



8 OCTOBER 2020

NOTICE OF MEETING

You are advised of the following meeting:

THURSDAY 15 OCTOBER 2020.

City of Ryde Local Planning Panel Meeting No. 8/20

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 15 October 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	
2 276-278 Victoria Road, Gladesville - Consolidation of the two allotments, demolition of existing structures and construction of a part three storey (3) and part five (5) storey in-fill mixed use development over three and half levels of basement carparking (car parking for 16 vehicles). The development will comprise of 12 residential units (8 x 1 bedroom and 4 x 2 bedrooms) and 92.3m ² of retail space - LDA 2020/0116	3

DEVELOPMENT APPLICATIONS

- 1 276-278 Victoria Road, Gladesville - Consolidation of the two allotments, demolition of existing structures and construction of a part three storey (3) and part five (5) storey in-fill mixed use development over three and half levels of basement carparking (car parking for 16 vehicles). The development will comprise of 12 residential units (8 x 1 bedroom and 4 x 2 bedrooms) and 92.3m² of retail space - LDA 2020/0116**

Report prepared by: Acting Senior Coordinator - Major Development

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

Report dated: 07 October 2020
BP20/1014

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

City of Ryde Local Planning Panel Report

DA Number	LDA 2020/116
Street Address & Ward	276 – 278 Victoria Road, Gladesville East Ward
Zoning	B4 (Mixed Use) under RLEP 2014
Proposed Development	Consolidation of the two allotments, demolition of existing structures and construction of a part three storey (3) and part five (5) storey in-fill mixed use development over three and half levels of basement carparking (car parking for 16 vehicles). The development will comprise of 12 residential units (8 x 1 bedroom and 4 x 2 bedrooms) and 92.3m ² of retail space.
Owner	Pamora Enterprises P/L
Applicant	Benson McCormack Architects
Report Author	Sandra McCarry - Senior Town Planner
Lodgement Date	15 April 2020
Number of Submissions	1 submission received

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Cost of Works	\$ 4,764,427
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
Attachments	Attachment 1: Draft conditions of consent Attachment 2: WaterNSW General Terms of Approval Attachment 3 Clause 4.6 Variation Attachment 4: Architectural Plans

1. Executive Summary

The following report is an assessment of a development application (as amended) for the consolidation of 276 & 278 Victoria Road, Gladesville, demolition of the existing structures and construction of a part three (3), part five (5) storey mixed use building comprising of twelve (12) residential units, 92.3m² of retail space and three (3) and half levels of basement carparking for sixteen (16) vehicles.

The proposal was notified between 22 April 2020 and 27 May 2020. During this period Council received one (1) submission raising concerns about the proposed development. Issues raised in the submission relate to:

- Insufficient car parking
- Balconies within the setback area and overlooking
- Overall height exceeds the maximum.
- Another development placing more pressure on infrastructure.

Amended plans were received on 6 August 2020 which provided the following amendments:

- Provision of an additional basement level to accommodate the required car parking space and rearrangement of car parking spaces, relocation of the car hoist and provision of bicycle spaces;
- Relocation of the waste collection rooms closer to Gerard Lane and provision of bulky waste storage area;
- Increase the size of the retail component from 81.3m² to 92.3m²
- Internal changes to lobby area and Units 1 and 2.
- Building footprint reduce to comply with the 20m building depth, consistent with the adjoining southern property at 260-274 Victoria Road.

ITEM 1 (continued)

- Roof height form lowered from AHD 49.700 to 48.500 to be more consistent with the terrace roof height at 260-274 Victoria Road.
- Private Open space (rear balconies) on Levels 2 to 4 indented off the side boundaries, consistent with the building presentation of 260-274 Victoria Road.
- Roof Top terrace area amended to minimise height exceedance.

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

Note: Further amended plans were submitted on 14 August 2020 to include a light weight shade structure over the roof top sitting and BBQ area. This will provide shading to the roof terrace area.

The proposal generally complies with State and Council's controls with exception to a variation of 11.6% for the permitted building height of 19m under Ryde Local Environmental Plan 2014 (RLEP 2014), and the site frontage, side setbacks, building depth and deep soil requirements under the Apartment Design Guidelines (ADG) and Ryde Development Control Plan 2014 (RDCP 2014).

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 (FSR), provides adequate amenity to future residents whilst maintaining the residential amenity of surrounding properties and is similar in setback and design to the recently constructed residential flat building at 260-274 Victoria Road.

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 subject to conditions as provided in Attachment 1.

2. The Site and Locality

The development site is known as 276-278 Victoria Road, Gladesville and is legally defined as Lots 60 & 61 Deposited Plan 10598. The site faces Victoria Road to the east and Gerard Lane to the west.

Both allotments are a parallelogram and are generally regular in shape. Both allotments have a principal frontage to Victoria Road of 6.095m, with the same measurement fronting Gerard Lane to the rear. The northern and southern side boundaries of both allotments extend 36.565m from Victoria Road west to Gerard Lane. Each allotment provides an area of 216m². A total frontage and site area of

ITEM 1 (continued)

12.2m and 432m², respectively, will result from the consolidation of the two lots. Refer to **Figure 1** - Site Location Map.



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

Located on the subject site at No. 276 Victoria Road is a two storey brick building fronting Victoria Road, with a split level fibro extension with metal roof adjoining the rear of the building. A single storey rendered brick garage with metal roof is located at the rear of the site, adjoining Gerard Lane. There is no vegetation on the site.

Located on the subject site at No. 278 Victoria Road is a two storey brick building fronting Victoria Road, with a factory component located at the rear of the building, fronting Gerard Lane. There is no vegetation on the site. See **Figures 2 & 3**.

Immediately adjoining the subject site to the south, at No. 260- 274 is a newer mixed-use building built to a nil boundary with a 5 storey presentation to Victoria Road and a 2 storey presentation to Gerard Lane. See **Figure 4**.

Immediately adjoining the subject site to the north, at No. 280 Victoria Road, is a three storey brick building with nil side setback, comprising a commercial use along the ground floor, fronting Victoria Road. The ground floor commercial use is commonly known as "Gladesville Guitar Factory". Vehicular access to this site is via Gerard Lane at the rear. See **Figure 5**.

The proposed built form is considered to be in keeping with the development pattern in the area, with examples of five (5) storey mixed use developments within a proximate distance to the subject site including the southern adjoining property being No. 260-274, the adjacent property to the north east being No.

ITEM 1 (continued)

297-307 Victoria Road, No. 230 Victoria Road located south of the subject site and No. 265 Victoria Road located to the south east of the subject site.

Development to the west of the subject site, across Gerard Lane, is characterised by single and two storey residential dwellings that are reflective of the R2 Low Density Residential zone. 6 Gerard Lane, located directly opposite is of a single storey brick detached residential dwelling house screened by a fence and dense boundary planting.

See **Figure 6**.



Figure 2: Existing buildings on 276 – 278 Victoria Road.

ITEM 1 (continued)



Figure 3: Rear of 276 & 278 Victoria Road – facing Gerard Lane.



Figure 4: Adjoining southern site at 260 – 274 Victoria Road, recently constructed 5 storey mixed use building. 1st photo is taken from Victoria Road frontage and 2nd photo is at the rear facing Gerard Lane.

ITEM 1 (continued)



Figure 5: Northern adjoining property at 280 Victoria Road. 1st photo taken from Victoria Road and 2nd photo is back of 280 Victoria, facing Gerard Lane.



Figure 6: No 6 Gerard Lane – opposite the site, comprise of a single storey dwelling house and carport.

Development along Victoria Road is generally characterised by older, two storey commercial and mixed use buildings. In recent years however, Victoria Road has undergone a transition with a number of new multi-storey mixed use developments, generally five (5) storey's, being constructed.

3. The Proposal

ITEM 1 (continued)

It is proposed to consolidate the two allotments, demolish the existing building and construct a mixed use building comprising of 12 residential apartments of 8 x 1 bedroom units (67%), 4 x 2 bedroom units (33.3%) and 92.3m² of retail space.

The proposed building is part 3 storeys/ part 5 storeys with three and a half levels of basement carpark, which is accessed from Gerard Lane. Pedestrian access to the development is provided from Victoria Road and Gerard Lane.

The amended proposal includes an additional level of basement carparking to provide the required number of carparking spaces and the relocation of the car hoist deeper within the site to prevent queuing on Gerard Lane. The amendments also include built form and internal changes as recommended by the Urban Design Review Panel (UDRP).

The design also provides a 3m rear setback to cater for the proposed road widening along Gerard Lane, as required under RDCP 2014.

Figures 7 & 8 below provides a photomontage of the development.



Figure 7: Photomontage of proposed development, as viewed from Victoria Rd.

ITEM 1 (continued)



Figure 8: Photomontage of proposed development, as viewed from Gerard Lane.

4. Background

- The application was lodged with Council on 15 April 2020.
- The proposal was referred to adjoining property owners were notified of the proposal and given between 22 April 2020 and 27 May 2020 to make a submission. One submission was received.
- A Stop the Clock letter was sent on 30 April 2020 requesting for additional geotechnical information and advising that the proposal is to be reviewed by the UDRP.
- On 21 May 2020, the proposal was reviewed by the UDRP and a copy of the UDRP comments were sent to the applicant on 24 June 2020. See full discussion under Section 5.1 of the report detailing the changes as recommended by the UDRP.

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- A further letter was sent to the applicant on 21 May 2020 which identified various issues with the application. These issues included:

Traffic Safety/Efficiency:

- The proposed waiting/storage area is to be provided fully within the property boundary and clear of the footpath to minimise impedance on the pedestrian traffic along the new footpath.
- A queuing analysis is to be provided to justify that the proposed waiting/storage area is capable of supporting the maximum queues generated by the development.
- Justification is to be provided on the derivation of the “Probability of Opposing Vehicles in the Conflict Area” that is stated in the traffic report.
- Consideration be given to the re-design of the driveway access arrangements to ensure vehicles can enter/exit the site in a safe and efficient manner to minimise impedance on the traffic flow within Gerard Lane.

Servicing Requirements

- Provide an internal loading/unloading facility that is capable of supporting the largest vehicle to be serviced on site.
- Provide swept path analysis based on the future configuration of Gerard Lane demonstrating that Council’s 10.8m long garbage truck is capable of accessing and vacating the site via the local road network in a safe and efficient manner.
- Contingency measures in place should the car lift break down and a vehicle is stuck in the lift.

Waste

- Amend the Waste Management Plan to address capacity for the presentation and collection of the bins from Gerard Lane.
- Provide clear access from the bin room to the collection area.
- Details of where the household clean-up will be presented for collection needs to be shown ensuring that pedestrian access is not impeded.
- The bulky waste storage area needs to be caged off from the bin storage area and needs to be a minimum of 5m².
- The bin rooms be reconfigured so that the temporary bin holding room is enlarged to hold all the bins and that residents access the bins in this location. For the contractor to access the household clean-up from the bulky waste room, (which would mean that the caretaker is not required to cart the items to the kerbside) then this room should have easy access to the Gerard Lane frontage. Bin cartage has a maximum of 15 meters.

Planning

- It is noted that the proposed development will have a rear setback of only 13.4m. The proposed justification for departure to the setback is that the development will have the same/ similar setback to the recently constructed

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development at 274 – 260 Victoria Road. In order for Council to support the variation, plans outlining the existing building at 274 Victoria, the building setback and building length on each level.

- Height form at the rear, facing Gerard Lane, which is higher than the rear of 274 Victoria Road, creating a different height datum and a storey higher than 274 Victoria Road, causing adverse overshadowing impact to the adjoining southern property's communal open space.
- The height variation also include a "communal room" being enclosed with a solid roof and solid high wall on the southern elevation. Council would not support any solid structure (other than the lift overrun) above the maximum height.

Amended plans were submitted on 6 August 2020 which generally addressed the issues raised by Council and changes made as recommended by UDRP. Further amendments were submitted on 14 August 2020 to the roof terrace area to provide shade structure over the BBQ area.

The amended plans were not renotified as the amendments are an improvement to the original design and will minimise impact to adjoining properties.

5. Planning Assessment

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

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Building Sustainability Index: BASIX);
- Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2014;
- Ryde Development Control Plan 2014:
 - Part 4.6 Gladesville Town Centre and Victoria Road Corridor;
 - Part 7.2 Waste Minimisation and Management;
 - Part 9.2 Access People with Disabilities; and
 - Part 9.3 Car Parking.
- Ryde Section 7.11 Development Contributions Plan 2020

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

The requirements of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) apply to the subject site.

ITEM 1 (continued)

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

Currently existing on the site are two commercial buildings. A Preliminary Environmental Site Investigation Report prepared by Land & Groundwater Consulting Pty Ltd (LG) has been submitted with the application. The report has provided the following conclusion:

Based on the findings of this Preliminary Environmental Site Investigation (PESI) the following conclusions are provided:

- *Prior to the current layout the site appeared to have comprised mainly vacant crown land between 1790's and 1920's. Commercial structures are likely to have occupied the site sometime in the 1930's. The land was then further developed with additional commercial structures in the early 1960's;*
- *The site has been used as commercial land occupied by commercial businesses for approximately more than 70 years. No significant changes were noted on the site during this period;*
- *Given that no evident sources of mobile contamination could be visually identified on site, it is considered that potential contaminants associated with past and present land uses are minimal;*
- *The site condition and the past and current site activities described in this PESI indicate a low potential for significant or gross contamination; and*
- *Based on the above findings the site subject to this PESI is suitable for ongoing residential land use, consistent with a B4 Mixed Use zoning.*

As such, further investigation is not warranted, and the site is suitable for the proposed residential development in this regard.

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. 1031778M_02 dated 7 September 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 & 128**.

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,

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

State Environmental Planning Policy (Infrastructure) 2007

The State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) applies to the subject site given its location adjacent to a classified road, being Victoria Road. The following provisions of the Infrastructure SEPP are applicable to this DA:

ITEM 1 (continued)

Infrastructure SEPP	Comments	Comply
<p>Clause 101 Development with frontage to a classified road</p> <p>(1) The objectives of this clause are:</p> <p>(a) To ensure that new development does not compromise the effective and ongoing operation and function of classified roads; and</p> <p>(b) To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</p> <p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</p> <p>(a) Where practicable, vehicular access to the land is provided by a road, other than a classified road; and</p> <p>(b) The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:</p> <p>i. The design of vehicular access to the land, or</p> <p>ii. The emission of smoke or dust from the development, or</p> <p>iii. The nature, volume or frequency of vehicles using the classified road to gain access to the land.</p> <p>(c) The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>	<p>The subject site will have a 12.2m, frontage to Victoria Road, which is a classified road.</p> <p>The proposal will have no vehicular access from Victoria Road with all vehicular access from Gerard Lane. The proposal was referred to Transport for NSW who raised no objections to the proposal subject to conditions. See Conditions 17,18,19, 20, 92 & 93.</p> <p>Access is from Gerard Lane which is not a classified road.</p> <p>Council's Traffic and Development Engineers have not raised objections to the proposed location of the vehicular access from Gerard Lane with the proposal considered satisfactory in terms of traffic impact.</p> <p>An Acoustic Report prepared by Acoustic, Vibration & Noise P/L has been submitted with the proposal. The report concludes: <i>"The construction of the proposed development at No. 276-278 Victoria Road, Gladesville if carried out as recommended in the plans and specifications and including the acoustic recommendations in this report, will meet the required noise reduction levels as required in Clause 102 of the State Environmental Planning Policy – (Infrastructure) 2007, NSW Road Noise Policy, Australian Standards AS 3671 'Traffic Noise Intrusion Building Siting and Construction', AS</i></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Subject to Condition</p>

ITEM 1 (continued)

Infrastructure SEPP	Comments	Comply
	<p>2107 'Acoustics – Recommended Design Sound Levels and Reverberation Times' and City of Ryde Council Conditions/Requirements".</p> <p>The recommendations include acoustic treatments to the windows, walls and roof required to mitigate road traffic noise. Conditions 52 & 61 has been imposed requiring compliance with the recommendations in the Acoustic Report, to comply with <i>Development Near Rail Corridors and Busy Roads – Interim Guidelines</i> and the relevant standards.</p>	
<p>Clause 102 Impact of road noise or vibration on non-road development This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers likely to be adversely affected by road noise or vibration:</p> <p>(a) A building for residential uses.</p> <p>If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq measures are not exceeded:</p> <ol style="list-style-type: none"> I. In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am II. Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at 	<p>Victoria Road is a State classified road. An Acoustic Report has been submitted as part of the Development application.</p> <p>The Acoustic Report has provided recommendations in the report and Condition 52 has been imposed requiring compliance with the recommendations.</p> <p>In addition Condition 158 has been imposed for a AAAC 5 Star Certificate to be submitted demonstrating that the construction of the building including internal walls and floors ensures that all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems as well as noise generated between residential units has sufficient</p>	<p>Yes Subject to Condition 52</p>

ITEM 1 (continued)

Infrastructure SEPP	Comments	Comply
any time	acoustical attenuation.	

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.

Ryde Urban Design Review Panel

The proposal was reviewed by the UDRP on 21 May 2020 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>The site is located in the Gladesville Town Centre, which is undergoing a change in urban form from a traditional 2 storey high street to a 5-6 storey mixed-use street.</p> <p>The site faces Victoria Road to the east and Gerard Lane to the west. To the south of the site is a newer mixed-use building built to a nil boundary with a 5 storey presentation to Victoria Road and a 2 storey presentation to the lane. Immediately to the south of the subject site is the communal open space for the adjacent building one level above the laneway. To the north is an existing 2 storey shop top building with a nil side setback. Across Gerard Lane, is a single storey dwelling facing the lane and screened by a fence and dense boundary planting.</p> <p>The site is zoned B4 Mixed Use and has a permissible floor space of 2.3:1 and a height of 19m for the Victoria Road building. A rear setback area for a depth of 15m is limited in height to 12m.</p> <p>The proposal amalgamates 2 narrow sites to create a site that is approximately 12m wide and 36.5m deep. A 2m setback to Victoria Road is required to enable footpath widening. A 3m setback to Gerard Lane is required for street widening and to incorporate a pedestrian pathway along the eastern side of the lane adjacent the proposed building.</p> <p>The site falls approximately 5m from AHD 44.3 at Victoria Road to AHD39.46 at Gerard Lane. The laneway falls about a meter from the north to the south corner of the site.</p> <p>Gerard Lane is transitioning from a service lane for Victoria</p>

ITEM 1 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	<p>Road businesses to a mixed character with the additional residential frontages. The adjacent building to the south has successfully introduced two storey townhouses along the laneway. The narrowness of the subject site is a challenge for catering to both site access and residential frontage, however a whole of street approach is needed that includes the subject site. Refer to comments below under Built Form and Scale.</p> <p><u>Assessing Officer Comments</u> The building rear façade has been amended to accommodate a residential frontage similar to the adjoining site to the south (260 -274 Victoria Road) with two rear units facing Gerard Lane. One of the units (Unit 002) will have access from Gerard Lane and Victoria Road. This unit can be used as a Home Office from Gerard lane, which provides casual surveillance and outlook into the laneway. The amendment has integrated Gerard Lane to a mixed character and is complementary to the presentation of the recently constructed neighbouring southern building at 260-274 Victoria Road.</p>
<p>Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The building exceeds the permissible height at the rear of the front building. Building elements above the height plane do not include internal habitable space and do include the rear parapet, planter bed, lift overrun/stairs providing access to the communal open space and the roof to part of the communal open space. Balconies at the rear of the Victoria Road building also encroach into the rear setback by approximately 1.8m for 80% of the rear facade. The building aligns in height (storeys) and depth with the existing building to the south. Balconies on the adjacent building also encroach into the rear setback and are setback from the side boundary. The Panel supports the minor incursions into the height and setback as the proposal is in keeping with the recent development to the south as recommended in the last meeting.</p> <p>The exception is the balcony to Unit 101, which projects beyond the adjacent building line, and enables overlooking to the adjacent communal open space. Similarly, the balcony to Unit 102 could impact future development on the site to the north. Both balconies should be cut back in alignment with the balconies on the levels above with landscape introduced to enhance outlook and visual separation.</p> <p>Two storey apartments are proposed along the laneway but are located a storey above the ground level of the laneway. The space along the lane is utilised for vehicle access, pedestrian egress via steps from the basement and garbage storage. A planted area in front of the garbage store partially under the building line is also included. While the site is narrow, a better interface for the laneway is necessary to support its future as both a service lane and a residential address. An entry to at least one of the apartments on the laneway is desirable. It may be better to locate the apartment access to the north where a future development could continue the pattern and where vehicle access for the subject site and the adjacent site to the south are co-located.</p>

