, Issue E |
| Roof/Site Plan | 20.03.2020 | A100, Issue E |
| Basement Floor Plan | 20.03.2020 | A101, Issue E |
| Ground Floor Plan | 20.03.2020 | A102, Issue E |
| First Floor Plan | 20.03.2020 | A103, Issue E |
| Second Floor Plan | 20.03.2020 | A104, Issue B |
| Roof Terrace Plan | 20.03.2020 | A105, Issue B |
| Elevations Sheet 01 | 20.03.2020 | A200, Issue E |
| Elevations Sheet 02 | 20.03.2020 | A201, Issue E |
| Sections | 20.03.2020 | A202, Issue E |
| Section CC | 20.03.2020 | A203, Issue E |
| Section CC Detail | 20.03.2020 | A204, Issue E |
| Demolition Plan | 22.05.2019 | A307, Issue A |
| Finishes Schedule | 19.03.2020 | A308, Issue D |
| Erosion and Sediment Control Plan | 19.03.2020 | 180071-DA-C02.01, Revision 3 |
| Erosion and Sediment Control Details | 04.2019 | 190027-CC-C2.21, Revision 1 |
| Stormwater Management Plan Ground Floor | 19.03.2020 | 180071-DA-C03.01, Revision 3 |
| Stormwater Management Plan Basement | 19.03.2020 | 180071-DA-C03.02, Revision 3 |
| Driveway Longitudinal Section | 03.2020 | 180071-DA-C05.01, Revision 3 |
| Details Sheet | 19.03.2020 | 180071-DA-C06.01, Revision 3 |
| Landscape Plan | 18.03.2020 | LPDA 19 – 189, Revision H, Sheet 1 |
| Landscape Specification and Detail | 17.03.2020 | LPDA 19 – 189, Revision E, Sheet 2 |
| Arborist Report prepared by | 07.11.2019 | 19-074a:02 |

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| | | |
|---|------------|----------------|
| Advanced Treescape Consulting | | |
| Geotechnical Assessment | 10.04.2019 | 32305LXrpt |
| Demolition Waste Management Plan | 26.06.2019 | WMP Revision 1 |
| Access Report prepared by Vista Access Architects | 12.05.2019 | 19052, Issue A |

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 1009219M_02, dated 20 March 2020.

4. **Energy Efficiency.** The fittings, fixtures and materials installed in association with the development (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council's DCP. Details are to be noted on the plans submitted with the **Construction Certificate**.

5. **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.

6. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

7. **Hoardings.**

- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
- (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

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ATTACHMENT 1

(c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

8. **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.

9. **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.

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.** 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.

12. **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.

13. **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.

14. **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.

15. **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

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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.

16. **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.

17. **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.

18. **Construction Staging** – For any staging of the public domain works, the applicant shall provide a detailed construction management and staging plan.

19. **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.

20. **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.

21. **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

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information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.

22. **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.

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.

23. **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.

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

25. **Excavation**

(a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.

(b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with Safework NSW in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

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26. **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.

27. **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.

28. **Demolition and Construction Pedestrian and Traffic Management Plan.** For all works including demolition and construction activities, a Demolition and Construction Pedestrian and Traffic Management Plan (DCPTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to commencing any demolition work.

The DCPTMP must Specify that, due to the proximity of the site adjacent to Gladesville Public School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).

Details of the person responsible for carrying out the work and the project manager are to be provided to Gladesville Public School seven (7) days before any demolition works commence. The project manager is required to keep a register of any complaints received and the details of how these issues were resolved. This register is to be made available to Council if requested.

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

29. **Implementation of Demolition and Construction Pedestrian and Traffic Management Plan.** All works including demolition and construction activities are to be undertaken in accordance with the approved Demolition and Construction Traffic Pedestrian and Management Plan (DCPTMP). All controls in the DCPTMP 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 DCPTMP be impacted by surrounding major development not encompassed in the approved DCPTMP, the DCPTMP measures and controls are to be revised accordingly and submitted to Council.

30. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.

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31. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

32. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

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

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal 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.

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.

34. **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 | \$16,139.37 |
| Open Space & Recreation Facilities | \$39,731.83 |
| Civic & Urban Improvements | \$13,513.56 |
| Roads & Traffic Management Facilities | \$1,843.34 |
| Cycleways | \$1,151.44 |
| Stormwater Management Facilities | \$3,659.83 |
| Plan Administration | \$310.44 |
| The total contribution is | \$76,349.81 |

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.

