

Meeting Date: Thursday 13 May 2021
Location: Held over teleconference
Time: 5.00pm

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

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DEVELOPMENT APPLICATION

- 2 598A & 598B Blaxland Road Eastwood - Construction of a 4 storey boarding house comprising of 42 boarding rooms and one manager's room with associated basement parking for 14 vehicles under the provisions of SEPP Affordable Rental Housing - LDA 2020/394**

Report prepared by: Acting Senior Coordinator - Major Development

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

File Number: GRP/09/6/12/1/2 - BP21/405

City of Ryde Local Planning Panel Report

DA Number	LDA 2020/394
Street Address & Ward	598A & 598B Blaxland Road Eastwood West Ward
Zoning	R4 High Density Residential under the provisions of the RLEP 2014
Proposed Development	Construction of a 4 storey boarding house comprising of 42 boarding rooms and one manager's room with associated basement parking for 14 vehicles under the provisions of SEPP Affordable Rental Housing.
Owner	PE Holding 1 P/L
Applicant	Tone Wheeler – Environa Studio
Report Author	Sandra McCarry Senior Town Planner
Lodgement Date	13 November 2020
Number of Submissions	1 st notification: 18 November 2020 to 10 December 2020: 19 submissions received objecting to the proposal. 2 nd notification: 26 February 2021 to 17 March 2021: 4 submissions received.
Cost of Works	\$4,855,151
Reason for Referral to Local Planning Panel	Contentious development - number of submissions received.
Recommendation	Approval

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Attachments	1. Draft Conditions 2. Plan of Management 3. Architectural Plans
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1. Executive Summary

The following report is an assessment of a development application (as amended) for the construction of a 4 storey boarding house comprising of 42 boarding rooms and one manager's room, basement parking comprising fourteen (14) spaces at 598A & 598B Blaxland Road, Eastwood, legally described as Lots A & B DP 396644.

During the notification period (18 November 2020 to 10 December 2020) Council received nineteen (19) submissions raising concerns about the proposal. The concerns raised include:

- Traffic and Parking
- Overdevelopment of the site
- Out of character with the area
- Visual and acoustic privacy impact
- Overshadowing
- Height of building
- Impact of use as a boarding house

Council sent a Stop the Clock letter on 7 December 2020 requesting:

- Clarification on the GFA and room size.
- Address traffic and the shortfall in parking.
- Address insufficient setback for deep soil planting and concerns about the rear setback and raised communal area.
- Address drainage concerns.
- Address Transport for New South Wales (TfNSW) letter for a left in/left out only and swept paths.
- Address the Urban Design Review Panel's (UDRP) comments with regard to:
 - Communal rooms, look at the possibility of combining the two rooms & consider locating the communal room adjacent to the front garden;
 - Consider the relocation of the primary building entry (safety concern);
 - Consider the relocation of the bin location;

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- Concern about the raised terrace associated with the communal room at the rear;
- More tree planting is encouraged along the site boundaries and
- Submission of detailed primary façade types and material.

Amended plans were received on 15 February 2021 which addressed some of the above issues such as:

- Combining the communal rooms to one larger area;
- Relocate the entry;
- Increased front setback;
- Increased basement setback to provide deep soil planting;
- Amend side and rear setback.

These plans were renotified between 26 February 2021 and 17 March 2021. The 2nd round of notification received 4 submissions. The 2nd round of submissions raised the same issues.

There was still outstanding information in terms of provision of swept paths, drainage and waste information, car parking and manoeuvrability in the basement and an amended Plan of Management (PoM).

The above matters were addressed with additional information and amended plans received 30 March 2021. The additional information and amended plans were referred to the relevant officers and TfNSW. The amended plans addressed the issues raised in Council's letter of 7 December 2020.

It should be noted a four storey residential apartment building was approved on 30 August 2018 by the Ryde Local Planning Panel on the subject site via LDA 2018/90. This approval was for the construction of a residential apartment building containing 12 residential units with basement carparking. The bulk and scale of the proposed boarding house is not dissimilar to the recent approval, which sets the context for this application in terms of built form.

The proposal does not comply with the maximum building height of 11.5m pursuant to the Ryde Local Environmental Plan 2014 (Ryde LEP 2014). Clause 29 of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) states that a consent authority must not refuse consent to development if the building height is not more than the maximum building height permitted under another environmental planning instrument. For the purpose of this development, the relevant environmental planning instrument is the Ryde LEP 2014.

The proposed roof is over the maximum height by between 0.19m to 0.6m with the lift overrun over the maximum height by 1.8m, representing a 1.6 to 15.6% variation to the 11.5m maximum building. Pursuant to *193 Liverpool Road Pty Ltd v Inner West Council*

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[2017] NSWLEC 13, a strict Clause 4.6 written variation request under the Ryde LEP 2014 is not required given the ARH SEPP does not mandate this exercise. As such, a merit based assessment of the height non-compliance has been undertaken. It is considered the height of the proposed building is acceptable as discussed in the body of the report.

Under ARH SEPP, Clause 29 (e) the proposal is required to provide twenty-two (22) car parking spaces. The proposal provides for 14 carparking spaces in a single basement level, resulting in a shortfall in parking of eight (8) spaces. The shortfall in parking has been minimised by an alternative car parking scheme. The applicant has provided a letter stating that the owner is willing to provide a car share vehicle exclusively for the use of the residents.

The proposal is also relying on the bonus floor space allowed under Clause 29 (1) of ARH SEPP, which permits an additional 0.5:1 floor space as the land is within a zone that permit residential flat buildings. The development complies with the floor space ratio.

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

2. The Site and Locality

The development site comprises of two allotments and is legally described as Lots A & B DP 396644. The total area of the site is 916.4m². It is a regular shaped allotment with a 20.115m frontage to Blaxland Road, depth of 45m and 46m along the northern and southern boundaries, respectively, and has an approximate 2.2m fall towards the back of the site. The site is within an overland flow path, categorised as low risk.

The existing structures on the site are a single storey semi detached dwelling on each lot with a curved driveway providing vehicular access to each of the dwellings.

The immediate adjoining properties, to the north (600 Blaxland Road), south (596 Blaxland Road) and west (13 Ball Avenue) of the site comprise of four storey residential apartment buildings. Three to four storey apartment buildings are also situated further up and down Blaxland Road. A combination of one and two storey dwellings reside on the other side of Blaxland Road.

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Figure 1: Aerial photograph of the site and surrounding area. Subject site outlined in red.



Figure 2: The site as viewed from Blaxland Road – currently contain semi-attached dwellings.

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Figure 3: The adjoining site to the north at 600 Blaxland Road - 4 storey residential apartment building.



Figure 4: Adjoining southern property - 596 Blaxland Road, 4 storey residential apartment building.

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Figure 5: Streetscape along the western side of Blaxland Road, 3 to 4 storey residential apartment buildings.



Figure 6: Streetscape along the eastern side of Blaxland Road (opposite side of street), low density dwelling houses.

ITEM 2 (continued)**3. The Proposal**

It is proposed to construct a boarding house comprising 42 self-contained boarding rooms (27 single rooms and 15 double rooms) plus one manager's room. The building is four storeys with a single storey basement carpark beneath.

Pedestrian access to the development is from Blaxland Road from a northern elevated pathway. Fourteen (14) car parking spaces, nine (9) motorbike parking and thirteen (13) bicycle parking are proposed. Vehicular access is located from the southern side of the site from Blaxland Road.

The details of the proposal are as follows:

Basement

The basement of the proposed development contains the following:

- Fourteen (14) vehicle parking spaces, including two accessible spaces, one car share, nine (9) motorcycle spaces and four (4) bicycle spaces.
- A traffic signal is located within the basement to manage conflict between incoming and outgoing vehicles, (same as previous approval - LDA 2018/90. As with the approved DA, the intention is for vehicles in car spaces 6 - 8 to manoeuvre into the waiting bay adjacent to spaces 3 - 4 to activate the traffic signal system).
- A roller door is proposed for resident security on the vehicle driveway.

Ground Floor: (marked as Level 1 on the architectural plans)

The ground floor of the proposed development contains the following:

- Communal living area and communal outdoor space orientated to the front of the site
- Managers unit with POS located adjacent to the southern side of the building
- Communal laundry and outdoor drying area
- Three (3) single self-contained rooms and three (3) double self-contained rooms, including one (1) accessible room.
- Waste storage area (bin area) and six (6) bicycle spaces adjacent to the northern boundary within the front setback. Three (3) additional bicycle spaces are located within the building, under the stairs.
- A side walkway/ramp is located along the northern elevation to the lift lobby area.
- A left-in/left out driveway is proposed, in keeping with TfNSW's requirements. A roller shutter door is proposed for resident security on the vehicle driveway, which will be programmed to open automatically for vehicles departing the basement car park once the traffic signal system is activated. A keypad is located at the driveway entry for entering vehicles to activate and open the roller door, prior to proceeding down the ramp.

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- The proposal will remove the existing 5 trees located throughout the site with replacement planting at a ratio of 2:1.

First Floor (marked as Level 2 on the architectural plans)

The first floor of the proposed development contains the following:

- Eight (8) single self-contained rooms and four (4) double self-contained rooms, including one accessible room. Three of the single rooms located at the front of the building have balconies off the room facing the street.
- Northern side planter box and vertical garden adjacent to the lift lobby area

Levels 2 & 3 (marked as Levels 3 & 4)

- Eight (8) single self-contained rooms and four (4) double self-contained rooms, including one accessible room.



Figure 7: Perspectives of the proposed development as viewed from Blaxland Road.

4. Background

Previous Approvals

LDA 2018/90 - A Deferred Commencement Consent for was issued on 30 August 2018 for the construction of a four (4) storey residential apartment building comprising 12 dwellings (4 x 1 bedroom and 8 x 2 bedroom) over 1 basement level of car parking with 13 spaces together with associated landscaping works at 598A and 598B Blaxland Road, Eastwood. The deferred commencement

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conditions (stormwater plans and drainage easement) were satisfied, and the consent became operative on 9 April 2019.

The applicant has advised that the amended proposal generally has the same footprint as the approved building via LDA 2018/90. See **Figure 9** below illustrating the proposal floor plan with outline blue of the previous approved building footprint.



Figure 8: LDA 2018/90 for a 4 storey residential apartment building as viewed from Blaxland Road.

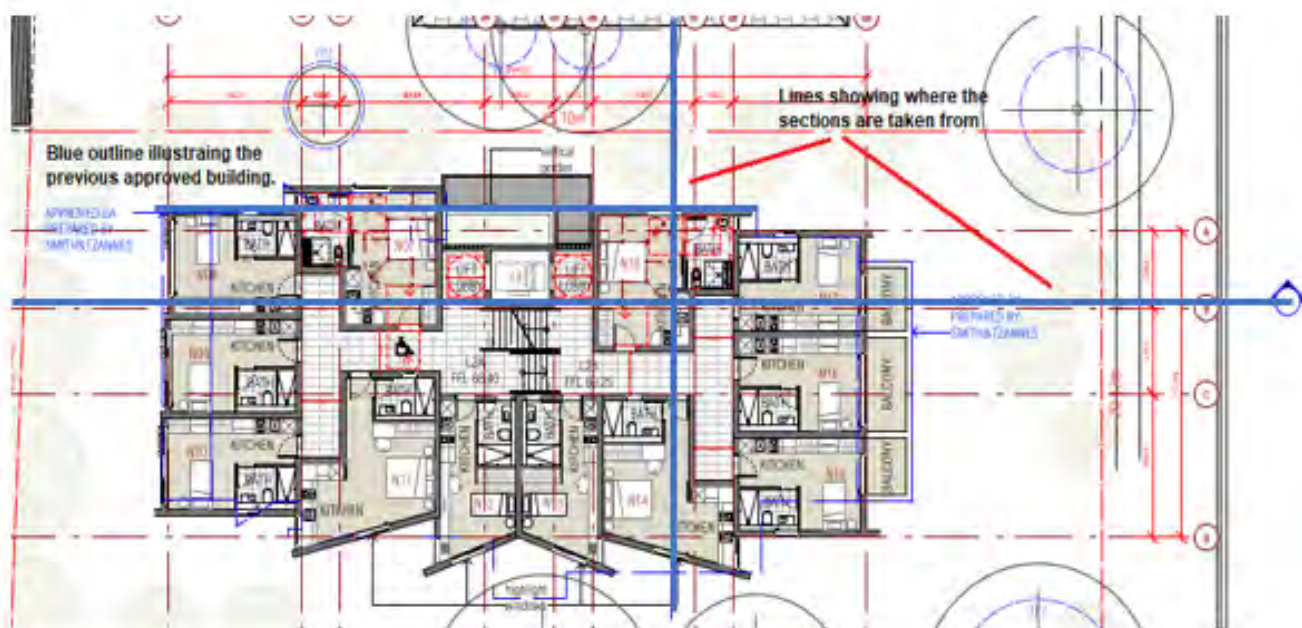


Figure 9: Level 2 floor plan of the proposed development with the outline of the previous approved building (LDA 2018/90) outlined in blue.

ITEM 2 (continued)Subject Application history

- The application was submitted to Council on 13 November 2020.
- A letter was sent to the applicant on 7 December 2020 which identified various issues with the application. These issues included:
 - Clarification on the calculations of the floor space to be submitted. For lift lobby areas to be excluded, they must be designed and constructed with a degree of openness to the elements ie by way of fixed open louvres.
 - Traffic and Parking concerns – shortfall of 8 parking space as required under the ARHSEPP. Council’s Senior Transport Engineer reviewed the submitted documents and did not support the variation to the SEPP. Also requested SIDRA networking modelling to be undertaken.
 - Servicing of waste collection to be provided on site.
 - Raised concerns about the basement car park design and the internal ramp.
 - Insufficient setbacks.
 - Additional drainage information.
 - Transport for NSW advised that they did not support right turn movements into/out of the subject site from Blaxland Road on safety and network efficiency grounds and requested that the driveway be designed to restrict any right turn movement to/from the site onto Blaxland Road (left-in/left-out (LILO) driveway). In addition a swept path plan showing the largest vehicle accessing the site via a left-in/left-out vehicular access was required.
 - UDRP concerns regarding the two communal living areas and the rear communal open space area, relocation of the building entry, increase planting and provisions of tree planting along the side boundaries and further refinement to the street facing façade. The UDRP comments are further discussed in the report.

Amended plans and further information was submitted to Council on 15 February and 23 February 2021. The amendments are as follows:

- Basement: Extent of basement reduced to provide 1.39m setback adjacent to the northern and 1.05m southern boundaries. This has allowed some deep soil planting along the side boundaries.

Provision of motorcycle and bicycle parking spaces within the basement.

- Ground Floor: Along the northern elevation, the side pathway has been relocated further to the south with the bin enclosure area located adjacent to the northern boundary. The rear elevated communal open space has been deleted and a new communal open space provided within the front setback, off

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the communal living area. The communal open space area will be fenced to ensure amenity to the area.

The two communal living areas have been amalgamated into one combined area and located to connect with the communal open spaces located at front of the building.

The front setback from the building to street has increased from 8m to 10m, in line with the adjoining properties.

The laundry room has increased in size and the southern drying area and manager's private open space area has been set back off the southern boundary. Bicycle parking spaces are also provided off the front pathway.

- Level 1: Balcony added along the front elevation off three boarding rooms facing Blaxland Road.

Rooms facing the eastern and western boundaries (front and rear) changed from double lodger to single lodger rooms. This change has also occurred for Levels 2 to 4.

- Southern elevation: The rear side section of the southern setback increased from between 3m to 4.5m to between 3.8m to 4.5m. This section has been shifted towards the northern boundary to reduce solar impacts on the adjoining southern property. See **Figure 10** below illustrating the original northern and southern setbacks and **Figure 11** illustrating the amendments.
- Northern Elevation: Along the rear side section of the northern setback, the setback has been reduced from 3m to 2.2m. See **Figure 10** below illustrating the original northern and southern setbacks and **Figure 11** illustrating the amendments

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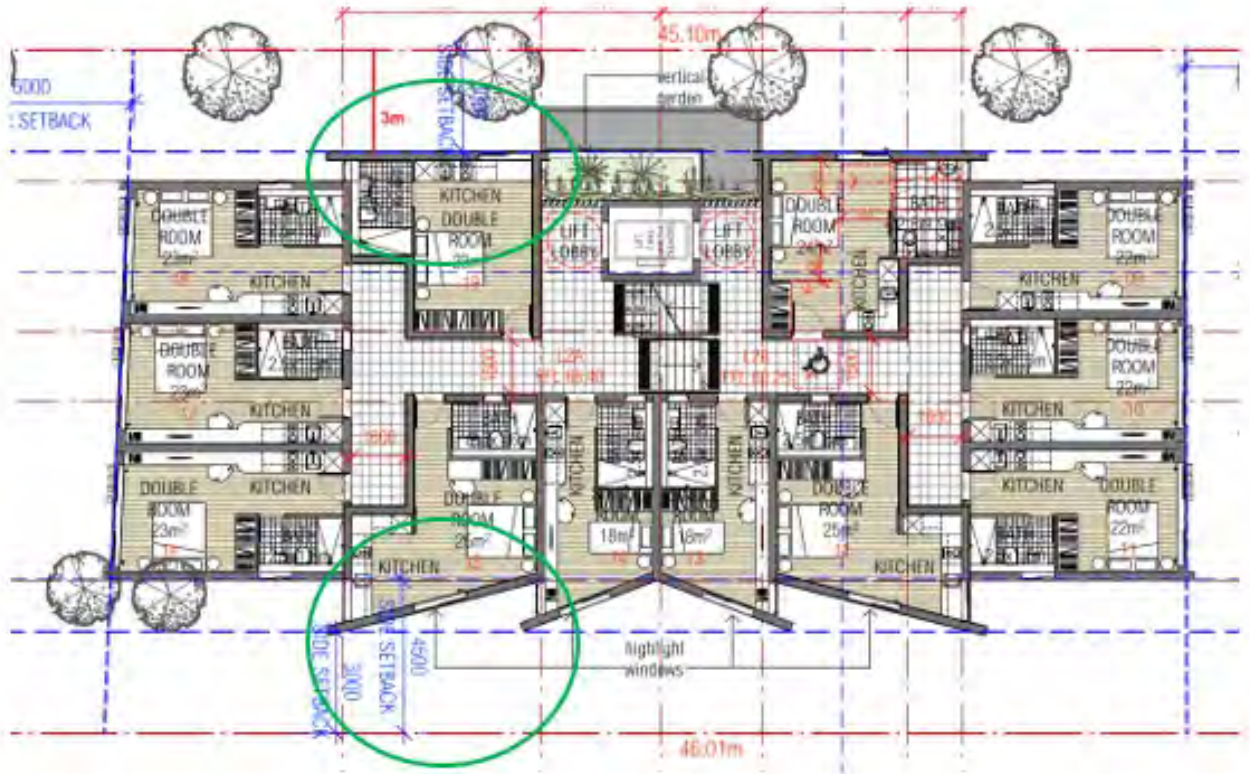


Figure 10: Original 3m setback along the northern and southern elevations. The circled areas are where the setback has been modified on the amended plans as demonstrated in Figure 11.

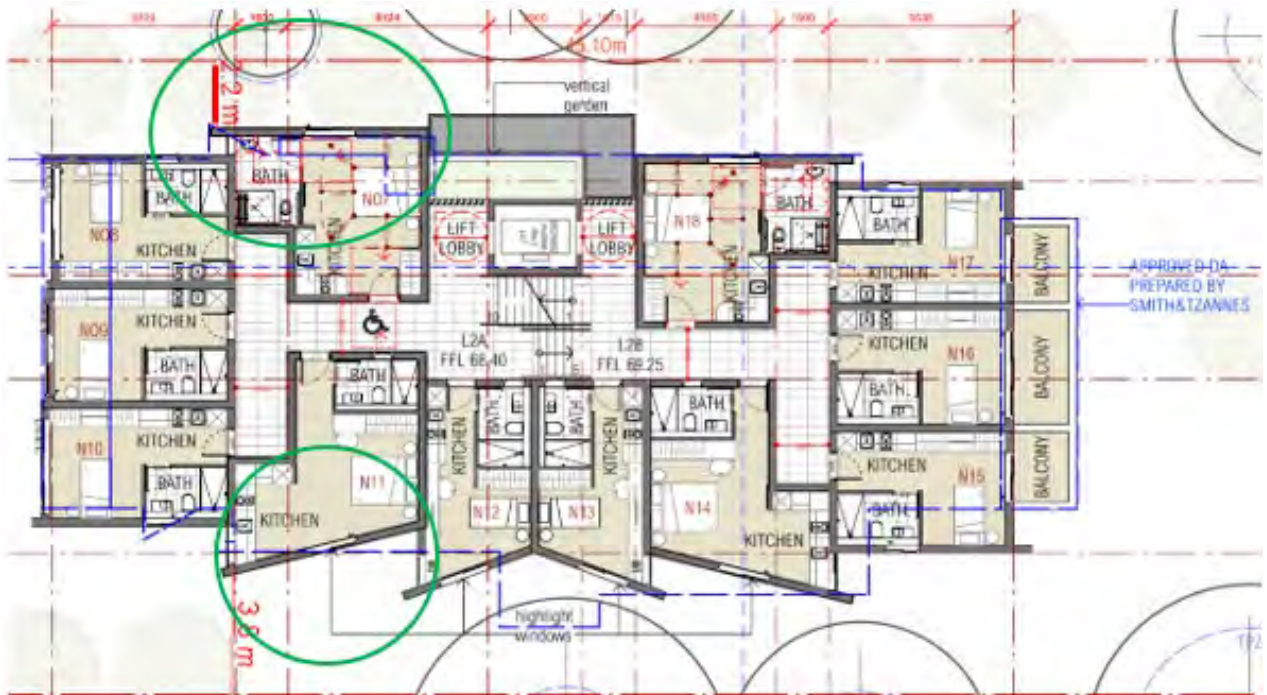


Figure 11: Amended plans illustrating the rear side section reduced along the northern elevation but increased on the south elevation. The areas where the setback has been modified is circled.