ITEM 1 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	<p>Overshadowing of communal open space to the south on the adjoining site requires additional analysis to confirm the space receives the minimum solar access required under the ADG.</p> <p>Rooftop space includes a solid roof that extends from the lift overrun to the southern side boundary. A lightweight roof that provides shade and reduces the visual bulk and solidity of the roof structure is recommended.</p> <p><u>Assessing Officer Comments</u></p> <p>The balcony for Units 101 and 102 have been set in 0.9m from the side boundaries with visual separation provided in the form of landscaped planter boxes, as recommended above. Balcony area for Unit 102 has been reconfigured with a greater depth to ensure amenity and function of the space.</p> <p>The proposal has been amended to now provide Unit 002 as a three level terrace apartment with an access from Gerard Lane. This has allowed activation along Gerard Lane, providing a better interface for the laneway being a service lane and a residential address.</p> <p>To ensure minimum loss of amenity to the southern property's open space area modification to the overall height of the rear townhouses was made, reduced from AHD 49.70 to 48.5. Amended shadow diagrams have been prepared as part of the amended Architectural Plan illustrating the communal open space at 260 Victoria Road will receive 2 hours of direct sunlight to at least 50% of its principal usable area between 12pm to 2pm. This is discussed further in the report.</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>Appears to comply with minor variation to height and rear setback, which are supported.</p> <p><u>Assessing Officer Comments</u></p> <p>Noted - Height and setback discussed further in the report.</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</p>	<p>Not discussed. The proposal should comply with BASIX.</p> <p><u>Assessing Officer Comments</u></p> <p>Noted – Amended BASIX Certificate submitted.</p>

ITEM 1 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>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>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>On the roof, planting along the northern boundary is recommended to separate uses and potential overlooking of future development on the adjacent site.</p> <p>Planting along the laneway is desirable, particularly where it can increase amenity of residents, such as on the adjoining site at the entries to townhouses. The planting currently shown is mainly used as screening to the garbage space and drainage. The setback along the lane should be free of on-site detention (OSD) drainage as this space will be within the public realm.</p> <p>Drainage should be accommodated within the development footprint.</p> <p><u>Assessing Officer Comments</u></p> <p>The design of the open communal space on the roof has been amended to include landscaping around all four sides. This assists in providing reduced potential for overlooking, visual separation, and a general green outlook for residents.</p> <p>The OSD has been relocated on Level B1, on the southern side of Unit 002, and adjacent the waste storage room. Council's Senior Development Engineer has supported this location.</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</p>	<p>A storage space of 20.5m in Unit 001 has no windows and could be utilised as a bedroom. The space should be deleted from the unit and could be reallocated into the retail tenancy.</p> <p>Equitable access to Units 001 and 002 is required. The level change could be accommodated in the generous entry/lift lobby space, rather than within each apartment.</p> <p>The viability of the landscape area with adequate daylight at the end of the lift lobby is a concern. The void above the space appears to be open air and should include a skylight. Adjustments to the balcony to Unit 102 discussed above in Built Form may also enable a larger skylight.</p> <p>Furniture layouts, which show a tight fit between kitchens and dining areas, limit circulation within apartments and the</p>

ITEM 1 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>access for all age groups and degrees of mobility.</p>	<p>functionality of both kitchen and dining areas. Refer to Units 101, 102, 202, 301, 302 and 402.</p> <p><u>Assessing Officer Comments</u></p> <p>Unit 001 has been internally redesigned for better allocation of floor area. The storage space has been deleted and retail tenancy has been modified with a proposed additional 11m².</p> <p>The internal stairs to Units 001 and 002 respond to the redesign of these units and a dedicated shared entrance lobby area has been provided for Units 001 & 002.</p> <p>The landscaped area in the lobby has been deleted, and the void adjacent Unit 102 has been deleted.</p> <p>A desktop review by UDRP has raised no objections to the amendments.</p>
<p>Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>Pedestrian path between the lane and basement bin store utilises the vehicle entry and is unsafe.</p> <p>The car hoist is co-located with the entry to the basement car park. There is also 840mm level change between the hoist level and the basement level below. The Panel is concerned with the functionality of the car parking areas and the safety of the level changes, management of queuing and managed of vehicle access if the hoist breaks down. Options for alternative car hoist locations that do not require cars parking at ground level to negotiate the hoist for access should be explored.</p> <p><u>Assessing Officer Comments</u></p> <p>The location of the car lift has been relocated towards the north east corner of the basement, rather than directly off Gerard Lane in the north west.</p> <p>Furthermore, Basement Level B1 has been revised providing for a turning area to facilitate vehicles leaving the car hoist in a forward direction. An additional basement level for parking is proposed in response to the redesign of Basement Level B1.</p> <p>The waste area has been moved closer to Gerard Lane and a direct pedestrian pathway has been incorporated to promote safety and access through the basement level.</p> <p>Council's Senior Development Engineer has reviewed the amended proposal and subject to conditions has no objection to the proposed development.</p>

Note: The two other SEPP 65 Design Quality Principles – ‘Housing Diversity and Social Interaction’ and ‘Aesthetics’ were considered by the panel and were considered acceptable with the architectural expression of the building supported.

The amended plans were again reviewed and supported by the UDRP.

ITEM 1 (continued)
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		
<p>2E - Building Depth</p> <p>Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.</p> <p>Where greater depths are proposed, demonstrate that indicative layouts can achieve acceptable amenity with room and apartment depths. This may require significant building articulation and increased perimeter wall length</p>	<p>The development is a narrow infill development on a deep and narrow block.</p> <p>The building has a maximum depth of 20m for the apartments facing Victoria Road and 10.9m to 13.5m for the two Gerard Lane facing apartments.</p> <p>Notwithstanding the proposed depth variation to 20m, the greater building depth is acceptable given that the building faces east-west allowing the capture of sun from both aspects as apartments are dual aspect, the building has been designed to have modulation and articulation, and ensures that the indicative layouts will achieve acceptable amenity and apartment depths. The UDRP have raised no concerns in this regard and the proposal is similar in length to the adjoining southern property - the recently constructed building at 260-274 Victoria Road. Due to the dual aspect of the apartments, the proposed building depth allows for appropriately sized rooms with sufficient solar access and natural ventilation.</p>	<p>No Variation acceptable.</p>
<p>2F - Building Separation</p> <p>Minimum separation distances for buildings up to 4 storeys should be:</p> <ul style="list-style-type: none"> • 12m between habitable rooms / balconies • 9m between habitable / balconies and non- 	<p>The development provides a zero setback to the northern and southern side boundaries. This form of development is envisaged by the DCP controls and is appropriate for the site.</p> <p>The ADG recommends that at a boundary between a change in zone from apartment buildings to a lower density area, the building setback from the boundary should</p>	<p>N/A</p> <p>No Variation acceptable</p>

ITEM 1 (continued)

Clause	Proposal	Compliance
<p>habitable rooms</p> <ul style="list-style-type: none"> • 6m between non-habitable rooms. <p><i>Five to eight storeys (approx. 25m):</i></p> <ul style="list-style-type: none"> - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms. 	<p>be increased by 3m. This is applicable to the rear of the site, at Gerard Lane. This results in the development requiring a separation distance of 12m for up to the fourth storey for the property opposite, at 6 Gerard Lane</p> <p>Opposite at 6 Gerard Lane is a single storey dwelling house and carport with a 1.8m high lapped and capped fence with dense landscaping facing Gerard Lane. The proposal has provided a 3m setback as required by the DCP and Gerard Lane separate the two sites, with a separation distance of approximately 10.3m on the ground floor to the single storey dwelling opposite. Whilst the proposal falls short of the required separation by 1.7m, the variation is not considered to adversely impact the amenities of the residential property opposite. Overlooking is not considered an issue as 6 Gerard Lane is only single storey with a privacy fence and landscaping screening their side elevation, see Figure 9 below. In addition, the side windows do not appear to be off habitable rooms.</p> <p>276-278 Victoria Road has been designed to be in line with the setbacks of 260 – 274 Victoria Road, making the alignment along Gerard Lane consistent. The UDRP raised no objections to the proposed setback, which is in line with the DCP and other recent development along Gerard Lane.</p>	

ITEM 1 (continued)

Clause	Proposal	Compliance
	 <p data-bbox="730 837 1362 904">Figure 9: view of 6 Gerard Lane, facing the subject site.</p>	
<p data-bbox="271 913 705 945">2G – Street Setbacks</p> <p data-bbox="271 981 705 1124">Determine street setback controls relative to the desired streetscape and building forms.</p> <p data-bbox="271 1128 705 1187">See discussion under the relevant Development Control Plan.</p>	<p data-bbox="730 945 1353 1052">Council's DCP requires: 2m along Victoria Road and 3m setback along rear Lane.</p> <p data-bbox="730 1057 1353 1164">The proposal has provided 2m setback along Victoria Road and 3m rear setback along Gerard lane.</p>	<p data-bbox="1455 913 1503 945">Yes</p>
<p data-bbox="271 1232 705 1263">Side and Rear Setbacks</p> <p data-bbox="271 1267 705 1447">Related to the height of the building and are important tools for achieving amenity for new developments and buildings on adjacent sites.</p>	<p data-bbox="730 1232 1353 1411">The development has proposed a zero side setback for the building depth of 20m, which is consistent with the DCP. See full discussion further in the report under Section 5.4 – DCP Controls.</p>	<p data-bbox="1455 1232 1503 1263">Yes</p>
<p data-bbox="271 1456 1110 1487">Part 3 Siting the development Design criteria/guidance</p>		
<p data-bbox="271 1496 705 1527">3B Orientation</p> <p data-bbox="271 1532 705 1783">Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.</p>	<p data-bbox="730 1496 1353 1783">The site has an east west orientation and is built to the boundary on the northern and southern side. The building layout has been orientated to face Victoria Road plus some activation along Gerard Lane. The orientation allows for street activation as well as enhancing the safety of passive surveillance over Gerard Lane.</p>	<p data-bbox="1455 1496 1503 1527">Yes</p>
<p data-bbox="271 1827 705 1859">3C Public domain interface</p> <p data-bbox="271 1863 705 2042">Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained</p>	<p data-bbox="730 1827 1353 1935">The building has been amended as recommended by the UDRP which has improved the interface with Gerard Lane.</p>	<p data-bbox="1455 1827 1503 1859">Yes</p>

ITEM 1 (continued)

Clause	Proposal	Compliance
and enhanced.		
<p>3D Communal and public opens space Provide communal open space with an area equal to 25% of site;</p> <p>Minimum 50% of usable rea of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.</p>	<p>The ADG requires that the site provides 108m² of communal open space (COS). The proposal provides 114m² (26%) of COS on the roof terrace.</p> <p>The communal open space will provide good solar access with amenities such as a BBQ area and seating.</p>	<p>Yes</p> <p>Yes</p>
<p>3E Deep Soil Zone Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p>1. Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 3m – 6m.</p> <p>Achieving the design criteria may not be possible on some sites including where:</p> <ul style="list-style-type: none"> • the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) • there is 100% site coverage or non-residential uses at ground floor level. <p>Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and</p>	<p>The development has proposed negligible deep soil however the ADG recognises that on some sites it may not be possible to provide deep soil areas. This includes sites that are located in town centres such as this site. In addition, the DCP requires zero side setback with the rear for vehicular access, accordingly compliance with the deep soil zone is not possible.</p> <p>Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.</p> <p>Council’s Senior Development Engineer has raised no objections to the proposed stormwater management. As detailed above the development has incorporated an acceptable communal open space area on the roof of the building. This area provides appropriate plantings around the perimeter of the roof.</p>	<p>No – variation acceptable</p>

ITEM 1 (continued)

Clause	Proposal	Compliance												
alternative forms of planting provided such as on structure														
3F Visual Privacy Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:	See discussion above under Building Separation. Side boundaries: A zero setback for the building depth of 20m has been provided in accordance with Council's DCP requirement.	Yes.												
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Building Height</th> <th style="width: 25%;">Habitable rooms & balconies</th> <th style="width: 25%;">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	A 3m setback from the rear boundary of the site has been proposed, in accordance with Council's DCP controls. As discussed earlier in the report the overlooking from the rear units to the opposite property at 6 Gerard Lane is not considered to be an issue. The upper levels have been setback 13m with no buildings directly opposite.	
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												
3G Pedestrian Access & entries Pedestrian access, entries and pathways are accessible and easy to identify.	The development proposes the main entry to the building from Victoria Road. The lobby area has been amended to provide a more generous space with seating. A separate resident's entry to Basement 1 has also been provided from Gerard Lane.	Yes												
3H Vehicle Access. Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	The vehicle entry is from Gerard Lane at the rear of the site as no vehicular access is permitted from Victoria Road. Basement 1 has been revised with a turning bay to facilitate vehicle leaving the car hoist in a forward direction. Amended plans provided a separate vehicle and pedestrian access to the building at Gerard Lane. There will be minimal conflict with pedestrians and vehicles.	Yes												
3J Parking Provisions. Car parking: For development on sites that are within 800m of a railway station, the minimum parking for residents and visitors to	The site is not within 800m of a railway station. Accordingly, Council's DCP 2014 car parking requirements apply. The proposal provides for 16 parking spaces which is compliant with Council's DCP requirements. See full discussion further in	Yes												

ITEM 1 (continued)

Clause	Proposal	Compliance
be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less. Bicycle Parking Provide adequate motorbike, scooter and bicycle parking space (undercover).	the report. 2 spaces are required for bicycle parking under Council's DCP. The development has proposed space to accommodate 24 bicycles. The DCP does not require any spaces for motorbike or scooter parking. However, given the scale of the development, and that the proposal has provided more than the minimum bicycle spaces, the proposal is considered satisfactory.	
Part 4 Designing the building		
4A Solar & daylight access Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter. Design should incorporate shading and glare control, particularly for warmer months	A total of 75% (9) of the apartments will receive 2 hours of direct sunlight between 9am and 3pm midwinter. The other three apartments will receive some direct sunlight between 9am and 3pm mid-winter. All apartments will receive some direct sunlight between 9am and 3pm. The BASIX Certificate demonstrates that the proposal achieves the required thermal comfort levels. Materials and finishes which incorporate shading and glare control measures including external louvres.	Yes 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.	10 out of 12 apartments will be cross ventilated. This equates to 83%.	Yes
4C Ceiling Heights Ceiling height achieves	The ground floor has proposed 4.2m between floors which will allow for a 3.6m	Yes

ITEM 1 (continued)

Clause	Proposal	Compliance
<p>sufficient natural ventilation and daylight access. The development is required to provide 2.7m minimum ceiling heights.</p>	<p>ceiling height. Each residential level has proposed 3.1m between floors which will accommodate 2.8m ceiling heights.</p>	
<p>4D Apartment size and layout Apartments are required to have the following minimum internal areas with one bathroom:</p> <ul style="list-style-type: none"> • Studio = 35m²; • 1 bedroom = 50m²; • 2 bedroom = 70m²; • 3 bedroom = 90m²; • 4 bedroom = 102m². <p>Note: Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</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</p>	<p>All of the apartments either comply or exceed the minimum requirements for 1 and 2 bedrooms + extra bathroom being 50m² (or 55m²) and 70m² (or 75m²) respectively.</p> <p>All habitable rooms have direct access to a window opening that achieve minimum of 10% of the room area. No borrowed daylight and air is proposed. Habitable room depths should not exceed a depth of 8m.</p> <p>There are 4 units with building depth greater than 8m, ranging from 8.3m to 9m. The intent of this requirement is to ensure environmental performance of the apartment is maximised.</p> <p>Amenity is achieved with through floor to floor height of 3.1m, providing a ceiling to floor height of 2.8m, which is greater than the minimum 2.7m required. Also most apartments are dual aspect with wide sliding doors allowing for solar access and ventilation. All living areas and bedrooms are located facing either Victoria Road or Gerard Lane.</p> <p>The master bedrooms are 10m² or larger.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No – variation acceptable.</p> <p>Yes</p>

ITEM 1 (continued)

Clause	Proposal	Compliance												
wardrobe spaces. Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments 	The living rooms have a minimum 3.6m for the 1 bedroom, and 4m for the 2 bedrooms.	Yes												
4E Private Open Space and balconies All apartments are required to have primary balconies as follows: <table border="1" data-bbox="277 913 699 1115"> <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> </tbody> </table>	Dwelling type	Min. area	Min. depth	Studio apartments	4m ²	N/A	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	All of the balconies comply with minimum size and depth requirements.	Yes
Dwelling type	Min. area	Min. depth												
Studio apartments	4m ²	N/A												
1 bedroom	8m ²	2m												
2 bedroom	10m ²	2m												
4F Common circulation and spaces. The maximum number of apartments off a circulation core on a single level is 8. Where the above criteria is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.	The development proposes a maximum of 3 apartments to be accessed from the circulation core on a single level.	Yes.												
4G Storage In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: <table border="1" data-bbox="277 1666 699 1823"> <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> </tbody> </table> At least 50% of the required storage is to be located within the apartment.	Dwelling type	Storage size volume	Studio	4m ³	1 bedroom apt	6m ³	2 bedroom apt	8m ³	All of the apartments provide adequate storage (basement levels have large storage areas).	Yes				
Dwelling type	Storage size volume													
Studio	4m ³													
1 bedroom apt	6m ³													
2 bedroom apt	8m ³													
4H Acoustic privacy Noise transfer is minimised through the siting of	Appropriate acoustic privacy will be provided for each apartment. In addition to	Yes												

ITEM 1 (continued)

Clause	Proposal	Compliance
buildings, building layout, and acoustic treatments. Plant rooms, services and communal open space and the like to be located at least 3m away from the bedrooms. Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	compliance with the recommendations contained in the Acoustic Report, Condition 158 has also been imposed requiring a qualified acoustical engineer with membership of the Association of Australasian Acoustical Consultants to certify that the building has been designed to minimise the noise intrusion from any internal or external noise source and when constructed achieve a 5 star rating under the <i>Association of Australasian Acoustical Consultants Guideline for Apartment and Townhouse Acoustic rating Version 1</i> .	
4K Apartment mix A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.	The development has incorporated 1 & 2 bedroom apartments. Whilst no 3 bedrooms have been provided in this proposal, this development is relatively small (12 apartments), with several of the 2 bedroom units exceeding the minimum floor area required. The proposed development is considered to provide housing choice which meets the general market needs.	No – variation acceptable
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 balconies and privacy screens. The façade is considered to provide 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.	Yes
4O Landscape design Landscape design contributes to the streetscape	The proposal includes a landscape plan. Council's Consultant Landscape Architect has reviewed the plan and has advised	Yes

ITEM 1 (continued)

Clause	Proposal	Compliance
and amenity. Landscape design is viable and sustainable	that the plan generally is of a quality landscape design with appropriate species.	
4P Planting on structures Appropriate soil profiles are provided.	The development will comply with the minimum soil depth as specified in the ADG. Condition 54 has also been imposed to ensure compliance.	Yes
4Q Universal design Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided. Adaptable housing should be provided in accordance with the relevant council policy.	An Adaptable Housing Assessment Report prepared by Design Confidence has been submitted with the application and Condition 57 has been imposed requiring compliance with the recommendations contained in the report. Ryde DCP 2014 requires one (1) adaptable housing unit to be provided in residential developments containing 10-15 units. One (1) adaptable unit is proposed, which provides flexible housing stock. The development complies with these requirements.	Yes
4U Energy efficiency Development incorporates passive environmental design measures – solar design, natural ventilation etc.	The development complies with these requirements complying with the solar and natural ventilation requirement.	Yes

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 B4 Mixed Use under the provisions of the RLEP 2014. The development is permitted in this zoning.

Clause 2.3 – Zone Objectives

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives for the B4 Mixed Use are as follows:

- *To provide a mixture of compatible uses.*

ITEM 1 (continued)

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

The development complies with the above objectives. It will be consistent with the desired future character for the precinct by replacing old buildings and introduce a mixed use building with retail on the ground and residential above.

Clause 4.4 Floor Space Ratio

The FSR for the site is 2.3:1. The proposal will have a gross floor area of 985.74m² (FSR of 2.3:1) which complies with this control.

Clause 4.3 Height of buildings

The site is affected by two height zones being 12m and 19m - 19m fronting Victoria Road, and 12m fronting Gerard Lane.

This is demonstrated on the following map.

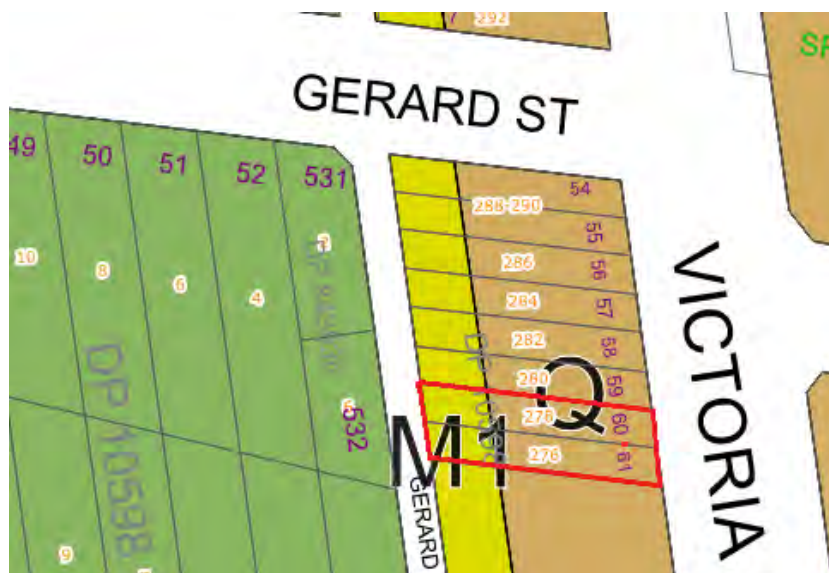


Figure 10: Height map of the subject site outlined in red with the brown area having a maximum height of 19m and the yellow area height of 12m.