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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>.

35. **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**.

36. **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**.

37. **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: dwelling houses with delivery of bricks or concrete or machine excavation)

38. **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

39. **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**.

40. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work namely 12 Linsley Street and Gladesville Public School. A copy of the survey is

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ATTACHMENT 1

to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.

41. **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.

42. **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 Certifier prior to the release of the **Construction Certificate**.

43. **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.

44. **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).

45. **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

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ATTACHMENT 1

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*.

46. 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) The swept path to car space 3 has resulted in the removal of the pedestrian safety barrier. This must be reinstalled in a location to not impact the vehicle manoeuvrability or impede disability access to the pedestrian lift. Also to further improve safety, the solid wall adjacent to the bicycle area and bulky waste storage must be replaced with a column to improve driver visibility.
 - 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) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, 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. Ideally the region is to be free of all obstructions, otherwise any solid obstructions are to be no greater than 900mm above finished surfaces and horizontal fencing/ slats are to permit more than 50% visual permeability.
- These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

47. Stormwater Management. Stormwater runoff from the development shall be collected and piped by gravity flow to Linsley Street, generally in accordance with the plans by Enspire Solutions Pty Ltd, drawing number 180071-DA C01.01, C02.01, C03.01, C03.02, C05.01, and C06.01, revision 3, dated 19th March 2020, subject to any variations marked in red on the approved plans or noted following;

- Provide an overland flow path from the OSD tank overflow that is directed to Linsley Street and avoids entering the basement.
- Provide a low height wall along the upstream edge of the basement ramp to divert overland flow away from basement.
- The subsurface drainage system must be designed to comply with the requirement illustrated below;

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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.

48. 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.

49. 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*).

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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.

50. Vehicle Footpath and Gutter Crossover Approval. A new vehicle footpath crossing and associated gutter crossover shall be constructed at the approved vehicular access location/s. Where there is an existing vehicle footpath crossing and gutter crossover, the reconstruction of this infrastructure may be required in order that it has a service life consistent with that of the development and ensure it is compliant with current Council's standards and specifications. The location, design and construction shall be in accordance with Council's DCP 2014 Part 8.3 (*Driveways*), 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 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 5.5 m. wide, 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.

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

51. 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

ITEM 1 (continued)

ATTACHMENT 1

geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

- a) Certification that the civil and structural details of all subsurface structures are designed to;
 - provide appropriate support and retention to neighbouring property,
 - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
 - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;
 - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
 - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - 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 Geotechnical Report by JK Geotechnics Pty Ltd, reference 32305LXrpt, revision 0, dated 10th April 2019.

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

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

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

- 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.

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- 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.

53. **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.

54. **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

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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.
- 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.

55. **Public domain improvements** - The public domain is to be upgraded in both Linsley Street and Orr Street frontages of the development site in accordance with the City of Ryde DCP 2014 Part 8.5 *Public Civil Works*. The works shall include mostly footpath paving, 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) All telecommunication and utility services are to be placed underground along the Linsley Street and Orr 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.

(c) 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 Linsley Street and Orr Street. The street lighting will remain on the Ausgrid street lighting network.

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

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council’s City Works 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 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, and the adjacent road pavement reconstruction.
- (b) The removal of the existing grass and construction of full width concrete footpath along the Orr Street frontage of the development site.
- (c) The removal of any damaged sections of the existing kerb and gutter and concrete footpath and replacement with new kerb and gutter and footpath.
- (d) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- (e) Signage and linemarking details.
- (f) Staging of the public civil works, if any, and transitions between the stages.
- (g) The relocation/adjustment of all public utility services affected by the proposed works, including adjustment to the finished levels of the existing utility pit along the Orr Street boundary alignment so as to remove the trip hazard .

Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

Notes:

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

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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.

57. **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.

58. **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.

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

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60. **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.

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

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

62. **Waste Receptacles.** 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.

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

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

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- (j) a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning

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.

64. 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.

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

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

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

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must

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not be carried out unless the Principal Certifier for the development to which the work relates has given the Council written notice of the updated information (if Council is not the Principal Certifier).