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- Increased landscaping and garden beds introduced along southern boundary specifically adjacent to drying area to increase privacy between neighbouring dwellings.

- Deduction of one boarding room from 43 to 42 rooms, FSR area reduced by 39.8m², communal open space increased by 52m² and deep soil increased by 46.6m². Amended the room configuration from 6 single rooms and 37 double rooms to 27 single and 15 double rooms.

The amendments addressed some of the issues raised. Due to the amendments to the setbacks along the northern and southern elevations it was necessary to renotify the development (from 26 February 2021 to 17 March 2021).

There were still some outstanding matters such as addressing the shortfall in car parking and maneuverability, swept paths to be provided and amendments to the PoM. Additional information and plans were received on 30 March 2021.

The application was reviewed by the UDRP on 10 December 2020 and a desktop review on 3 March 2021. The Panel advised that the amended proposal has incorporated their recommendations and has resulted in an improved design solution.

The UDRP comments of 10 December 2020 & 3 March 2021 are discussed further in the report.

5. Planning Assessment

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

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index BASIX) 2004
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)
- Draft Environment State Environmental Planning Policy
- Draft Remediation of Land State Environmental Planning Policy
- Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Ryde Local Environmental Plan 2014
- Ryde Development Control Plan 2014
 - Part 3.5 – Boarding Houses
 - Part 7.2 Waste Minimisation and Management

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- Part 9.2 Access People with Disabilities
- Part 9.3 Car Parking

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

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

In the submitted Statement of Environmental Effect, the applicant states that SEPP 55 consideration was recently considered – *“The issue of site contamination was considered by Council in the assessment of LDA2018/0090 for a residential flat building on the subject site. Conditions of consent were imposed to ensure the site will be suitable for the continued residential use of the site. It is expected that Council will impose these conditions on the consent for the proposed development”*.

In the previous application – LDA 2018/90 approved 19 April 2019, Council’s Environmental Health Officer reviewed the proposal and documentations for the residential flat building and raised no objections to the use as a residential flat building subject to conditions (which required a detailed site investigation report to be submitted prior to Construction Certificate and the site to be remediated, if required). Given that this proposal is also for residential purposes, and the site contains a single storey dwelling with Council records indicating that the site has historically been used for residential purposes with no history of land uses that could cause suspected contamination, this conclusion is also applicable for this development.

Conditions similar to the last recent approval, have imposed requiring a detailed site investigation report to be submitted prior to Construction Certificate and the site to be remediated, if required. **Conditions 62 to 65.**

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2

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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 Infrastructure SEPP applies to the subject site given its location adjacent to a Transport for New South Wales (TfNSW) road, being Blaxland Road. The following provisions of the Infrastructure SEPP are applicable to this DA:

Infrastructure SEPP	Comments	Comply
<p>Clause 101 Development with frontage to a classified road</p> <p>(1) The objectives of this clause are:</p> <p>(a) To ensure that new development does not compromise the effective and ongoing operation and function of classified roads; and</p> <p>(b) To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</p> <p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</p> <p>(a) Where practicable, vehicular access to the land is provided by a road, other than a classified road; and</p> <p>(b) The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:</p> <p>i. The design of vehicular access to the land, or</p> <p>ii. The emission of smoke or dust from the development, or</p> <p>iii. The nature, volume or frequency of vehicles using the classified road to gain access to the land.</p> <p>(c) The development is of a type that 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</p>	<p>The proposal will have vehicular access from Blaxland Road. The proposal was referred to TfNSW who advised that subject to conditions they have no objections. Note: The driveway has been designed to restrict any right turn movement to/from the site onto Blaxland Road, as requested by TfNSW.</p> <p>.</p> <p>TfNSW provided concurrence by letter dated 12 April 2021 in accordance with Section 138 of the Roads Act, 1993.</p> <p>A Noise Impact Assessment has been prepared by Acoustic Logic. The assessment measured external noise impacts and operational noise emission. Section 4 of the report sets out the results and recommended acoustic treatments that will ensure a reasonable level of amenity is achieved for future occupants.</p> <p>Condition 66 has been imposed requiring compliance with the report.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

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Infrastructure SEPP	Comments	Comply
<p>development arising from the adjacent classified road.</p>		
<p>Clause 102 Impact of road noise or vibration on non-road development</p> <p>1. 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>2. Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.</p> <p>3. 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> <p>(a) In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am</p> <p>(b) Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.</p>	<p>An Acoustic Report prepared by Acoustic Logic has been submitted as part of the Development Application. The report conclude: <i>noise intrusion from traffic onto the future occupants of the development have been assessed in accordance with the SEPP infrastructure and the City of Ryde DCP. Provided the acoustic treatments provided in the report are adhered to, the internal noise levels will satisfy the requirements of the criteria.</i> The report has provided recommendations such as window glazing thickness and glazing for building openings with the use of acoustic seals. Council's Environmental Health Officer has reviewed the Acoustic report, and has raised no issues with the application subject to conditions of consent (see Conditions 66, 67, 128 & 191.)</p>	<p>Yes</p>

Table 1: Infrastructure SEPP

ITEM 2 (continued)**State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)**

The development is subject to Division 3 (Boarding Houses) of State Environmental Planning Policy (Affordable Rental Housing) 2009.

The site is zoned R4 High Density Residential under the Ryde LEP 2014 and the SEPP is applicable in accordance with Clauses 26 and 27(1) which read as follows:

Clause 26 – Land to which this Division applies

This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones -

- a) *Zone R1 General Residential,*
- b) *Zone R2 Low Density Residential,*
- c) *Zone R3 Medium Density Residential,*
- d) *Zone R4 High Density Residential,*
- e) *Zone B1 Neighbourhood Centre,*
- f) *Zone B2 Local Centre,*
- g) *Zone B4 Mixed Use.*

Clause 27 – Development to which this Division applies

Clause 27(1) of the SEPP stipulates:

- 1) *This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.*

With respect to 27(1), “boarding house” is defined under the ARH SEPP (and the Ryde LEP 2014) as follows:

“boarding house means a building:

- a) *that is wholly or partly let in lodgings, and*
- b) *that provides lodgers with a principal place of residence for 3 months or more, and*
- c) *that may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- d) *that has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,*

but does not include backpackers’ accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.”

The proposed development for a boarding house satisfies the above definition.

Clause 29 – Standards that cannot be used to refuse consent

Clause 29 stipulates that a consent authority must not refuse development on certain grounds if the development complies with the standards set out in subclause (1) or (2). Subclause (3) outlines the standards relating to the provision of private kitchen or

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bathroom facilities. The table below provides an assessment of the proposal against these standards.

Clause 29 Standards which cannot be used to refuse consent	Required	Proposed	Complies
(1)(a) and (c)(i) Floor Space Ratio	<p>Existing maximum FSR for any residential accommodation permitted on the land (1:1 or GFA of 916.4m² GFA).</p> <p>Subclause (c)(i) permits an additional FSR of 0.5:1 if the existing FSR is 2.5:1 or less. Total permitted FSR for the site is 1.5:1 being 1374.6m² GFA).</p>	<p>The proposal has a total GFA of 1334.2m² being FSR of 1.45:1</p>	<p>Yes</p>
(2)(a) Building Height	<p>Maximum building height under LEP – 11.5m.</p>	<p>The building has a maximum height of 13.3m for the lift overrun representing a maximum 15.6% variation under Ryde LEP 2014. The breach in building height is discussed in detail below.</p>	<p>No</p>
(2)(b) Landscaped area	<p>Landscape treatment of front setback is compatible with streetscape.</p>	<p>It is proposed to provide the communal open space area within the front setback. The area will be well landscaped and screened to provide privacy. Sufficient landscaping is proposed. A front pergola is shown on the landscaping plan, however shading is already provided by way of an awning therefore to minimise the built structure within the front setback area Condition 1(b)(i) has been imposed to delete the front pergola shown on the landscaping plan.</p>	<p>Yes</p>

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Clause 29 Standards which cannot be used to refuse consent	Required	Proposed	Complies
(2)(c) Solar access	One or more communal living room receives at least 3 hours sunlight between 9am and 3pm at mid-winter.	A minimum of 3 hours sunlight is provided to the communal living room on Level 1.	Yes
(2)(d) Private Open Space	<p>One area of at least 20m² with minimum dimension of 3m is provided for use of lodgers.</p> <p>8m² required for boarding house manager with minimum dimension of 2.5m.</p>	<p>Communal open space areas are provided within the front setback area with an area of 47m² and minimum dimension of 3m.</p> <p>10m² private open space provided for boarding house manager unit.</p>	<p>Yes</p> <p>Yes</p>
(2)(e) Parking	<p>At least 0.5 parking spaces are provided for each boarding room – minimum 21 spaces.</p> <p>A maximum of 1 space is permitted for the on site manager/employees.</p> <p>As such, a total of 22 car parking spaces is required.</p>	<p>The proposal will require $42 \times 0.5 = 21$ plus one for manager/employee = 22 spaces.</p> <p>The proposal provides 14 car parking spaces, including 1 car share space and 2 disabled space.</p> <p>The proposal also provides for 9 motorcycle parking spaces and 13 bicycle spaces.</p> <p>A letter from the applicant advising that a car share vehicles scheme for the exclusive use of the residents of the boarding house will be provided. This is considered acceptable – see full discussion below.</p> <p>Condition 167 has been imposed requiring that the share car be provided for the use of the occupants of the boarding house during the operation of the</p>	<p>No – variation acceptable based on alternative car share provision.</p>

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Clause 29 Standards which cannot be used to refuse consent	Required	Proposed	Complies
		property as a boarding house.	
(2)(f) Accommodation size	Single rooms are at least 12m ² , and 16m ² in any other case, in area excluding private kitchen or bathroom facilities.	All of the boarding rooms contain ensuites and private kitchen facilities. Room sizes range between 12m ² to 19m ² . The floor area calculation does not include the private bathroom or kitchenettes.	Yes
(3) Facilities	A boarding house may have a private kitchen or bathroom in each boarding room but is not required	All boarding rooms contain private bathrooms and kitchenettes.	Yes

Clause 29 (2)(a) Building Height

Clause 29 (2)(a) states that a consent authority must not refuse consent to a proposal if the building height is not more than the maximum building height permitted under another environmental planning instrument. Clause 29 (4) of the ARH SEPP also states that a consent authority *may* consent to a development which this division applies, whether or not the development complies with the standards set out in subclause (1) and (2).

In the judgement for *193 Liverpool Road Pty Ltd v Inner West Council* [2017] NSWLEC 13, the Commission, Moore J, found the following:

“48 I do not consider that a strict cl 4.6-like approach is mandated because there is nothing in the terms of this provision of the SEPP that purports to impose fetters on the exercise of the discretion given by it in the fashion that arises from the very structured testing regime that flows from cl 4.6 itself. The absence of such a regime, in my view, means that it is inappropriate to infer that such a strict regime would be required to be applied.

49 A proper merit assessment, having regard to the matters pressed by the Council in its contentions, would, in my view, be the appropriate course to follow”

Accordingly, a written Clause 4.6 variation request is not required and the strict Clause 4.6 ‘tests’ have not been applied to the proposal. A merit assessment has been undertaken below.

ITEM 2 (continued)

The maximum permitted building height for the site is 11.5 metres. The proposal is over the maximum height by between 0.19m to 0.6m for the proposed roof area with the lift overrun over the maximum height by 1.8m, representing a 1.6 to 15.6% variation to the 11.5m maximum building.

The breach in building height is illustrated in **Figures 12, 13 & 14** below, with the sections of the building breaching the maximum height above the purple plane.



Figure 12: South east view – the section above the purple plane is the area where it breaches the height plane.



Figure 13: North west view – the section above the purple plane is the area where it breaches the height plane.

ITEM 2 (continued)

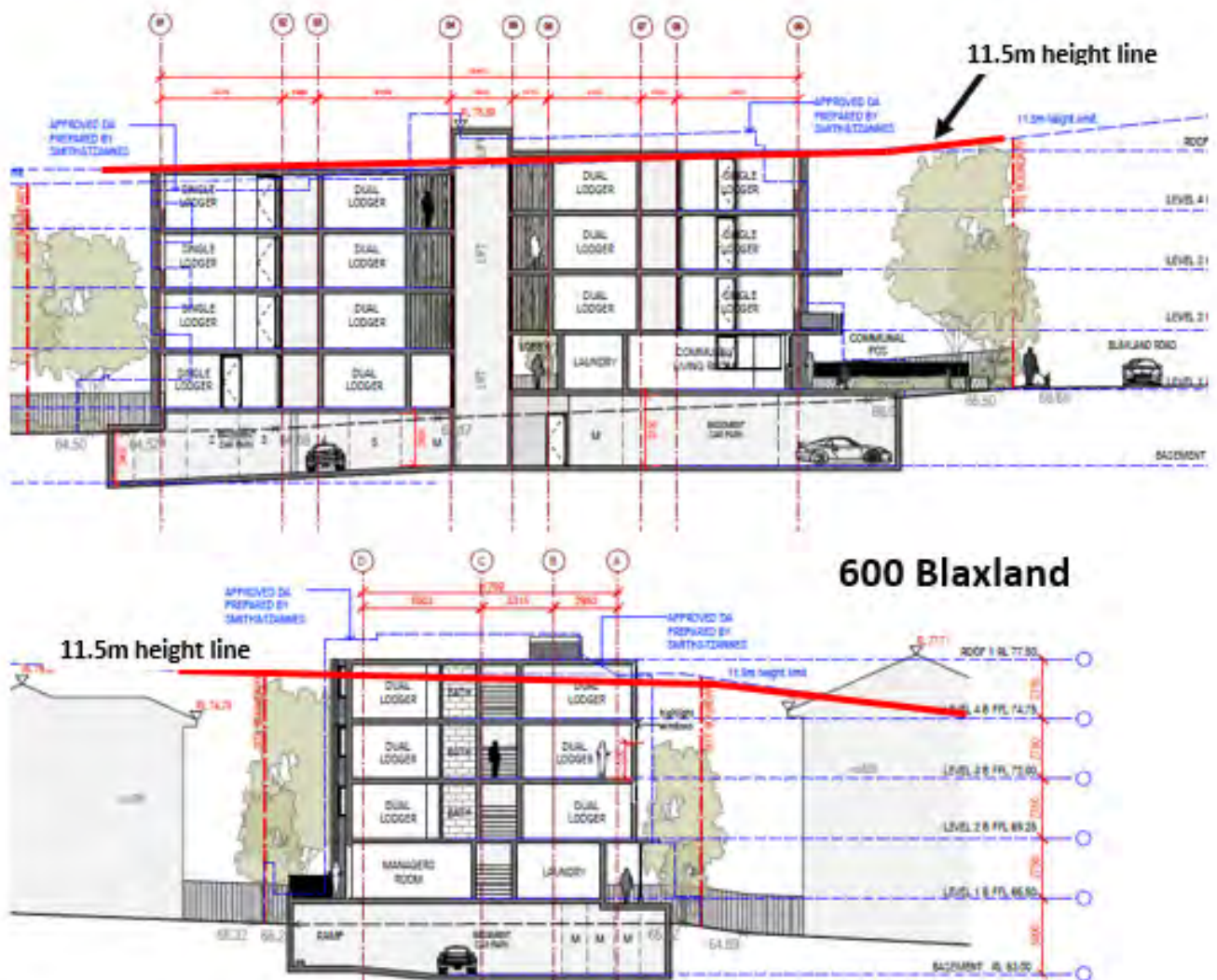


Figure 14: Cross sections of the building showing the 11.5m height plane through the building and outline of previous approved height (shown blue dashed.)

A streetscape study demonstrates that the development as presented at the street frontage is of similar scale and proportion of other development in the street. The proposed 4 storey building is sited comfortably within a streetscape of 3 and 4 storey residential flat buildings. As illustrates in **Figure 14**, the top of the pitched roof at 600 Blaxland Road is RL77.71 with the proposed development having a flat roof at RL 77.50 then stepping down to RL 76.65m. Whilst the roof area is over the 11.5m height under the RLEP 2014, the development has incorporate a flat roof to minimise the height and is complies with the number of storeys allowed. The two adjoining properties on either side are four storeys (garage at bottom then 3 storeys of apartment on top – see **Figures 3 & 4** above).

The development is not considered to be out of character with the existing residential character of the area. The proposed variation does not result in a building that is of a scale and proportion dissimilar to the adjoining residential flats buildings. In addition,

ITEM 2 (continued)

the layout and form of the development break down the scale of the facades as does the use of the proposed external building materials, colours and finishes. The UDRP has raised no objections in terms of the bulk or scale of the building.

The applicant has provided the following comments:

- *The proposed development consistent with the RLEP objectives for building height*
- *The proposed development is consistent with the objectives of the R4 High Density Residential zone.*
- *The proposed building height responds to the heights of the surrounding development and provides an appropriate height transition which responds to the local topography and density of the surrounding development as detailed above.*
- *The proposed height non-compliance does not result in any unreasonable impacts on the amenity of the surrounding properties in terms of view loss, loss of privacy, acoustic impacts or unreasonable shadowing.*
- *Council has applied considerable flexibility when applying the height of buildings standard. A variation to the development standard was approved for the residential flat building on the site under LDA2018/0090. Given the proposed variation is consistent with other variations granted by Council and in the absence of any unreasonable impacts arising from the variation, compliance with the standard is unnecessary and unreasonable.*
- *The proposed variation to the height of buildings standard does not result in any adverse heritage impacts.*

Comment

Agreed -The proposed building will generally improve the appearance of the area as it will result in the redevelopment of the site and the visual bulk as seen from Blaxland Road is not excessive, see **Figures 15 & 16** below illustrating the proposed building and the adjoining residential flat buildings at 596 and 600 Blaxland Road.

However, due to the orientation of the land, any new 4 storey building will have some overshadowing impact to the southern property – 596 Blaxland Road.

As illustrated in the overshadowing diagrams, **Figures 17 to 19**, the additional overshadowing from the variation is minimal with the affected apartments receiving the required 2 hour solar access (as required in the Apartment Design Guide in the Sydney Metropolitan area for residential apartment buildings) either in the morning or afternoon.

ITEM 2 (continued)

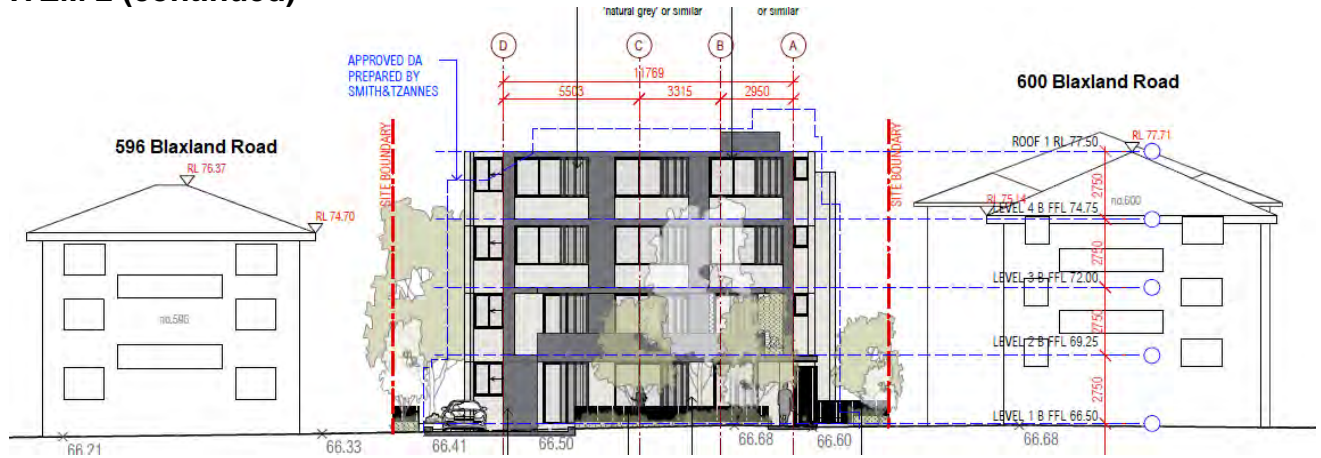


Figure 15: Street view of the proposed building and the adjoining residential apartment buildings on either side.



Figure 16: 596 & 600 Blaxland Road with garage under and 3 levels of apartments above. When viewed from the street appears as a 4 storey building.