The following diagram illustrates the height of the building represented in the long section:

ITEM 1 (continued)

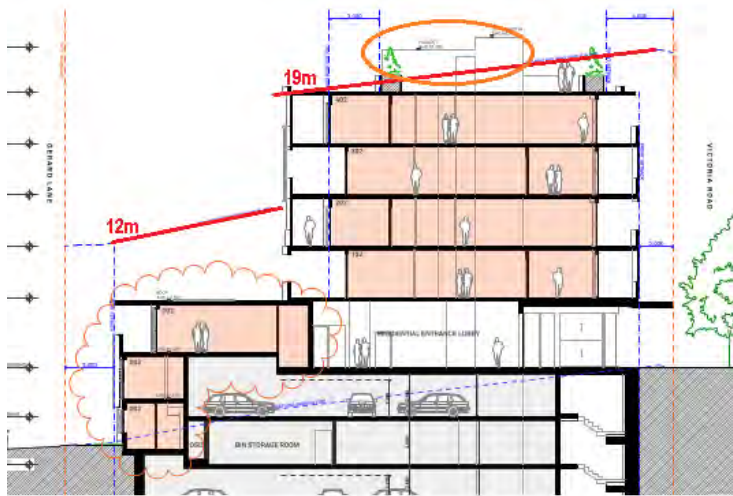


Figure 11: Section showing the two height line and the variation to the 19m height by the lift over and stairwell outlined in orange.

The proposal provides a communal open space area on the roof with lift access. The proposal will result in a maximum building height(s) of:

- 21.20m where the height limit is 19m
- 8.60m where the height limit is 12m.

The portion of the building fronting Gerard Lane is compliant with the 12m maximum building height assigned to that portion of the site. However the lift overrun and stairwell located on the 19m height portion exceed the height control.

The maximum height is 21.2m which exceeds the maximum height control under Clause 4.3 by 2.2m, equating to a 11.6 % variation.

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 6 August 2020, **Attachment 3**.

ITEM 1 (continued)

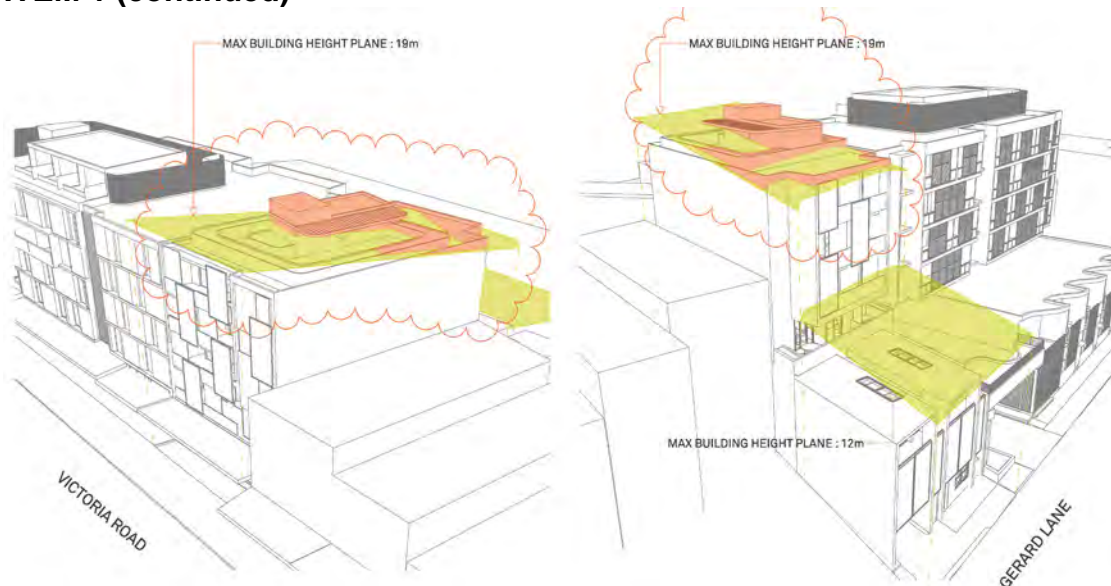


Figure 12: Illustrate the height plane and the extent of non-compliance in pink, first diagram is from Victoria Road and the 2nd is as viewed from Gerard Lane with the 12m height plan.

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?

ITEM 1 (continued)

- 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?
- 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:

ITEM 1 (continued)

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 objectives supporting the maximum building height control identified in Clause 4.3 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance.

The discussion provided below demonstrates how the proposal is consistent with the objectives of Height - Clause 4.3.

"(1) The objectives of this clause are as follows:

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

Objective (a).

The site is subject to two street frontages, with Victoria Road to the east acting as the site's primary frontage and Gerard Lane to the west, acting as the site's secondary frontage. For both street frontages, the proposal has been designed to a high architectural standard and is proportionate and in keeping with surrounding development.

To the front of the site, where the breach occurs, it is a result of the lift overrun, access stairs and planter boxes; no habitable spaces are within the area of non-compliance with building height.

*The breach occurring from the roof of the communal open space is proportionate to other multi- storey mixed use buildings in the vicinity of the site, in particular the adjoining property to the south (260 - 274 Victoria Road). Visual reference can be made to Drawing No. A-1310 (Rev D), (see **Figure 13** below), which effectively demonstrates that the street frontages of the proposed development are in proportion to, and in keeping with, the character of nearby development.*

Furthermore, as the extent of the non-compliance, being primarily the lift and stair overrun are set back a minimum of 7.6m from the Victoria Road boundary,

ITEM 1 (continued)

consequently the breach will generally be indiscernible from the public domain and general streetscape of Victoria Road. The minor extent of non-compliance as a result of the wrap-around planter boxes, which have been incorporated into the design following from the Ryde Urban Design Panel comments, will be of minor visual significance from the Gerard Lane streetscape, and are intended to improve amenity between the subject site and neighbouring developments.

The breach is also created by the topography of the site which experiences a fall of approximately 5.2m from the south eastern corner to the north western corner of the site. This results in a minor portion of the proposed level 4 roof structures breaching the maximum 19m height limit.

The parapet level of level 4 measures RL61.40 which is generally consistent with the level 4 roof parapet of the southern adjoining property (260- 274 Victoria Road) at RL61.85 fronting Victoria Road and RL61.50 facing Gerard Lane. The minor breach resulting from the topography of the subject site is therefore proportionate to the parapet levels of the southern adjoining development, thus reducing the perceived presence of the parapet as a breach.

The rear elevation fronting Gerard Lane is compliant with the 12m height control prescribed to that portion of the site, ensuring that portion of the development is proportionate to, and in keeping with, the character of neighbouring properties, in particular the low density residential zone on the western side of Gerard Lane.

ITEM 1 (continued)



Figure 13: Drawing A1310 Rev D – Subject site in colour and the adjoining southern property 260-274 Victoria Road.

Objective (b):

As outlined above, it can be concluded that the development is compatible with the appearance of the area.

In respect of overshadowing, there will be no shadows cast over the adjoining properties to the north. This ensure any future redevelopment of the northern properties will not be affected by shadows cast by the development proposed on the subject site.

Following from comments made by the Ryde Urban Design Review Panel, the modified heights and setbacks have resulted in a reduced extent of overshadowing upon 260-274 Victoria Road (southern neighbour).

The communal open space of 260-174 Victoria Road will achieve the minimum direct solar access for two hours between 12:00pm and 2:00pm on June 21, with ongoing solar access received through to 3:00pm.

ITEM 1 (continued)

As noted previously, the breach to the 19m building height limit fronting Victoria Road generally results from roof features including roof parapets, planter boxes and the stair and lift overrun. It is considered the proposed development is compatible with other recently developed mixed-use buildings along Victoria Road, within the vicinity of the subject site. Additionally, the parapet height of the roof over the rooftop communal open space is relatively consistent with the level of the parapet of the level 4 mezzanine of the southern adjoining property, ensuring the height of the proposed development is consistent with the southern adjoining building. By ensuring the heights across the two buildings are consistent, compatibility is achieved by the proposed development.

Whilst it has been established the proposed development is compatible with other mixed use development along Victoria Road, it is also considered the proposal improves the appearance of the area as it contributes in a positive way to the regeneration of the Victoria Road corridor and has been designed to a high architectural standard that has positively responded to the desired future character of the area and streetscapes of Victoria Road and Gerard Lane.

Objective (c):

The proposed development includes the consolidation of two (2) allotments, resulting in a mixed- use development that is generally compliant with relevant development standards and controls. The proposed mixed-use development will contain 1 x commercial unit and 12 x residential units. The mix of commercial and residential units within the development is consistent with other mixed use developments located along Victoria Road within the vicinity of the subject site, with the B4 Mixed Use zoning of the subject site and with the desired future character of the Victoria Road corridor.

The proposal seeks to provide basement levels, providing for the access and provision of off- street car parking to serve the proposed development. It is important to note that the proposed breach to the height of buildings development standard does not impact upon the provision of car parking within the development. The proposal has achieved the required number of parking spaces (16). The subject site is also located within walking distance to a number of bus stops located along Victoria Road, including a bus stop located out the front of the southern adjoining building, providing access to a number of hubs including the Sydney CBD and Top Ryde.

Objective (d):

As noted under objective (b), additional shadows cast by the proposed development will generally fall over roofs or roads/lanes ensuring solar access continues to be enjoyed by adjoining and adjacent residential developments, including the communal open space of 260-274.

ITEM 1 (continued)

The breach to the 19m height limit prescribed to the portion of the site fronting Victoria Road will not have any adverse impacts on the residential developments located on the western side of Gerard Lane in respect of solar access, aural or visual privacy as the portion of the development that interacts with those residential properties is compliant with the 12m height limit prescribed to the rear of the subject site. The breach to the height limit fronting Victoria Road will not result in adverse amenity impacts on the southern adjoining development as solar access, aural and visual privacy will be retained to that development. Proposed parapet heights are consistent with the parapet heights of that adjoining development, ensuring a compatible built form has been proposed.

Due to the relatively central location of the lift overrun, it is not considered its breach into the maximum building height limit of 19m will result in any adverse amenity impacts on adjoining or adjacent development as it has been located away from side boundaries, minimising any impacts resulting from any potential noise or shadows cast by the stair and lift overrun.

Objective (e):

The proposed development emphasises the Victoria Road corridor by providing an active street frontage in the form of glazed eastern wall of the commercial unit at ground floor level, and compliant setbacks from the Victoria Road boundary at all levels including the rooftop communal open space. The proposed breach to the height of buildings development standard occurs behind the required setbacks and does not detract from the Victoria Road corridor in terms of streetscape of interaction with the public.

2. Are there Sufficient Environmental Planning Grounds?

The assessment above demonstrates that the resultant environmental impacts of the proposal will be satisfactory.

The proposal addresses the site constraints, streetscape and relevant objectives of both the standards and the zone. The proposal will not result in any unreasonable amenity or environmental impacts.

As acknowledged in this letter, the breach occurs generally as a result of the stair and lift overrun, and the planter boxes and parapets as a consequence of the topography of the site as it declines towards Gerard Lane. As acknowledged, the proposed parapet of the roof over the communal open space is consistent with parapet heights of the southern adjoining property, whilst the stairwell and lift overrun allows for sensible and equitable access to the proposed rooftop communal open space for all future residents.

We respectfully submit that the proposal will result in a better planning outcome as residents of the proposed mixed-use development and their guests will have an area of communal open space that provides high levels of amenity where recreational

ITEM 1 (continued)

activities may occur. This space receives ample amounts of solar access and natural ventilation due to its location on the roof of the development.

Furthermore, the proposal has ensured that all habitable floor levels are provided within the maximum building height control despite the breach to the standard. The proposed variation is only sought to allow for the proposed rooftop communal open space and associated privacy, safety, and amenity measures (i.e. planter boxes and access). It is unreasonable to not provide a rooftop communal open space with access by stair and lift, for use by all residents.

In this case, strict compliance with the height of buildings development standard of the RLEP 2014 is unnecessary and unreasonable.

3. Is the Variation in the Public Interest?

Clause 4.6 states that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is to be carried out.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard under Part 5.

The development as proposed will be in the public interest as it is consistent with the objectives of Clause 4.3.

The building contextually has regard to its surrounding properties and provides sufficient open space and landscaping for the amenity of future residents.

Furthermore, it is important to also consider the objectives of the B4 Mixed Use zone in relation to the development, which are as follows:

B4 Mixed Use Zone - Objectives of zone:

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

The proposal provides for a mixed use development which is compatible with surrounding and future uses in the area. Additional housing stock and retail/commercial premises are created by the development and assists in meeting community needs. A mix of unit types are proposed in the development, providing for a mix in housing choice for the community.

ITEM 1 (continued)

The proposed development is located in an area that is well serviced by public transport, namely the provision of buses along Victoria Road and Pittwater Road which can be utilised by future residents, occupants and visitors alike. Due to the site's location along Victoria Road, and approximately 400m north of Gladesville Town Centre, residents, occupants and visitors would be encouraged to walk or cycle to nearby services and amenities. The proposal provides for a mix of uses which align with the objectives.

The subject site is not located near Macquarie University, nor is it located within the Macquarie park corridor therefore, objectives 3 and 4 are not applicable to the subject site. However, public transport and road networks allow for easy access to and from the subject site and the university.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standards, noting the development will be in the public interest

4. Public Benefit of Maintaining the Standard

It is considered that there is no benefit to the public or the community in maintaining the development standards. The proposed development will allow for the creation of a high quality mixed-use development which, as stated above, meets the desired objectives of the standard and of the zone.

The proposed development is generally compliant with the current planning controls. The provision of the rooftop communal open space reinforces Council's design principles and will provide a high quality space for residents and their visitors to utilise.

It is not considered that the variation sought raises any matter of significance for State or regional environmental planning.

The departure from the height of buildings control prescribed to the portion of the site fronting Victoria Road and noted as 'Q' on the Height of Buildings Map within the RLEP 2014 allows for the orderly and economic use of the site in a manner which achieves the outcomes and objectives of the relevant planning controls.

5. Is the Variation Well Founded?

It is considered that this has been adequately addressed in Parts 5 and 6 of this submission. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the RLEP 2014 in that:

- Compliance with the development standards would be unreasonable and unnecessary in the circumstances of the development;*

ITEM 1 (continued)

- *There are sufficient environmental planning grounds to justify the departure from the standards;*
- *The development meets the objectives of the standard to be varied (height of buildings) and relevant objectives of the B4 Mixed Use 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 of Regional Significance; and*
- *The development submitted aligns with the desired future character of the locality.*

Based on the above, the variation is considered to be well founded.

Assessing Officer's Comments

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

The written request 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. See discussion under points 1 and 3 of the written request.

The design and layout of the proposal is a good planning outcome which responds well to a very constrained site, being 12.2m wide and 36.565m long. The additional height is limited to a section of the lift over run and the stairwell, towards the middle of the site, and is set well back from the street boundary.

The proposed variation will not have an adverse impact on the local character, and is consistent with other recent mixed use developments along Victoria Road, Gladesville. In addition, the layout and form of the development provides a visual break down of the scale of the facades to Gerard Lane and Victoria Road, as does the use of the proposed external building materials, colours and finishes.

Furthermore, overshadowing from the lift overrun is minimal and will not adversely impact on the adjoining south property (260-274 Victoria Road), see illustrated below in **Figures 14 & 15**.

ITEM 1 (continued)

**HOURLY SHADOW ANALYSIS
 | JUNE 21**

SHADOWS CAST BY EXISTING STRUCTURES

SHADOWS CAST BY PROPOSED STRUCTURES

OVERSHADOWING IMPACT ANALYSIS OF
 COMMUNAL OPEN SPACE ON No. 260-274 VICTORIA ROAD :

OBJECTIVE 3D-1 OF APARTMENT DESIGN GUIDE (POINT 2) |
 MINIMUM 50% DIRECT SUNLIGHT TO THE PRINCIPAL USABLE PART OF THE
 COMMUNAL OPEN SPACE FOR A MINIMUM OF 2 HOURS BETWEEN 9am AND 3pm ON 21 JUNE

TOTAL FLOOR AREA OF PRINCIPAL USABLE PART : 53.9m²
 REQUIRED AREA TO ACHIEVE 2 HOURS OF SOLAR ACCESS : 26.9m²

AREA RECEIVING DIRECT SUNLIGHT

COMMUNAL OPEN SPACE ON No. 260-274 RECEIVES 2 HOURS OF DIRECT SUNLIGHT TO AT LEAST
 50% OF ITS PRINCIPAL USABLE PART, BETWEEN 12pm TO 2pm

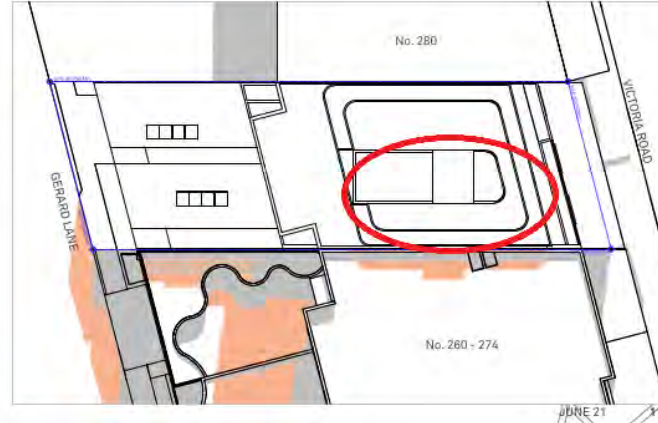
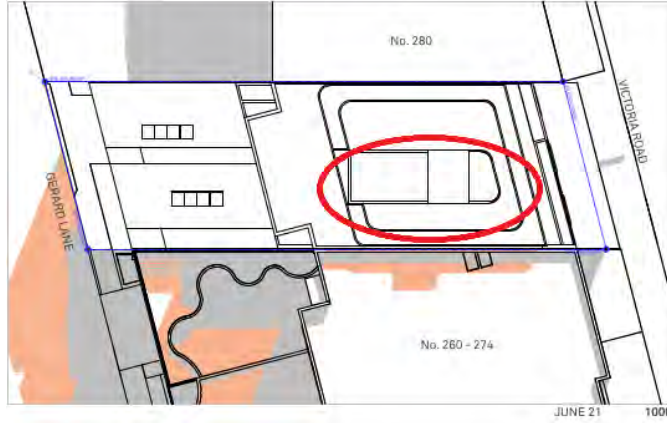
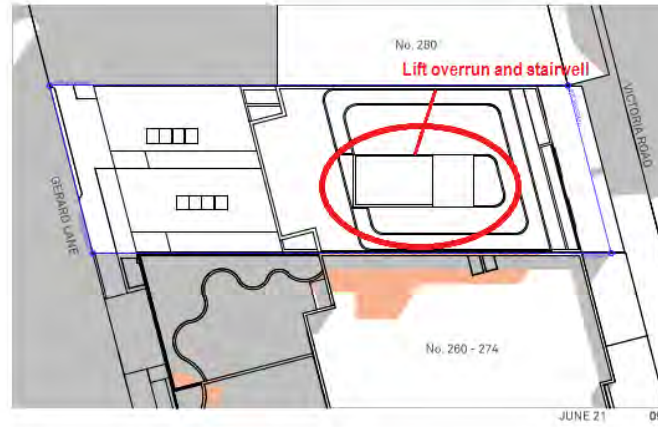


Figure 14: Overshadowing by the lift over run, between the hours of 9.00am to 11.00am

ITEM 1 (continued)

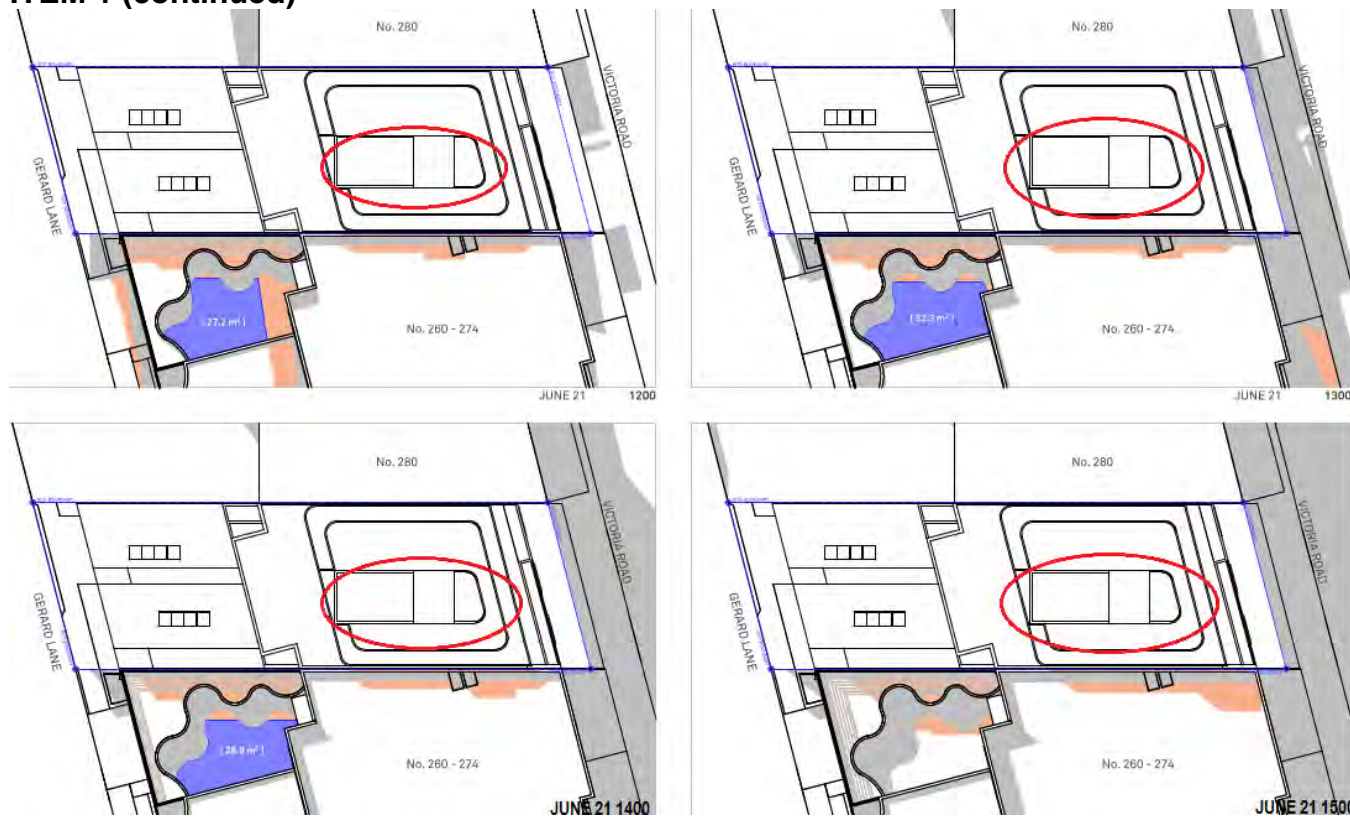


Figure 15: Overshadowing by the lift over run, between the hours of 12 noon to 3.00pm

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

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

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 or necessary in circumstances of the case.