67. Excavation adjacent to adjoining land

(a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.

(b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.

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

68. 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.

69. 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. Any doors/ gates on the boundary must be installed so they do not open onto any footpath.

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

The CTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- Specify construction vehicle routes and rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Traffic section.
- Wherever the site is in proximity to a Public School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays).

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- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of significant temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street tree's.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites” and Councils DCP 2014 Part 8.1 (Construction Activities). The modification of parking restrictions (Work Zones) and standing heavy vehicles (crane, concrete pump, etc) on a footpath/ roadway are subject to separate approval from Council and/or the Local Traffic Committee.

Details of the person responsible for carrying out the work and the project manager are to be provided to Gladesville Public School seven (7) days before any works commence. The project manager is required to keep a register of any complaints received and the details of how these issues were resolved. This register is to be made available to Council if requested.

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

71. 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.

72. 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.

73. 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

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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.

74. 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.

75. 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.

76. 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

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with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane.

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.

77. 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.

78. 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.

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79. **Tree Retention.** As identified in the Arborist Assessment prepared by Advanced Treescape Consulting dated 26/06/2019. The following trees on site or adjoining the site are to be retained and protected:

| Tree No. | Species "Common name" | Notes |
|----------|-----------------------------------|-----------------------|
| 3 | Viburnum tinus Viburnum | On adjoining property |

80. **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.

81. **Tree Protection Fencing.** All trees to be retained on site and on adjoining site 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.

82. **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.

83. **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

DURING CONSTRUCTION

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

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84. **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*.
85. **Noise from construction and demolition work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from demolition and construction work.
86. **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.
87. **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.
88. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
89. **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.
90. **Construction materials.** All materials associated with construction must be retained within the site.
91. **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.

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92. 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.

93. 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".

94. Tree Removal. As identified in the Arborist Assessment prepared by Advanced Treescape Consulting dated 26/06/2019. The following trees on site are to be removed:

| Tree No. | Species "Common name" |
|----------|---|
| 1 | Syagrus romanzoffiana Cocos Palm |
| 2 | Schefflera actinophylla Umbrella Tree |
| 4 | Syagrus romanzoffiana Cocos Palm |
| 5 | Ligustrum lucidum Large Leaved Privet |

95. 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 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 | Supervise Installation of pipes within tree TPZ | Excavate trench through TPZ under Arborist supervision, install pipework, |

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| | | |
|--|---|--|
| through TPZ, Implement hard and soft landscape works | | 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 |

96. **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).

97. **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.

98. **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.

99. **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 Enspire Solutions Pty Ltd, drawing number 180071-DA C01.01, C02.01, C03.01, C03.02, C05.01, and C06.01, revision 3, dated 19th March 2020, submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.

100. **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.

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101. 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.

102. 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.

103. Construction Traffic Management Plan - Implementation. All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

104. 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.

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f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

105. **Waste Management.** 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.

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.

106. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 1009319M_02 dated 20 March 2020.

107. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

108. **Sydney Water – Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

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

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109. **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**.

110. **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*.

111. **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.

112. **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.

113. **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 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.

114. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate

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standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
- b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- d) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
- e) 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.
- f) 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.
- g) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

115. 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).

116. 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

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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.

117. 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.

118. 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*.

119. 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.

120. 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.

121. 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

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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, prior to issue of the Compliance Certificate for External Works and Public Infrastructure Restoration.

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.

122. 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.

123. 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.

124. 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

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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.

125. Waste Management Inspection. 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.

126. 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.

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.

127. Parking Allocation. Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;

- 7 residential spaces,
- 1 accessible residential space,
- 2 visitor spaces, and
- 2 bicycle parking spaces.

128. Stormwater Management – Implementation of maintenance program. The stormwater management system components are to be maintained for the ongoing life of the development by the strata management/ owners corporation, as per the details in the approved drainage system maintenance plan (DSMP).

129. Ongoing Waste Management. The following requirements are to be adhered:

- 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.
- 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
- Garbage and recycling bins must always be stored on-site between collections.
- All waste storage areas must be maintained in a clean and tidy condition at all times
- 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

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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.