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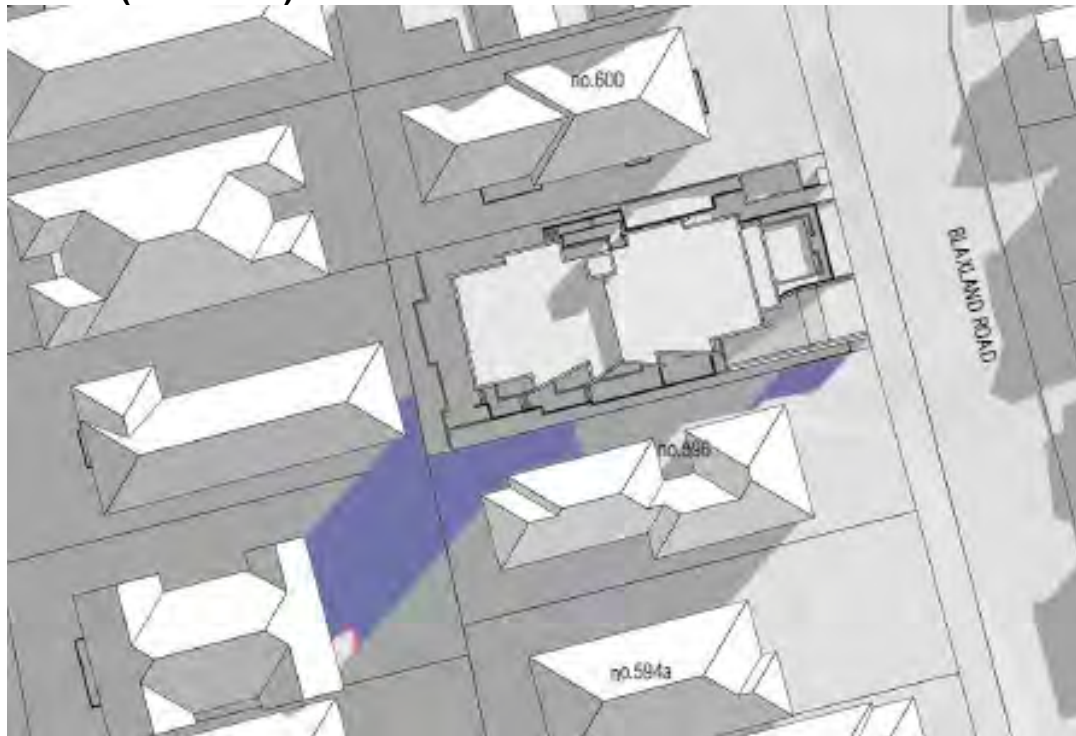


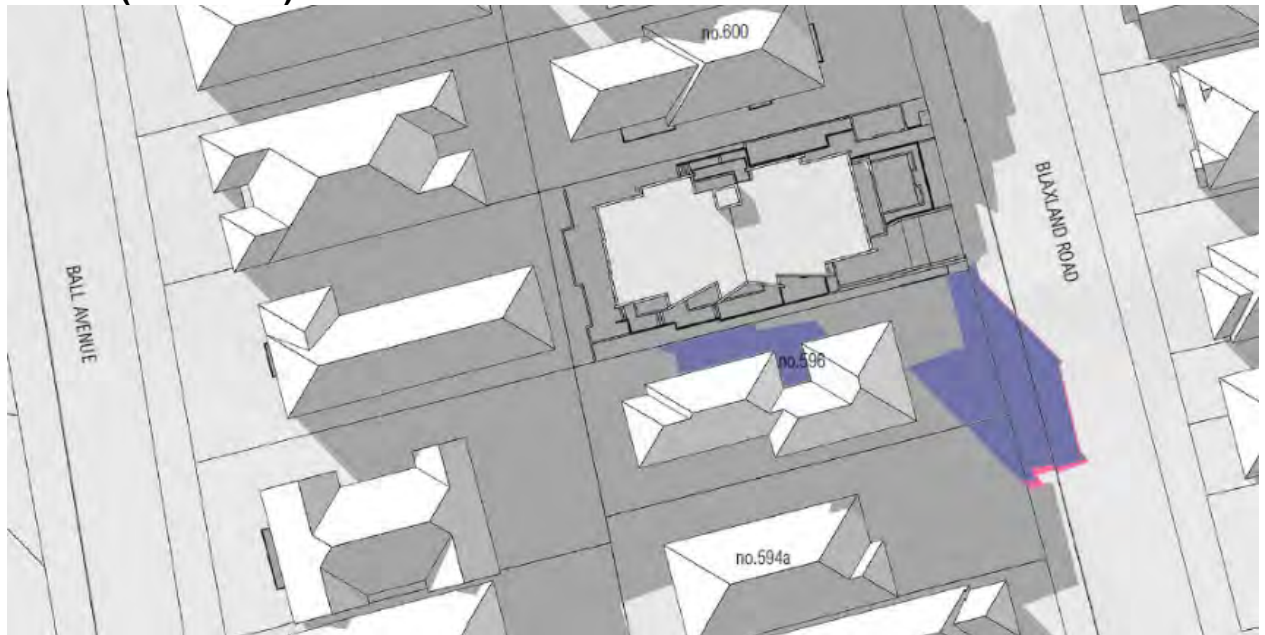
Figure 17: 9am – blue illustrate shadow generated from compliant height. Pink illustrate the additional shadow generate by the additional height on the adjoining southern proper

ITEM 2 (continued)



Figure 18: 12 noon – blue illustrate shadow generated from compliant height. Pink illustrate the additional shadow generate by the additional height on the adjoining southern property.

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Blaxland Road



Figure 19: 3pm – blue illustrate shadow generated from compliant height. Pink illustrate the additional shadow generate by the additional height on the adjoining southern property.

The proposed variation in height can be accepted by Council as the building height is compatible with the desired future character of the area and will not adversely impact neighbouring properties in terms of overshadowing.

It should also be noted that the Panel has previously approved a variation in height for LDA 2018/90. The variation in height is similar to what was approved in LDA 2018/90. This is demonstrated in Figure 20 which shows a comparison of the height breach in LDA2018/90 and this development application.

ITEM 2 (continued)

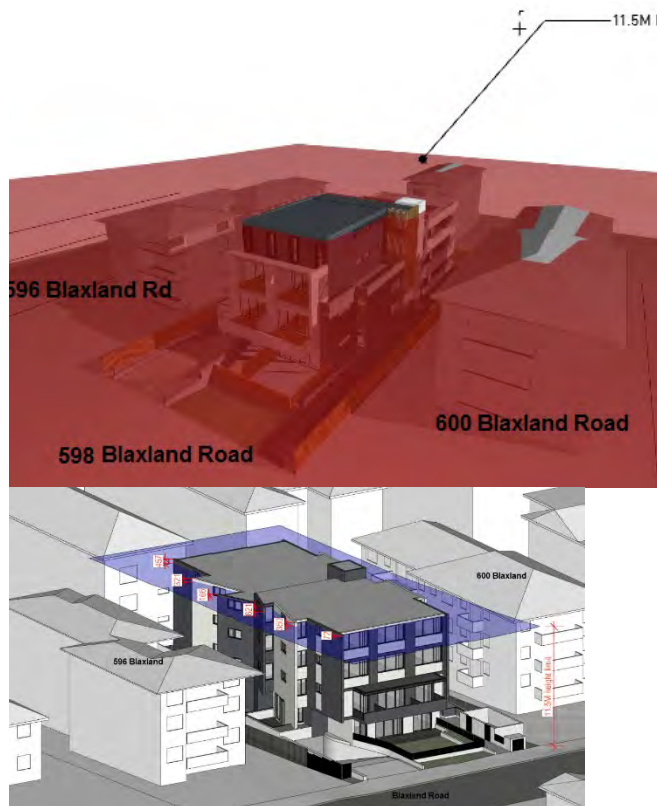


Figure 20: The previous approved height variation shown in 1st picture with 2nd picture illustrating height variation under this application.

Clause 29 (2)(e) Parking

The proposal provides 14 car parking spaces, including 1 car share space and 2 disabled parking spaces. The proposal also includes 8 motorcycle parking spaces and 13 bicycle parking spaces.

The ARH SEPP specifies the following minimum parking rate for new boarding house developments pursuant to Clause 29(2)(e):

- (iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room and*
- (iii) in the case of any development – not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.*

Based on a proposed development yield of 42 rooms plus 1 boarding house manager residing on site, a minimum of 22 off-street parking spaces is required in accordance with SEPP 2009. The proposed off-street parking provision of fourteen (14) spaces, representing a shortfall of 8 spaces, is therefore not compliant with the minimum SEPP parking requirements.

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Clause 29 (4) states: A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).

The applicant was advised that such a shortfall in car parking number would not be supported and to provide additional information/justifications to support the application.

An additional Traffic Statement was submitted by the Applicant on 25 February 2021 to address the shortfall in parking. The Traffic statement advised that the applicant has liaised with car share provider GoGet, which has also confirmed a willingness to provide

one GoGet car share vehicle, which would be accessible to all members and not solely for use by residents. The applicant has also advised that they are willing to provide one private vehicle for car share use exclusive to residents of the boarding house and for Council to choose the preferred option.

The use of the car share vehicle (i.e. GoGet) that is accessible to all members has not been supported, however the Applicant was advised that if they can demonstrate that a car share vehicle solely for the use by the residents provide sufficient parking, Council would consider this option.

The applicant has agreed to the provision of one private car share vehicle would be set up to be identical to that of a typical car share vehicle with the exception that it would be for use by residents of the boarding house only and not to all members of the community.

Management and operation of the private car share vehicle will be the responsibility of the on-site manager. Key operational characteristics of the private car share vehicle are:

- The owner of the development will be required to set-up an online booking system either via phone app/website, so residents will be able to schedule private car share vehicle bookings.
- The online booking system will enable residents to know when the private vehicle is available and allow the car to be booked in advanced.
- If a website is established, a computer could potentially be set up in the communal room to enable bookings.
- The on-site manager to induct all new residents on use of the online booking system and private car share.
- The on-site manager to ensure that the car share vehicle operates efficiency in terms of bookings, maintenance, fuelled, and deemed fit-for-use by residents.
- Set up and establishment costs associated with the car share vehicle and online booking system will be paid for by the owner of the development.
- The vehicle will be of a size comparable to a B85 Design Vehicle,(being equivalent to a Ford Falcon sedan).

ITEM 2 (continued)

- The development owner shall maintain comprehensive car insurance covering all residents that hold a driver's licence.
- Residents are required to return the private car share vehicle to the car share space at the end of their booking.
- The share car shall be maintained at all times with a full tank of petrol and shall be usable at no charge to the boarder on the basis that the car is returned with a full tank of petrol.
- A key lockbox will be provided in the vicinity of the private car share vehicle, ensuring that the keys are in a nearby and known location at all times.
- The private car share vehicle will be fitted with a GPS tracking system to ensure that the location of the vehicle is known in the event of vehicle emergencies, and to assist with the management of bookings.

Council is supportive of the one car share for the use of the residents. The above details have been included in the amended PoM.

Council has previously supported the use of a private car share space for the occupants in a Land and Environment Court conciliation conference on 28 January 2020 in Lam c Council of the City of Ryde. This involved a site at 527 Victoria Road, Ryde where a private share car replaced 5 car parking spaces.

The Traffic Impact Assessment submitted states that *“research by car share provider GoGet is supported by independent research by Boyle & Associates, suggesting a single car share space can replace car parking demand for up to 10 – 13 private cars”*.

This is reinforced by the Land and Environment Court ruling in Turner Architects v City of Botany Bay Council [2016] NSW 1186, Commissioner O’Neill held at [38]: *‘...I accept the applicant’s submission that... a car share vehicle replaces up to 10 to 12 private cars...’*

In the matter of Dimitri Dilles v Randwick City Council [2017] NSWLEC 1202, Commissioner Smithson observed at [56] that *‘...further, the Council’s website advised that one car share space was equivalent to taking 7-20 cars off the road...’*. In this matter, the Court found at [125] that *‘on balance, I therefore believe it is a reasonable outcome to accept a car share space and car sharing membership for occupants as an alternative to onsite provision...’*.

Council has previously supported one private share car replacing 5 car parking spaces whereas the Land and Environment Court has recognised that one private car is equivalent to approximately 10-12 car parking spaces. The location of this site has better access to public transport options than what 527 Victoria Road, Ryde does. For this reason, the use of a private share car to replace 8 car parking spaces is supported.

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Council's Senior Traffic Engineer has reviewed the amended plans and additional Traffic Statement and has made the following comments:

It is noted that the site is within close proximity to public transport with the closest bus stops located along both sides of Balaclava Road, being approximately 100 – 200m walking distance from the site. Further, Eastwood railway station is located approximately 500m walking distance from the site. The existing surrounding pedestrian infrastructure (footpath along both sides of Blaxland Road, signalised crossings at the intersection of Blaxland Road and Balaclava Road/Ball Avenue, etc.) is expected to assist with safe and efficient pedestrian connectivity between the site and nearby public transport options. As such, these facilities are expected to encourage greater adoption of active/public transport options as the preferred option for travel by residents of the boarding house development, thereby reducing private vehicle dependence.

Further to the above, it is noted that the original traffic report did include a parking survey of the surrounding public facilities within close walking distance to the site and have identified spare parking capacity within the surrounding public roads. In consideration of this and the above discussion, the shortfall in parking is not expected to have adverse impacts on the surrounding public parking amenity.

Accordingly with the provision of a car share for the exclusive use of the residents, the proposal is considered satisfactory in terms of car parking for the site. **Condition 167** has been imposed requiring this.

Clause 30 – Standards for boarding houses:

Clause 30(1) stipulates that a consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:

Clause 30 (1) Standards for boarding houses	Required	Proposed	Complies
(a) Common room	Minimum one communal living room for 5 or more boarding rooms	1 communal living area of 54m ² is proposed on the ground floor adjacent to communal open space.	Yes
(b) Gross Floor Area	No boarding room to have gross floor area exceeding 25m ² excluding private kitchen and bathroom	Boarding rooms (not including the House Manager unit) have areas between 16m ² to 21m ² , excluding bathrooms and kitchenettes.	Yes

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Clause 30 (1) Standards for boarding houses	Required	Proposed	Complies
(c) Occupancy	No boarding room to be used by more than 2 adult lodgers	Boarding rooms are proposed to contain 1 to 2 lodgers.	Yes
(d) Kitchen/ Bathroom	Adequate kitchen and bathroom facilities are required for a boarding house for the use of each lodger	Each boarding room is self-contained with individual bathrooms and kitchenettes.	Yes
(e) Manager	If a boarding house accommodates 20 or more lodgers a manager's dwelling shall be provided onsite.	A boarding manager unit is provided.	Yes
(g) Commercial zoning	If the site is primarily zoned for commercial purposes ground floor not to be used for residential purposes	The site is not zoned for commercial purposes.	N/A
(h) Parking	At least 1 motorcycle and bicycle parking space shall be provided for every 5 boarding rooms – a minimum 9 motorcycle and 9 bicycle spaces required	9 motorcycle and 13 bicycle parking spaces are provided.	Yes

Clause 30A – Character of local area

Clause 30A stipulates that a consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area. An assessment of the proposal's compatibility with the character of the area is provided below.

It is considered that the proposed building is consistent with the desired future character of the area with respect to the built form, setback and landscaping proposed within the front setback area.

The surrounding residential area consists of 3 and 4 storey residential apartment buildings with front setbacks varying from approximately 8m to 10m (note: 594A Blaxland has a large setback of approximately 18m with at grade parking within this front area). It should be noted that the front setback of the adjoining development (and other development on the western side of Blaxland Road between May Street and Ball

ITEM 2 (continued)

Avenue) is predominantly occupied by concrete parking and manoeuvring areas and garbage storage areas.

The proposed building is four storeys which is consistent with the three and four storey height of the development along the western side of Blaxland Road. The development is consistent with the setback of the existing building and is compatible with the setbacks of

the adjoining dwellings. The majority of the front setback will be landscaped with the exception of the bin holding bay, which is adequately screened and a front pergola for the communal open space area, (the front pergola is shown on the Landscaping Plans). It is considered that as there is already an awning to provide shade, to reduce the extent of built structures within the front setback area, the pergola is to be deleted. **Condition 1 (b) (i)** has been imposed requiring the deletion of the pergola.

The development incorporates landscaping in the front setback and the basement car park allows for landscaped open space to be provided in the front and rear setbacks, consistent with the desired future character of the area.

Clause 52 – No subdivision of boarding houses

In accordance with Clause 52, consent must not be granted for the strata subdivision or community title subdivision of a boarding house. The proposal does not seek approval for subdivision of the boarding house. **Condition 5** has been imposed.

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

Clause 4(1) of SEPP 65 states that unless specified by a LEP, this Policy does not apply to boarding house developments. However, Section 1.6 in Part 3.5 Boarding Houses of Ryde DCP 2014 states that *“Where boarding house development is associated with residential flat building design, the provisions of State Environmental Planning Policy No. 65 Residential Flat Development (SEPP 65) are also relevant”*.

This assessment is useful to assess the design quality of the proposal and achieve an overall better built form and aesthetics of the building within the streetscape.

The application was reviewed by the Urban Design Review Panel on 10 December 2020 and a desktop review of the amended plans on 4 March 2021.

The UDRP comments of are discussed below:

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
Context and Neighbourhood Character Good design responds and contributes to its context.	<u>Urban Design Review Panel comments of 10 December 2020:</u> <i>The site is located on a busy road. Opposite the site - to the east - lies an established lower-density residential neighbourhood. The immediate</i>

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SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>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><i>context on the western side of Blaxland Road comprises a relatively uniform 3-4 storey residential apartment development with generous street setbacks and some established tree planting in front gardens and in the street. Some mid-block vegetation is evident along the block but this is often compromised by on grade parking at the rear of apartment buildings.</i></p> <p><i>Significant site constraints include:</i></p> <ul style="list-style-type: none"> • <i>Traditional post-war Modern apartment buildings of 3 and 4 stories to the sides and rear of the subject property, which in turn rely on these boundaries for outlook and amenity.</i> • <i>A consistent front setback and scale to Blaxland Road generally evident in the immediate vicinity.</i> • <i>Some stormwater mitigation requirements to the rear of the lot</i> <p><i>The Panel understand that an earlier consent for a 4 storey, 12 unit residential apartment building has been used as part of the design and planning justification for the proposed siting strategies. This consent establishes a precedent for building form on the site.</i></p> <p><u>Comment:</u> Noted – the proposal is for 4 storey boarding house building and presents a quality design which responds to the context of the site and surrounds. The proposal has been amended to provide a better interface with the adjoining sites with the proposal responding to the streetscape (increase front setback to be in line with the adjoining property). The development is not considered to be out of context to nearby developments along the western side of Blaxland 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><u>Urban Design Review Panel comments of 10 December 2020:</u></p> <p><i>The proposed built form strategy is for a 4 storey element sited - more or less - in the same location as the existing approved apartment building. The proposed form has modelled the building form to the southern boundary in order to mitigate direct overlooking - effectively blinkering proposed windows. The Panel broadly supports this site planning strategy subject to comments made elsewhere in this report.</i></p> <p><i>The general configuration of the building includes a split level from front to rear, with a pass-through lift and stair negotiating this change in level at each floor.</i></p> <p><i>The Panel notes the current arrangement comprises two, smaller communal rooms, each with a small laundry. One located to the rear, the other located to address the front garden.</i></p> <p><i>The Panel encourages the applicant to consider an alternative ground floor configuration to potentially consolidate the communal rooms and laundries into a single, more generous communal room addressing the front garden.</i></p> <p><i>At the same time, the applicant may further consider relocation of the primary building entry to this same location at the primary street frontage (rather than the proposed side entry - refer to comments under safety).</i></p> <p><i>Similarly, the applicant may consider relocating the proposed bin enclosure to the northern boundary to better configure the front garden,</i></p>

ITEM 2 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	<p><i>building entry and communal room, and to maximise the resultant amenity available for lodgers.</i></p> <p><i>A further potential benefit of this alternative configuration might be the location of all accessible rooms within the eastern portion of the building providing better access to common facilities via the lift.</i></p> <p><u>Urban Design Review Panel comments of 3 March 2021 (amended plans):</u></p> <ul style="list-style-type: none"> • <i>Review of the amended proposal indicates this series of recommendations have been incorporated and result in a much improved design solution.</i> • <i>As a result of the amendments, communal open space and communal rooms and facilities have been consolidated and located in a more public location within the site.</i> • <i>In this location the proposal is better able to mitigate against visual and acoustic privacy for neighbouring dwellings.</i> • <i>The primary building entry has been reconfigured to bring the point of secure entry closer to the street.</i> • <i>A single, more generously-sized, communal room with laundry nearby creates a better focus for communal interaction within the proposal.</i> • <i>The applicant might consider the addition of communal cooking facilities in this common room to extend its utility.</i> • <i>The relocation of the bin enclosure maximises open space.</i> • <i>The proposal appears to include additional boundary planting, utilising deep soil to help screen adjacent properties.</i> • <i>The proposal no longer positions communal open space at the rear of the site, and no longer proposed an elevated rear terrace.</i> • <i>The applicant might allocate the use of the rear open space more clearly. The Panel had suggested allocating much of this open space to the adjacent ground floor units (N02, N03 and N04) as private open space.</i> • <i>The split floor plan arrangement remains, and the double-sided lift facilitates universal access to each half of the split floor plate. This arrangement is acceptable.</i> • <i>Details at 1:50 have been provided to confirm the facade types. Greater reliance on face brick in two tones is now proposed. The level of detail and resultant architectural expression is acceptable.</i> <p><i>This proposal has been amended to improve all the critical design and amenity issues raised by the Panel. The amendment represent significant improvement in design quality, internal amenity and the mitigation of impacts upon neighbouring properties.</i></p> <p><u>Comment:</u> The applicant has generally taken on board the recommendations made by the Panel with the exception of the additional cooking facilities in the communal room or extending the private open space to the ground floor units N02, N03 & N04. This is considered satisfactory as each room are self-contained and the rear ground can be used by all residents. The</p>