Furthermore, the proposal does not have unreasonable impacts on surrounding properties for the reasons stated above. Given the particular circumstances for this site (site constraint of a narrow site of 12.2m) the inclusion of the roof terrace provides for useful communal open space in a location that has high amenity and minimal impacts to the adjoining properties. Accordingly, there are sufficient environmental planning grounds to justify the contravening the standard.

Is the objection well founded?"

ITEM 1 (continued)

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

“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. The proposal achieves a good urban design outcome and 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 to provide access to the roof terrace to provide outdoor amenity to future residents and is in a location which does not adversely impact upon surrounding development. There is no public benefit of strictly complying with the standard in this particular instance given the extent and location of the height departure.

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

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

Conclusion

The proposal seeks to vary the Maximum Building Height permitted under the RLEP 2014 which is 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 (12.2m 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 an adverse impact on the local character and is consistent with other recent mixed use developments along Victoria Road, Gladesville. In addition, the layout and form of the development provides a visual

ITEM 1 (continued)

break down of the scale of the facades to Gerard Lane and Victoria Road, as does the use of the proposed external building materials, colours and finishes.

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. 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 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 three levels of basement car park. Council's Senior Development Engineer has reviewed the submitted sediment and erosion control plan and it is considered satisfactory. An amended Geotechnical Report has been submitted and referred to Council's Consultant Geotechnical Engineer and Water NSW who has raised no objections subject to conditions. Conditions 21 & 62 has 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 79, 80 & 81 .

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

ITEM 1 (continued)

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)Ryde Development Control Plan 2010 (Part 4.6) Gladesville Town Centre and Victoria Road Corridor

The subject site is located within the Gladesville Town Centre and Victoria Road Corridor, and accordingly is subject to site specific controls provided under Part 4.6 – Gladesville Town Centre and Victoria Road Corridor.

Site amalgamation with 280 Victoria Road

Clause 3.2 of this DCP requires that sites within the North and South Precinct are to have a minimum 40m frontage to Victoria Road. The development only has 12.2m frontage to Victoria Road.

It is noted that the subject site is severely constrained by its narrow width and site area.

There is a general expectation that site amalgamation will occur for sites to develop to their highest and best use. Accordingly, the proponent was advised that in order to create a development site with a minimum street frontage of 40m and to achieve an appropriate urban design outcome as required by RDCP 2014, Council's preference is for site amalgamation with 280 Victoria Road. Therefore negotiations for amalgamation with the adjoining properties to the north should be pursued.

The proponents have advised Council that attempts for site amalgamation with the adjoining property on the north (280 Victoria Road) have not been successful.

Where amalgamation is not possible, it is the onus of the Applicant to adequately address the potential for "*site isolation*" so that the remaining site will not be unduly

ITEM 1 (continued)

disadvantaged in terms of development potential. This is to include consideration of the principles established by the NSW Land and Environment Court in proceedings of *Melissa Grech vs. Auburn Council [2004] NSWLEC 40*.

Technically 280 Victoria Road will not be an isolated site as there is still opportunity for this site to be redeveloped with 282 to 290 Victoria Road in the future. However, as the subject site cannot satisfy the minimum lot requirement and for good urban design, Council requested the applicant to demonstrate that reasonable attempts have been made to amalgamate using the above planning principle.

Figure 16 below shows the location of 280 Victoria Road and its location adjacent to adjoining properties.



Figure 16; Aerial photo of the subject site outlined in red with adjacent 280 Victoria Road outlined in orange.

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

The three (3) principles to consider are:

1. *Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.*
2. *Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the*

ITEM 1 (continued)

negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

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

Discussion with regard to the above principles is provided:

Principle 1:

Council has been provided with two letters, signed by the owner of 280 Victoria Road, advising that he is not interested in selling 280 Victoria Road to the owners of 276 – 278 Victoria Road.

The first letter was dated 25 February 2019 which is before lodgement of the application (application was lodged with Council on 15 April 2020) and after advice from a pre UDRP meeting on 17 February 2019, which is in accordance with the requirement to start negotiations at an early stage.

Principle 2:

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

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

The Applicant was advised to get a recent letter detailing that a reasonable offer (based on recent valuation reports) was made to 280 Victoria Road.

A 2nd letter dated 8 July 2020 was submitted to Council on 10 August 2020 which states:

Please be advised that I am the owner of 280 Victoria Rd, Gladesville.

I have again been approached by my neighbour at 276-278 Victoria Rd, Gladesville to buy my property.

ITEM 1 (continued)

Previously, she had made an offer to buy my property for \$1,450,000, (the price she advised that she paid for 278 Victoria Rd, Gladesville) which I refused, advising her that I was not interested in selling my property from which I run a very successful and iconic music business.

She has now made an offer to buy my property for \$1,800,000 and again I have refused her, as I am just not interested in selling my property.

A Valuation Report prepared Cityside Valuer accompanied the 2nd letter. The Valuation Report value the property at \$1,500,000.

Principle 3:

Evidence has been submitted to suggest that attempts have been undertaken to purchase the property at 280 Victoria Road.

It is considered that the court requirements have been satisfied. Given the evidence provided, the applicant can be considered to have made attempts to purchase 280 Victoria Road at a reasonable value and that this offer was not accepted by the property owner.

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

The report was prepared by a registered valuer using direct comparison approach for site area and gross floor area.

The "reasonable" nature of the level of negotiation and offer made to the owner should also be based on attempts to purchase the property. The applicant has provided 2 letters from the owner of 280 Victoria Road clearly stating that he is not interested in selling.

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

It should also be noted that the owner of 280 Victoria Road was notified of the proposal and given an opportunity to comment on the proposal. No submission was received from the owner.

As noted above, technically the redevelopment of 276-278 Victoria Road will not cause 280 Victoria Road to be an "isolated site" per se as there is still opportunity for 280 Victoria Road to be amalgamated with 282 Victoria Road. However, the inability to amalgamate with 280 Victoria will result in a noncompliance with minimum site frontage as required by the RDCP 2014.

While Council would prefer compliance with the site frontage, there is nothing in the DCP requiring site amalgamation, therefore it must be accepted that the applicant

ITEM 1 (continued)

has technically acted in accordance with the Land and Environment Court Principles and that these attempts were unsuccessful in this instance.

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

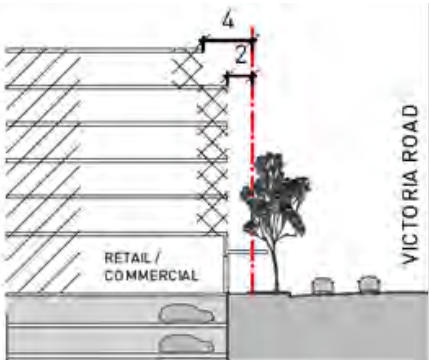
The relevant provisions of the DCP are outlined below:

Control	Comment	Compliance
2.0 Vision		
2.2.4 Vision Statement North Gladesville Precinct The North Gladesville precinct between Pittwater Road and Monash Road is to be transformed from a visually cluttered commercial strip into a cohesive built form corridor of mixed retail, commercial and residential uses. The existing poorly defined spaces and visual clutter will be replaced with buildings which address the road with major facades. Large canopy street trees will be planted in building setbacks and footpaths widened, to create a landscaped setting leading to the town centre precinct.	The development is consistent with the vision statement for the North Gladesville Precinct. The development proposes a mixed use development that has a scale and massing which is consistent with the future intent for the Town Centre. Street planting will be required as part of the Public Domain works and the footpath widened.	Yes
3.1 – Built Form		
3.1.1 Built Form Heights Buildings must comply with the maximum heights described in RLEP 2014.	The LEP specifies two height controls apply across the site – 19m and 12m. The 19m height is effectively over the majority of the site (Victoria Road frontage) with the 12m height limit at the rear (Gerard Lane frontage) to provide a transition to the low density properties opposite. The proposal does not comply with the numerical height provision under the LEP. Compliance with LEP height restriction has been discussed in	No – Clause 4.6 submitted. See full discussion above.

ITEM 1 (continued)

	detail earlier in this report.	
Floor to ceiling heights must be a minimum of 2.7m for residential uses.	Each residential floor has a floor to floor height of 3.1m which complies with the minimum floor to ceiling height of 2.7m.	Yes
Ground floor levels are to have a floor to floor height of a minimum of 3.6m.	The ground floor retail area has a floor to floor height of 4.2m and complies with the requirement.	Yes
3.1.2 Active Street frontages Provide ground level active uses where indicated on the map.	The development has provided an active frontage along Victoria Road by proposing a retail/commercial area of 92m ² . No vehicular entrance is proposed on this frontage as vehicular access will be from Gerard Lane.	Yes
Residential uses, particularly entries and foyers must not occupy more than 20% of the total length for each street frontage	The site has a frontage of 12.2m to Victoria Road. The front entry along Victoria Road is 2.5m wide, which is 20% of the frontage.	Yes
Where required, active uses must comprise the street frontage for a depth of at least 10m.	The ground floor retail use has a depth of between 5.5m to 15m. This retail space is commensurate to a typical retail space along Victoria Road, Gladesville and will provide suitable level of activation for a development of this scale.	Yes
Vehicle access points may be permitted where active street frontage is required if there are no practicable alternatives.	Vehicular access is proposed from rear lane (Gerard Lane).	Yes
Security grills can be incorporated to ground floor shops. Blank roller shutter doors are not permitted.	The plans do not propose any security grills. A condition of consent will be imposed to reflect this requirement. See Condition 6 .	Yes
3.1.3 Buildings Abutting the Street Alignment Provide buildings built to the street boundary in the Gladesville Town Centre	The site is in North Gladesville precinct and therefore this clause is not applicable.	N/A

ITEM 1 (continued)

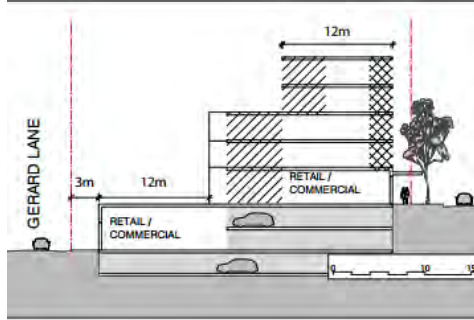
<p>precinct and in Monash Road precinct except as shown on the appropriate map under Section 4.0.</p> <p>Ground level architectural features, such as recessed doors and windows, are permitted to a maximum of 400mm from the street boundary to design out concealment opportunities and promote personal safety and security.</p>		
<p>3.1.4 Setbacks (front)</p> <p>Setbacks in accordance with Setback Requirements Table and Key Sites Diagram.</p> <p>Front Setback (Diagram A)</p> <p>The table under this section requires the setback as follows: Ground level = 2m Above level 5 = 4m (see DCP illustration below)</p> <p>The ground floor and lower levels must be setback 2m from the front boundary and paving and footpath treatments are to be provided within the setback area.</p> 	<p>A 2m setback is provided on the ground floor level.</p> <p>Conditions 68(a) & 69(g) has been imposed with regard to the public domain treatments within the setback area to be the same as the footpath.</p> <p>The development is 5 storeys in height and there is no level above the 5th floor.</p>	<p>Yes</p>
<p>Side & Rear Setbacks and Residential Amenity</p> <p>a. Provide 9 m ground level setback generally at the rear of</p>	<p>The Setback J diagram requires;</p> <ul style="list-style-type: none"> - 3m setback to Gerard Lane on ground floor 	<p>Yes</p>

ITEM 1 (continued)

sites fronting Victoria Road in the North Gladesville and Monash Road Precincts except where adjoining Gerard Lane and as shown in Key Sites Diagrams. Refer Figure 4.6.09 Setback I and Figure 4.6.09 Setback J.

- 15m setback for levels 1 and above to Gerard Lane

The proposal provides a 3m clear setback from Level B1, lower ground and ground level, as shown below at **Figure 17**.



SETBACK J: Typical section for lots with rear to Gerard Lane.

Setback J

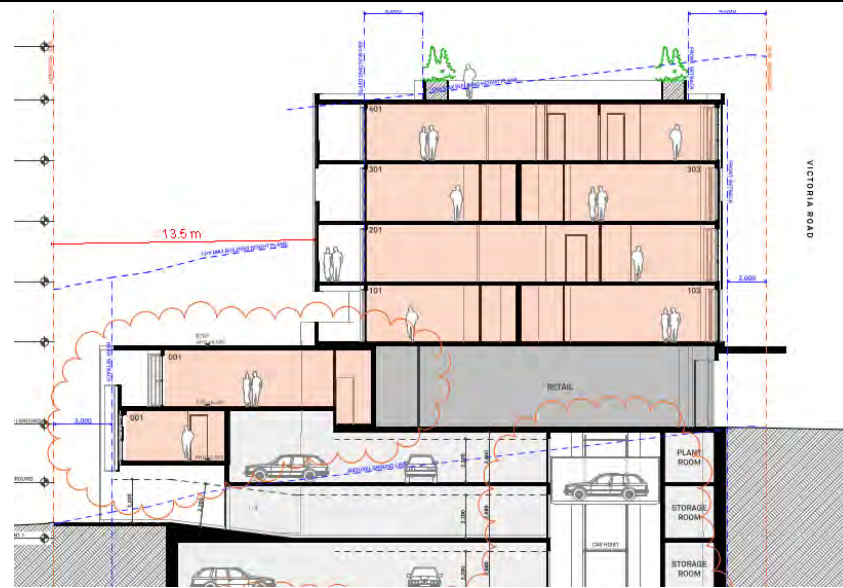


Figure 17: Section plan of site showing rear setbacks to Gerard Lane

b. Provide 12 m separation minimum above the ground floor between residential buildings (including existing residential buildings on adjacent sites).

Above ground level a setback of 13.5m is provided from the rear boundary, and a minimum of 19m separation between the Levels 1 and above of the proposed building, and the dwelling house opposite at 6 Gerard Lane.

This complies with the written control of 12m, however the written DCP controls (b) & (c) are

Yes

ITEM 1 (continued)

<p>c. Buildings fronting Victoria Road may build to the side boundary for a depth of 20m measured from the street frontage. A side setback is then required to achieve 12 m separation between proposed and potential residential land uses</p> <p>Predominantly residential activities should be located adjoining low density residential areas including at the rear. If this is not practicable, activities that do not produce negative impacts in terms of noise, light, sound and odour are encouraged.</p>	<p>inconsistent with the Setback J diagram which requires a 15m setback from the rear boundary.</p> <p>A 15m setback from the boundary is unachievable given the depth of the site of 36.5m, and Council's Senior Co-ordinator Strategic Planning has advised that the diagram is a "typical" section only and the written control should be applied. It should also be noted that the 19m separation between the residential buildings is greater than the ADG requirement of 15m. In addition this setback is consistent with the recently approved building at 260-274 Victoria Road. See Figure 18 below this table illustrating the building at 260-274 Victoria Road and the proposed development.</p> <p>The proposal is built to boundary for a depth of 20m in line with the adjoining southern building at 260-274 Victoria Road.</p> <p>To achieve the 12m separation, the subject site and the adjoining sites are required to provide a 6m setback after the 20m building length. The subject site, cannot achieve this being only 12.2m in width. Balconies are proposed after the 20m building depth and will be indented in 2m along the northern boundary and 1.5m along the southern boundary, as illustrated in Figure 18 below after this table.</p> <p>At 260-274 Victoria Road, a setback of 4.5m has been provided, which was considered acceptable at that time as the</p>	<p>Yes for the building depth of 20m.</p> <p>No - for side separation of 12m – variation acceptable.</p>
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	<p>existing building was only two storey and there was considered to be no visible impact. Given the narrowness of the site, it is not possible to provide the required 6m setback. The applicant sought to address the issue of overlooking by provision of a solid cladding wall along the side elevations of the balconies thereby preventing overlooking into the side properties. 260 Victoria Road has also applied this mitigation treatment (solid cladding along the side of their balconies which extend beyond the 20m depth), see Figure 18. Accordingly overlooking from these balconies is not considered to be an issue.</p> <p>It should be noted that this development is designed by the same architect as 260 – 274 Victoria Road, who has designed this proposal to be in line and consistent with 260 Victoria Road.</p> <p>Residential use has been incorporated at the rear of the site opposite the lower density residential area.</p>	<p>Yes</p>
<p>3.1.6 Conservation Area and Built Form Guidelines All development proposals within the Conservation Area shall be assess for their impact on the heritage significance of the Conservation Area and have regard to the Statement of Significance</p>	<p>The site lies outside of the Conservation Area.</p>	<p>N/A</p>
<p>3.1.7 Awnings Provide awnings over footpaths for ground level building</p>	<p>A 3m wide awning (shown on the section and elevation plans) is proposed along Victoria Road</p>	<p>Yes</p>

ITEM 1 (continued)

<p>frontages as shown on relevant map and setback 600mm from kerb. Provide street trees.</p> <p>Height of awning minimum 3m. The heights of adjoining awnings should be considered. Glazed unit not permitted.</p> <p>Provide lighting, preferably recessed, to the underside of awnings, sufficient to ensure a high level of safety for pedestrians at night.</p>	<p>and is setback greater than 600mm from the kerb to allow for tree planting.</p> <p>Condition 63 also requires the awning to have a minimum clearance height of 3m, not glazed and underside lighting to be provided.</p>	
3.2 – Access		
<p>3.2.1 Minimum Street frontage</p> <p>North and South Gladesville Precincts to have a minimum 40m to Victoria Road and have one driveway crossing unless access is possible from a local road.</p>	<p>12.2m frontage to Victoria Road. As discussed earlier in the report under site isolation, it is not possible to amalgamate with the adjoining northern properties to achieve the required frontage. 280 Victoria Road, the property immediate north of the subject site has confirmed that they do not wish to amalgamate.</p> <p>Vehicular access is provided from the rear -Gerard Lane with one point of entry.</p>	<p>No – variation acceptable.</p> <p>See full discussion above at the beginning of this table.</p>
<p>3.2.2 Vehicular Access</p> <p>Provide vehicular access from the local roads network in preference to Victoria Road.</p> <p>This will require the development of public laneways within the rear setback of most sites in the North Gladesville and Monash Road Precincts.</p> <p>For all existing and proposed laneway, the laneway must include a 2 way carriageway, 6m wide and a footpath along one side 1.5m wide.</p> <p>Gerard Lane shall be extended to create a connection running from Osgathorpe Street to</p>	<p>The site is located within the North Gladesville Precinct and access is proposed from the rear lane – Gerard Lane.</p> <p>The applicant will widen Gerard Lane in line with the alignment with 260-274 Victoria Road. City Works – Public Domain has advised that to be consistent with the alignment of 260-274 Victoria Road, the laneway will be 5.5m. Council's City Works – Public Domains has conditioned this. See Conditions 68 & 69.</p> <p>The widening of the Gerard Lane has been incorporated on the</p>	<p>Yes – in accordance with the recent widening at 260-274 Victoria Road.</p>