- Staff or contractors must be employed to take the waste and recycling containers from garbage/ recycling room to the kerbside for servicing and then return the containers to the garbage/recycling room after servicing.
- All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
- Unwanted household items must be stored onsite until the night prior to a Pre-booked household CleanUp collection

End of Conditions

18 March 2020

Clause 4.6 Variation to Development Standard

Property Description: 10 Linsley Street, Gladesville
Development: Residential Flat Building
Development Standard: Height of Buildings

Introduction

This is a clause 4.6 variation to support the development application for the construction of a residential flat building at 10 Linsley Street, Gladesville.

The clause 4.6 seeks variation to the 11.5m building height development standard contained in clause 4.3 – Height of Buildings of the Ryde LEP 2014.

The proposed building has a maximum height of 10.5m – 11.5m when measured to the upper level roof form and complies with the height control in this regard. The proposed variation is confined to the lift overrun and pergola associated with the communal open space terrace. The building height measured to the lift overrun is 13.25m and 12.5m to the pergola structure. The proposed building height presents a minor variation of 1m – 1.75m to the maximum height limit being a numerical variation of 8.6% - 15.2%.

The portion of the building exceeding the 11.5m height standard is shown in the diagram below.

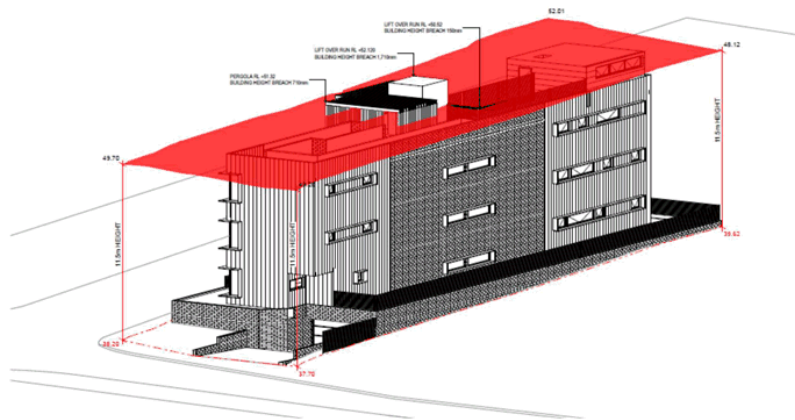


Figure 1 – Building Height Plane diagram indicating extent of height variation shown in the portions of the building above the height line shown in red.

The variation to the 11.5m height standard is confined to the lift overrun and pergola structure to the communal area

The application to vary the height of buildings development standard incorporates the relevant principles in the following judgements:

1. *Winten Property Group Limited v North Sydney Council* (2001) 130 LGERA 79;
2. *Wehbe v Pittwater Council* (2007) 156 LGERA 446 (“**Wehbe**”);
3. *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009; and
4. *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

The recent judgement by Chief Justice Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 clarified the correct approach to Clause 4.6 variation requests, including that:

“The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.” [88]

Accordingly, this Clause 4.6 variation request is set out using the relevant principles established by the Court.

Matters required to be demonstrated under clause 4.6(3) of the LEP

Compliance with the development standard is unreasonable or unnecessary in this particular case

Pursuant to clause 4.6(3)(a) of the LEP, the variation to the height of buildings development standard is acceptable in the circumstances of this case and compliance with the development standard is considered unreasonable and unnecessary because the proposed residential flat building achieves the objectives of the height of buildings standard, notwithstanding non-compliance with the standard.

• Objectives of the Building Height Development Standard

The objectives of the development standard are at clause 4.3(1) of the Ryde LEP 2014 as follows:

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

The proposed building achieves the objectives of the building height development standard based on the following assessment:

Objective (a): The proposal has been designed with a 3 storey built form consistent with the intent of the 11.5m height limit and the height of adjacent residential flat buildings noting 3 – 4 storey built forms are present in the streetscape.

Objective (b): The additional height does not result in additional amenity impacts to adjoining properties with negligible overshadowing generated by the additional height being located central to the roof form.

Objective (c): Not applicable.

Objective (d): The subject site is a corner allotment. The rear boundary adjoins the car park of the Gladesville Public School and the south-western boundary adjoins an existing residential flat building. The building height above the control does not result in unacceptable amenity impacts to this adjoining property.

Objective (e): The 3 storey form is suitable for the corner site, addressing both street frontages and the upper level pergola roof and lift overrun is set back from the building line on both street frontages of this corner site.