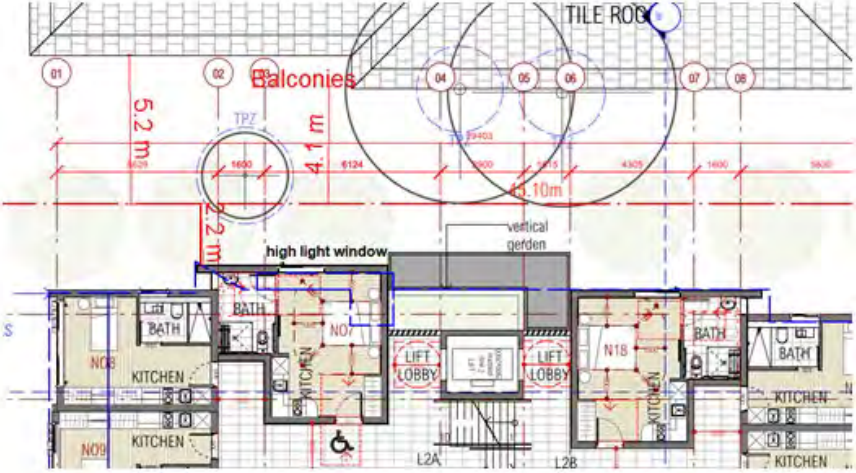
ITEM 2 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	panel has reviewed the amended plans which are supported by the Panel.
<p>Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p><u>Urban Design Review Panel on 10 December 2020.</u></p> <p><i>The proposal appears to comply with the relevant density controls and is appropriate, subject to comments made elsewhere in this report.</i></p> <p><u>Urban Design Review Panel on 3 March 2021 (amended plans).</u></p> <p>No further comments.</p> <p><u>Comment:</u> The proposal complies with the FSR control and conforms to the desired density and scale of development for this location.</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 livability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p><u>Urban Design Review Panel on 10 December 2020.</u></p> <p><i>Sustainability objectives were not specifically discussed during the meeting.</i></p> <p><i>The Panel encourages the provision of solar access and cross ventilation wherever possible, and particularly to communal rooms and common outdoor space.</i></p> <p><i>Deep soil is located to reinforce open space and planting to the site perimeter (refer to comment under landscape).</i></p> <p><u>Comment:</u> The amended plans have combined and relocated the communal area and communal open space to the front of the building. Solar access and cross ventilation are able to be achieved in the front communal area, open space and for the majority of the lodgers rooms.</p> <p>Deep soil landscaping is now able to be provided around the site perimeter as side basement setbacks have now been provided.</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><u>Urban Design Review Panel on 10 December 2020.</u></p> <p><i>The general layout and intent of the landscape concept is generally supported.</i></p> <p><i>In its current form however, the Panel is concerned for the raised terrace at the rear of the site associated with the proposed communal room. The elevated terrace represents a risk to privacy and amenity for neighbouring apartments.</i></p> <p><i>The suggested co-location of common rooms to the front boundary offers a solution to this concern. The rear open areas of the site might then be better used for private open space allocated to adjacent boarding rooms.</i></p>

ITEM 2 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<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><i>Tree planting is encouraged along the site boundaries to further mitigate against potential overlooking and cross-viewing. The objective is for sufficient mature trees. located in deep soil, to assist screening between adjacent properties.</i></p> <p><i>The suggested reconfiguration of the primary building address away from the side boundary and to the primary street frontage offers an opportunity to increase planting along the northern site boundary.</i></p> <p><u>Urban Design Review Panel on 3 March 2021 (amended plans).</u></p> <p>See comments under the principle "Built Form"</p> <p><u>Comment:</u> The proposal has been amended to delete the rear terrace communal open space and relocated it to the front setback area. This space has been designed as a sitting area, off the communal room, within a landscaped setting.</p> <p>Amended landscape plan has been submitted and Council's Consultant Landscape Architect has reviewed the amended landscaping plans and has advised that the plans are considered satisfactory. Trees and screen plantings have been provided around the perimeter of the site.</p>
<p>Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p><u>Urban Design Review Panel on 10 December 2020:</u></p> <p><i>The Panel's earlier comments regarding the potential co-location of communal rooms adjacent the front garden would improve the available amenity for lodgers.</i></p> <p><i>Similarly, other comments made by the Panel will contribute to improved amenity for lodgers and neighbour.</i></p> <p><u>Urban Design Review Panel on 3 March 2021 (amended plans).</u></p> <p>See comments under the principle "Built Form"</p> <p><u>Comment:</u> The amended proposal has generally taken on board the recommendations of the panel however one of the amendments involved shifting a section of the rear western portion of the development towards northern boundary to reduce solar impact on southern neighbours. This has reduced the setback for this section of the building from the required 3m to 2.2m, as shown below:</p>

ITEM 2 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	 <p>Figure 22: Reduced setback for a portion of the northern elevation of the building.</p> <p>This reduced setback can be supported as high light windows are proposed along this elevation to minimize any overlooking. The separation between the adjacent building and the reduced setback is between 6.3m and 7.4m which is considered sufficient to provide adequate separation. In addition, screen planting comprising of Lilly Pilly (Native, which has height range of between 6 to 8m) are proposed along this section of the boundary. This will help screen and soften the development from the adjacent property.</p>
<p>Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p><u>Urban Design Review Panel on 10 December 2020:</u></p> <p><i>The proposed primary building address is located along the side boundary and away from the street. In this configuration, the Panel is concerned the entry presents opportunities for concealment and brings building users and visitors to a sensitive interface with neighbouring apartment residents.</i></p> <p><i>Earlier Panel comments for a possible alternative ground level configuration would address this concern.</i></p> <p><u>Urban Design Review Panel on 3 March 2021 (amended plans).</u></p> <p><i>The primary building entry has been reconfigured to bring the point of secure entry closer to the street.</i></p> <p><u>Comment:</u></p> <p>The development has defined the public and private spaces within the development. Passive surveillance over the public domain areas will be possible from the front communal area overlooking Blaxland Road. The development also provides secure access points to the site and car park entry. The amendment is considered satisfactory.</p>
<p>Housing Diversity and Social Interaction</p>	<p><u>Urban Design Review Panel on 10 December 2020:</u></p> <p><i>The proposed mix of room sizes is supported.</i></p>

ITEM 2 (continued)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p><u>Urban Design Review Panel on 3 March 2021 (amended plans).</u></p> <p>No further comments.</p> <p><u>Comment:</u> The development is in response to current housing demand and responds to the need for economic housing choice within an area with good public transport access, social and commercial facilities.</p>
<p>Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p><u>Urban Design Review Panel on 10 December 2020:</u></p> <p><i>The general approach to the architectural expression is supported in principle.</i></p> <p><i>The Panel encourages the submission of detailed 1:50 drawings of the primary facade types (including any balconies) to fully define the design intent and material quality of the proposal.</i></p> <p><i>The Panel encourages a reduced reliance on painted rendered surfaces and a preference for self-finishing integral material selections.</i></p> <p><i>In particular, the Panel noted that the primary street-facing facade would benefit from further refinement and enrichment.</i></p> <p><i>The applicant is encouraged to develop this primary facade composition and architectural expression in concert with other suggested modifications described in this report.</i></p> <p><u>Urban Design Review Panel on 3 March 2021 (amended plans).</u></p> <p><i>Details at 1:50 have been provided to confirm the facade types. Greater reliance on face brick in two tones is now proposed. The level of detail and resultant architectural expression is acceptable.</i></p> <p><u>Comment:</u> Building facades details has been provided and is considered acceptable by UDRP. Overall, the aesthetic is contemporary and refined.</p>

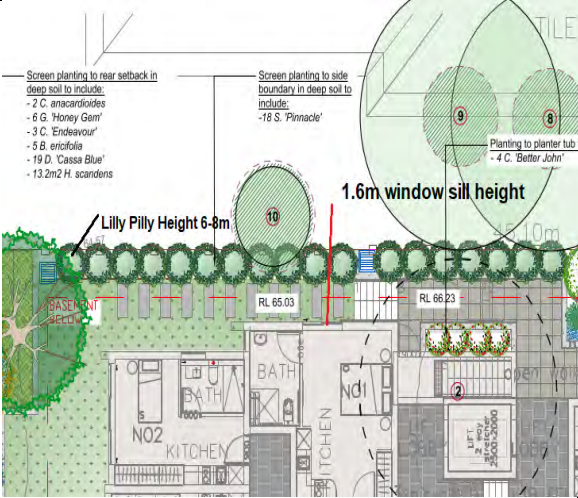

As the boarding house adjoins with residential flat building designs, the following Apartment Design Guide with regards to the built form is a helpful guideline for consideration:

Apartment Design Guide Requirement	Proposal	Complies
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ITEM 2 (continued)

Part 2 Development Controls		
<p>Building Depth Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.</p>	<p>The building has a maximum depth of 14m and complies with the DCP requirement.</p>	<p>Yes</p>
<p>Building Separation Minimum separation distances for buildings are: <i>up to 4 storeys should be:</i> -12m between habitable rooms / balconies -9m between habitable / balconies and non-habitable rooms -6m between non-habitable rooms.</p>	<p>The adjoining sites on the north, south and western boundaries contain 4 storey RFBs.</p> <p>Based on a 4 storey building the development should provide a 12m separation distance. Applying half the minimum separation distance required by the ADG results in a required setback to the boundary of 6m.</p> <p>The subject site is 20.11m wide and 45m long. Adhering to a minimal 6m setback on a site with such a narrow geometry would deem any redevelopment unworthy and unduly burden the redevelopment of this site, particularly once further articulation is achieved with indentation. The Local Planning Panel has previously approved a variation for a residential flat building down to 3m for the northern side setback and between 3.2m to 5.9m for the southern side setback provided there was no overlooking impact and architectural relief provided.</p> <p>To reduce solar impact to the southern property, the applicant has pushed a section of the northern elevation further north, reducing this section of the northern setback to 2.13m for a length of 6.7m. This section of the building is opposite some side windows and balconies of 600 Blaxland Road. Along this section, 600 Blaxland Road has a setback of approximately 5.7m to 4.1m (4.1m for the balconies) from the common boundary. Therefore, there will be a building separation of between 7.4m to 6.3m, see Figure 22 above. The section where it is setback only 2.2m has one boarding room window on each level facing the adjacent property side balconies and windows.</p> <p>To minimise the overlooking from the reduced setback, the proposed windows off the lodger room has a windowsill height of 1.6m from the FFL. In addition, it is proposed to provide dense perimeter landscaping of Native Lilly Pilly along this section of the building which will screen and soften the development from 600 Blaxland Road.</p>	<p>No –. Variation acceptable on merit.</p>

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	 <p>Figure 23: Landscaping along the perimeter of the boundary.</p> <p>Along the southern boundary, the building is setback between 3.2m to 5.4m with side windows facing the side elevation of 596 Blaxland Road. These windows are also high light windows with window sill height of 1.6m.</p> <p>The manager's private open space area is elevated off the ground and is setback 1.1m off the southern side boundary (amended from original which was right on the boundary). This still has the potential to overlook into 596 Blaxland Road, as such to minimise any overlooking impact Condition 1 (a) has been imposed to provide a 1.6m high privacy screen along the side elevation of the POS and the drying area. This together with the proposed landscaping (see Figure 24 below) will reduce any overlooking impact to 596 Blaxland Road.</p>  <p>Figure 24: Landscaping along the southern boundary.</p> <p>A 6m setback is proposed along the rear (western) boundary which is considered satisfactory.</p>	
<p>3F Visual Privacy</p>	<p>See discussion under Building Separation.</p>	

ITEM 2 (continued)

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:				No –. See full discussion under Building Separation.
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 a pedestrian entry to the building from Blaxland Road. The entry is accessible and easy to identify.	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 development has proposed a 6m wide vehicle entry. This access point will provide for adequate sight distances with a waiting bay at the front to allow for vehicles to pass. In addition TfNSW will only permit left in and left out from Blaxland Road, accordingly Condition 9 has been imposed restricting any right turn movements to/from the site onto Blaxland Road. The driveway has also been designed to prevent the right turn movements.	Yes

State Environmental Planning Policy (Building Sustainability Index BASIX) 2004

The proposed development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. Clause 3 of the Environmental Planning and Assessment Regulation 2000 defines a 'BASIX Affected Building' as any building that contains one or more dwellings but does not include a hotel or motel.

In a NSW Land & Environment Court (LEC) case *SHMH Properties Australia Pty Ltd v City of Sydney Council [2018] NSWLEC 66* Commissioner Preston determined that, if rooms in a boarding house are capable of being used as a separate domicile (and therefore meeting the definition of a 'dwelling'), a BASIX certificate for the development will be required to accompany the development application.

The proposal seeks consent for 42 boarding rooms and 1 House Manager's Unit and is supported by an amended BASIX Certificate which provides the development with a satisfactory target rating.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

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The objective of this SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation. The subject site is not identified as containing significant urban bushland on Council's Environmentally Sensitive Areas map.

5.2 Ryde Local Environmental Plan 2014

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

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

Clause 2.3 – Zone Objectives

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

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

The development provides affordable housing within the high density residential environment. Therefore, the proposed development satisfies the objectives of the R4 High Density Residential zone.

Clause 4.3 Height of buildings

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

As discussed in the assessment of the ARH SEPP above, a written Clause 4.6 variation is not required pursuant to *193 Liverpool Road Pty Ltd v Inner West Council* [2017] NSWLEC 13. A merit assessment has been undertaken previously in this report and has determined that the exceedance in the maximum building height under the Ryde LEP 2014 will not result in unacceptable impact to the adjoining properties and the proposed height is compatible with the desired future character of the area.

Clause 4.4 Floor Space Ratio

The maximum permitted FSR for the site is 1:1 (773.5m²). Under Clause 29(1)(c)(i) of the ARH SEPP, a bonus of 0.5:1 FSR is permissible for boarding houses within R4

ITEM 2 (continued)

High Density Residential zone. As such, the maximum permissible FSR for the proposed development is 1.5:1 (1374.6m²). The proposal seeks approval for an FSR of 1.45:1 (1334.2m²), and therefore complies with this development standard.

Other provisions

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

Provision	Comment
Clause 5.1 Relevant acquisition authority	No part of the site is mapped as being reserved for acquisition for public purposes.
Clause 6.2 Earthworks	The proposed development includes excavation for one level of basement car park. Council's Senior Development Engineer has reviewed the submitted sediment and erosion control plan and it is considered satisfactory.
Clause 6.4 Stormwater management	Council's Senior Development Engineer has raised no objections to the proposed stormwater management system for the site.

5.3 Draft Environmental Planning Instruments

Draft Remediation of Land State Environmental Planning Policy

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

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

The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of development applications. Refer to conclusions made in relation to SEPP 55.

Draft Environment State Environmental Planning Policy

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

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- 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.

5.4 City of Ryde Development Control Plan 2014

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

Part 3.5 – Boarding Houses

Section 1.3 states that the objectives of Part 3.5 are:

1. *“To recognise boarding house accommodation as a component of the City of Ryde’s residential housing mix.*
2. *To facilitate the provision of high quality affordable rental housing in the form of boarding houses where permissible in residential and business zones in the City of Ryde.*
3. *To support government policy which facilitates the retention and mitigates the loss of existing affordable rental housing.*
4. *To encourage appropriate design of boarding house development to ensure the impact and operation does not interfere with surrounding land uses and amenity.*
5. *To provide controls for boarding houses that are not within “accessible area” as defined under the SEPP ARH.*
6. *To ensure that boarding houses are designed to be compatible with and enhance the local area character and the desired future character.*
7. *To ensure that any building that has been developed or adopted into a boarding house maintains a satisfactory standard of amenity for both the needs of occupants and neighbours alike”.*

It is considered that the development satisfies the above in that the development provide a form of housing type that is permissible in the zone, will replace a single attached semi dwelling with an affordable boarding house that is compatible in height and scale with the adjoining properties. The building has been designed to be compatible with other 4 storey buildings in the immediate area and is considered in keeping with the character of the local area. The proposal has been amended to take on board the recommendations made by the UDRP with regard to internal layout, built form and articulation of the façades thus having a positive contribution to the desired character of the streetscape. This, together with conditions to provide privacy screening to the manager’s deck and drying area, results in a development that provides for satisfactory amenity for both the future occupants and adjoining neighbours.

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An amended PoM has been submitted which will ensure that the car share scheme is properly managed and that the operation of the boarding house is viable for future occupants.

The following table provides an assessment of the development against the applicable clauses of Part 3.5.

Provision	Required	Proposed	Complies
1.6 Relationship of this Part to other Plans and Policies	Where boarding house development is associated with residential flat building design, the provisions of SEPP No. 65 Residential Flat Development (SEPP 65) are also relevant.	An assessment against the provisions of SEPP 65 and the ADG is provided earlier in this report as the proposal is associated with a residential flat building design.	Yes
2.0 Location and Character	<p>The design must demonstrate compatibility with character of local area and address:</p> <ul style="list-style-type: none"> Existing character (streetscape and visual catchment areas) Predominant building type Predominant height Predominant front setback and landscape treatment Permissible FSR and site coverage Predominant pattern of subdivision and spacing of buildings Predominant parking arrangement Predominant side setbacks Predominant rear setback and rear landscaping 	<p>The proposal is considered compatible with the character of the local area for the reasons as follows:</p> <p>The bulk and scale of the development is compatible with the surrounding area. The development is for a 4 storey building adjoining other 4 storey residential apartment buildings along this side of Blaxland Road.</p> <p>Landscaping is provided in both the front, rear and side setbacks. Council's Landscape Architect has reviewed the proposed landscaping and has raised no objections. Sufficient deep soil areas have been provided in the front and rear setback area and the proposal has been amended to provide deep soil planting along the side boundaries. In addition the front setback has been increased to be line with the adjoining property to the north.</p> <p>Condition 1 (b)(i) has been imposed to delete the front pergola (shown on the landscaping plans) within the front setback area so as to minimise built structure within the front setback.</p>	Yes

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Provision	Required	Proposed	Complies
2.3(c) Heritage	Within vicinity of heritage item needs to be sympathetic to heritage significance	The site is not located in the immediate vicinity of any heritage items or heritage conservation areas.	Yes
2.3(f) Size and Scale	<p>The bulk and scale of the development must demonstrate acceptable impacts for the street and adjoining properties relating to:</p> <ul style="list-style-type: none"> • Overshadowing and privacy • Streetscape • Building setbacks • Parking and traffic impact • Landscape requirements • Visual impacts and impact on views • Impact on significant trees • Suitable lot size, shape and topography 	<p>The proposal is 4 storeys in height, similar in height and scale to the adjoining 4 storeys residential apartment buildings on either side.</p> <p>Due to the east-west orientation overshadowing to the southern property (596 Blaxland Road) is unavoidable. However, 596 Blaxland Road will still be able to receive morning sun from 9am to 11am on 21 June.</p> <p>The proposal provides deep soil areas, and the planting scheme proposed is commensurate with the scale of the development and the neighbourhood context.</p>	Yes
2.3(g) and (h) Parking and Traffic	<p>Parking is not to be located within communal open space or landscape areas.</p> <p>A boarding house with 30 or more rooms is to be supported by a Traffic and parking Impact Assessment report, prepared by a suitably qualified person, addressing as a minimum the following:</p> <ul style="list-style-type: none"> • prevailing traffic conditions • the likely impact of the proposed development on 	<p>Basement car parking is proposed with a vehicular driveway from Blaxland Road.</p> <p>The proposal has a shortfall of 8 car parking spaces in accordance with the requirements of the ARH SEPP 2009. A Traffic Impact Assessment Report has been prepared by PDC addressing traffic and parking for the site.</p> <p>The justification provided in the Traffic Impact Assessment Report, being the shortfall is adequately addressed, by provision of a car share space exclusively for the use of the lodgers and that the proposal is in close proximity to public</p>	Yes

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Provision	Required	Proposed	Complies
	existing traffic flows and the surrounding street system <ul style="list-style-type: none"> pedestrian and traffic safety, and justification of any variation to the parking requirements (if proposed). 	transport (bus line and Eastwood Station) is supported. The applicant has provided details as to how the car share space will be managed to meet the demands of the development. The shortfall in parking has been assessed by Council's Traffic Engineer who has raised no objections to the proposal.	
3.2 Privacy and Amenity	(a) Main entrance to be located and designed to address street	The main entrance to the boarding house is located at the ground level and addresses Blaxland Road.	Yes
	(b) Access ways to front entrance located away from windows of boarding rooms for privacy	The front entrance is directly accessed from the footpath on Blaxland Road and leads to a lobby that has sufficient separation from the nearest boarding room on the ground floor.	Yes
	(c) Designed to minimise and mitigate visual and acoustic privacy impacts on neighbours	An Acoustic Report prepared by Acoustic Logic dated 18 September 2020 was submitted with the application. The report provided construction recommendations to comply with the noise objectives. Condition 66 has been imposed requiring compliance with the recommendations contained in the report. In addition, Section 5 of the report – Noise Emission Assessment <i>"Noise emissions from the site should be assessed to ensure that the amenity of nearby land users is not adversely affected. Noise generated by mechanical plant servicing the development has been identified as the only source of potential noise emission from the development. Noise emissions from all mechanical services plant to the closest residential receiver should comply with the noise emission criteria in Section 5.1."</i> Accordingly, Conditions 66, 67, 128, 190 & 191 have been imposed	Yes

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Provision	Required	Proposed	Complies
		<p>to ensure that the development complies with the relevant controls and standards for noise emission.</p> <p>Condition 172 has also been imposed for compliance with the Plan of Management which also stipulate that no amplified music is permitted any time within the outdoor communal areas.</p>	
	(d)An acoustic report prepared by a suitably qualified acoustic consultant may be required where there is the potential for noise impacts on occupants and neighbours.	An Acoustic report has been submitted with the application.	Yes
3.3 Accessibility	All boarding house developments to be accompanied by accessibility report	A suitable Access Report was submitted with the application.	Yes
3.4 Waste Minimisation and Management	Required in accordance with Part 7.2 of the RDCP 2014	The House Manager will be responsible for moving the bins to kerb side for collection days.	Yes
3.5 Sustainability and Energy Efficiency	BASIX Certificate required	An amended BASIX Certificate has been submitted.	Yes
3.6 Internal Building Design	Must make provision for laundry facilities, communal food preparation facilities, sanitary facilities and storage areas	<p>The architectural plans show that each boarding room has a bathroom and kitchenette.</p> <p>Communal laundry facilities are provided next to the communal living area. Condition 1(a) has been imposed requiring the clothes drying area is to be screen from view from the adjoining property at 596 Blaxland Road.</p>	Yes
	Safety to be optimized by providing for overlooking of communal areas, provision of lighting and providing clear	<p>The communal areas are generally all within the building and have adequate security and surveillance.</p> <p>Conditions 71 & 158 have been imposed for security measures (such</p>	Yes