ITEM 1 (continued)

Gerard Street.	amended ground floor plan with a right of way (ROW) to be created over the pedestrian path. Condition 131 has been imposed requiring a ROW being created over the pedestrian footpath so that this area to be publicly accessible and the area unobstructed at all times.	
3.2.3 Parking Provide publicly accessible parking in specified locations.	The site does not fall in the area designated for publicly accessible parking.	N/A
3.3 Public Domain		
3.3.1 Pedestrian Connections Provide street furniture, lighting and generous paved areas along the main pedestrian routes within the retail and commercial core with clear direct sightlines and direct linkages. Provide pedestrian through-site connections and public domain parks, squares and plaza's in accordance with the Pedestrian Connections Control Drawing (Figure 4.6.13) and the Public Domain Control Drawing (Figure 4.6.14). Courtyards, plazas or squares should be provided to complement and adjoin pedestrian through-site connections.	The site is not required under the DCP to provide any through-site connections, public domain parks, squares or plazas. Conditions 68 & 69 has been imposed requiring public domain at the front and rear of the site to be upgraded in accordance with the Ryde Public Domain Manual.	Yes
3.3.2 Public Domain Framework Increase the quantum and diversity of public space in the heart of the town centre as shown on the Public Domain Framework Control Drawing.	The rear of the site, Gerard Lane is required to be widen. The applicant has shown on the architectural plans Gerard Lane to be widen in line with the adjoining southern property 260-274 Victoria Road. This has been	Yes

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	reviewed by Council's City Works – Public Domain and Traffic who have imposed Conditions 68, 69 & 74.	
3.3.3 Landscape Character Create a consistent planting theme with a number of species to ensure that the planting provides a visual coherence, Provide street trees as shown on the Landscape Character Control Drawing (Figure 4.60) and in accordance with the Ryde Public Domain Technical Manual and Relevant Street Tree Master Plans.	Street trees will be provided along Victoria Road. See Condition 68.	Yes
3.3.4 Urban elements Provide paving, seats, benches and bins in accordance with the Ryde Public Domain Technical Manual. Provide seating and shelter (awnings or bus shelter) at all bus stops. Seating shall be in accordance with the Ryde Public Domain Technical Manual. Provide new street lighting to primary and secondary streets as selected by Council and underground power cables. Provide pole lighting, lighting from building awnings and structures, in new public spaces, to ensure night time pedestrian safety.	A condition of consent will be imposed requiring compliance with the Ryde Public Domain Manual. See Condition 68.	Yes
3.3.7 Victoria Road Section – North Gladesville and South Gladesville Precinct Setback building by 2m to provide a wide 5.5m paving along Victoria Road. Provide street furniture in	The building has been setback 2m on ground floor. This clause requires the public domain to be upgraded in accordance with the Ryde Public Domain Manual. This has been	Yes

ITEM 1 (continued)

<p>accordance with the Ryde Public Domain Technical Manual including:</p> <ul style="list-style-type: none"> • Provide seats and bins at 200 metre intervals and at bus stops, OR a minimum one per block, if required by Council. • Provide new street lighting, staggered at 40 metre intervals on both sides of street, or to Council satisfaction. • Provide lighting to the underside of awnings for the safety and security of pedestrians. <p>Power lines are to be underground in locations specified by Council.</p>	<p>included as a condition of consent. See Condition 68 (a). This condition also requires the front paving within the building setback to be grey granite to be consistent with the public domain works.</p> <p>This clause also requires powerlines to be underground in locations specified by Council, namely Victoria Road. Appropriate conditions have been recommended to ensure compliance with this requirement. See Condition 68 (c).</p>	
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ITEM 1 (continued)

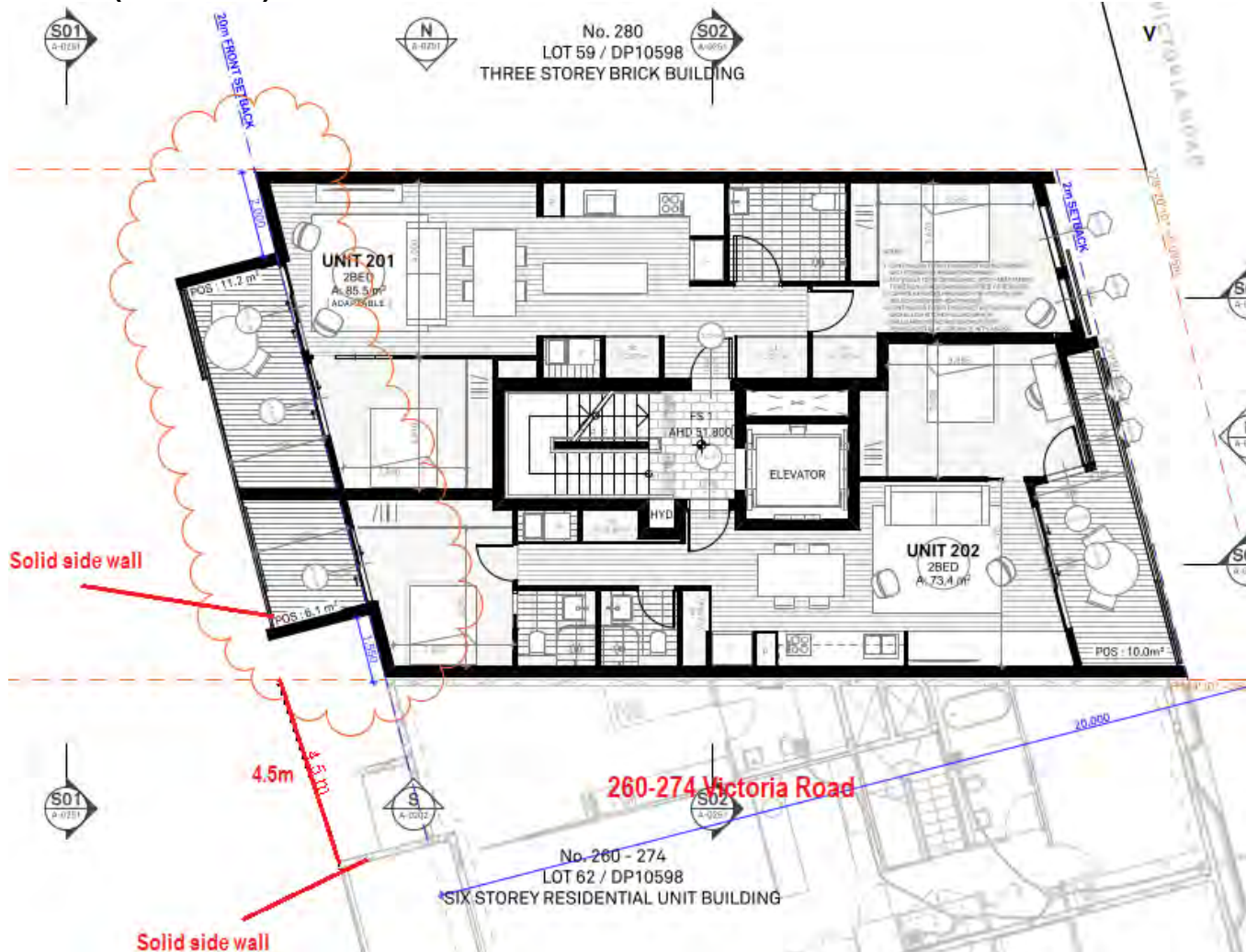


Figure 18: Rear balconies setback between the subject site and the adjoining southern property at 260 to 274 Victoria Road. The diagram shows 260 Victoria Road providing a side setback of 4.5m for the balconies (with solid cladding along the side to minimise overlooking) which was considered acceptable.

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

Part 9.3 - Car Parking

Car Parking

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.
- Retail 1/25m²

ITEM 1 (continued)

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

Apartment Type	Minimum	Max	Provided	Compliance
1 bedroom (8)	4.8	8	9 spaces	Yes
2 bedroom (4)	3.6	4.8		
Sub-total	8.4 (9)	12.8 (13)	9 spaces	Yes
Visitor	2.4 (3)	2.4 (3)	3 spaces	Yes
Commercial (1/25m ²)	3.68 (4)	3.68 (4)	4 spaces	Yes
Total	16 spaces	20 spaces	16 spaces	Yes

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.*"

The proposal will have a GFA of 980m² therefore, 2 bicycle parking spaces are required for this development. The proposal provides three separate areas for bicycle parking, proposing a total of 24 bicycle spaces.

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 Design Confidence 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 12 dwellings accordingly one adaptable unit is being provided. **Condition 57** has been included on the consent.

5.5 Planning Agreements OR Draft Planning Agreements

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

5.6 City of Ryde Section 7.11 Development Contributions Plan 2020

ITEM 1 (continued)

Council's current Section 7.11 and Section 7.12 Contributions Plan 2020 effective 1 July 2020 requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional dwellings there are in the development proposal. The contribution that are payable with respect to the increase housing density on the subject site (being for residential development outside the Macquarie Park Area) are as follows:

- 8 x 1 bedroom
- 4 x 2 bedroom
- 92.3m² of retail.

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$47,892.60
Open Space & Recreation Facilities	\$82,468.80
Transport Facilities	\$25,317.64
Plan Administration	\$2,335.16
The total contribution is	\$158,014.20

Condition 43 on the payment of Section 7.11 Contribution of \$158,014.20 has been included in the draft notice of determination attached to this report.

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 area is currently undergoing a transitional phase with many sites within the Gladesville Town Centre being redeveloped for mixed-use development. The built form and scale of the development meets Council's vision and objectives for the North Gladesville Precinct, with a building that addresses the road with major facades.

The proposed building will not have any significant adverse impacts on the existing built environment or the amenity of the surrounding area and the proposed built form and character of the development will contribute to an attractive public domain.

Overshadowing and Solar Access

ITEM 1 (continued)

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

The development will comply with the requirements of Council's codes and the SEPP 65 requirements in terms of providing acceptable amenity within the development.

The proposal has been amended to lower the roof height of the rear section of the building facing the laneway (AHD 48.500) to be consistent with the laneway terrace roof height of 260-274 Victoria Road (AHD 48.600). This has greatly reduced the overshadowing impact to 260-274 Victoria Road communal open space area, which will now receive the required solar access. See **Figures 14 & 15** above under Section 5.2 of the report.

Visual Privacy

The proposal has minimised overlooking by orientating main living room windows and balconies to the front and rear elevations. The rear balconies on levels 1 to 4 have been indented with solid side glazing to prevent overlooking to the adjoining side properties, similar to the side balcony treatment at 260-274 Victoria Road. In addition, to further minimise overlooking to residential properties on the opposite side of Gerard Lane, privacy screens are proposed along the rear balconies facing Gerard Lane.

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.

9. Submissions

The application was advertised and notified between the period of 22 April 2020 and 27 May 2020.

During this notification period Council received one submission objecting to the proposal and raised concern with respect to, in summary, parking, privacy, non compliance with the height and infrastructure to cater for developments.

ITEM 1 (continued)

It is noted that amended plans were received on 5 August 2020 and were not renotified given the changes provided a better outcome in terms of compliance with parking, vehicular access, reduced building depth and reduced roof height of the laneway form to be consistent with the adjoining building at 260-274 Victoria Road. The submission outlined below is in response to the original lodged plans, with many of the issues resolved or improved through the amended plans.

Parking

The building contains only 14 car spaces spread across retail and residential. This is below the required 16-19 spaces for a development of this size in line with the Council's DCP 2014. As a resident in the surrounding area I am already suffering from a lack of parking in the area for my visitors and existing businesses, which is being exacerbated by the proliferation of units and their inadequate parking provisions.

Planner's comment

Council's Development Control Plan 2014 requires a minimum of 9 resident parking spaces, 3 visitor parking spaces and 4 retail spaces, a total of 16 spaces to be provided. The development has been amended to comply with this requirement. The amendment includes an additional level of basement car parking to provide the required 16 spaces, relocation of car hoist to further back in the basement to prevent queuing onto Gerard Lane, provided a turning bay and a separate and pedestrian and vehicles entrance. Council's Traffic Engineer and Senior Co-ordinator – Development Engineer have raised no objections to the amended proposal.

Visual Privacy

The rear setback on the property is exceeded by the balconies at the rear of the property. From an outcome for neighbouring properties this is not ideal as balconies provide a higher risk of overlooking to neighbouring properties by nature of their use.

Planner's comment

As outlined under the ADG and Part 4.6 Gladesville Town Centre and Victoria Road Corridor assessment above, the proposed building setbacks to Gerard Lane and building separation between dwellings are considered acceptable.

The objection raises that the proposal 'exceeds the rear setback'. It is noted that there are inconsistencies between the above-mentioned controls with the ADG requiring a separation distance of 12m for up to the fourth storey for the property opposite, at 6 Gerard Lane; the rear setback control as stipulated in Clause 3.1.5 of Part 4.6 of the RDCP 2014 requiring a 12m separation between residential buildings; and the Section J diagram under the same control shows 15m separation.

Despite the inconsistencies, the proposal complies with the ADG building separation control between the apartment building and lower density areas with a minimum of 19m separation distance provided to the dwelling house opposite at 6 Gerard Lane,

ITEM 1 (continued)

and the 13.5m setback compliant with the Clause 3.1.5 of Part 4.6 of the RDCP 2014 written control.

Accordingly, 13.5m is considered suitable for the site and is not expected to cause unreasonable level of privacy impacts on neighbouring sites. Furthermore, a 15m setback from the boundary would be unachievable given the depth of the site of 36.5m, and the proposed setback is consistent with the recently approved building at 260-274 Victoria Road.

Height

The overall height of the building exceeds the max 19m height of development guidelines. There appears to be no public benefit in allowing this overheight approval beyond providing a private roof space for the residents and allowance for their lift.

Planner's comment

As mentioned the non compliance is due to the provision of a lift overrun and stairwell to provide access to the roof top terrace area to be used as communal open space. The provision of the COS on the roof top is considered logical given the site constraint and is supported by the UDRP. No additional floor space is proposed on the roof terrace with the development complies with the FSR for the site.

The proposed height variation does not unduly add to the bulk and scale of the building nor does it not adversely impact on adjoining properties in terms of overshadowing.

The portion of the building fronting Gerard Lane is compliant with the 12m maximum building height and as demonstrated on the architectural plans, the maximum height of the lift over run is 21.20m, a variation of 2.2m or 11.6%.

Clause 4.6 allows for variation of development standards in certain situations and the applicant has submitted a detailed Clause 4.6 with the application detailing the justifications for the variation. The submitted Clause 4.6 is considered well founded and is supported.

This issue does not warrant the refusal of the application. Furthermore, the amended plans received on 5 August 2020 reduced roof height of the laneway form to be consistent with the adjoining building at 260-274 Victoria Road. The overall building form was amended to be in line/consistent with 260-274 Victoria Road.

10. ReferralsInternal Referrals:**Senior Development Engineer:**

ITEM 1 (continued)

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

Stormwater Management

The proposed stormwater management system for the development discharges to a proposed kerb inlet pit in Gerard Lane and incorporates an onsite detention system complying with Councils requirements.

A review of the plans, completed by ANA Civil Pty Ltd, drawing numbers 2019139 H01 to H04, revision 3, dated 16 July 2020, has addressed the previous matters as per our previous correspondence from 27 May 2020. These include:

- Gerard Lane is to be widened to marry up with the neighbouring site (260-274 Victoria Road). As a result the butterfly pit and roll kerb is to be replaced with a kerb inlet pit and provide standard kerb and gutter. This may require the pit to be relocated clear of the vehicular crossing – Drawing H02 now shows the revised alignment of the kerb and construction of a new kerb inlet pit within the new kerb alignment.*
- The OSD tank must not be located within the designated public footpath required along Gerard Lane. The plan is to confirm the OSD is clear of this area. The OSD tank is now located within the building footprint and no longer sits within the public footpath.*

In our round 2 review we noted further items that require amendment:

- The overflow pipe from the OSD tank is to be removed and replaced with an overflow weir (rectangular slot through the wall or façade) directed to Gerard Lane. The overflow weir invert level should match the level of that proposed for the overflow pipe.*
- The volume of stormwater stored below the centreline of orifice cannot be counted as effective OSD storage volume. A sediment collection sump is to be provided below the orifice outlet (refer Figure 1-9 in Section 4.1.10 of the Ryde Stormwater Technical Manual) the base level of the OSD raised to RL39.125 to suit the orifice centreline.*

Vehicle Access and Parking

Car parking spaces are now compliant with the DCP.

In our previous correspondence from 27 May 2020 we raised concerns regarding the dependence on a mechanical lift system to enter and exit the basement which could impact on-street parking. We recommended the development amalgamates with 280 Victoria Road. We understand that the applicant attempted to gain an amalgamation however this was refused. The application is now assessed as standalone. The Vehicle Hoist Management Plan by Levantapark, Issue A – Final, dated July 2020 has been reviewed and the following concerns have been noted:

- Entry into the car park will be via remote control. Upon entering the driveway, vehicles are required to undertake a reverse in manoeuvre to access the hoist.*

ITEM 1 (continued)

The hoist is operated via a keyed system. The hoist default position is set to B1. The remote control and keyed systems do not allow for visitors to access the site without assistance from occupants. Entry into the carpark and access to the hoist system should be via intercom to allow seamless visitor access. Signage and line marking is required to instruct users on the correct use of the lift. Intercom panels are required on both sides of the lift to cater for driver error in driving forward on to the hoist.

- *The hoist appears to cater for an internal car height of 2.1m which is not compliant with AS2890.6-2009 which requires a headroom clearance of min. 2.2m for accessible vehicles. This is required to be amended.*
- *The column within the shared parking space on B2 and B3 prohibits access into the carparking and associated shared space and does not comply with AS2890.6-2009. It is recommended that the rectangular column be substituted for a circular column and be relocated to the location of the bollard within the shared space.*

Recommendations

*There are no objections to the proposed development with respect to the engineering components, subject to the application of the following conditions being applied to any development consent being issued for the proposed development. See **Conditions 76 to 85, 122 to 125, 148 to 152 & 162.***

Heritage Advisor: *A Heritage Impact Statement (HIS) has been submitted with the proposal. The HIS provides brief overview of the historical context of the property and opinions that neither building is of heritage significance. This position is concurred with.*

No objection is raised to the demolition of the two buildings as they are not considered of heritage significance or potential significance nor do they contribute to the significance of the Great North Road.

While the subject site directly adjoins Victoria Road (the Great North Road), no objection is raised to the proposed excavation for basement level carparking and the multi-storey mixed use building. This is on the basis that the heritage significance of the Great North Road is embodied in the historical continuation and function of the road and its alignment. There are no physical features or fabric of the road in the vicinity of the site that would be impacted by the proposed development.

ITEM 1 (continued)

No objections subject to **Condition 118.**

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

No objection subject to conditions. See **Conditions 68 to 72, 96 to 107, 119, 131 to 147.**

Traffic

The proposed development is projected to generate up to 10 vehicle trips to/from the site during peak hour periods. This equates to approximately one (1) vehicle movement every six (6) minutes. It is noted that traffic generated by the proposed development is not expected to exceed the current traffic demands generated by the existing land use on site. As such, the traffic impact associated with the subject proposal on the surrounding road network is expected to be negligible.

Access Driveway Considerations

The proposed width of the access driveway (being 3.5m) is compliant with Sections 3.2 and 3.2.2 of AS2890.1, which requires a minimum combined ingress/egress width of 3m for a driveway servicing a small number of parking spaces and low traffic demands off a local road. In this regard, whilst the 3.5m width of the access driveway is inadequate to accommodate simultaneous inbound and outbound passenger vehicle movements, the width of the access driveway is considered to be appropriate for the following reasons;

- *The probability of opposing traffic flow is anticipated to be low based on the projected traffic demands and the low number of parking spaces proposed on site;*
- *A passing bay is provided approximately 6m inside the property boundary to enable one vehicle to pass another; and*
- *Traffic signals are proposed within the site to control access to/from the off-street parking provision. These signals are to be designed to provide priority for the inbound vehicle to minimise any potential queuing within Gerard Lane.*

Queuing

The internal layout of the first basement level has been designed such that up to three (3) inbound passenger vehicles can be wholly accommodated within the site prior to accessing the car lift at the eastern end of the site. A queuing analysis has been undertaken, which indicates that the probability of the queue being four (4) car lengths or longer is less than 1.7%. As such, the impedance to the through traffic flow within Gerard Lane during peak periods associated with the traffic generated by the proposed development is expected to be minor.