There are sufficient environmental planning grounds to justify contravening the development standard

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, being grounds that are specific to the site.

Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the height of buildings development standard because:

- The development proposal presents a 3 storey form to the street and the proposed variation (pergola roof above communal terrace and lift overrun) will not be visually dominant or present uncharacteristic bulk and scale.
- The proposed variation will not result in unreasonable amenity impacts, noting Solar Access diagrams prepared by Mackenzie Architects International confirms that adjoining development will retain adequate levels of solar access.
- The development proposal provides accessible and functional open space at the roof terrace.
- The variation will not result in overlooking that would adversely impact the visual privacy of adjoining properties, noting the communal roof terrace is located within the height limit and planter boxes will screen this area from adjoining properties.
- The variation is confined to the pergola roof form and lift overrun, and will not be visually perceptible when viewed from the adjoining properties or the public domain.
- The variation to the height control is partly a result of the site topography sloping from the rear of the site to Linsley Street, noting the front edges of the pergola roof and lift overrun results in the greatest variation to the 11.5m height.
- The roof parapet/upper level and communal open space sits within the 11.5m height control.
- The variation does not result in unreasonable amenity impacts, visual bulk and scale, overshadowing or a loss of views-outlook.
- The proposed development meets the relevant objects of the Environmental Planning and Assessment Act, 1979 as follows:
 - 1.3(c) - The proposal is an orderly and economic use and development of land with the building height being consistent with the desired character for development in the locality and the variation will not result in unreasonable amenity impacts compared to the approved development on the site,
 - 1.3(g) - The height of the building is compatible with development in the locality and the built form steps with the topography being a suitable built form on the site.

- The proposed development meets the relevant aims of the Ryde *LEP 2014* as follows:
 - 2(a) – The residential flat building contributes to housing choice with the development containing 2, 3 and 4 bedroom units,
 - 2(b) – The development contributes to additional housing and housing choice in Gladesville being a development that is consistent with the R4 High Density Residential zone,
 - 2(e) – The proposed residential flat building provides housing within the catchment of the Galesville town centre and public transport,
 - 2(g) – The design form and scale of the proposed development is suitable for the R4 – High Density Residential zone and consistent with the desired future character of the locality
- The variation above the height limit ensures that despite the development's variation to the height control, the proposal will still be able to achieve;
 - Appropriate built form for the site; and
 - Maintaining a bulk, scale and streetscape consistent with the character of the locality.

Clause 4.6 (4)(a)(i) – The consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)

As demonstrated above, the proposed development has satisfied the matters required to be demonstrated in Clause 4.6(3) of the *Ku-ring-gai (Local Centres) LEP 2012* by providing a written request that demonstrates:

1. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, by establishing that the objectives of the development standard are achieved notwithstanding the non-compliance.
2. The environmental planning grounds relied on are sufficient to justify the development standard.

In accordance with the findings of Chief Justice Preston in *Randwick City Council v Micaul Holdings Pty Ltd* and *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, the Consent Authority, or the Court on appeal, does not have to directly form the opinion of satisfaction regarding the matters in Clause 4.6(3)(a) and (b), but only indirectly form the opinion of satisfaction that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3)(a) and (b).

The relevant items in Clause 4.6(3) of the LEP have been adequately addressed above in order to enable the consent authority and the Court to form the requisite opinion of satisfaction.

The proposed development is in the public interest

In relation to clause 4.6(4)(a)(ii) of the LEP, the proposed residential flat building development is in the public interest because the development meets the objectives of the applicable height of buildings standard (addressed above) and achieves the objectives for development in the R4 – High Density Residential zone. The development proposal achieves the objectives of the zone as follows:

• **Objectives of the R4 – High Density Residential Zone**

| Objective | Consistency |
|---|---|
| <ul style="list-style-type: none">• <i>To provide for the housing needs of the community within a high density residential environment.</i> | The proposal provides for additional housing within a high density residential environment that contributes to the achievement of dwelling targets specified under the Sydney Metropolitan Strategy; |
| <ul style="list-style-type: none">• <i>To provide a variety of housing types within a high density residential environment.</i> | The proposal provides for a variety of dwelling sizes to contribute to the housing needs of the community. The proposal provides for a number of 1, 2, 3 bedroom units within close proximity to the Gladesville commercial/retail precinct. |
| <ul style="list-style-type: none">• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> | No applicable |