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Provision	Required	Proposed	Complies
	definition between public and private spaces	as automatic lighting of common areas and CCTV).	
3.6(e)(i) Bedrooms	<ul style="list-style-type: none"> Not to open directly onto a communal area Must comply with SEPP (Affordable Rental Housing) 2009 Minimum 2.1m² required for basin and toilet plus 0.8m² for shower, 1.1m² for laundry which must include a tub and 2m² for a kitchenette Kitchenettes must have small fridge, cupboards, shelves, microwave and 0.5m² of bench space 	<p>Boarding rooms do not open directly to communal living areas.</p> <p>The boarding rooms complies with the minimum and maximum room size. Sufficient area is provided for basins, toilets and showers within each room.</p> <p>Kitchenettes provide for fridges. However, no detail is shown on plans that the kitchenettes provide for bench space or storage in the form of cupboards or shelves.</p> <p>Condition 181 has been imposed requiring details to be submitted to the PCA demonstrating compliance with the minimum room and storage requirements of the DCP.</p>	Yes
3.6(e)(ii) Communal Living Room	<ul style="list-style-type: none"> Locate adjacent to communal open space to minimise impact on neighbours Minimum size 15m² plus additional 15m² for each additional 12 persons. 57 lodgers proposed, meaning an area of 67m² is required 	<p>Communal living areas and communal facilities are located at the front of the building, as recommended by the UDRP. The communal open space and common room will provide passive surveillance to Blaxland Road.</p> <p>The communal living area does not comply with the minimum 67m² required by the DCP, with 54m² being provided.</p>	<p>Yes</p> <p>No – variation can be supported as majority of the lodger rooms are larger than the minimum required area, thereby providing additional living area in the room. Plus, an undercover awning area immediately adjoins the communal</p>

ITEM 2 (continued)

Provision	Required	Proposed	Complies
	<ul style="list-style-type: none"> Openings to be oriented away from adjoining residential properties. 	<p>The communal living area is orientated to the front of the site, away from adjoining residential properties.</p>	<p>room, extending the usable area by additional 19.2m². The proposal has increased the front and rear setbacks thus providing more communal open space area.</p> <p>Yes</p>
3.6(e)(iii) Communal Kitchen and Dining Areas	<ul style="list-style-type: none"> To be in accessible location Area to be minimum 6.5m² or 1.2m² per resident that does not contain a kitchenette and provide one sink and stove top cooker per 6 people Combined kitchen/dining areas to have minimum 15m² area and 1m² per room = 56m² 	<p>Given each room contains a kitchenette, a communal kitchen is not required.</p>	<p>Yes – communal kitchen and dining areas not required.</p>
3.6(e)(iv) Bathroom	<p>Communal bathrooms must be accessible 24 hours a day</p>	<p>No communal bathrooms are proposed, given each room contains its own bathroom.</p>	<p>Yes</p>
3.6(e)(v) Laundry and Drying Facilities	<p>Outside drying areas shall be located in communal open space:</p> <ul style="list-style-type: none"> 15m² external clothes drying area for every 12 residents in an outdoor area (can be retractable) – 70m² 	<p>Communal laundry facilities.</p> <p>An outdoor clothes drying area is provided on the ground floor measuring at 14m². This does not comply with the required 70m². The development does however propose 2 clothes dryers within the laundry. No details have been provided in respect of the dryers but a condition of consent will be imposed to require these driers to be heavy duty commercial dryers. (See condition</p>	<p>Yes</p> <p>No – The variation can be supported as a communal laundry facilities room with 2 clothes dryers provided. The outdoor drying area has retractable</p>

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Provision	Required	Proposed	Complies
		193) . While there is no standard that can be used as a guide to the appropriateness of this arrangement, on merit this is considered acceptable.	clothes lines, as such this together with the indoor drying area is considered sufficient to cater for the number of lodgers.
3.6(e)(vi) Management office design	The Manager's office is to be in a central, visible location for occupants and visitors.	Manager's office provided adjacent to the communal living area. The area is accessible to occupants and visitors.	Yes
4.2(a) to (d) Management Controls	To be managed by a manager who has overall responsibility including the operation, administration, cleanliness, maintenance and fire safety of the premises. A Plan of Management is to be submitted to address the ongoing management and operational aspects of the boarding house	An amended PoM has been submitted and considered acceptable. PoM specify, inter alia, maximum length of stay, measures to mitigate acoustic impact on adjoining properties, management and operational aspects and details regarding the parking arrangements (car share vehicle) and allocation of parking spaces.	Yes

Part 7.2 Waste Minimisation and Management

The development involves the construction of a boarding house, the applicant has submitted a Waste Management Plan (WMP). The WMP has been reviewed by Council's Waste Management Co-ordinator and is considered satisfactory.

Part 9.2 Access for People with Disabilities

The application includes a BCA and Access 2019 A1 Indicative Compliance Report prepared by Building Innovations Australia (Town Planning/BCA Consultancy/Fire Audit Reporting/BCA Access Consultancy/Development Management) which states that the development can readily comply with the requirements of the BCA/DDA (Access for People with Disabilities).

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Conditions 68 & 168 have been recommended requiring compliance with the recommendations of the Report and that the adaptable dwelling is allocated the accessible parking space.

Part 9.3 – Parking Controls

Clause 2.2 of the DCP is relevant for Boarding Houses within an accessible area*

- *At least 0.2 parking spaces / boarding room (1 space /5 boarding rooms). In terms of dwelling size this equates to: -*
 - *At least 0.2 parking spaces/dwelling containing 1 bedroom –*
 - *At least 0.5 parking spaces / dwelling containing 2 bedrooms –*
 - *At least 1 parking space / dwelling containing 3 or more bedrooms*
- *Not more than 1 parking space for each person employed in connection with the development.*

This equates to (based on 42 x 1 bedroom and one manager) 9 spaces for the lodgers and 1 space for the manager, a total of 10 spaces. It is proposed to provide 14 spaces which complies with the DCP.

Note: * The site is within an accessible area as it is approximately 500m from Eastwood Station. An “accessible area” is defined in State Environmental Planning Policy (Affordable Rental Housing) 2009 as amended. An accessible area is generally within 800m walking distance of a rail station or ferry wharf serviced by Sydney Ferries or 400m walking distance of a light rail station or bus stop that is serviced by at least one bus / hour Monday to Friday. Reference should be made to the SEPP for definitions of walking distance and the unabridged definition of “accessible area”

Note: Whilst the proposal complies with Council’s DCP for parking, the proposal does not comply with the number of car parking spaces required Clause 29(e) of the ARHSEPP 2009. The DCP was written prior to the amendment of the SEPP from 0.2 to 0.5 parking spaces and that the intent of the DCP was to be consistent with the SEPP, and therefore the SEPP prevails. The non compliant with the SEPP requirement is discussed in full earlier in the report.

Part 9.5 – Tree Preservation

Currently existing on the site are 5 trees all of which are to be removed. None of these trees are of high retention value. The Arboricultural Assessment Report states: “Of the 5 trees assessed internal to the site, trees 1 & 3 are either dead or have been previously removed with stumps only remaining, Tree 2 is a species grown for fruit production being over-mature in age and poor in condition. Tree 4 is a multi-leader specimen most likely self-seeded and Tree 5 is an undesirable species also most likely self-seeded. Internally the proposed approach is to remove all trees subject to the replanting of new trees shrub and ground covers as part of final landscape works.”

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Tree 1 is a Bracelet Honey Myrtle and is dead and Tree 3 has already been removed. Tree 2 is a Mulberry tree and is exempt under the Tree Management Order and does not require Council's consent. Tree 4 is a Jacaranda tree. The removal of Tree 4 is supported by Council's Landscape Architect as the construction of the basement will result in major encroachment to the tree root zone. Four trees will be replanted in place of this tree. Tree 5 is a Broad Leaved Privet and is also exempt under the Tree Management Order.

Council's Landscape Architect has reviewed the amended report and amended Landscape Plan. The amended plans have provided additional landscaping around the perimeter of the site and is providing tree replanting at a ratio of 2:1, which is considered satisfactory.

5.5 Planning Agreements OR Draft Planning Agreements

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

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

Council's current Section 7.11 Development Contributions Plan 2020 effective from 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 lodgers* there are in the development proposal, being a maximum of 57 lodgers. The contributions 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:

Note: Currently existing on site is a single storey dwelling house on each of the allotments, accordingly a concession has been given for each of the dwellings containing 3 bedrooms. (This was confirmed by searches on real estate website - leasing for 3 x bedrooms).

* The rate is based on number of lodgers (Table 3 Section 7.11 contribution rates – residential development outside Macquarie Park * per resident rate is relevant to calculating the contributions for boarding houses, group homes, and hostels)

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$120,682.41
Open Space & Recreation Facilities	\$207,809.98
Transport Facilities	\$63,796.80
Plan Administration	\$5,884.06
The total contribution is	\$398,173.25

ITEM 2 (continued)

Condition 33 requiring the payment of the above Section 7.11 contribution prior to the issue of any Construction Certificate has been included in the recommendation of this report and which will further be indexed at the time of payment if not paid in the same quarter.

5.7 Any matters prescribed by the regulations

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.

Visual Privacy

Visual privacy is another important consideration in respect of amenity.

The subject site is a narrow site (20.1m wide) and whilst the proposal does not comply with building separation in accordance with the ADG requirement, (adhering to a minimal 6m side setback on a site with such a narrow geometry would deem any redevelopment unduly burdened, particularly once further articulation is achieved with indentation), the proposal minimises overlooking by providing high light windows to the rooms.

A 6m rear setback has been provided from the rear common boundary with dense landscaping of planting growing to 3m is proposed along the rear boundary. This is considered satisfactory in terms of privacy to the adjoining rear property, 13 Ball Ave.

Condition 1(a) has been imposed requiring a privacy screen being provided along the southern side of the Manager's POS deck area and the drying area.

Construction Impacts

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Council's standard conditions of consent have been imposed to control the impact of the construction activities. See **Conditions 14, 42, 57, 81, 101, 108 & 110**.

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

ITEM 2 (continued)

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 development application was notified between 18 November 2020 to 10 December 2020). Council received nineteen (19) submissions raising concerns about the proposal.

Amended plans were received on 15 February 2021 with the amended plans re-notified between 26 February 2021 and 17 March 2021. The changes to the original proposal are listed earlier in this report. The 2nd round of notification received four (4) submissions objecting to the proposal.



Figure 25: Red star denote location of submissions. 4 Submissions were outside the area shown on the above map, being in Epping, Beecroft, First Ave and Clanapline Street in Eastwood.

The concerns raised in the submissions received in the first public notification period are:

- *Noise level for 42 boarding rooms – currently peaceful neighbourhood.*
- *The Jacaranda tree would be affected by the building works (Ball Ave)*
- *Increase in traffic on Blaxland Road which is already very busy- congested. Any construction will be detrimental for those living in the area/disruption to people living nearby.*

ITEM 2 (continued)

- *Too large of a scale – a 4 storeys is higher than adjacent properties, insufficient parking with no street parking. Area already congested with commuter parking.*
- *Height too tall, block sunlight and overshadow to 13 Ball Ave, 596 and 600 Blaxland Ave.*
- *Overshadowing to 600 Blaxland/too large/lose of privacy/loss of view from their bedroom windows/collection of bins problematic, insufficient room for placement on the kerb.*
- *Construction impact to adjoining properties foundations.*
- *Not in character the surrounding area. Deep soil and setback are inadequate to allow for tree planting.*

The concerns raised in the submissions received in the second public notification period are:

- *Result in significant amount of traffic on Blaxland Road – which is already very busy. Construction will be detrimental for those living in the area/disruption to people living nearby.*
- *Should not be more than 3 storey high so as not to block sunlight and overshadow and privacy our address (13 Ball Ave)*
- *Already lots of empty properties and thus affect the market value of existing property.*

Planner's comments

- Noise: An Acoustic Report has been submitted with the application and Section 5 of the report – Noise Emission Assessment states: *Noise emissions from the site should be assessed to ensure that the amenity of nearby land users is not adversely affected. Noise generated by mechanical plant servicing the development has been identified as the only source of potential noise emission from the development.*

Details of the mechanical plant servicing is generally provided at the Construction Certificate stage and the Acoustic Report acknowledges this as such has conducted testings with regards to Sleep Arousal Criteria to determine approximate noise levels.

“Detailed plant selection has not been undertaken at this stage, as plant selections have not been determined. Detailed acoustic review should be undertaken at CC stage to determine acoustic treatments to control noise emissions to satisfactory levels. Satisfactory levels will be achievable through appropriate plant selection and location and, if necessary, standard acoustic treatments such as duct lining, acoustic silencers and enclosures.”

ITEM 2 (continued)

Noise emissions from all mechanical services plant to the closest residential receiver should comply with the noise emission criteria in section 5.1.”

Condition 66 has been imposed requiring compliance with recommendations and requirements provided in the Acoustic report.

To ensure that noise from the residents will not adversely impact adjoining properties, an amended PoM has been submitted which limits the playing of recorded and/or amplified music indoors to between the hours of 8:00am and 8:00pm Monday to Thursday and between 8:00am and 10:00pm Friday to Sunday. The use of the outdoor communal area shall be restricted to between the hours of 7:00am and 10:00pm daily. No amplified music is permitted at any time within the outdoor communal area. **Condition 172** has been imposed requiring compliance with the PoM.

- **Tree:** The Jacaranda tree (Tree 4) is located on the south western end of the site and is proposed to be removed as it will be impacted by construction works. The removal of this tree is supported by Council’s Landscape Architect as the construction of the basement will encroach on the root zone of the tree and given that the tree will be replaced with 4 x Blueberry Ash (Native) trees along this section of the site. This is considered satisfactory and will provide good screening and amenity to both future occupants and to the adjoining property.



ITEM 2 (continued)

Figure 26: Landscaping Plan illustrating the location of the Jacaranda tree to be removed and replant with Blueberry Ash trees.

- **Traffic:** A Traffic Report prepared by PDC Consultant has been submitted with the application and Council's Senior Traffic Engineer has reviewed the proposal has provided the following comments:

The Guide to Traffic Generating Developments (GTGD) and its technical direction (TDT 2013/04a) does not provide specific traffic generation rates for a boarding house development. In order to estimate the potential traffic generation associated with the proposed development, reference is made to other traffic studies for boarding house developments that form previous DAs submitted to Ryde City Council.

A review of these traffic studies have indicated that the traffic generation corresponding to a boarding house land use have been considered to be similar to a high density residential development. The GTGD and its technical direction (TDT 2013/04a) state the following upper limit peak hour trip generation rates for high density residential flat buildings:

AM Peak Hour – 0.32 trips per unit

PM Peak Hour – 0.41 trips per unit

Based on a development yield of 43 units, the subject proposal could be expected to generate up to 14 AM and 18 PM peak hour vehicle trips to and from the site. This represents a net increase of 12 AM and 16 PM peak hour vehicle movements over and above the peak hour traffic generated by the two (2) existing detached dwellings occupying the site.

The abovementioned net increase in peak hour traffic is not expected to alter the current operational performance of the adjoining road network. Further, it is noted that TfNSW have requested a left in/left out access arrangement for the vehicular driveway to minimise efficiency issues relating to right turning movements into and out of the site.

- **Scale:** The proposed building is 4 storeys and is not too dissimilar in bulk and scale to the adjoining residential apartment buildings.

As illustrated in **Figures 15 & 16** above, the proposed development is not dissimilar in scale to the adjoining properties. The two adjoining properties have garages under with residential above as such, when viewed from Blaxland Road appears as 4 storeys. The proposal complies with the maximum floor space allowed under ARHSEPP and whilst the building is slightly over the maximum height allowed (see full discussion above), the height variation is mainly the flat roof and lift overrun. The variation is not considered to adversely impact the adjoining properties in terms of overshadowing with the height of the building similar to 600 Blaxland Road.

ITEM 2 (continued)

It is acknowledged that the proposal is short of the parking required under ARHSEPP, however **Condition 167** has been imposed for a car share vehicle for the exclusive use of the residents is to be provided. This is equal to 10 car spaces, as discussed earlier in the report. As such, the provision of parking provided is considered adequate to service the development.

In addition, the site is within close proximity to public transport with the closest bus stops located along both sides of Balaclava Road, being approximately 100 – 200m walking distance from the site. Eastwood railway station is located approximately 500m walking distance from the site.

- Height and overshadowing: The height of the building is not dissimilar to 600 Blaxland Road (RL 77.71 for 600 Blaxland Road and RL 78.50 for top of lift overrun at 598 Blaxland Road) and is not considered to be out of character with the adjoining properties.

Whilst the height is above the maximum allowable 11.5m by 1.8m for the lift overrun, the variation to the height is not considered to have adverse impact in terms of overshadowing as discussed and illustrated below.

- 600 Blaxland Road: is located north of the subject site and the proposal will have minimal overshadowing to this property.
- 13 Ball Ave: is located west of the subject site, sharing the rear common boundary. 13 Ball Ave have a habitable room window and a bathroom/laundry window facing the subject site (rear elevation). As illustrated below in Figure 23 to 25, 13 Ball Ave rear elevation will be partly in shade at 9am but 12 noon will not be impacted upon from the proposed development.



ITEM 2 (continued)

Figure 27: Rear elevation of 13 Ball Ave, facing the subject site.

- 596 Blaxland Road: is located to the south of the subject site and any development of 11.5m high will overshadow the southern property. This is unavoidable due to the orientation of the land.

Elevational shadow diagrams have been submitted to illustrate the extent of overshadowing on 596 Blaxland Road (see **Figures 17 to 19** on pages 23 to 25 of this report). Apart from the ground floor dwelling solar access is available for a minimum of 2 hours. The proposal has provided a minimum setback of 3.2m increasing to 5.4m along this side elevation (**Figure 28**) and has pushed the rear section further north to reduce solar impact to 596 Blaxland. Given that any redevelopment for a 4 storey building on this site, overshadowing to the southern property is unavoidable due to the orientation and width of the site, the proposed development is considered acceptable.

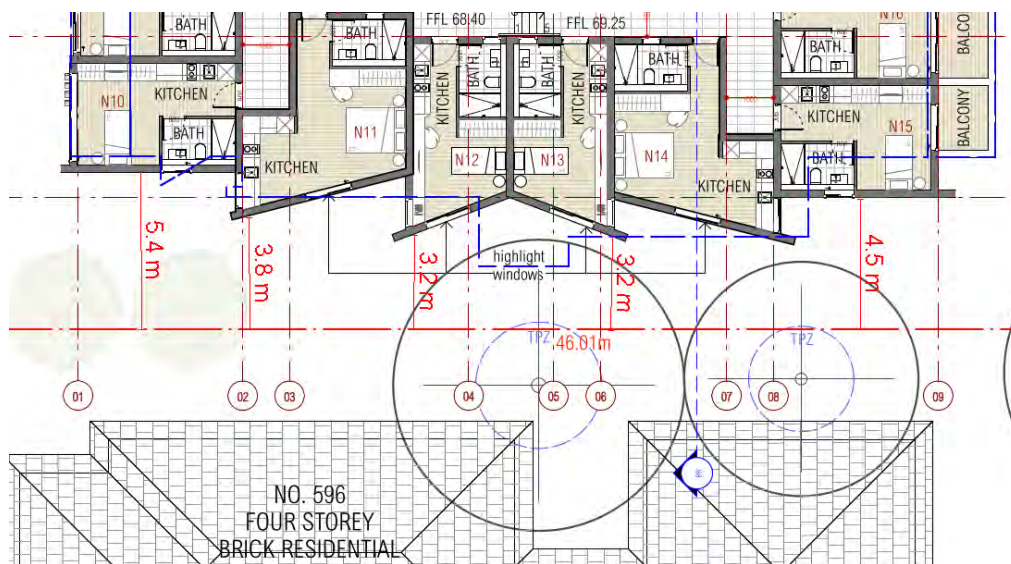


Figure 28: Southern side setback to the adjoining property – have provided the minimum 3m and has provided increased setback in attempt to reduce the overshadowing impact to the southern property.

ITEM 2 (continued)



Figure 29: Overshadowing to adjoining properties at 9am on 21 June.



Figure 30: Overshadowing to adjoining properties at 12 noon on 21 June.

ITEM 2 (continued)



Figure 31: Overshadowing to adjoining properties at 3pm on 21 June.

- **Construction impact:** A dilapidation report will be prepared as part of the Construction Certificate documentation. The developer will be required to ensure that the proposal does not undermine adjoining properties. See **Condition 56**. Council's standard conditions of consent have been imposed to control the impact of the construction activities. Similar to any major redevelopment work, some level of inconvenience/impact may result once the construction commences. However, to address the issue and to minimise traffic impact, **Condition 42** has been imposed requiring submission of a Construction Traffic and Pedestrian Management Plan to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site.
- **Deep soil and setbacks:** The amended plans received increased the front, side and rear setback allowing for deep soil planting. Whilst the existing trees are to be removed replacement trees at a ratio of 2:1 is proposed which is considered satisfactory.

10. Referrals

Internal Referrals:

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

Development Engineering services initial review identified the following matters to be addressed which are considered in light of the revised plans;

ITEM 2 (continued)

- *The driveway will require a crest prior to descent so as to flooding concerns , preventing inundation of the basement garage. This crest is some 200mm above the current boundary levels and will require a vertical curve to be implemented and the driveway profile such to verify vehicle scraping will not occur (as per AS 2890.1). Note that a “speed hump” will not be permitted.*

A driveway crest has been provided and the applicant has provided a driveway profile (D21/42699) demonstrating compliance with AS 2890.1. The extent of grade changes at the crest is above the maximum stipulated by AS 2890.1 however the Standard indicates the grade transitions may be exceeded provided detailed analysis has been undertaken. This has been satisfied by the submission of the documentation.