Changes to On-Street Parking Conditions

ITEM 1 (continued)

It is recommended that 'No Stopping' parking restrictions be implemented along the site frontage and along the western side of Gerard Lane for the length of the site frontage to assist with two-way traffic flow along this route as well as garbage collection by Council's waste vehicle. Consent Conditions 10 and 11 are provided below to enable this recommendation to be implemented at the Occupation Certificate stage.

*Transport department has no objection to the approval of this development application, subject to conditions. See **Conditions 41, 42, 73 to 75, 120, 121 & 153.***

Waste

No objections subject to conditions. See **Conditions 86 to 88, 154, 155 & 163 to 166.**

External Referrals:

Transport for NSW: TfNSW has reviewed the submitted application and notes that vehicular access is proposed on the local road (Gerard Lane). TfNSW raises no objections to the application subject to Conditions. See **Conditions 17 to 20, 92 & 93.**

Water NSW: Water NSW has reviewed the amended plans and additional information and issued the General Terms of Approval and raises no objections to the application subject to **Condition 21** and **Attachment 2** of the report.

Geotechnical Consultant: No objections subject to **Condition 62.**

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 Council.

The proposed development was amended to provide the required car parking spaces, better interface to Gerard Lane, building form to be in line and consistent with the adjoining southern property to better respond to its neighbours, and provides a high degree of amenity for future occupants in terms of access to public transport, education and the Gladesville Town Centre.

ITEM 1 (continued)

The site is consistent with the objectives of the B4 Mixed Use zone 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 and 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 **Attachments 1 & 2** 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 B4 Mixed Use 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 building depth. 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 submission received in response to the development application has been adequately addressed in the assessment of the proposal (as amended).

12. Recommendation

Pursuant to Section 4.6 of the Environmental Planning and Assessment Act, 1979,

ITEM 1 (continued)

the following is recommended:

- A. That the Local Planning Panel grant consent to development application LDA2020/116 for consolidation of 276 & 278 Victoria Road, demolition of the existing structures and construction of a part three (3), part five (5) storey mixed use building comprising of twelve (12) residential units, 92.3m² of retail space over three and half levels of basement carparking for sixteen (16) vehicles at No. 276-278 Victoria Road, Gladesville subject to the conditions of consent in **Attachments 1 & 2** of this report; and
- B. Those that have made a submission be advised of the decision.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Water NSW GTA
- 3 Clause 4.6 Variation to Height
- 4 A3 Plans - subject to copyright provisions

Report Prepared By:

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Report Approved By:

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Sandra Bailey
Manager - Development Assessment

Liz Coad
Director - City Planning and Environment

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Attachment 1

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Conditions for LDA 2020/116: 276 – 278 Victoria Road, Gladesville.

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
Demolition Plan	Oct 2019	A-0013 Rev C
Site Plan	Aug 2020	A-0006 Rev D
Floor Plan – Level B3	Aug 2020	A-0100 Rev D
Floor Plan – Level B2	Aug 2020	A-0101 Rev D
Floor Plan – Level B1	Aug 2020	A-0102 Rev D
Floor Plan – Level LG	Aug 2020	A-0103 Rev D
Floor Plan – Ground	Aug 2020	A-0104 Rev D
Floor Plan – Level 1	Aug 2020	A-0105 Rev D
Floor Plan – Level 2	Aug 2020	A-0106 Rev D
Floor Plan – Level 3	Aug 2020	A-0107 Rev D
Floor Plan – Level 4	Aug 2020	A-0108 Rev D
Floor Plan – Level 5	Aug 2020	A-0109 Rev D
Roof Plan	Aug 2020	A-0110 Rev D
Elevation North	Aug 2020	A-0201 Rev D
Elevation South	Aug 2020	A-0202 Rev D
Elevation East & West	Aug 2020	A-0203 Rev D
Section 01 & 02	Aug 2020	A-0251 Rev D
Section 03	Aug 2020	A-0252 Rev D
Section 04	Aug 2020	A-0253 Rev D
Material & Finishes	Aug 2020	A-1308 Rev D
Landscape Plan 02	17/07/20	LP02 Rev C
Landscape Plan 03	17/07/20	LP03 Rev C
Landscape Plan 04	17/07/20	LP04 Rev C

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

(a) Landscape Plan LP04 is to be amended to have the paving within the front 2m setback same as the new paving within the public domain and as specify by Council's Public Domain Technical Manual.

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

ITEM 1 (continued)

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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 1031778M_02 dated 7 September 2020.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) Protect and support the adjoining premises from possible damage from the excavation, and
 - b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".
6. **Security Grilles.** This consent does not authorise the erection of any security grilles or barriers on the shopfront. Separate approval must be obtained for any such works.
7. **Site Maintenance.** For the period the site remains vacant of any development the subject of this consent, the site is to be regularly maintained in a tidy manner such that it does not become overgrown with weeds or become a repository for the leaving or dumping of waste.
8. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
9. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
10. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

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ATTACHMENT 1

11. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties.
12. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
13. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
14. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
15. **Balconies:**
 - (a) **Clothes drying.** No clothes drying on balconies in the public view are permitted.
16. **Studies.** All studies within the development are to be provided with the internal joinery for the construction of a desk. Details demonstrating compliance is to be submitted on the relevant Construction Certificate plans.
17. **Transport for NSW (TfNSW).** All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Victoria Road boundary.
18. **TfNSW.** Any reconstruction of the existing kerb and gutter on Victoria Road will require concurrence from TfNSW under Section 138 of the Roads Act, 1993. 5.
19. **TfNSW.** All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Victoria Road.
20. **TfNSW.** The developer shall be responsible for all public utility adjustment/relocation works, including the relocation of light poles on the Victoria Road boundary, as necessitated by the above work and as required by the various public utility authorities and/or their agents.
21. **WaterNSW . General Terms of Approval (GTA).** Attached is the General Terms of Approval which must be complied with. The development consent holder

ITEM 1 (continued)

ATTACHMENT 1

must apply to WaterNSW for a Water Supply Work approval before the commencement of any work or activity.

22. **Design and Construction Standards.** All engineering works shall be carried out in accordance with the requirements as outlined within Council's DCP 2014 Part 8.5 *Public Civil Works* and relevant Development Control Plans except as amended by the conditions herein.

23. **Public Utilities and Service Alterations.** All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the Applicant's expense. The Applicant shall comply with the requirements (including financial costs) of the relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, TfNSW, Council, etc) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development.

24. **Works on Public Roads.** Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

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

26. **Public areas and restoration works.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP 2014 Part 8.5 *Public Civil Works*, to the satisfaction of Council. Council's standards and specifications are available on the Council website.

27. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 - 2019 and Part 8.1 of *City of Ryde Development Control Plan 2014: Construction Activities*.

28. **Road Occupancy Licence.** Prior to the commencement of any construction works (including demolition), the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows on Victoria Road.

29. **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

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with Council's DCP Part 8.5 (*Public Civil Works*) and Part 8.2 (*Stormwater and Floodplain Management*), except otherwise as amended by conditions of this consent.

30. **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.

31. **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, 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 Part 8.5 (*Public Civil Works*), to the satisfaction of Council.

32. **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.

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.

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

- (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date

(b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.

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

35. **Excavation**

(a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being

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dangerous to life or property and, in accordance with the design of a structural engineer.

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

36. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.

37. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal docketts must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

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

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

40. **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.

41. **Demolition Pedestrian and Traffic Management Plan.** A Demolition Pedestrian and Traffic Management Plan (DPTMP) shall be prepared by a Transport for NSW' (TfNSW) accredited person and submitted to and approved by Council's Transport Department and TfNSW prior to the commencement of any demolition work.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's Schedule of Fees and Charges with payment to be made prior to receipt of approval from Council's Transport Department for the DPTMP. The DPTMP must include but not limited to the following:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. The DPTMP is to be adhered to at all times during the project.
- iii. Specify that all demolition vehicles are to enter & exit the site and/or work zone in a forward direction.
- iv. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- v. Specify the number of truck movements to and from the site during the demolition phase of the works. Temporary truck standing/ queuing in a public

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roadway/ domain in the vicinity of the site is not permitted unless approved by City Works Directorate.

- vi. Include a Traffic Control Plan(s) prepared by a TfNSW accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.
- vii. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- viii. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- ix. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- x. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DPTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- xi. Specify spoil management process and facilities to be used on site.
- xii. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xiii. Comply with relevant sections of the following documents:
 - The Australian Standard *Manual of Uniform Traffic Control Devices (AS1742.3-2019)*,
 - TfNSW' *Traffic Control at Work Sites* technical manual; and
 - Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

42. Implementation of Demolition Pedestrian and Traffic Management Plan.

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

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DPTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

43. **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	\$47,892.60
Open Space & Recreation Facilities	\$82,468.80
Transport Facilities	\$25,317.64
Plan Administration	\$2,335.16
The total contribution is	\$158,014.20

These are contributions under the provisions of Section 7.11 of the Environmental Planning and Assessment Act, 1979 as specified in City of Ryde Section 7.11 Development Contributions Plan 2020, effective from 1 July 2020.

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

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

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A copy of the Section 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>.

44. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

45. **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**.

46. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)

47. **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

48. **Driveway Access Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific driveway access levels by Council prior to the issue of the **Construction Certificate**.

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

50. **Design verification.** Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a registered architect that has overseen the design. This statement must include verification from the registered architect that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.

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51. **Compliance with Access Report.** The development is to comply with the requirements contained in the Access Design Assessment Report P219_149-2 (Access) prepared by Design Confidence dated 7 November 2019. The development is to comply with the Access to Premises Standard 2010, BCA 2014 and Australian Standard AS 1428.1 – 2009 Design for Access and Mobility – General Requirements For Access -New Building Work. Australian Standard AS 4299 – 1995. Prior to the issue of any construction Certificate, a suitably qualified access consultant is to certify that the development complies with the requirement of this condition.

52. **Acoustic Requirements.** The recommendations contained in the Acoustic Reports prepared by Acoustic, Vibration & Noise P/L Logic dated 7 June 2019 are to be demonstrated on the Construction Certificate plans. Details indicating compliance with these requirements are to be submitted to the PCA prior to the relevant **Construction Certificate** being issued. Prior to the occupation of the development, a suitably qualified acoustic consultant is to verify that the development complies with these recommendations in the above report.

53. **Storage.** Each residential unit is to be provided with the minimum internal storage area as required by the Apartment Design Guide. Details of the location of the storage and dimensions of the storage areas are to be provided on the Construction Certificate plans. The architect is to verify in writing that the development complies prior to the issue of the relevant **Construction Certificate**.

54. **Soil Depth over Structures.** Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Apartment Design Guide. Information verifying that the development complies with these requirements to be provided on the **Construction Certificate** plans.

55. **Ventilation of Basement:** The basement storage areas must be provided with an adequate system of natural or mechanical ventilation complying with Building Code of Australia. Any ventilation screens are to be integrated into the façade and landscape design. Details to be submitted to the PCA prior to the issue of the **Construction Certificate**.

56. **Lighting of common area.** A detailed lighting scheme is to be prepared by a suitably qualified lighting consultant which considers lighting for:

- internal driveways,
- visitor parking areas
- around the building entrances and communal areas

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

- Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.

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- A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
- Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal gardens.
- Sensor lighting should be installed into areas that may be areas of concealment.
- Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.

Details of compliance are to be submitted with the plans for **Construction Certificate**.

57. **Adaptable Units.** One adaptable apartment with an allocated disabled parking space is to be provided within the development. The apartment is to comply with all of the requirements as outlined in AS4299. Details demonstrating compliance is to be provided on the **Construction Certificate** plans. Prior to the issue of the Construction, a suitably qualified access consultant is to certify that the development achieves the requirements of AS4299.

58. **Vehicular entry.** The vehicular entries are to have high quality finishes and detailing to the walls and ceiling. Service ducts or pipes are to be covered and not visible from any public domain. Details demonstrating compliance is to be submitted on the Construction Certificate plans.

59. **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 280 Victoria Road and 274 Victoria Road. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.

60. **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.

61. **Road and rail noise/vibration.** The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.

62. **Compliance with Geotechnical Report.** All design, construction work foundations and the boundary retention systems be designed and constructed in full compliance with all of the recommendations as contained in the Geotechnical Report prepared by Soilsrock Geotechnical Report dated 21 August 2020.

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63. **Awning.** The proposed front awning along Victoria Road must provide no less than 3m height clearance above the footpath. The awning is not to be of glazed material and is to have underside lighting.

No structural support columns/ structures for the awning are to be provided within the public domain area or within the building front setback.

The structure is to be designed and certified by an appropriately qualified Structural Engineer. This engineer is to provide certification with the application for a Construction Certificate that the structure has been designed in accordance with the relevant Australian Standards to ensure public safety.

64. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.

65. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 - Fences. Details of compliance are to be provided in the plans for the **Construction Certificate**.

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

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

And

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

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

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

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ground level at the boundary alignment and the angle of installation. The approval will be subject to:

- i. Advice being provided to the relevant Public Utility Authorities of the proposed anchoring, including confirmation that their requirements are being met.
- ii. the payment of all fees in accordance with Council's Schedule of Fees & Charges at the time of the issue of the approval, and
- iii. 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.

68. Public domain improvements - The public domain is to be upgraded in both Victoria Road and Gerard Lane frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Chapter 2: Gladesville The works shall include paving, multifunction light poles, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council.

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

(a) Footpath and the front 2m setback along Victoria Road paving as specified in the condition of consent for public infrastructure works.

(b) •The Public Domain Technical Manual in Figure 13 identifies "Pyrus calleryana Capital" (Ornamental Pear) 200L, pit size 3m x 1.5m with Liriope muscari "Royal Purple" at base as the designated street tree and landscape for Victoria Road frontage.

•The Public Domain Technical Manual in Figure 13 identifies "Future street and open space tree planting" for the Gerard Lane frontage.

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

(c) All telecommunication and utility services are to be placed underground along the Victoria Road and Gerard Lane 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.

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

(d) New street lighting using LED luminaires is to be designed and installed to Australian Standard AS1158:2010 Lighting for Roads and Public Spaces, with vehicular luminance category V5 and pedestrian luminance category P3 along Gerard Lane. The street lighting will remain on the Ausgrid street lighting network.

(e) The existing timber pole with a street light in the Gerard Lane frontage has to be replaced with an Ausgrid Standard steel pole with LED luminaire. The private service overhead connection from this timber pole has to be undergrounded.

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

69. 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 relevant Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.

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

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

(a) The half road reconstruction in Gerard Lane, including the new strip between the existing pavement and the new alignment of the kerb and gutter in accordance with the City of Ryde DCP 2014, **Part 8.5 - Public Civil Works**, Clause 1.1.4 – *Constructing Half Road*.

(b) The construction of new kerb and gutter in Gerard Lane along a new horizontal alignment (view on plan) in accordance with City of Ryde DCP 2014, **Part 4.6 - Gladesville Town Centre and Victoria Road Corridor**, Clause 3.2.2 Vehicular Access (point (b) on page 21).

(c) The provision of S-kerbs to connect to the existing kerb and gutter so as to enable street sweepers to properly manoeuvre the indented section of the road pavement.

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- (d) Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along Gerard Lane.
- (e) The construction of new minimum 1.5m wide public footpath with **Paving Type 2 – grey granite**, along the Gerard Lane frontage of the development site.
- (f) The construction of new kerb to TfNSW standards and specifications along the Victoria Road frontage. Proposed kerb profiles are to be provided to ensure proper connections to the existing kerb along Victoria Road.
- (g) The construction of new public footpath with **Paving Type 1 – grey granite with sandstone-coloured granite banding** along the Victoria Road frontage of the development site. The granite pavement to extend by 2.00m within the property front 2m setback) but with a clear delineation between the private and public land.
- (h) Stormwater drainage installations in the public domain in accordance with the LDA approved plans and City of Ryde DCP 2014, Part 8.2-Stormwater Management Technical Manual.
- (i) Signage and line-marking details.
- (j) Staging of the public civil works, if any, and transitions between the stages.
- (k) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

Notes:

1. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths, prior to setting the floor levels for the proposed building.
2. Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
3. Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - *Public Civil Works, Section 5 "Standards Enforcement"*. A checklist has also been prepared to provide guidance, and is available upon request to Council's City Works Directorate.
4. City of Ryde standard drawings for public domain infrastructure assets are available on the Council website. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated.

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

Prior to the issue of the Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction

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of the vehicle footpath crossing and gutter crossover. The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover.

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

All grades and transitions shall comply with Australian Standard AS 2890.1-2004 *Offstreet Parking* and Council's specifications. The new crossing shall be 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 to the Principal Certifier, for the application of the Construction Certificate.

71. 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 \$10,000 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.

72. 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.

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73. Construction Pedestrian and Traffic Management Plan. A Construction Pedestrian and Traffic Management Plan (CPTMP) and report shall be prepared by a Transport for NSW' (TfNSW) accredited person and submitted to and approved by Council's Transport Department prior to issue of any Construction Certificate.

The CPTMP should include, but limited to, detail of construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control. All fees and charges associated with the review of this plan are to be paid in accordance with Council's Schedule of Fees and Charges with payment to be made prior to receipt of approval from Council's Transport Department for the CPTMP.

The CPTMP must include but not limited to the following:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- iii. Make provision for parking onsite once the basement level parking is constructed. All Staff and Contractors are to use the basement parking once available.
- iv. Specify the number of truck movements to and from the site associated with the construction works. Temporary truck standing/ queuing in a public roadway/ domain in the vicinity of the site are not permitted unless approved by City Works Directorate.
- v. Include a Traffic Control Plan(s) prepared by a TfNSW accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.
- vi. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- vii. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- viii. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- ix. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CPTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- x. Specify spoil management process and facilities to be used on site.

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- xi. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xii. Comply with relevant sections of the following documents:
- The Australian Standard *Manual of Uniform Traffic Control Devices (AS1742.3-2019)*,
 - TfNSW' *Traffic Control at Work Sites* technical manual; and
 - Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

- 74. Widening of the Laneway and creation of footpath.** To facilitate satisfactory access to the site, Gerard Lane shall be widened by the applicant at no cost to Council. The plans demonstrating the widening of the laneway and the creation of the footpath shall incorporate but not be limited to the following matters:
- a) The Gerard Lane shall be widened to the property boundary on the eastern side to achieve a minimum carriageway width of 5.5m measured between the face of kerb in Gerard Lane with any necessary transition to the southern and northern sides of the existing Laneway along the property frontage.
- b) Provision of additional 1.5m wide footpath shall be made on the eastern side of the Laneway within the property. A ROW over this 1.5m wide footpath shall be created in favour of Council for public access. The footpath must be constructed to Council's standards. Details shall be submitted for Council's approval with the public domain and landscaping plan.
- c) Provision of all required widening on the eastern side of Gerard Lane for the full frontage of the property.
- d) Identifying all utility services within this area and make provision for these to be relocated in accordance with the requirements of the Utility Service Authorities.

- 75. Construction of the Laneway.** To facilitate access and stormwater disposal from the subject site, detailed engineering plans for the proposed widening of the eastern side of Gerard Lane for the full frontage of the property and the extension of Council's drainage pipe are to be submitted to Council for approval prior to issue of a Construction Certificate. The plans shall incorporate, but not be limited to the following:

- a. Construction of road pavement to achieve minimum 5.5 carriageway width, kerb and gutter, 1.5m wide footpath paving with necessary transitions to the existing Laneway on either side of the property and the access driveway.
- b. Design of the road pavement to withstand the passage of heavy vehicles.
- c. Stormwater connection to the existing Council pit in Gerard Lane between 276 and 278 Victoria Road (Pit Number G5460350)
- d. Relocation of existing services within the proposed road pavement area as required.
- e. The works shall be designed by a chartered and experienced Civil Engineer in accordance with City of Ryde Environmental Standards - Development Criteria 1999 Section 4 - Public Civil works.

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Engineering plans assessment and works inspection fees are payable, in accordance with Council's Management Plan prior to written approval being issued by Council.

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

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

- a) An intercom system is to be provided to allow seamless visitor access:
 - a. Upon entry into the carpark; and
 - b. At the car hoist system. Intercom panels on both sides of the car hoist are required to cater for driver error if the car hoist is accessed via forward manoeuvre instead of the line marked/signposted reverse-in manoeuvre.

- b) The column within the shared parking space on B2 and B3 prohibits access into the car parking and associated shared space and does not comply with AS2890.6-2009. The rectangular column is to be substituted for a circular column and be relocated to the location of the bollard within the shared space.