In addition to the above reasons, the proposal is also in the public interest because:

- The building height – 3 storeys is consistent with the intent of the height of buildings development standard and the objectives of the R4 – High density residential zone providing additional housing choice with good residential amenity consistent with approved development forms in the high density residential environment.
- The additional height facilitates lift and stair access to the rooftop terrace which ensures the primary communal open space for the development is accessible.
- The portion of the building exceeding the 11.5m height control will not present unacceptable bulk and scale to the public domain or result in unreasonable amenity impacts.

Taking into consideration the above, the proposed development is in the public interest as it is consistent with the objectives of the development standard and the R4 – High Density Residential zone.

The request for a degree of flexibility in numeric compliance with the height development standard is specific to the subject site conditions. The proposal does not undermine the intent and effectiveness of the maximum building height development standard in Clause 4.3 or the objectives of the height development standard and the zone for achieving positive outcomes on environmental planning grounds.

For these reasons, the proposal and the minor variation does not undermine the integrity of the building height development standard and its objectives, as well as the zoning objectives which have been adopted by Council as being in the public interest.

The concurrence of the Secretary

Clause 4.6(4)(b) of the LEP requires the concurrence of the Secretary (of the Department of Planning, Industry and Environment) before the consent authority can exercise the power to grant development consent for development that contravenes a development standard.

Under clause 64 of the *Environmental Planning and Assessment Regulation 2000*, the Secretary has given written notice dated 21 February 2018, attached to the Planning Circular PS 18-003 issued on 21 February 2018, to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under clause 4.6 of the LEP, subject to the conditions in the table in the notice. On appeal, the Court has the power under clause 4.6(2) to grant development consent for development that contravenes a development standard, if it is satisfied of the matters in clause 4.6(4)(a), without obtaining or assuming the concurrence of the Secretary under clause 4.6(4)(b), by reason of section 39(6) of the *Land and Environment Court Act 1979*.

Nevertheless, the matters in clause 4.6(5) of the LEP should still be considered when exercising the power to grant development consent for development that contravenes a development standard (*Fast Buck\$ v Byron Shire Council* (1999) 103 LGERA 94 at 100 and *Wehbe* at [41]).

In deciding whether to grant concurrence, the Secretary is required to consider the following:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The proposal is not likely to raise any matter of significance for State or Regional environmental planning. As addressed above the non-compliance with the building height standard is considered to be in the public interest because the proposed development is consistent with the objectives of the height standard and the objectives of the R4 – High Density Residential zone.

The public benefit of maintaining the development standard is not considered significant because the building meets the 11.5m height standard – storeys as viewed from Linsley Street and Orr Street, and the portion of the building exceeding the height standard is

confined to the lift overrun and pergola and is not visually significant viewed from adjoining properties.

Accordingly, the proposal is consistent with the matters required to be taken into consideration before concurrence can be granted under clause 4.6(5) of the LEP. The exceedance of the standard will not result in adverse amenity impacts and is in the public interest.

Conclusion

The development proposal has sufficient planning grounds to vary the 11.5m building height control contained in Clause 4.3 of the Ryde LEP 2014. The variation is confined to the pergola roof form above communal roof terrace and lift overrun/stair access.

The building has been designed to present a 3 storey built form consistent with the intent of the 11.5m height limit and the height of adjacent residential flat buildings noting the 3 – 4 storey built forms of surrounding development.

The variation to the building height standard does not attempt to affect the planning outcomes for the broader locality; rather the building design is consistent with the 11.5m height control reflecting the scale and form of development planned for the locality.

Further, the variation to the building height standard will not generate unreasonable additional overshadowing or contribute to unreasonable amenity impacts upon neighbouring properties. The variation allows for accessible and functional open space at the roof terrace which is the primary communal open space for the development.

In my opinion the application to vary the building height development standard is well founded and as addressed the proposed height meets the objectives of the building height development standard and achieves an acceptable outcome for the subject site that is in the public interest. In accordance with the environmental planning grounds addressed in this clause 4.6 variation, the building height can be supported.



Director
Garry Chapman
Chapman Planning Pty Ltd