- *The spaces and base of the ramp is to be reconfigured, generally in accordance with the sketch provided in this report.*

The three spaces have been reconfigured and the applicant has provided a swept path analysis to those spaces. The consultant has depicted a reverse entry to all spaces yet spaces 6 & 7 appear capable of manoeuvring into the space in one single manoeuvre. Space 8 will still require a reverse manoeuvre however this is in a low trafficked area, is relatively simple and short manoeuvre and therefore does not present concern.

Stormwater Management

Council's City Works and Infrastructure have confirmed that the connection to the public drainage service has been completed in conjunction with the previous development approval and the required easement has been registered.

As noted in the previous comments regarding the onsite detention storage, the design will need to maximise the volume of the sump so as to minimise the degree of ponding in the storage area and the grade of waterproofing of the roof surface will warrant particular certification given the ramifications should the building material degrade. This has been addressed by condition.

Vehicle Access and Parking

The development is submitted under the provisions of the SEPP (ARH) for Boarding House development. Clause 29 (2)(e) (Standards that cannot be used to refuse consent) specifies (in short) it cannot be refused subject to the application providing 0.5 spaces per boarding house unit. With the proposed development providing 4 2 units, the development would then warrant 22 parking spaces. The proposed development has provided 14 parking spaces with one of the spaces being allocated for a car share vehicle to be utilised by the occupants. As discussed in the initial review, Council has no adopted planning policy relating to car share schemes for such applications however it has been commonly adopted in Traffic Engineering practise and other approval authorities that car share schemes displace parking demand by some 10 spaces. This

ITEM 2 (continued)

has been acknowledged in past developments by Council and so is accepted for the proposed development. As noted however, the management of the development will however need to provide and maintain the vehicle (in lieu of a private service provider) to ensure the service is maintained on the lot, is limited to the site occupants only (as intended) and not subject to the whim of other service providers (such as GoGet, etc).

In regards to the design of the parking area, the following is noted;

- A crest has been provided for the purpose of flood protection. As noted above, the proposed levels are compliant with the Standard.*
- The clearance height (min 2.2m) for the driveway ramp has been corrected as per the Traffic Consultants report.*
- The parking spaces located on the eastern side of the ramp have been reconfigured to address access (see notes above).*
- The driveway / footpath crossover has been divided so as to facilitate left in / left out movements only. This has consequently pushed the driveway to adjoin the southern boundary, closer to the root zone of a tree on the neighbouring lot. To avoid excavation in this area (and disturbance of the root system) it is required that the driveway be designed and constructed such to span over the area, avoiding excavation or footings in this location. This is addressed by condition.*

Flooding and Overland Flow

As noted previously, the protection of the basement level will require a crest on the vehicle entry which has been provided at the consultants recommended level.

Recommendation

There are no objections to the proposed development with respect to the internal engineering components. The following conditions of consent are advised.

No objections to the revised development, subject to **Conditions 49 to 57, 58 to 60, 109 to 112, 151 to 156.**

City Works:

Drainage Engineer: No objections subject to **Conditions 153, 155 & 171**

Public Domain: From a public domain perspective there are no objections to approval of this application subject to **Conditions 22 to 25, 43 to 48, , 80, 87 to 91, 118 , 131 to 147.**

Waste: No objections subject to **Conditions 76, 77, 97, 157, 183 to 189.**

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

Trip generation and impacts

ITEM 2 (continued)

The Guide to Traffic Generating Developments (GTGD) and its technical direction (TDT 2013/04a) does not provide specific traffic generation rates for a boarding house development. In order to estimate the potential traffic generation associated with the proposed development, reference is made to other traffic studies for boarding house developments that form previous DAs submitted to Ryde City Council.

A review of these traffic studies have indicated that the traffic generation corresponding to a boarding house land use have been considered to be similar to a high density residential development. The GTGD and its technical direction (TDT 2013/04a) state the following upper limit peak hour trip generation rates for high density residential flat buildings:

AM Peak Hour – 0.32 trips per unit

PM Peak Hour – 0.41 trips per unit

Based on a development yield of 43 units, the subject proposal could be expected to generate up to 14 AM and 18 PM peak hour vehicle trips to and from the site. This represents a net increase of 12 AM and 16 PM peak hour vehicle movements over and above the peak hour traffic generated by the two (2) existing detached dwellings occupying the site.

The abovementioned net increase in peak hour traffic is not expected to alter the current operational performance of the adjoining road network. Further, it is noted that TfNSW have requested a left in/left out access arrangement for the vehicular driveway to minimise efficiency issues relating to right turning movements into and out of the site.

INTERNAL TRAFFIC IMPLICATIONS**Parking shortfall**

The SEPP for Affordable Rental Housing specifies the following parking requirements for boarding house developments not carried out by or on behalf of a social housing provider:

*At least 0.5 parking spaces for each boarding room; and
Not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site*

Based on 42 rooms and one (1) caretaker residence, up to 22 off-street parking spaces are required. The proposed parking provision of 14 spaces (including one private (1) car share space) therefore represents a shortfall of eight (8) spaces with respect to the SEPP parking rates.

ITEM 2 (continued)

It is noted that the site is within close proximity to public transport with the closest bus stops located along both sides of Balaclava Road, being approximately 100 – 200m walking distance from the site. Further, Eastwood railway station is located approximately 500m walking distance from the site. The existing surrounding pedestrian infrastructure (footpath along both sides of Blaxland Road, signalised crossings at the intersection of Blaxland Road and Balaclava Road/Ball Avenue, etc.) is expected to assist with safe and efficient pedestrian connectivity between the site and nearby public transport options. As such, these facilities are expected to encourage greater adoption of active/public transport options as the preferred option for travel by residents of the boarding house development, thereby reducing private vehicle dependence.

Further to the above, it is noted that the original traffic report did include a parking survey of the surrounding public facilities within close walking distance to the site and have identified spare parking capacity within the surrounding public roads. In consideration of this and the above discussion, the shortfall in parking is not expected to have adverse impacts on the surrounding public parking amenity.

Vehicular Access and Internal Circulation

A triangular island separating the ingress and egress driveways within the road verge adjacent to the property is proposed to restrict access to left in/left out.

The scale/constraints of the site is such that two-way traffic flow cannot be accommodated within the internal ramp connecting the driveway off Blaxland Road within the basement car park. The applicant is proposing to install traffic signals within the basement car park (and at the entry point within the property boundary) to manage the safety and efficiency of opposing traffic flow. Priority needs to be given to the inbound traffic flow to prevent queuing onto Blaxland Road. The internal traffic signal system needs to be designed by an accredited designer/installer.

In addition to the above, vehicles entering the basement parking area may not be able to see a vehicle exiting from the easternmost parking spaces to reverse into the waiting bay. This is a safety risk, which needs to be addressed by appropriate internal traffic management (e.g. convex mirrors, 'Give Way' sign and linemarking at the base of the ramp for the entering vehicle, etc.). Conditions have been included to assist with the safety of internal traffic circulation.

*Transport department has no objection to the approval of this development application, subject to the conditions. See **Conditions 31,32, 42, 51, 81 to 83, 92, 147 to 150.***

ITEM 2 (continued)

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

*The amended Stormwater Plan shows a side wall running down the southern boundary from the front boundary to the basement to protect the basement from flooding. This wall will be a major encroachment on the tree in the adjoining property (Tree 6). Council's Development Engineer has advised that the driveway could be amended. **Condition 50.***

The Landscape plan is satisfactory as it has satisfied the following requirements of DCP 2014 Part 3.5 Boarding Houses

- *The proposed Landscaping in the front yard is in keeping with the dominant character of landscape treatment within the front yard of properties in the streetscape/ visual catchment area.*
- *Deep Soil Planting has been provided to side and rear setbacks, which is in character with established landscape treatment of the adjoining properties.*
- *Parking spaces and access are not to be located within communal open space areas or landscaped areas.*

External Referrals

NSW Police: The Ryde Crime Prevention Officer at Gladesville Police has reviewed the development application and it was noted that there was a well prepared CPTED report prepared by Barker Ryan Stuart submitted with the application. In the CPTED report a number of recommendations were made and police agree with all of these recommendations. No objections subject to conditions. **Conditions 71, 158 to 162.**

11. Conclusion

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

The site is zoned R4 High Density Residential under Ryde LEP 2014 and the development results in one variation to the development standards contained in Ryde LEP 2014 in respect to the overall height of the building. The height exceedance is not considered to have an unreasonable impact to adjoining properties in terms of

ITEM 2 (continued)

overshadowing or overlooking nor is the development out of character with the immediate area.

The variation to the number of car parking is justified by the provision of a car share vehicles to be used by the residents only, the proposal provides for acceptable amenity. The proposal has provided setbacks, similar to adjoining properties and the variations are not considered to adversely impact adjoining properties or the streetscape character of the area. The UDRP have raised no concerns in this regard, the proposed design is considered reasonable in the circumstances.

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

The reasons for approval are as follows:

1. The variation to the height control of the RLEP is justified for the following reasons:
 - The development is consistent with the desired future character of the locality.
 - The development will not result in overshadowing that would adversely impact the adjoining properties.
 - The non-compliance in height does not result in an exceedance in the floor space ratio.
 - The breach in height is relatively minor and is not inconsistent with adjoining properties.
2. The proposal is consistent with the objectives of the R4 High Density zone under RLEP 2014. The development is also consistent with the development standards in RLEP 2014 with the exception of height.
3. The development will 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.

12. Recommendation

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

- a. That the Local Planning Panel grant consent to development application LDA2020/394 for the construction of a Boarding House development at 598A & 598B Blaxland Road, Eastwood subject to the Conditions of Consent in Attachment 1 of this report; and

ITEM 2 (continued)

- b. That those persons making a submission in the second round of notification be advised of the decision.
- c. Transport for New South Wales be advised of determination.

ATTACHMENTS

- 1 Draft conditions of consent
- 2 Plan of Management
- 3 Architectural Plans - subject to copyright provisions

Report Prepared By:

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Report Approved By:

Madeline Thomas
Senior Coordinator - Development Assessment

Sandra Bailey
Manager - Development Assessment

Liz Coad
Director - City Planning and Environment

ITEM 2 (continued)

ATTACHMENT 1

**Draft Conditions of Consent
LDA2020/394**

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

Document Description	Date	Plan No/Reference
Cover sheet		
Site Plan	01/04/2021	902 Revision L
Basement	01/04/2021	101 Revision M
Level 1	01/04/2021	102 Revision M
Level 2	01/04/2021	103 Revision L
Level 3	01/04/2021	104 Revision L
Level 4	01/04/2021	105 Revision L
Roof	01/04/2021	110 Revision L
Section AA & BB	01/04/2021	120 Revision L
Basement Ramp Sections	01/04/2021	121 & 122 Revision M
North East Elevations	01/04/2021	130 Revision L
South & West Elevations	01/04/2021	131 Revision L
Façade Type Details	01/04/2021	150 Revision L
Finishes & Material Palette	01/04/2021	210 Revision L
Landscaping – Location Plan Sheet 1	23/02/2021	LPDA 21- 09/01 Rev F
Landscaping – Sheet 2	23/02/2021	LPDA 21- 09 Rev F
Landscaping – Specification and Detail – sheet 3	23/02/2021	LPDA 21- 09 Rev E
Landscaping – Sections & Detail - Sheet 4	23/02/2021	LPDA 21- 09 Rev E
Area calculation sheets 1 & 2	01/04/2021	980 & 981 Revision L

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

- (a) **Privacy Screen.** So as to minimise overlooking to the windows opposite at 596 Blaxland Road, a 1.8m high privacy screen is to be provided to the southern elevation along the balcony of the Manager’s outdoor area and the drying area.

The privacy screen is to have:

- i) no individual opening more than 30mm wide, and
- ii) a total area of all openings that is no more than 30% of the surface area of the screen or barrier.

- (b) Amendment to Landscaping:

ITEM 2 (continued)

ATTACHMENT 1

- i. **Pergola.** To minimise extent of built structure within the front setback, the front pergola shown on the landscaping plan is to be deleted.

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

- 2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
- 3. **BASIX.** Compliance with all commitments listed in BASIX Certificate number: 1135921M_03dated 20 April 2021.
- 4. **Maximum number of persons.** A sign must be displayed in a prominent position in the building stating the maximum number of persons that are permitted in the building as specified in the development consent.

The maximum number of persons permitted in the building is 57 lodgers. The maximum number of persons permitted in each room is as follows:

Room No	No. of person	Room No	No. of person
Room N01	2 (accessible room)	Room N02	1
Room N03	1	Room N04	1
Room N05	2	Room N06	2
Room N07	2 (accessible room)	Room N08	1
Room N09	1	Room N10	1
Room N11	2	Room N12	1
Room N13	1	Room N14	2
Room N15	1	Room N16	1
Room N17	1	Room N18	2
Room N19	2 (accessible room)	Room N20	1
Room N21	1	Room N22	1
Room N23	2	Room N24	1
Room N25	1	Room N26	2
Room N27	1	Room N28	1
Room N29	1	Room N30	2
Room N31	2 (accessible room)	Room N32	1
Room N33	1	Room N34	1
Room N35	2	Room N36	1
Room N37	1	Room N38	2
Room N39	1	Room N40	1
Room N41	1	Room N42	2
		Total	57

- 5. **Strata Subdivision.** No strata subdivision of the Boarding House is permitted in any circumstances.

ITEM 2 (continued)

ATTACHMENT 1

6. **Signage. (Management).** A clearly visible sign with the name and telephone number (contactable 24 hours a day, 7 days a week) of the contact person responsible for the management of the Boarding House must be displayed externally at the front entrance of the building.
7. **Transport for New South Wales (TfNSW).** All buildings and structures, 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 Blaxland Road boundary.
8. **TfNSW.** The proposed driveway traffic light system is to be designed and positioned so that it is not visible by motorists on Blaxland Road.
9. **TfNSW.** There is to be no right turn movements to/from the site. All vehicles are to enter and leave the site in a forward direction. All vehicles are to be wholly contained on site before being required to stop.
10. **TfNSW.** In accordance with AS 2890.1- 2004 (Parking Facilities, Part 1: Off-street car parking), the driveway shall be a minimum of 5.5 metres in width for a minimum distance of 6 metres from the property boundary. The driveway should be designed to restrict any right turn movements.
11. **TfNSW.** The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation 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.

12. **TfNSW.** The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
13. **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.

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14. **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.
15. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
16. **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.
17. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
18. **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.
19. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's DCP Part 8.5 (*Public Civil Works*) and Part 8.2 (*Stormwater and Floodplain Management*), except otherwise as amended by conditions of this consent.

Detailed design of all proposed Council Infrastructure works or proposed modification to Council infrastructure which may be located inside the property boundary, must be approved by Council City Works Directorate and undertaken in accordance with Council's 2014 DCP Part 8.2 and relevant Australian Standards, except otherwise as amended by conditions of this consent.
20. **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/compliance of the relevant service provider (eg Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.

All correspondence and approvals between the Applicant and utility authorities shall be provided to the Council in conjunction with engineering documentation for the stormwater drainage works prior to commencement of construction.

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21. **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.
22. **Construction Staging.** For any staging of the public domain works, the applicant shall provide a detailed construction management and staging plan.
23. **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.
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. **Land Boundary / Cadastral Survey** – If any design work is planned which relies on critical setbacks from land boundaries and further subdivisions of the land, it is a requirement that a land boundary / cadastral survey be undertaken **prior to design being finalised** & prior to the commencement of any works on site.

The land boundaries should be marked or surveyed offset marks placed prior to the commencement of any work on site.
26. **Mechanical ventilation of rooms.** If the airborne noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed.
27. **Fresh air intake vents.** All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
28. **Exhaust air discharge vents.** All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.
29. **Carpark exhaust vent.** The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and:
 - (a) at least 6 metres from any fresh air intake vent or natural ventilation opening;
and

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(b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.

30. **Plumbing and drainage work.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.
31. **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*.
32. **Preservation of Parking Restrictions.** The development consent is approved on the premise that the parking demands of the development can be contained wholly in the confines of the site or occasionally in the available publicly available parking surrounding the development. Accordingly any changes sought to the parking restrictions surrounding the property so as to accommodate the parking and servicing demands of the development will not be permitted.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifier to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued. Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222. Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifier is responsible for determining compliance with the conditions in this Section of the consent. Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifier.

33. **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	\$120,682.41
Open Space & Recreation Facilities	\$207,809.98
Transport Facilities	\$63,796.80
Plan Administration	\$5,884.06
The total contribution is	\$398,173.25

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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.

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>.

34. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifier prior to the issue of the **Construction Certificate**.
35. **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**.
36. **Security deposit.** The Council must be provided with security for the purposes of section 4.17(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)
37. **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
38. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifier prior to the issuing of the **Construction Certificate**.

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39. **TfNSW.** Any redundant driveway(s) along Blaxland Road boundary shall be removed and replaced with kerb & gutter matching existing. The design and construction of the kerb and gutter crossing on Blaxland Road shall be in accordance Roads and Maritime requirements. Details of these requirements should be obtained by email to developerworks.sydney@rms.nsw.gov.au.

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

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

All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.

40. **TfNSW.** The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
41. **TfNSW.** A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Blaxland Road during construction activities. A ROL can be obtained through:
<https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
42. **Construction Traffic and Pedestrian Management Plan.** For all construction works including demolition, a Construction Traffic and Pedestrian Management Plan (CTPMP) shall be prepared by a suitably qualified traffic engineer/consultant. The CTPMP is to be submitted to Council's Transport Department and TfNSW for review and approval, prior to the commencement of any construction work.

There is a fee for the review of the CTPMP in accordance with the Council's Schedule of Fees & Charges, which must be paid to Council, prior to the approval of the CTPMP being granted by Council's Transport Department.

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

The Construction Traffic Management Plan should detail construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

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43. **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 and Infrastructure Directorate, and approval obtained as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural engineering plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, minimum depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to:
- a. Advice being provided to the relevant Public Utility Authorities of the proposed anchoring.
 - b. the payment of all fees in accordance with Council's Schedule of Fees & Charges at the time of the application, and
 - c. the provision of a copy of the Public Liability insurance cover of not less than \$20million with Council's interest noted on the policy. The policy shall remain valid until the de-commissioning of the ground anchors.
44. **Public domain improvements** - The public domain is to be upgraded for the full width of the development site frontage on Blaxland Road in accordance with the City of Ryde Development Control Plan DCP 2014 Part 8.5 *Public Civil Works*. The work is to include paving of footpath, new grass verge, construction of new driveway crossing, relocation of power pole and upgrading of street light and must be completed to Council's satisfaction at no cost to Council, prior to the issue of any Occupation Certificate.

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

- (a) Footpath paving and construction of driveway crossing as specified in the condition of consent for public infrastructure works.
- (b) Street trees – *Lophostemon Confertus* – Brushbox.

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.

- (c) Relocation of the existing power pole near the proposed driveway and upgrading of street lights will be required. The new location of the power pole shall be a minimum 1.5m from the proposed driveway crossing wing.

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

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will have priority over any street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.

- (d) All telecommunication and utility services are to be placed underground along the Blaxland Road. The extent of works required in order to achieve this outcome may involve works beyond the frontages 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.
- (e) New street lighting using LED luminaires is to be designed and installed to Australian Standard AS1158:2010. The street lighting will remain on the Ausgrid street lighting network.

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

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

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council's City Works and Infrastructure prior to the issue of any 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 plan view, sections with existing and finished surface levels, existing and proposed signage and other relevant details for the new works. The drawings shall also demonstrate the smooth connection of the proposed works into the remaining street scape.

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

- a) The reconstruction of footpath and grass verge for the entire frontage of the proposed development, including transition works, in accordance with the City of Ryde DCP 2014 Part 8.5 - *Public Civil Works*.
- b) The replacement of both redundant vehicular crossings with new kerb, gutter and the construction of the proposed layback, including restoration of the adjacent road pavement, shall be designed for construction in accordance with the standards and specifications of TFNSW.
- c) The construction of new kerb and gutter along the full frontage of the development site according to TFNSW requirements. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along Blaxland Road.

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- d) Signage and line marking details.
- e) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council 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 & Infrastructure 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.

46. **Vehicle Footpath Crossing and Gutter Crossover** – A new vehicle footpath crossings and associated gutter crossover shall be constructed at the approved vehicular access location/s. Where there is an existing vehicle footpath crossing and gutter crossover, the reconstruction of this infrastructure may be required in order that it has a service life that is consistent with that of the development, and that it is also compliant with current Council's standards and specifications. The location, design and construction shall be in accordance with City of Ryde Development Control Plan 2014 Part 8.3 *Driveways* and Part 8.5 - *Public Civil Works* and Australian Standard AS2890.1 – 2004 *Offstreet Parking*.

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

The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B99 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

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constructed at right angle to the alignment of the kerb and gutter, and located no closer than 1.5m 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.

47. **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 (public domain) 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 unconditional Bank Guarantee of \$20,000 shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.
48. **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.

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

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

- a) The "Left In" / "Left Out" signs proposed on the public verge must be located wholly in the confines of the site. The signs are to be relocated to the base of the intercom at the vehicle entry.
- b) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the structural plans to be prepared for the Construction Certificate must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the

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ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

- c) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, the northern side of the exit driveway at the property boundary must have clear sight through a splayed region defined by Figure 3.3 of AS 2890.1 (2004) and Council's DCP. Ideally the region is to be free of all obstructions otherwise any solid obstructions are to be no greater than 900mm above finished surfaces.