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

77. Car Lift. To ensure safe and efficient operation of the car lift, the following measures must be implemented in the completed development and in the design of the car lift;

- a) To facilitate the reverse-in manoeuvre into the car lift, signage and line marking is required to instruct users on the correct use of the lift. This will require relocating the stop line marked on the approved Architectural Plans to accommodate this manoeuvre.

- b) The hoist specification currently caters for an internal car height of 2.1m. The specification is to be updated to cater for an internal car height of 2.2m to ensure compliance with AS2890.6-2009.

- c) Each car lift access point must have a designated waiting bay to allow for efficient vehicle manoeuvring in the event of conflicting traffic flows.

- d) All waiting bay areas are to be clearly demarcated by linemarking and must be signposted, advising drivers to stand in the waiting bay whenever a vehicle is about to depart the lift and that the waiting bay is a No Parking area.

- e) A traffic signal system must be implemented to advise drivers and pedestrians whether the lift is in use and, for the applicable access, whether a vehicle is about to exit.

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The system is required to ensure that any vehicle exiting the lift can do so in a safe and efficient manner, as well as inform any drivers waiting to enter for them to manoeuvre into the waiting bay area.

- f) The car lift must default to basement 1 level when not in use so as to minimise any delay for vehicles waiting to enter the site from the street.
- g) The car lift must be equipped with an ability to contact the lift company by occupants of the lift in the event that it breaks down while in use.

Plans, documentation and certification demonstrating compliance with these requirements must be submitted for the approval of the Accredited Certifier prior to the release of the Construction Certificate. All measures must be implemented on completion of the development prior to the issue of any Occupation Certificate.

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

The signal system must;

- a. Be clearly visible from both entry points to the access/ ramp. The signal currently positioned on the entry into the site from Gerard Lane is located in a position where it is difficult for vehicles to view when making the turn into the driveway. The signal must be moved to the building façade line for better visibility.
- b. Present as a traffic control device to a driver, in the sense of having red/ green illuminated lamps or wording.
- c. Must clearly indicate to the driver entering, by way of red lamp or wording, a requirement to give way to the opposing vehicle approaching.
- d. Default to green for traffic entering the development from the public road.
- e. Provide demarcated waiting bay (linemarked) for the vehicle having to give way to the approaching vehicle. The waiting bay must be located inside the property boundary at the entry to the development, clear of the swept turning path of the opposing vehicle such to allow the vehicle to pass and is to be (where possible) clear of any manoeuvring paths to adjacent parking spaces.

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

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79. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to a newly constructed kerb inlet pit in Gerard Lane, generally in accordance with the plans by ANA Civil Pty Ltd, drawing numbers 2019139 H01 to H04, revision 3, dated 16 July 2020 subject to any variations marked in red on the approved plans or noted following;

- The overflow pipe from the OSD tank is to be removed and replaced with an overflow weir (rectangular slot through the wall or façade) directed to Gerard Lane. The overflow weir invert level should match the level of that proposed for the overflow pipe.
- The volume of stormwater stored below the centreline of orifice cannot be counted as effective OSD storage volume. A sediment collection sump is to be provided below the orifice outlet (refer Figure 1-9 in Section 4.1.10 of the Ryde Stormwater Technical Manual) the base level of the OSD raised to RL39.125 to suit the orifice centreline.
- Connection to the public drainage infrastructure will require the approval of Council's City Works (Stormwater) Department. Any conditions associated with this approval must be noted on the plans.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a 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.

80. **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,

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- 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.

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

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

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

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

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

This engineer is to prepare the following documentation;

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

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or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.

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

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

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

- 260 to 274 Victoria Road, Gladesville
- 280 Victoria Road, Gladesville

A copy of the dilapidation survey is to be submitted to the Accredited Certifier and Council prior to the release of the Construction Certificate.

84. 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.
- b) Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.

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- 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.

85. 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.

86. Waste Management Plan. Any changes to the Waste Management Plan dated 22/10/18 or DA 05 plans which were utilized to evaluate the waste collection by Council, have to be approved by the Waste Department at the City of Ryde Council before the issue of a Construction Certificate to ensure the waste collection is not affected.

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87. **Waste Storage.** 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.

88. **Waste Storage Rooms.** All garbage and recycling rooms must be constructed in accordance with the following requirements:

(a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;

(b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;

(c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;

(d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;

(e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;

(f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;

(g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;

(h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;

(i) The room must be provided with adequate artificial lighting; and

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

(k) The paving from the waste storage area or garbage and recycling room must be moderately graded with no steps or uneven surfaces so that the waste containers can be safely and easily maneuvered to the collection point.

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

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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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.

89. Site Sign

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

90. 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.

91. Pre-commencement dilapidation report. The submission of a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties namely 280 Victoria Road and 274 Victoria Road, and public infrastructure (including roads, gutters, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining private properties, prior to the commencement of construction.

92. TfNSW. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Documents should be submitted to Development.Sydney@rms.nsw.gov.au. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

93. TfNSW. The developer is to submit design drawings and documents relating to the excavation of the site and proposed retaining wall, foundations piles design and other support structures to TfNSW for assessment, in accordance with Technical

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Direction GTD2012/001. The report must address any impact of the excavation on the structural stability of Victoria Road and how the carriageway will be monitored for settlement. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Documents should be submitted to Development.Sydney@rms.nsw.gov.au If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work

94. **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.

95. **Proposed Property Addressing.** Proposed addressing for the new development must have been lodged with Council, prior to the commencement of construction.

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

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

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

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

99. **Pre-Construction Dilapidation Report -** To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be

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submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable.

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

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

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

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

101. **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.

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

103. **Road Opening Permit** - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.

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104. **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.

a) **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.

b) **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.

c) **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.

105. **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.

106. **Ryde Traffic Committee Approval** - A plan showing details of the proposed signage and line marking, and/or traffic devices including pedestrian refuge, pedestrian crossing or LATM measures, shall be submitted to the Council and approved by the Ryde Traffic Committee prior to the installation of any traffic devices, signage and line-marking.

107. **Work Zones and Permits**. Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Road Occupancy Licence shall be obtained from Transport Management Centre for any works that may impact on traffic flows on State Roads.

DURING CONSTRUCTION

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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.

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

109. **A Road Occupancy Licence (ROL).** A road occupancy licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Victoria Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

110. **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.

111. **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.

112. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.

113. **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.

114. **Construction materials.** All materials associated with construction must be retained within the site.

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115. 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.

116. 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.

117. 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".

118. 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 Heritage NSW 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 Heritage NSW.

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.

119. 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.

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

120. Implementation of Construction Pedestrian and Traffic Management Plan.

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

121. 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.

122. Stormwater Management - Construction. The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plans by ANA Civil Pty Ltd, drawing numbers 2019139 H01 to H04, revision 3, dated 16 July 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.

123. 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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124. **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.

125. **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.

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

127. **Maintenance of the site.** The area surrounding the construction site must be maintained to reduce the incidence of illegal dumping and management of litter from the site and workers associated with the site must be undertaken

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

128. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 1031778M_02 dated 7 September 2020.

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

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130. **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*.

131. **Public Access and Right of Way.** Prior to the issue of any Occupation Certificate, a Right of Way (ROW) shall be created over the pedestrian footpath in Gerard Lane and the 2m front setback in Victoria Road in favour of Council for public access. Terms regarding the creation of the ROW are to be submitted to and approved by Council prior to the lodgement at the Lands and Property Information Office. Evidence regarding effective registration of the ROW shall be submitted to Council and the PCA prior to the issue of the Occupation Certificate.

- I. The terms of the Right of Way must ensure that:
- II. The Public Footpath is accessible at all times to the Public;
- III. The Public Footpath will be adequately maintained by the occupier/ owner of the site at all times;
- IV. The Council is the only authority empowered to release, vary or modify the terms of the Public Access.

132. **Public Positive Covenant** - Prior to the issue of any Occupation Certificate for the development, a public positive covenant, pursuant to Section 88E of the Conveyancing Act 1919, is to be created over the subject land in order to ensure that the registered owner of the land, at his / her / its own cost and risk:

- maintains and repairs at all times that area of the subject land that has been designated as the privately owned, publicly accessible
- Public Footpath, to a standard commensurate with Council's standards for the maintenance of such facility;
- maintains at all times, public liability insurance for at least \$20 million, with Council identified as an interested party in that insurance policy.

The Instrument that is to create the public positive covenant referred to in this condition is to be submitted to and approved by Council prior to lodgement for registration at the Land & Property Information Office.

Prior to the issue of any Occupation Certificate the applicant is to submit to Council a certificate of currency for the above mentioned public liability insurance.

133. **Compliance Certificate – Vehicle Footpath Crossing and Gutter Crossover** - A Compliance Certificate shall be obtained from Council's City Works

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Directorate and a copy submitted to the Principal Certifier prior to the issue of any Occupation Certificate, confirming that the vehicle footpath crossing and gutter crossover have been constructed in accordance with the Council's standards and requirements. Fees are payable for the issue of the Compliance Certificate, in accordance with Council's Schedule of Fees and Charges.

134. 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.

135. 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*, AND the *TfNSW' standards and specifications*, along the Victoria Road frontage.

136. Electricity accounts for new street lighting. Prior to the issue of any Occupation Certificate, the Applicant shall liaise with Council's Public Domain Development Section regarding the setting up of the electricity account/s in order to energise the newly installed street lighting.

137. Compliance Certificates – Street Lighting. Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a *Certificate of Compliance - Electrical Work (CCEW)* from the Electrical Contractor, and certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

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

139. 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.

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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.

140. **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.

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

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

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

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

142. **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.

143. **Final Inspection – Assets Handover.** For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in

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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.

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

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

146. Signage and Linemarking – External. A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by Ryde Traffic Committee/Council's Transport Department prior to the issue of any Occupation Certificate. The signage and linemarking plan shall include locations of 'No Stopping' along both the eastern and western side of Gerard Lane for the length of the site frontage to assist with two-way traffic flow and garbage collection along Gerard Lane.

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

147. Signage and Linemarking – Implementation. The applicant is to install all signage and linemarking, as per the plan approved by Ryde Traffic Committee/Council's Transport Department. These works are to be undertaken prior to the issue of any Occupation Certificate.

148. 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/

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siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.

149. Car Access Lift Maintenance. To ensure that the car lift functions to its full capacity for the life of the development, an annual maintenance routine for the facility must be implemented and is to be referenced in any future strata/ property management statement. Signage indicating the annual maintenance routine date and contact details of the lift maintenance company are to be clearly marked at either the primary entry to the lift or inside the lift. Signage is to be installed prior to the release of any Occupation Certificate.

150. 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 tank and basement pump out pit, 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 for the relevant systems and are to be to the satisfaction of Council. To assure Council the construction of the stormwater management system has been completed, stormwater Works-As-Executed plans and certification of the system are to be submitted to Council with a completed "*Application Form for Endorsement of Title Encumbrances*" (available from Council's website). 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.

151. Engineering Compliance Certificates. To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
- b) Certification from an Engineer specialising in Flood and Overland Flow analysis that the finished surface levels and the habitable floor levels have been constructed in accordance with this development consent, that the overland flow path has been maintained as designed and that the requirements of the condition "*Flood and Overland Flow Protection*" have been satisfied.
- c) Confirming that the constructed interallotment drainage system complies with the construction plan requirements and the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- d) 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

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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.

- e) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- f) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- g) Confirming that the footings adjacent to drainage easements are founded below the zone of influence of this infrastructure, in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- h) 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).
- i) 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.
- j) 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.
- k) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

152. 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).

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

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154. **Waste Inspections.** An authorised Council traffic engineer or waste officer is to ensure that the development can be accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management plan providing safe easy access to service the waste containers. Approval must be provided by City of Ryde Council prior to the issue of the Occupation Certificate.

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.

155. **Waste Collection.** 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.

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

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

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

157. **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.

158. **Residential Apartment Noise Attenuation.** A AAAC 5 Star Certificate must be submitted by a qualified member of the Association of Australasian Acoustical Consultants (AAAC) demonstrating that the construction of the building including internal walls and floors ensures that all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems as well as noise generated between residential units has sufficient acoustical attenuation. Details of

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compliance must be submitted to the Principal Certifying Authority before the issue of any **Occupation Certificate**.

159. **Roof Terrace noise.** The playing of amplified music are not to disturb the amenity of adjoining properties and private or public places.

160. **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**.

161. **Letterboxes and street/house numbering display.** All letterboxes are to be designed and constructed in accordance with Australia Post requirements and the house/unit numbering displayed shall be in accordance with the official property addressing allocated by Council's Land Information Section. The display of the street address shall be of a sufficient size and clarity to be easily visible from the street. Where a development contains multiple properties, signage is required to be clearly displayed on all unit door entrances. Directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on stairway access doors and lobby entry doors. It is essential that all numbering signage throughout a development is clear to assist emergency service providers locate a destination with ease and speed, in the event of an emergency.

OPERATIONAL CONDITIONS

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

- 9 residential spaces
- 3 visitor spaces
- 4 commercial parking spaces
- 2 motorcycle parking spaces and,
- 8 bicycle parking spaces.

163. **Waste Collection.** Council does not support the use of private contractors for the collection of domestic waste. All domestic waste will be collected by the Council waste collection contractor.

– All material in the bulky items/hard waste storage rooms is to be taken to the collection area stipulated by Council, by the staff or contractors. The material is to be placed in such a manner so that it will not impede the access to any bins from a side arm waste collection vehicle or pedestrian access”

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- Staff or contractors must be employed to take the waste containers from garbage and recycling room to the container emptying point for servicing and to return the containers to the garbage room after servicing.

- Unwanted household items must be stored onsite until the night prior to a Pre-booked household cleanup collection

164. **Waste Signs.** Signs will be required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage

165. **Bin Storage.** Garbage and recycling bins must always be stored on-site between collections.

166. **Waste Storage.** All waste storage areas must be maintained in a clean and tidy condition at all times. All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

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General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1127100
Issue date of GTA:	29 September 2020
Type of Approval:	Water Supply Work
Description:	80mm submersible pump
Location of work/activity:	276,278 Victoria Road Gladesville 61/10598 & 60/10598
DA Number:	LDA2020/0116
LGA:	City Of Ryde
Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
Dewatering	
GT0062-00001	Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application.
GT0063-00001	An authorisation under the relevant water legislation, such as a Water Access Licence (WAL), shall be obtained for the take of groundwater as part of the activity. For avoidance of doubt, these terms do not represent any authorisation for the take of groundwater, nor do they constitute the grant, or the indication of an intention to grant, any required WAL.
GT0064-00001	An authorisation under the relevant water legislation, such as an Approval, is also required for the works involved in extracting the groundwater. For avoidance of doubt, these terms do not represent any authorisation for the construction or installation of such works.
GT0065-00001	The relevant works must not be carried out, installed or operated until a specialist hydrogeological assessment has been completed by the Department of Planning Industry and Environment, which concludes that adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems, as a consequence of the construction or use of the proposed water management work.
GT0066-00001	The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
GT0067-00001	Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and: a. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and b. any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and c. where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

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General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

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Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources
GT0068-00001	Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
GT0069-00001	The Applicant is bound by the above terms and any other terms and conditions of the subsequent authorisation(s) required for the extraction of groundwater and the associated works under the relevant water legislation.
GT0070-00001	Measurement and monitoring arrangements to the satisfaction of WaterNSW are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
GT0071-00001	Following cessation of the dewatering operations and prior to the surrender of any associated authorisation, the applicant shall submit to WaterNSW the completion report which shall include: a. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and b. The location and construction of groundwater extraction works that are decommissioned c. a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and d. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
GT0082-00001	The Department of Planning, Industry and Environment, Water has determined that an authorisation to account for the temporary and transient impacts on groundwater systems associated with the proposed development for up to twelve months is required (to be issued by WaterNSW).
GT0084-00001	All required monitoring and reporting arrangements are to be designed to demonstrate the activity meets due diligence with respect to the Water Management Act 2000, the relevant water sharing plan(s) and the NSW Aquifer Interference Policy during construction and occupation phases of the building.
GT0085-00001	At the time of application for a Construction Certificate, the developer must be able to demonstrate to the consent authority that an authorisation for the pumping of groundwater for temporary construction dewatering has been obtained for the relevant groundwater source from which water is being taken.
GT0086-00001	At the time of application for an Occupation Certificate, the developer must be able to demonstrate to the consent authority that any unexpected groundwater pumping (resulting from poor construction methods, materials or inadequate waterproofing) has been authorised by a water access licence purchased for the relevant groundwater source from which water is being taken and must be able to demonstrate no impact on neighbouring sites or the integrity of the aquifer.
GT0104-00001	A specialist Site Hydrogeology Report prepared and certified by a qualified,

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customer.helpdesk@waternsw.com.au | www.waternsw.com.au

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General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1127100
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LGA:	City Of Ryde
Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources
	<p>experienced and practising hydrogeologist must be provided with the authorisation application that includes, but is not limited to, the following: a. pre-development (existing) conditions in the form of a baseline monitoring record and comprehensive groundwater system description: i. site and neighbouring area stratigraphy, formation description, site groundwater levels, groundwater flow paths, site aquifer and aquitard (if relevant) hydraulic characterisation ii. groundwater quality and specific consideration of groundwater potentially affected by contamination from surrounding land uses or acid sulfate soils where they are found to exist iii. neighbouring users, groundwater dependent ecosystems, water bodies and other relevant features within a one kilometre radius of the subject site iv. the above site information must not date more than six months prior to the date of lodgement of the development application to account for climate trends and maintain the currency of groundwater data b. excavation phase (during dewatering), in the form of a comprehensive impact prediction description as well as a monitoring and management strategy: i. predicted impacts (extent, magnitude and duration) that are developed through numerical groundwater modelling ii. corresponding trigger levels (levels, quality, flow, volume and ground surface settlement) to manage any potential impacts iii. construction techniques and approaches that will be used to prevent any ongoing groundwater pumping at the same time as not causing any obstruction to natural groundwater behaviour iv. details of monitoring (groundwater levels, quality as required, rate of inflows, metered pumping) v. where a risk of ground settlement is identified due to the proposed dewatering, the proponent is to provide a program of monitoring, trigger and responses to Council (Note while it is the Proponents responsibility to identify the risk, the Department recommends that Council enforce this requirement for all applications in all high risk areas which includes sand formations or other unconsolidated ground). c. post-excavation phase (during aboveground construction) in the form of a comprehensive post-dewatering impact review: i. collation of monitoring records, ii. analysis of actual impacts compared to predicted impacts, noting that some impacts may be delayed, iii. magnitude and extent of potential long-term effects from the completed structure iv. arrangements for reporting (measurements, technical analysis and future predictions) to the relevant authority d. occupational phase (after building completion) in the form of an annual groundwater monitoring plan: i. monthly monitoring to demonstrate the magnitude of groundwater pumping after construction, either through satisfactory photographic and documented evidence of no visible seepage into the building or, if inflows cannot be prevented, measured flow rates into all pump-out sumps ii. recording arrangements to document ongoing compliance, event-based notification of unexpected groundwater take to the relevant authority and annual reporting arrangements</p>
GT0105-00001	All monitoring data collected for the development and all monitoring and management reports are to be provided in electronic format (including summarised, tabulated and raw corrected data) to the Department of Planning, Industry and Environment Water.

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SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with LDA2020/0116 as provided by Council:

- GAT & Associates Pty Ltd (2020), Statement of Environmental Effects. 276 – 278 Victoria Road, Gladesville. Consolidation of two (2) lots, demolition of all existing structures and construction of a part two (2) and part five (5) storey mixed used development comprising one(1) commercial unit and twelve (12) residential units with part 2 (2) and part three (3) levels of basement car parking with associated site and landscape works.
- Land & Groundwater Consulting Pty Ltd (2020), Geotechnical Investigation Report. 276 – 278 Victoria Road, Gladesville, NSW, ref: LG1929.02 Geotech Rpt 02-04-20.docx.

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ATTACHMENT 3

**CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS)
OF THE RYDE LOCAL ENVIRONMENTAL PLAN 2014**

**Revision 1.0
August 10th 2020**

Revision Note: This Clause 4.6 has been revised in response to design amendments raised by the Ryde Urban Design Review Panel, and the City of Ryde Council's request to modify the proposed building height for the proposed mixed use development at 276-278 Victoria Road, Gladesville.

1. Introduction

This submission seeks a variation to Clause 4.3 of the Ryde Local Environmental Plan 2014 (RLEP 14), which relates to maximum height of buildings.

This submission has been prepared with regards to a development application over No. 276-278 Victoria Road, Gladesville for the consolidation of two lots, demolition of all existing structures and construction of a part three (3) and part six (6) storey mixed use development with basement car parking, site and landscape works.

As detailed in this written request for a variation to building height being a development standard under RLEP 14, the proposed development meets the requirements prescribed under Clause 4.6 of RLEP 14.