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

50. **Driveway Ramp construction adjoining southern boundary.** The construction of the internal driveway from the vehicle entry adjoining the joint boundary with 596 Blaxland Road must be undertaken in a manner so as to not adversely impact or interfere with the structural root zone (SRZ) of the adjoining tree located on the neighbouring lot. To achieve this, the section of driveway must be designed as a suspended structure with it bearing only on footings located outside the tree protection zone (TPZ) of the subject tree. No excavation (other than surface preparation) or footings are to be undertaken or located in the TPZ area.

The structural details of the driveway slab to be submitted with the application for a Construction Certificate are to demonstrate compliance with this condition, clearly denoting the location of footings outside the TPZ, and must be accompanied by a statement from the project arborist endorsing the design.

51. **Basement Garage Traffic Signal System.** To prevent conflicting vehicle flows on the internal basement garage ramp and avoid occurrences of vehicles reversing up/ down the ramp or parking areas, a traffic signal system must be installed at the ramp entry points, designed to warn drivers approaching the ramp of any conflicting vehicle flows.

The traffic signal system must address the following;

- (a) The system must incorporate an illuminated signal or sign, clearly indicating to an approaching driver, by way of red light or wording, that an opposing vehicle has entered or commence entering the ramp. The signal system must be clearly visible from all approaches to the ramp.
- (b) A trigger system which is to detect a vehicle approaching the ramp. This may be achieved through the use of IR sensor, inductive loop, etc.
- (c) Provide a waiting bay on all ramp approaches to permit a vehicle to stand so as to allow an opposing vehicle to pass.

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- (d) Signage to indicate that any driver waiting for the opposing vehicle to exit the ramp is to stand in the waiting bay.
- (e) Incorporate linemarking to delineate traffic flow.

Details of the system, including the system operation, components and placement within the development, must be specified by a practising Traffic Engineer and is to be detailed on the plans to be submitted with the application for a Construction Certificate.

52. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the public drainage infrastructure located in the neighbouring lot via the existing private drainage easement, generally in accordance with the plans by ACOR Consultants Pty Ltd (Refer to Project No. CC200109 Dwgs C1 to C7 Rev D dated 25 September 2009) subject to any variations marked in red on the approved plans or noted following;
- The basement level details are to be revised so as to be consistent with the approved architectural plans.
 - The sump in the OSD discharge control pit must be maximised so as to reduce the degree of water ponding in the basin area.
 - The detention basin must be designed and constructed in a manner to prevent the ingress of water into the development. To this end, the basin must be designed as if it were to potentially retain water, minimising the level of construction joints in the surface and having a waterproofing treatment appropriate for water retention storages.
 - It is understood that the easement has been registered and associated services installed. In the event that works are to be undertaken in the easement, this activity must comply with the requirements of the condition "*Stormwater Management – Works in Drainage Easement*".
 - Any modification to the existing connection to Council drainage infrastructure will require the approval of City Works and Infrastructure.

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.

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

As a minimum, the OSD system must;

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

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

54. **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.

55. **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

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

This engineer is to prepare the following documentation;

- a) Certification that the civil and structural details of all subsurface structures are designed to;
 - provide appropriate support and retention to neighbouring property,
 - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
 - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;
 - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
 - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
 - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.
 - Is in accordance with the recommendations of any approved Geotechnical Report.

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

56. **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;
- 596 Blaxland Road
 - 600 Blaxland Road

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

57. **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

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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.

58. **Flooding - Flood and Overland Flow Protection.** The property has been identified as being susceptible to flooding and overland flow during large storm events. In accordance with the floodplain management controls started within Council's DCP Part 8.2 (Stormwater and Floodplain Management), the following measures must be implemented in the development.

A certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Principal Certifying Authority stating compliance with this condition prior to the issue of the Construction Certificate for the following items:

- a) The applicant shall comply with the flood recommendations provided in the {Flood Impact Report (Revision 3) prepared by ACOR Consultants Pty Ltd dated 09/04/2020}.
- b) The habitable floor levels of all dwellings encompassed under this approval must not be constructed less than the approved {Flood Impact Report (Revision 3) prepared by ACOR Consultants Pty Ltd dated 09/04/2020}.
- c) All electrical connections and flood sensitive equipment shall be located above the 1% AEP (100 year ARI) flood level plus 500 mm freeboard.

Where it is not practical and feasible to install the equipment above the 1% AEP (100 year ARI) flood level plus 500 mm freeboard, the installations shall generally be in accordance with the recommendations in ABCB Construction of Buildings in Flood Hazard Areas (2012) Section C2.9 - Requirements for Utilities.

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- d) All fencing shall be constructed in a manner that does not affect the flow of flood waters so as to detrimentally change flood behaviour or increase flood levels on adjacent properties.

To this end, any fencing angled to the anticipated overland flowpath must incorporate either louvres, open type pool fencing, frangible screen, battens or floodgate system, at the base of the fence, extending from the finished surface level up to the 1% AEP (100 year ARI) flood level plus 300 mm freeboard (minimum 300 mm from the ground).

- e) All basement carpark areas shall be designed to resist floodwater ingress for up to the Probable Maximum Flood (PMF) event. This includes protection of lifts, stairwells, ventilation shafts and other components which may otherwise create a water ingress risk.

A certificate from a suitably qualified Chartered Structural Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Principal Certifying Authority stating compliance with this condition prior to the issue of the Construction Certificate for the following items:

- a) All structures subject to flooding and overland flows must be constructed of flood compatible building components below the 1% AEP (100 year ARI) flood plus 500 mm freeboard.
- b) All structures subject to flooding and overland flows must be structurally designed to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event

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

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

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

The design submission shall address the following:

- a) A drainage system layout plan and structural details shall be drawn at a scale of 1:100, 1:200 or 1:250 and shall show the location of drainage pits and pipe and any other information necessary for the design and construction of the drainage system (i.e. utility services).

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- b) A drainage system longitudinal section shall be drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and shall show the underground channel and pipe size, class and type, pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system (i.e. utility services).
 - c) The location and as-built information (including dimensions and invert levels) of the existing Council kerb inlet pit as shown on {Stormwater Management Plans prepared by ACOR Consultants Pty Ltd P/L (Project No. CC200109, Revision C, 18 February 2021)} is to be confirmed by a suitably qualified surveyor. This shall be incorporated into the drainage engineering drawings.
 - d) Special details including non-standard pits, pit benching and transitions shall be provided on the drawings at scales appropriate to the type and complexity of the detail being shown.
 - e) Any stormwater pit with a depth greater than 1.8 metres shall be designed and certified by a suitably qualified Structural Engineer and the certification shall be submitted with the drainage design drawings.
 - f) The drainage system layout plan shall be documented on a detailed features survey plan that describes all existing structures, utility services, vegetation and other relevant features.
 - g) New stormwater drainage pipes shall be located underneath the kerb & gutter alignment to facilitate future maintenance.
61. **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.
62. **Detailed site investigation report.** The proponent must submit a detailed site investigation report to Council for consideration before the issue of a Construction Certificate. The detailed site investigation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use.
- If remediation is required, the report should also set out the remediation options available for the site and whether the work is considered to be category 1 or category 2 remediation work.
63. **Remediation of land following detailed site investigation.** If required by the detailed site investigation report, the land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with

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the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

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

64. **Notice of remediation work.** Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of *State Environmental Planning Policy No. 55 - Remediation of Land*.
65. **Remediation work.** All remediation work must be carried out in accordance with the requirements of:
 - a. *State Environmental Planning Policy No. 55 - Remediation of Land*;
 - b. any relevant guidelines published by the NSW Environment Protection Authority; and
 - c. any council policy or development control plan relating to the remediation of land.
66. **Acoustic Protection.** The development must be acoustically designed and constructed in accordance with the acoustical treatments recommended in the Acoustical Assessment Report by Acoustic Logic dated 18/09/2020 and any related project documentation must be implemented. All acoustical treatments nominated in the acoustical assessment report and any related project documentation must be implemented during construction. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.
67. **Road traffic noise criteria for sensitive developments.** The building must be designed and constructed so that the road traffic noise levels inside the building(s) comply with the noise criteria specified in *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning, 2008).
68. **Compliance with Access Report.** The development is to comply with the requirements contained in the BCA and Accessibility Report prepared by Building Innovations Australia dated 17/09/2020 Issue v1.0. The development is to comply with the Access to Premises Standard 2010, BCA 2014 and Australian Standard AS 1428.1 – 2009 Design for Access and Mobility – General Requirements For Access - New Building Work. Australian Standard AS 4299 – 1995 Adaptable Housing. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
69. **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**.

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70. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 - Fences. Please note: the northern and southern front return fence is to be reduce in height to be not to than 900mm so as to allow for adequate sightline. Details of compliance are to be provided in the plans for the **Construction Certificate**.
71. **Lighting of common areas (driveways etc).** Details of automatic lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
72. **Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of any Construction Certificate satisfactory evidence is to be provided to the Certifier that arrangements have been made for:
- (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Alternatively, demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- And
- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.
- (Note real estate development project has the meanings given in Section 372Q of the Telecommunications Act).
73. **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.
74. **Irrigation.** An automatic watering system is to be supplied to all landscape areas including common areas, private open spaces to ensure adequate water is available to lawns and vegetation. Irrigation systems shall be fully automated and capable of seasonal adjustments. Details are to be submitted prior to the issue of Construction Certificate.
75. **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.

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76. **Waste Management Plan.** Any changes to the Waste Management Plan dated 22/09/20 or Drawing No 102 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.
77. **Waste Storage Area.** All waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property to fit through opening including the door.
- 240L Bins – width 600mm, depth 800mm, height 1100mm
 - 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.
 - External areas for the storage of garbage must be paved with concrete graded to a floor waste connected to the sewerage system and be roofed to exclude rainwater. The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation and a hose with a trigger nozzle must be provided adjacent to the garbage storage area to facilitate cleaning.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

78. Site Sign

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

79. 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

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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.

80. **Property above/below Footpath Level.** Where the ground level adjacent the property alignment is above/below the established verge and footpath level, adequate measures are to be taken (either by means of constructing approved retaining structures or batters entirely on the subject property) to support the subject land/footpath and prevent harm to the public / occupants of the site due to the abrupt level differences.
81. **Implementation of Construction Traffic and Pedestrian Management Plan.** All works including demolition and construction activities are to be undertaken in accordance with the approved Construction Traffic and Pedestrian Management Plan (CTPMP). All controls in the CTPMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate SafeWork NSW accreditation. A copy of the approved CTPMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
82. **Work Zones and Permits.** Prior to commencement of any construction/demolition work, 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.
83. **Road Occupancy Licence.** Prior to commencement of any construction/demolition work, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows within Blaxland Road (e.g. lane closures, etc.) and/or within 100m of any traffic signals.
84. **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. Please send all documentation to development.sydney@rms.nsw.gov.au.

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

85. **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.

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86. **Proposed Property Addressing.** Proposed addressing for the new development must have been lodged with Council, prior to the commencement of construction.
87. **Notice of Intention to Commence Public Domain Works –** Prior to commencement of the public domain works, a *Notice of Intention to Commence Public Domain Works* shall be submitted to Council’s City Works and Infrastructure Directorate. This Notice shall include the name of the Contractor who will be responsible for the construction works, and the name of the Supervising Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.
- Note:** Copies of a number of documents are required to be lodged with the Notice; no fee is chargeable for the lodgement of the Notice.
88. **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.
89. **Pre-Construction Dilapidation Report -** To ensure Council’s infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.
- (a) Road pavement,
 - (b) Kerb and gutter,
 - (c) Footpath,
 - (d) Drainage pits,
 - (e) Traffic signs, and
 - (f) Any other relevant infrastructure.
- The report is to be dated and submitted to, and accepted by Council’s City Works & Infrastructure Directorate, prior to any work commencing.
- All fees and charges associated with the review of this report shall be in accordance with Council’s Schedule of Fees and Charges and shall be paid at the time that the Dilapidation Report is submitted.
90. **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

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for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Public Domain Works*.

- a. Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
- b. Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. **A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.**
- c. Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d. Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e. Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f. Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g. Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.

91. **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

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sections of hardwood with chamfered ends and strapped with hoop iron, and a temporary gutter crossing must be provided.

- 92. **Ryde Traffic Committee Approval** - A plan showing details of the proposed signage and line marking, and/or traffic devices including pedestrian refuge, pedestrian crossing or LATM measures, shall be submitted to the Council and approved by the Ryde Traffic Committee prior to the installation of any traffic devices, signage and linemarking.
- 93. **Tree Retention.** As identified in the Arborist Assessment prepared by TALC dated 19/02/2021. The following trees adjoining the site are to be retained and protected

Tree No.	Species "Common name"	Notes
6	Acmena smithi (Lily Pilly)	On adjoining property
7	Chamaecyparis obtusa (Cypress)	On adjoining property
8	Chamaecyparis obtusa Cypress)	On adjoining property
9	Chamaecyparis obtusa (Cypress)	On adjoining property
10	Cupressus sempervirens (Mediterranean Cypress)	On adjoining property
11	Tibouchina sp. (Tibouchina)	On adjoining property
12	Callistemon viminalis (Weeping Bottlebrush)	On adjoining property

- 94. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on adjoining allotments in accordance with AS4970-2009 Protection of trees on development sites. All trees are to be monitored to ensure adequate health throughout the construction period. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction.
- 95. **Provision of Arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.
- 96. **Arborist Report.** All items in the Arborist Report outlined in: "Appendix D Tree Protection Plan" prepared by TALC dated 19/02/2021, are to be implemented.
- 97. **Tip Dockets.** Tip Dockets identifying the type and quantity of waste disposed/recycled during construction are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.
- 98. **Site Maintenance.** The area surrounding the construction site must be maintained to reduce the incidence of illegal dumping and management of litter from the site and workers associated with the site must be undertaken.

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.

99. **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*.
100. **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 Blaxland Road.
101. **Noise management plan** - Where 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.
102. **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.
103. **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.
104. **Construction materials.** All materials associated with construction must be retained within the site.
105. **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

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- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

106. 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.

107. **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".

108. **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.

109. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by ACOR Consultants Pty Ltd (Refer to Project No. CC200109 Dwg's C1 to C7 Rev D dated 25 September 2009) submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.

110. **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.

111. **Geotechnical Monitoring Program - Implementation.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

112. **Stormwater Management – Works in private Drainage Easement.** In the event that further works are required in the private drainage easement, the following requirements must be complied with to ensure such an activity has minimal imposition and loss of

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amenity to the owner/ occupants of the property burdened by the drainage easement.

The builder / developer must;

- (i) provide a minimum 3 weeks notification to the burdened property owner and occupants prior to the commencement of works in the neighbouring property.
- (ii) ensure the works are completed in a timely manner.
- (iii) ensure any structures adjacent the works are adequately supported at all times.
- (iv) make provision to restore the work area so as to maintain the amenity of the land / minimise the imposition of works on the burdened land, should the works be delayed due to unforeseen events such as weather, service adjustments, etc.
- (v) restore all areas on the burdened property disturbed by the construction works to a condition equivalent to the pre-developed state or otherwise as agreed by the owner of the burdened property.
- (vi) comply with any terms agreed upon by both parties in regards to the construction of the drainage services and restoration of the land, in the granting of the easement.

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

114. **Excavation for services within Tree Protection Zone (TPZ).** Any excavation for services or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.

115. **Tree Removal.** As identified in the Arborist Assessment prepared by TALC dated 19/02/2021. The following trees on site are to be removed:

Tree No.	Species "Common name"
1	Melaleuca armillaris (Bracelet Honey Myrtle)
2	Morus nigra (Mulberry Tree)
3	Tree removed
4	Jacaranda mimosifolia (Jacaranda)
5	Ligustrum lucidum (Broad Leaved Privet)

116. **Project Arborist Inspections.** The Project Arborist is to inspect and document with Certificates of Compliance to the certifying authority as stipulated in SECTION 5 MONITORING AND CERTIFICATION of AS4970-2009.

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

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

117. **Tree works – Australian Standards.** All tree work must be carried out by a qualified and experienced Arborist with a minimum of AQF level 3 in Arboriculture with NSW Work Cover Code of Practice for Amenity Tree Industry (1998) and AS4373 Pruning of amenity trees (2007).

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

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

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

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

119. **Discovery of Additional Information.** Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during construction work that has the potential to alter previous conclusions about site contamination.
120. **Identification and removal of hazardous materials.** Any hazardous materials, including asbestos, must be identified work commences and be removed in a safe manner.
121. **Storage and removal of wastes.** All construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.
122. **Contaminated soil.** All potentially contaminated soil excavated during construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) before being transported from the site.
123. **Tip Dockets.** Tip Dockets identifying the type and quantity of waste disposed/recycled during construction are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.
124. **Transportation of wastes.** All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.

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

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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.

125. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) number: 1135921M_03 dated 20 April 2021..
126. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
127. **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.

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

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

130. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property,

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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**.

131. **Public domain – work-as-executed plan.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of any **Occupation Certificate**.

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

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

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

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*, or the Roads and Maritime Services' standards and specifications, where applicable.

136. **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

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public domain has been constructed in accordance with the Ausgrid approved drawings and City of Ryde standards and specifications.

137. **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.
138. **Public Domain Works-as-Executed Plans** – To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, Works-as-Executed (WAE) Plans shall be submitted to Council for review and approval. The WAE Plans shall be prepared on a copy of the approved plans and shall be certified by a Registered Surveyor. All departures from the Council approved details shall be marked in red with proper notations. Any rectifications required by Council shall be completed by the Developer prior to the issue of any Occupation Certificate.

In addition to the WAE Plans, a list of all infrastructure assets (new and improved) that are to be handed over to Council shall be submitted in a form advised by Council. The list shall include all the relevant quantities in order to facilitate the registration of the assets in Council's Asset Registers.

139. **Registered Surveyor Final Certificate** – Upon completion of all construction works and before the issue of any Occupation Certificate a Certificate from a Registered Surveyor should be submitted to Council, stating that all works (above and below ground) are contained within the site's boundaries as defined according to the Consent Condition about the Land Boundary / Cadastral Survey.
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 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 and lintels,
 - e. Traffic signs, and

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

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

142. **Decommissioning of Ground Anchors** – Prior to the issue of any Occupation Certificate, the Applicant shall provide Council with a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all approved 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 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 new development 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.

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146. **Public Domain Design and Construction Staging** – The Applicant shall be responsible for the design and construction of all public domain improvement and infrastructure works for each stage. All engineering civil works shall be carried out in accordance with the requirements as outlined within Council’s DCP 2014 Part 8.5 *Public Civil Works*, relevant Development Control Plans and in accordance with Council’s specifications and to the satisfaction of Council. Council has full control to implement and impose any necessary condition to coordinate staging of the public domain work thought out the assessment phase of the development applications. All design and construction to public domain and utilities services as a consequence of the development and associated construction works shall be at the full cost to the applicant.
147. **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.
148. **Parking Linemarking – Implementation.** The applicant is to install all signage, linemarking and traffic control devices, as per the plan approved by the Principal Certifying Authority. These works are to be undertaken prior to the issue of any Occupation Certificate.
149. **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 Council for endorsement by Ryde Traffic Committee and subsequent approval by Council, prior to the issue of any Occupation Certificate.
- Note:** The applicant is advised that the plan will require approval by the Ryde Traffic Committee if the proposal requires change in existing parking conditions and hence, adequate time should be allowed for this process.
150. **Signage and Linemarking (External) – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by the Ryde Traffic Committee. These works are to be undertaken prior to the issue of any Occupation Certificate.
151. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.

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152. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention and pump/ sump components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's standard 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.
153. **Restriction as to User - Floodway.** A restriction as to user is to be placed on the property title to prevent any works which would result in the alteration of the ground surface level or impose on overland flow due to stormwater runoff in the 100ARI, such to adversely impact flood protection of the approved dwelling or have an adverse impact on neighbouring properties. The terms of the restriction shall be generally in accordance with Council's current standard terms for provision for overland flow and to the satisfaction of Council. To assure Council the completed development works are consistent with the approved development and associated flood conditions, Works-As-Executed plans and/or engineering certification related to any flood mitigation measures are to be submitted to Council with a completed "*Application Form for Endorsement of Title Encumbrances*" (available from Council's website). The covenant must be registered on the title prior to the release of any Occupation Certificate for the development works.
154. **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) Certification from a Traffic Engineer that the internal basement traffic signal system, associated linemarking and signage has been installed as specified and in compliance with the condition "*Basement Garage Traffic Signal System*".
 - d) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development

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complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.

- e) Certification from a Stormwater / Structural Engineer that the roof area has been designed and treated in a manner to temporarily retain water (onsite detention) as per the requirements of the condition "*Stormwater Management*".
- f) 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.
- g) 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).
- h) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
- i) Compliance certificate from Council confirming that all external works in the public road reserve and alteration to Council assets located in the property (where works have been undertaken) have been completed to Council's satisfaction.

155. **Flooding – Engineering Compliance Certificate** – A certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, shall be provided to the Principal Certifying Authority, prior to the issue of the Occupation Certificate, confirming that all requirements of condition "*Flooding - Flood and Overland Flow Protection*" have been satisfied.

The qualified and practising Chartered Civil Engineer shall have experience in the area respective of the certification unless stated otherwise.

156. **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 1 Pope Street – Ryde (Top Ryde City Shopping Centre).

157. **Garbage Service.** 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

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easy access to service the waste containers. Approval must be provided by City of Ryde Council prior to the issue of the Occupation Certificate.