2. Site Background

The subject site is commonly known as No. 276-278 Victoria Road, Gladesville and is legally defined as Lots 60 and 61 in DP 10598. The site is located on the western side of Victoria Road and is bound by Gerard Lane to the west, Gerard Street to the north and Hepburn Avenue to the south.

Both allotments are a parallelogram and are generally regular in shape. Both allotments offer a principal frontage to Victoria Road of 6.095m, with the same measurement fronting Gerard Lane to the rear. The northern and southern side boundaries of both allotments extend 36.565m from Victoria Road, west, to Gerard Lane. Each allotment provides an area of 216m². A site area of 432m² will result from the consolidation. Refer to Figure 1 – Site Location Map.

Located on the subject site at No. 276 Victoria Road is a two storey brick building fronting Victoria Road, with a split level fibro extension with metal roof adjoining the rear of the building. A single storey rendered brick garage with metal roof is located at the rear of the site, adjoining Gerard Lane.

Located on the subject site at No. 278 Victoria Road is a two storey brick building fronting Victoria Road, with a factory component located at the rear of the building, fronting Gerard Lane.

Development along Victoria Road is generally characterised by older, two storey commercial and mixed use buildings. In recent years however, Victoria Road has undergone a transition with a number of new multi-storey mixed use developments being constructed.

Development to the west of the subject site, across Gerard Lane, is characterised by single and two storey residential dwellings that are reflective of the R2 Low Density Residential zone. Gerard lane is a 5.5m wide laneway which accommodated two-way traffic. The lane is not a cul-de-sac and has access off Hepburn Avenue to the south and Gerard Street to the north.

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Figure 1: Site Location Map

Immediately adjoining the subject site to the north, at No. 280 Victoria Road, is a three storey brick building comprising of commercial use along the ground floor, fronting Victoria Road. The ground floor commercial use is commonly known as "Gladesville Guitar Factory". Vehicular access to this site is via Gerard Lane at the rear. Immediately adjoining the subject site to the south, at No. 260-274 is a five (5) storey mixed use development comprising of ground floor commercial uses and residential units located on the upper storeys. The building fronts Victoria Road however, as with the subject site and the northern adjoining site, vehicle access is via Gerard Lane at the rear.

Immediately east of the subject site, located on the eastern side of Victoria Road is a Caltex service station, incorporating a small convenience store. Immediately west of the subject site, across Gerard Lane, is No. 6 Gerard Lane, a single storey brick detached residential dwelling with tile roof. Access to this property is via Gerard Lane.

The proposed built form is considered to be in keeping with the development pattern in the area, with examples of multi- storey mixed use developments within a proximate distance to the subject site including the southern adjoining property being No. 260-274, the adjacent property to the north east being No. 297-307 Victoria Road, No. 230 Victoria Road located south of the subject site and No. 265 Victoria Road located to the south east of the subject site.

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3. Clause 4.6

This submission is made under clause 4.6 of the RLEP 14 – Exceptions to development standards.

Clause 4.6 states the following:

“4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) Development consent may, subject to this clause, be granted for a development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

- (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

- (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 Director-General before granting concurrence.*

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. When this Plan was made it did not include any of these Zones.

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(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4

(ca) clause 4.3, to the extent that it applies to the land identified as "Town Core" on the Ryde Town Centre Precincts Map,

(cb) clause 4.1A, to the extent that it applies to the Torrens title subdivision of a dual occupancy (attached),

(cc) clause 6.9."

The use of Clause 4.6 to enable an exception to this development control is appropriate in this instance and the consent authority may be satisfied that all requirements of Clause 4.6 have been satisfied in terms of the merits of the proposed development and the content in this Clause 4.6 variation request report.

Clause 4.6 Exceptions to development standards establishes the framework for varying development standards applying under a local environmental plan. Subclause 4.6(3)(a) and 4.6(3)(b) requires that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

4.6(3)(b) that there is sufficient environmental planning grounds to justify contravening the development standard.

In addition, 4.6(4)(a)(i) and (ii) requires that development consent must not be granted to a development that contravenes a development standard unless the:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and"

This submission has been prepared having regard to the following guideline judgements:

- *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;*
- *Wehbe v Pittwater Council [2007] NSWLEC 827;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 (Four2Five No 1)*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 (Four2Five No 2)*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 (Four2Five No 3)*
- *Micaul Holdings Pty v Randwick City Council [2015] NSWLEC 1386;*
- *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7; and*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.*

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The Environmental Planning Instrument to which these variations relate to is the RLEP 14.

The development standard to which this variation relates to is Clause 4.3 – Height of Buildings, which reads as follows:

“(1) The objectives of this clause are as follows:

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

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

As demonstrated in Figure 2 below, the subject site is prescribed a maximum building height of 12m fronting Gerard Lane, noted as ‘M1’ and 19m fronting Victoria Road, noted as ‘Q’.

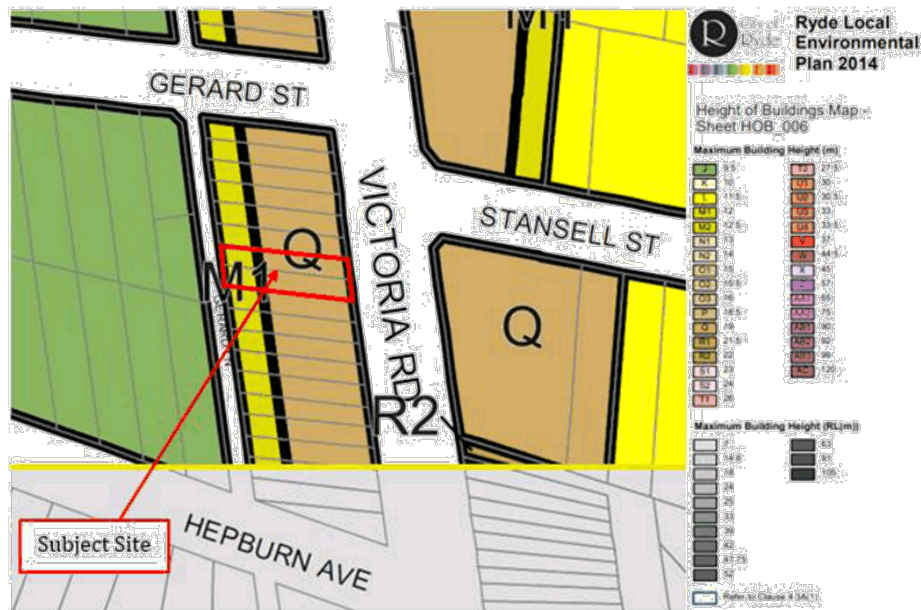


Figure 2: Height of Buildings map

The proposed development steps downward to respond to this changing maximum height control over the site. The proposal will result in a maximum building height(s) of:

- 21.20m where the height limit is 19m (Section 02, Rev D)
- 8.60m where the height limit is 12m. (Section 04, Rev D)

The variation is therefore to the 19m height limit only. A written justification is required for the proposed variation to the maximum height of buildings development standard, noted as ‘Q’ on the height of buildings map, in accordance with Clause 4.6 of the RLEP 14.

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4. Extent of Non-Compliance

As noted above Clause 4.3 of the RLEP 14 states that the maximum building height for the site is 19m fronting Victoria Road, and 12m fronting Gerard Lane.

The portion of the building fronting Gerard Lane is compliant with the 12m maximum building height assigned to that portion of the site.

As demonstrated on the architectural plans, the maximum height, as measured in metres, for the portion of the site affected by the 19m maximum is 21.20m. This proposal seeks a variation of 2.2m or 11.6%.

The extent of the non-compliance relates to the lift overrun and roof features (planter boxes) over the communal rooftop open space.

Following from modifications made to the design and extent of the proposed development to the comments made by the Ryde Urban Design Review Panel and City of Ryde Council's development officers, it is submitted that strict compliance with the building height control is unnecessary for the circumstance, as the amenity of neighbouring properties has been further addressed to achieve a suitable outcome.

A degree of flexibility is considered reasonable in this instance.

5. Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

The proposed variation from the development standard is assessed against the required tests in Clause 4.6. In addition, in addressing the requirements of Clause 4.6(3), the accepted five possible approaches for determining whether compliances are unnecessary or unreasonable, established by the NSW Land and Environment Court in *Wehbe vs Pittwater Council (2007) LEC 827*, are considered.

In the matter of Four2Five, the Commissioner stated within the judgement the following, in reference to a variation:

"...the case law developed in relation to the application of SEPP 1 may be of assistance in applying Clause 4.6. While Wehbe concerned an objection under SEPP 1, in my view the analysis is equally applicable to a variation under Clause 4.6 where Clause 4.6 (3)(a) uses the same language as Clause 6 of SEPP 1."

In the decision of *Wehbe vs Pittwater Council (2007) LEC 827*, Preston CJ summarised the five (5) different ways in which an objection under SEPP 1 has been well founded and that approval of the objection may be consistent with the aims of the policy. The five possible ways are as set out below:

First	<p><i>The most commonly invoked way is to establish that compliance with the development standards is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.</i></p> <p><i>The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. If the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary and unreasonable. (applicable)</i></p>
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Second	<i>A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary. (not applicable)</i>
Third	<i>A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable. (not applicable)</i>
Fourth	<i>A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable. (not applicable)</i>
Fifth	<i>A fifth way is to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary. (not applicable)</i>

In respect of the building height standard, the first method is invoked.

The objectives supporting the maximum building height control identified in Clause 4.3 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance.

The discussion provided below demonstrates how the proposal is consistent with the objectives of Clause 4.3.

"(1) The objectives of this clause are as follows:

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

Objective

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

Comment:

The site is subject to two street frontages, with Victoria Road to the east acting as the site's primary frontage and Gerard Lane to the west, acting as the site's secondary frontage. For both street frontages, the proposal has been designed to a high architectural standard and is proportionate and in keeping with surrounding development.

To the front of the site, where the breach occurs, it is a result of the lift overrun, access stairs and planter boxes; no habitable spaces are within the area of non-compliance with building height.

The breach occurring from the roof of the communal open space is proportionate to other multi-storey mixed use buildings in the vicinity of the site, in particular the adjoining property to the south (260 – 274 Victoria Road). Visual reference can be made to Drawing No. A-1310 (Rev D),

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which effectively demonstrates that the street frontages of the proposed development are in proportion to, and in keeping with, the character of nearby development.

Furthermore, as the extent of the non-compliance, being primarily the lift and stair overrun are set back a minimum of 7.6m from the Victoria Road boundary, consequently the breach will generally be indiscernible from the public domain and general streetscape of Victoria Road. The minor extent of non-compliance as a result of the wrap-around planter boxes, which have been incorporated into the design following from the Ryde Urban Design Panel comments, will be of minor visual significance from the Gerard Lane streetscape, and are intended to improve amenity between the subject site and neighbouring developments.

The breach is also created by the topography of the site which experiences a fall of approximately 5.2m from the south eastern corner to the north western corner of the site. This results in a minor portion of the proposed level 4 roof structures breaching the maximum 19m height limit.

The parapet level of level 4 measures RL61.40 which is generally consistent with the level 4 roof parapet of the southern adjoining property (260- 272 Victoria Road) at RL61.85 fronting Victoria Road and RL61.50 facing Gerard Lane. The minor breach resulting from the topography of the subject site is therefore proportionate to the parapet levels of the southern adjoining development, thus reducing the perceived presence of the parapet as a breach.

The rear elevation fronting Gerard Lane is compliant with the 12m height control prescribed to that portion of the site, ensuring that portion of the development is proportionate to, and in keeping with, the character of neighbouring properties, in particular the low density residential zone on the western side of Gerard Lane.

Objective:

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

Comment:

As outlined above, it can be concluded that the development is compatible with the appearance of the area.

In respect of overshadowing, there will be no shadows cast over the adjoining properties to the north. This ensure any future redevelopment of the northern properties will not be affected by shadows cast by the development proposed on the subject site.

Following from comments made by the Ryde Urban Design Review Panel, the modified heights and setbacks have resulted in a reduced extent of overshadowing upon 260-274 Victoria Road (southern neighbour). Refer to the shadow diagrams illustrated on Drawing No. A-1306 and A-1307 (Revision D).

The communal open space of 260-174 Victoria Road will achieve the minimum direct solar access for two hours between 12:00pm and 2:00pm on June 21, with ongoing solar access received through to 3:00pm.

As noted previously, the breach to the 19m building height limit fronting Victoria Road generally results from roof features including roof parapets, planter boxes and the stair and lift overrun. It is considered the proposed development is compatible with other recently developed mixed-use buildings along Victoria Road, within the vicinity of the subject site. Additionally, the parapet height of the roof over the rooftop communal open space is relatively consistent with the level of the parapet of the level 4 mezzanine of the southern adjoining property, ensuring the height of the

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proposed development is consistent with the southern adjoining building. By ensuring the heights across the two buildings are consistent, compatibility is achieved by the proposed development.

Whilst it has been established the proposed development is compatible with other mixed use development along Victoria Road, it is also considered the proposal improves the appearance of the area as it contributes in a positive way to the regeneration of the Victoria Road corridor and has been designed to a high architectural standard that has positively responded to the desired future character of the area and streetscapes of Victoria Road and Gerard Lane.

Objective:

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

Comment:

The proposed development includes the consolidation of two (2) allotments, resulting in a mixed-use development that is generally compliant with relevant development standards and controls. The proposed mixed-use development will contain 1 x commercial unit and 12 x residential units. The mix of commercial and residential units within the development is consistent with other mixed use developments located along Victoria Road within the vicinity of the subject site, with the B4 Mixed Use zoning of the subject site and with the desired future character of the Victoria Road corridor.

The proposal seeks to provide four basement levels, providing for the access and provision of off-street car parking to serve the proposed development. It is important to note that the proposed breach to the height of buildings development standard does not impact upon the provision of car parking within the development. The proposal has achieved the required number of parking spaces (16). The subject site is also located within walking distance to a number of bus stops located along Victoria Road, including a bus stop located out the front of the southern adjoining building, providing access to a number of hubs including the Sydney CBD and Top Ryde.

Objective:

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

Comment:

As noted under objective (b), additional shadows cast by the proposed development will generally fall over roofs or roads/lanes ensuring solar access continues to be enjoyed by adjoining and adjacent residential developments, including the communal open space of 260-274.

The breach to the 19m height limit prescribed to the portion of the site fronting Victoria Road will not have any adverse impacts on the residential developments located on the western side of Gerard Lane in respect of solar access, aural or visual privacy as the portion of the development that interacts with those residential properties is compliant with the 12m height limit prescribed to the rear of the subject site. The breach to the height limit fronting Victoria Road will not result in adverse amenity impacts on the southern adjoining development as solar access, aural and visual privacy will be retained to that development. Proposed parapet heights are consistent with the parapet heights of that adjoining development, ensuring a compatible built form has been proposed.

Due to the relatively central location of the lift overrun, it is not considered its breach into the maximum building height limit of 19m will result in any adverse amenity impacts on adjoining or adjacent development as it has been located away from side boundaries, minimising any impacts resulting from any potential noise or shadows cast by the stair and lift overrun.

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Objective:

(e) To emphasise road frontages along corridors.

Comment:

The proposed development emphasises the Victoria Road corridor by providing an active street frontage in the form of glazed eastern wall of the commercial unit at ground floor level, and compliant setbacks from the Victoria Road boundary at all levels including the rooftop communal open space. The proposed breach to the height of buildings development standard occurs behind the required setbacks and does not detract from the Victoria Road corridor in terms of streetscape of interaction with the public.

6. Are there Sufficient Environmental Planning Grounds?

The assessment above demonstrates that the resultant environmental impacts of the proposal will be satisfactory.

The proposal addresses the site constraints, streetscape and relevant objectives of both the standards and the zone. The proposal will not result in any unreasonable amenity or environmental impacts.

As acknowledged in this letter, the breach occurs generally as a result of the stair and lift overrun, and the planter boxes and parapets as a consequence of the topography of the site as it declines towards Gerard Lane. As acknowledged, the proposed parapet of the roof over the communal open space is consistent with parapet heights of the southern adjoining property, whilst the stairwell and lift overrun allows for sensible and equitable access to the proposed rooftop communal open space for all future residents.

We respectfully submit that the proposal will result in a better planning outcome as residents of the proposed mixed-use development and their guests will have an area of communal open space that provides high levels of amenity where recreational activities may occur. This space receives ample amounts of solar access and natural ventilation due to its location on the roof of the development.

Furthermore, the proposal has ensured that all habitable floor levels are provided within the maximum building height control despite the breach to the standard. The proposed variation is only sought to allow for the proposed rooftop communal open space and associated privacy, safety, and amenity measures (i.e. planter boxes and access). It is unreasonable to not provide a rooftop communal open space with access by stair and lift, for use by all residents.

In this case, strict compliance with the height of buildings development standard of the RLEP 14 is unnecessary and unreasonable.

7. Is the Variation in the Public Interest?

Clause 4.6 states that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is to be carried out.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard under Part 5.

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The development as proposed will be in the public interest as it is consistent with the objectives of Clause 4.3.

The building contextually has regard to its surrounding properties and provides sufficient open space and landscaping for the amenity of future residents.

Furthermore, it is important to also consider the objectives of the B4 Mixed Use zone in relation to the development, which are as follows:

B4 Mixed Use Zone

Objectives of zone

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

In response to the above the following is provided:

The proposal provides for a mixed use development which is compatible with surrounding and future uses in the area. Additional housing stock and retail/commercial premises are created by the development and assists in meeting community needs. A mix of unit types are proposed in the development, providing for a mix in housing choice for the community.

The proposed development is located in an area that is well serviced by public transport, namely the provision of buses along Victoria Road and Pittwater Road which can be utilised by future residents, occupants and visitors alike. Due to the site's location along Victoria Road, and approximately 400m north of Gladesville Town Centre, residents, occupants and visitors would be encouraged to walk or cycle to nearby services and amenities. The proposal provides for a mix of uses which align with the objectives.

The subject site is not located near Macquarie University, nor is it located within the Macquarie park corridor therefore, objectives 3 and 4 are not applicable to the subject site. However, public transport and road networks allow for easy access to and from the subject site and the university.

It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standards, noting the development will be in the public interest.

8. Public Benefit of Maintaining the Standard

It is considered that there is no benefit to the public or the community in maintaining the development standards. The proposed development will allow for the creation of a high quality mixed-use development which, as stated above, meets the desired objectives of the standard and of the zone.

The proposed development is generally compliant with the current planning controls. The provision of the rooftop communal open space reinforces Council's design principles and will provide a high quality space for residents and their visitors to utilise.

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It is not considered that the variation sought raises any matter of significance for State or regional environmental planning.

The departure from the height of buildings control prescribed to the portion of the site fronting Victoria Road and noted as 'Q' on the Height of Buildings Map within the RLEP 14 allows for the orderly and economic use of the site in a manner which achieves the outcomes and objectives of the relevant planning controls.

9. Is the Variation Well Founded?

It is considered that this has been adequately addressed in Parts 5 and 6 of this submission. In summary, this Clause 4.6 Variation is well founded as required by Clause 4.6 of the RLEP 14 in that:

- Compliance with the development standards 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 (height of buildings) and relevant objectives of the B4 Mixed Use 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
- The development submitted aligns with the desired future character of the locality.

Based on the above, the variation is considered to be well founded.

10. General

Clause 4.6 also states that:

"(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note. *When this Plan was made it did not include any of these zones.*

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

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- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) clause 5.4,*
 - (ca) clause 4.3, to the extent that it applies to land identified as "Town Core" on the Ryde Town Centre Precincts Map,*
 - (cb) clause 4.1A, to the extent that it applies to the Torrens title subdivision of a dual occupancy (attached),*
 - (cc) clause 6.9."*

This variation does not relate to the subdivision of land. The variation sought is thus not contrary to subclause (6).

Should the exception to the development standard sought under this submission be supported by Council, the Council must retain a record of the assessment of this submission.

The development proposed is not complying development.

A BASIX certificate was provided for the development.

Clause 5.4 of the RLEP 14 does not apply to the proposal.

The site is not identified on the Town Centre Precincts Map as being within the Town Core.

Clause 6.9 does not apply to the site.

11. Conclusion

The proposal does not strictly comply with the maximum building height control prescribed to the portion of the site fronting Victoria Road and noted as 'Q' on the Height of Buildings Map by Clause 4.3 of the RLEP 14. Having evaluated the likely affects arising from this non-compliance, we are satisfied that the objectives of Clause 4.6 of the RLEP 14 are satisfied as the breach to the controls does not create any adverse environmental impacts.

Consequently, strict compliance with this development standard is unreasonable and unnecessary in this particular instance and that the use of Clause 4.6 of the RLEP 14 to vary this development control is appropriate in this instance.

Based on the above, it is sensible to conclude that strict compliance with the maximum building height control is not necessary and that a better outcome is achieved for this development by allowing flexibility in the application.

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Plan 3479 - Amended August 2020