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

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

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

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

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

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

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

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

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

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

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

162. **Balcony doors.** Balcony doors are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
163. **Registration of premises.** The operator of the business must register the premises with Council's Environmental Health Unit before trading commences.
164. **Licensing of Boarding Houses.** The operator must notify the NSW Department of Fair Trading to arrange the issue of a licence before trading commences.
165. **Green Travel Plan.** A Green Travel Plan is to be prepared for the site to encourage the use of alternative transport modes for journeys to/from the site including use of the on-site car share vehicle and encourage a reduction in private car ownership. The Green Travel Plan is to be prepared in accordance with the City of Ryde Travel Plan Guidelines 2015 and submitted to and approved by Council prior to the issue of an Occupation Certificate.

A copy of the Green Travel Plan is to be given to each new tenant of the boarding house.

166. **Share Car.** Prior to the release of the Occupation Certificate the following evidence is to be provided to Council.
- (a) That a share car has been purchased by the owner for use of the boarders of the boarding house. The share car must be a new vehicle.
 - (b) That the share car has been registered in the name of the owner of the boarding house and for business use for the boarding house.
 - (c) That the share car has been comprehensively insured for use by any boarder within the boarding house.
 - (d) That road side assistance has been taken out for the share car.

OPERATIONAL

167. **Share Car.** A share car shall be provided for the use of the occupants of the boarding house during the operation of the property as a boarding house. The share car shall not

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be available for use by any person (including the owner) other than a current boarder of the boarding house.

The share car shall be available to occupants of the boarding house subject to making a booking. The share car shall be maintained at all times with a full tank of petrol and shall be usable at no charge to the boarder on the basis that the car is returned with a full tank of petrol.

The share car shall be replaced with a new car after the expiry of the warranty period and be maintained in good working condition. The car shall be maintained in accordance with the maintenance schedule of the manufacturer of the car. The boarding house manage will be responsible for cleaning the vehicle on a fortnightly basis.

The share car shall at all times be registered in the name of the owner of the boarding house and for business use for the boarding house. The share car shall be comprehensively insured at all times for use by the boarders of the boarding house and shall at all times have road side assistance taken out for the vehicle.

All boarders shall be made aware of the existence of the share car at the time of occupation and shall be made aware of how the booking system for the car operates and that the car is available for use at no cost (other than petrol).

The booking system for the share car shall be electronic and shall be available for Council to view at any time.

- The car share vehicle must be accessible 7 days of the week, 24 hours of the day when not in use by other occupants.
- The car share vehicle must be managed by the site manager.
- The car share vehicle is to be owned and maintained by the management of the boarding house. The use of a third party service (such as “Go-Get”) is not permitted unless the vehicles provided by the service provider is limited for use by the occupants of the development only. Vehicles available for external members / registered drivers of the service providers operations are not permitted to use the vehicles.
- The car share parking space must be clearly designated and linemarked in the development so as to prevent inadvertent use of the space by other drivers when the car share vehicle is in use.
- The car share vehicle must be parked on site when not in use.

168. **Use of Parking.** The Car parking spaces is to be allocated to rooms 7, 9, 12, 13, 19, 21, 24, 25, 28, 33, 36, 37 and 40. Tenants who wish to park on site but are not allocated a car parking space will be p An accessible parking space shall be allocated to the occupant of an accessible room laced on a waiting list and offered a space once one becomes available. Tenants will be made aware of car parking availability and allocation upon inspection of the boarding house prior to moving in, ensuring informed decisions are made prior to occupation. The motorcycle and bicycle parking spaces

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shall be used on a first come first serve basis. other than the accessible parking space and share space. No additional charge shall be required for use of any parking spaces.

169. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- 13 residential spaces
 - 9 motorbike parking spaces,
 - 9 bicycle and,
 - 1 car share parking space.
170. **Stormwater Management – Implementation of maintenance program.** The stormwater management system components are to be maintained for the ongoing life of the development by the strata management/ owners corporation, as per the details in the approved drainage system maintenance plan (DSMP).
171. **Flood Emergency Response Matters -** The development must at all times comply with the recommendations made within the Flood Emergency Response Plan (FERP) formulated as part of the Occupation Certificate for the proposed development.
- Implementation and maintenance of the FERP shall be the responsibility of building management and all owners, tenants and users of the building must be made aware of the FERP. FERP shall include details of the proposed 'on-site' refuge area. Permanent signage shall be installed in the common areas informing the future occupants of the emergency evacuation procedures and refuge areas
172. **Compliance with the approved Plan of Management.** The operation of the boarding house shall be in accordance with the approved Plan of Management prepared by Sutherland & Associates Planning dated March 2021 and is not to be altered with the prior approval of Council. Where there are any inconsistencies between the Plan of Management and the conditions of the consent, the conditions prevail.
173. **Occupancy of Rooms.** Each boarding room must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each boarding room the maximum number of persons allowed to be accommodated in the bedroom. A copy of this schedule shall be provided to Council.
174. **Standards for places of shared accommodation.** The premises must comply with the Boarding House Act 2012, Boarding House Regulation 2013 and the standards for places of shared accommodation under the Local Government (General) Regulation 2005. The maximum number of lodgers shall not exceed the requirements of Local Government (General) Regulation 2005.
175. **Use of Communal Living Area.** The internal communal living areas are not to be use between the hours of 10pm and 6am on any day.

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176. **Use of Communal Open Space.** The external communal open space areas may only be used between the hours of 7.30am and 9pm.
177. **Furniture and fittings.** Furniture and fittings provided must be maintained in good repair.
178. **Cleaning and maintenance.** The premises and all fixtures, furnishings and equipment must be maintained in a clean, sanitary condition and kept in good repair at all times.
179. **Accessible Rooms.** Room No's G01 and G07 are to be accessible rooms and designed to accommodate persons with disabilities. They are to be provided with kitchen, toilet and bath/shower room facilities in accordance with parts D, E and F of the Building Code of Australia and Australian Standards; AS 2890 and AS 1428. Priority shall be given to persons with disabilities for use of accessible rooms. Accessible rooms shall not be charged at a higher rate than other boarding rooms. An accessible parking space is to be allocate to the rooms.
180. **Boarding Room Fitout.** Each boarding room of the boarding house is to be provided with sufficient storage and furnishing that include the following:-
- a. Bed/s (including base and mattress);
 - b. Wardrobe;
 - c. Mirror;
 - d. Table & chair (two chairs for double rooms);
 - e. A night light or other approved illumination device for each bed;
 - f. Bedside table/shelf for each bed
 - g. Waste container;
 - h. An approved latching device on the door; and
 - i. Curtains, blinds, or similar privacy device.
181. **Kitchen Fitout.** Each of the boarding house room kitchens is to be provided with a refrigerator which is also to include a freezer storage space, a sink, a cooktop with a minimum of two elements and a microwave, along with storage cupboards and 0.5m² of bench space.
182. **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.

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183. **Waste Collection.** Council does not support the use of private contractors for the collection of domestic waste. All domestic waste will be collected by the Council waste collection contractor. Garbage and recycling bins must always be stored on-site between collections.

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”

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

184. **Signs within the garbage area.** Signs will be required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage.
185. **Storage and disposal of wastes.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner. Waste storage areas must be maintained in a clean and tidy condition at all times.
186. **Waste containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste. Garbage and recycling bins must always be stored on-site between collections.
187. **Recyclable wastes.** Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.
188. **Transfer of waste containers to emptying point.** Staff or contractors must be employed to take the waste containers from the garbage room or waste storage area to the container emptying point for servicing and to return the containers to the garbage room or waste storage area after servicing.

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”

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.

189. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.

ITEM 2 (continued)

ATTACHMENT 1

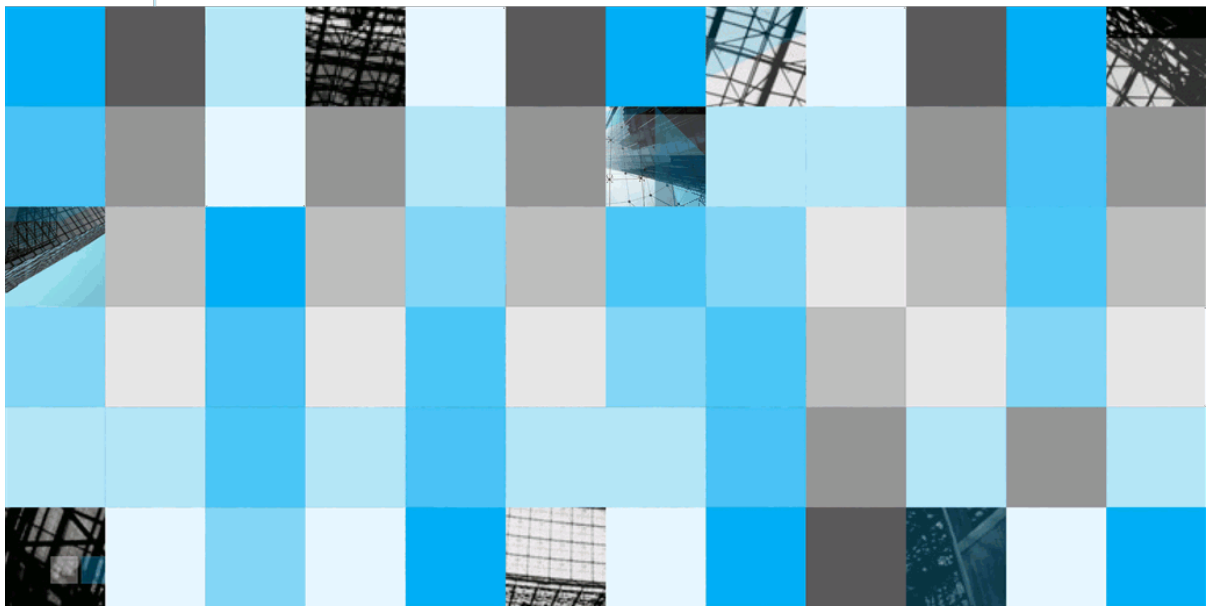
190. **Offensive noise** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
191. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:
- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).
 - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
 - (c) The transmission of vibration to any place of different occupancy.
192. **Lot Consolidation.** The two allotments are to be consolidated into one lot.
193. **Clothes Dryers.** At all times, two dryers are to be provided in the communal laundry. These dryers are to be heavy duty commercial dryers.

End of consent

ITEM 2 (continued)

ATTACHMENT 2

**SUTHERLAND
& ASSOCIATES
PLANNING**



598A and 598B Blaxland Road, Eastwood

Plan of Management

ITEM 2 (continued)

ATTACHMENT 2

SUTHERLAND & ASSOCIATES PLANNING

ABN 14 118 321 793 ACN 144 979 564

Plan of Management

598A AND 598B BLAXLAND ROAD, EASTWOOD

March 2021

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ITEM 2 (continued)

ATTACHMENT 2

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ATTACHMENT 2

1.0 PLAN OF MANAGEMENT

1.1 Introduction

This Plan of Management relates to the boarding house premises at 598A and 598B Blaxland Road, Eastwood.

The boarding house accommodation contains 42 boarding rooms, including 6 adaptable boarding room, a communal living room and laundry, common open space, 14 car parking spaces, 8 motorcycle space and 16 bicycle parking spaces. Each boarding room includes kitchenette and en-suite facilities.

1.2 Aims and Objectives

This Plan of Management seeks to minimise the environmental impacts associated with the ongoing use of the boarding house located on the subject property, particularly the potential impacts on the surrounding residential properties.

The objectives of the Plan are to:

- Detail the responsibilities of the boarding house manager.
- Ensure that an acceptable level of amenity is maintained to nearby residential properties.
- Ensure that appropriate measures are implemented to maximise the safety and security of residents.
- Detail the process for the reporting, recording and management of complaints associated with the operation and management of the boarding house.

A copy of this Plan is to be provided to each boarding house resident and made available to all persons involved in the operation and management of the premises. The Plan of Management must also be available for viewing in the communal living area of the boarding house.

1.3 Management

The boarding house is to be managed by a manager appointed by the owner.

The manager shall be responsible for the operation, administration, cleanliness and fire safety of the premises, including compliance with all conditions of this Plan and any conditions of the Development Consent related to the operation of the boarding house.

The manager will be responsible for ensuring the House Rules are adhered to. If any lodger does not respect the House Rules this will be cause for termination of use, in accordance with the terms of the Occupancy Agreement.

At no time is any room to be advertised as or made available for short stay accommodation such as that associated with backpacker hostels, motels, hotels, or the like. Where possible priority is to be given to people on very low, low and moderate incomes.

The boarding house manager must have appropriate qualifications or be adequately trained to perform the required duties.

Contact details for the boarding house manager must be made available to all tenants and displayed on a notice board in the communal living room. A sign showing the name and contact number of the manager/managing organisation is to be placed near the front entry and in a visible position to the public.

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Plan of Management - 538A and 538B Blandford Road, Eastwood

Each lodger of the premises is required to sign an Occupancy Agreement and House Rules Agreement upon occupation of the boarding house. The Occupancy Agreement is to be for a minimum term of 3 months. Residential Tenancy Agreements (under the Residential Tenancies Act 2010) will not be used (without prior consent of Council).

Upon signing the Occupancy Agreement each lodger will be provided with a printed copy of the publications *Crime Stoppers Fact Sheets*¹ and *Factsheet 27: Boarding Houses Act 2012*². A duplicate copy of the relevant publications will be signed by the lodger as acknowledgement that they have received the publication and is to be kept with the Occupancy Agreement held by the boarding house operator to verify that the material has been issued.

The publications and factsheets will be updated every 12 months and where not available similar information will be provided.

The manager will require a photo ID (e.g. typically either passport or driver's licence) for all lodgers. Where the person is an Australian resident and does not hold a driver's licence then alternative ID which may not hold a photo can be accepted.

Upon arrival lodgers will be issued with an information sheet. This document will provide general information about the premises including the boarding house managers details, house rules, after hours contact details, emergency contact numbers for essential services such as fire, ambulance, police and utilities such as gas, electricity and plumbing as well as a note that there is residential development in the vicinity and that lodgers need to take the neighbours interests into account when leaving and entering.

All lodgers are to be provided with a pamphlet outlining the fire excavation procedures for the boarding house. The pamphlet is to contain details of the fire exits, fire hydrants and fire warning devices installed in the boarding house.

All lodgers will be registered in an electronic accommodation register. This register will provide details of the length of stay and the maximum number of all lodgers in each room. The register will be made immediately available at the request of Council and/or the Police.

The site management will be responsible for the logging of any complaints in a "Complaints and Incident Register" and the resolution of those complaints which is also to be documented. The Complaints and Incident Register will be made available immediately upon demand at the request of Council and/or the Police.

The premises will be checked yearly to ensure that fire safety and essential fire safety measures in the building are maintained and that all required exits and egress paths are clear and free of obstructions.

1.4 House Rules

House rules will be displayed at entrance of the property, behind each entry door of each room and in all indoor and outdoor common areas. House Rules as well as the Occupancy Agreement will be signed by each lodger on initial entry to the property. Compliance with the Plan of Management is to be included in the House Rules. A no signature, no entry policy applies.

¹ Available at: http://www.police.nsw.gov.au/can_you_help_us/crime_stoppers

² Available at: <http://www.tenants.org.au/>

ITEM 2 (continued)

ATTACHMENT 2

Plan of Management - 598A and 598B Blandford Road, Eastwood

Lodgers are to respect other lodgers and neighbouring residents and to keep noise at a reasonable level.

1.5 Boarding Room Occupancy

27 rooms are permitted to accommodate a maximum of one (1) adult lodgers and 15 rooms are permitted to accommodate two (2) adult lodgers. A total of 57 lodgers can be accommodated. Internal signage is to be prominently displayed in each boarding room informing tenants of the maximum number of lodgers per room.

1.6 Parking

One (1) private car share vehicle is to be provided exclusively for use by residents of the boarding house.

Management and operation of the private car share vehicle will be the responsibility of the on-site manager.

Key operational characteristics of the private car share vehicle are as follows:

Induction & Car Booking

- The owner of the development will be required to set-up an online booking system either via phone app or website, so residents will be able to schedule private car share vehicle bookings.
- The online booking system will enable transparency amongst residents of when the private car share vehicle is available and allow the car to be booked in advanced as required.
- It shall be the responsibility of the on-site manager to induct all new residents of the development on use of the online booking system and private car share vehicle.
- It shall the responsibility of the on-site manager to ensure that the private car share vehicle operates efficiently in terms of bookings and is maintained, cleaned, fuelled, and is fit-for-use by residents.

Costs & Insurances

- Set up and establishment costs associated with the private car share vehicle and online booking system will be paid for by the owner of the development.
- The vehicle will be of a size comparable to a B85 Design Vehicle, defined in Clause A3 of AS 2890.1 as being equivalent to a Ford Falcon sedan, ensuring access to and from the basement car park is manageable whilst covering a wide array of potential uses of residents.
- The development owner shall maintain comprehensive car insurance covering all residents that hold a driver's licence.
- Cost of fuel will be paid for by the owner of the development. If a resident is required to pay for fuel during their booking, the resident will present the fuel receipt to the on-site manager. Once the fuel receipt details are confirmed and the payment is authorised, the on-site manager will reimburse the resident.
- Residents will be required to pay for the use of the private car share vehicle on an hourly basis with an added cost based on distance (per kilometre) travelled. The rates will be determined by the owner prior to CC stage.

Vehicle Location & Tracking

- Residents are required to return the private car share vehicle to the car share space at the end of their booking.
- A key lockbox will be provided in the vicinity of the private car share vehicle, ensuring that the keys are in a nearby and known location at all times.

ITEM 2 (continued)

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Plan of Management - 598A and 598B Blandford Road, Eastwood

- The private car share vehicle will be fitted with a GPS tracking system to ensure that the location of the vehicle is known in the event of vehicle emergencies, and to assist with the management of bookings.

All remaining car parking spaces will be allocated to individual tenants, as opposed to permitting open access to all tenants on a first come, first serve basis. This will ensure that only those tenants with an allocated space will be granted access via the roller shutter and attempt to enter and exit the car park and remove the ability for tenants without a car parking space to enter the basement.

Car parking spaces will be allocated to rooms 7, 9, 12, 13, 19, 21, 24, 25, 28, 33, 36, 37 and 40. Tenants who wish to park on site but are not allocated a car parking space will be placed on a waiting list and offered a space once one becomes available. Tenants will be made aware of car parking availability and allocation upon inspection of the boarding house prior to moving in, ensuring informed decisions are made prior to occupation.

1.7 Visitors

Any lodger inviting guests to the premises must take full responsibility for them and their behaviour. Visitors must obey the rules of the boarding house.

1.8 Use of Outdoor Communal Area

The use of the outdoor communal area shall be restricted to between the hours of 7:00am and 10:00pm daily. No amplified music is permitted at ANY time within the outdoor communal area.

1.9 Safety and Security

1.9.1 Access to Premises

Arrangements for initial access to the premises will be through the Boarding House Manager.

1.9.2 Access to Entrance

All rooms are to be clearly numbered. Access to all rooms will be controlled via key provided to each lodger. Access will not be possible without the key.

1.9.3 Perimeter Lighting

Perimeter lighting shall be provided to ensure that there are no areas of concealment when entering or leaving the property.

1.10 Room Furnishings

Rooms are to be provided with an oven and stove top. A tub, washing machine and dryer will be provided in the communal laundry.

Combustible furnishings and fittings, such as lounges, desks and display boards are not permitted in public corridors and egress routes from sleeping rooms as they may restrict the safe means of egress from the building and reduce the level of fire safety in the building.

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The premises will be checked regularly to ensure that fire safety and essential fire safety measures in the building are maintained and that all required exits and egress paths are clear and free of obstructions.

1.11 Waste Policy

Behind each room door there will be a sign encouraging tenants to recycle. The bins in the waste bin area will be separated for:

- Paper, cardboard;
- General waste; and
- Aluminium cans, glass and plastic bottles.

1.12 Miscellaneous

1.12.1 Access Key

The access key to the boarding house shall not be given to anybody other than the occupant(s).

1.12.2 Smoking

Smoking will not be permitted indoors.

1.12.3 Drugs

The boarding house policy is that the use, sale or possession of illegal drugs or any suspicion of such acts being performed in or about the premises or any person found using drugs shall be immediately reported to the Police.

1.12.4 Misconduct

Any lodger failing to observe the rules and any cases of serious misconduct will be dealt with by the boarding house manager who may require the lodger to vacate the premises.

Examples of serious misconduct include, but are not limited to: drug or alcohol abuse, sexual, racial or religious harassment, theft, or violence. Lodgers are instructed to call the police if the boarder is performing illegal acts on the property.

1.12.5 Visitor Policy

Any lodgers inviting visitors to the premises must accept full responsibility for them and their behaviour. In the event of any serious misconduct by the visitor of a lodger, the lodger may also be asked to vacate the premises and be asked to pay for damages, where required.

1.12.6 Noise

Live music will not be permissible on the premises at ANY time.

No amplified music is permitted at ANY time within the outdoor communal areas.

ITEM 2 (continued)

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Plan of Management - 538A and 538B Blandford Road, Eastwood

Recorded and/or amplified music is permissible indoors during daylight hours between 8:00am and 8:00pm Monday to Thursday and between 8:00am and 10:00pm Friday to Sunday.

1.12.7 Disposing of Waste

Lodgers are to ensure all rubbish and recycling is to be deposited within the respective bins provided in the waste storage area. The Manager is responsible for ensuring that bins are placed ready for collection on collection day.

1.12.8 Pets

No pets are allowed within the boarding house at ANY time.

1.12.9 Nuisance

The carrying out of activities likely to cause a nuisance to other lodgers, the management or neighbours will not be tolerated. This may include, but not limited to theft, use of illegal drugs, violence or noise generating activities outside permissible times.

Any lodger failing to observe the rules and/or involved in serious misconduct will be dealt with by the boarding house manager and may result in the termination of the occupancy agreement, in accordance with the terms of the Occupancy Agreement.

1.13 Contract Cleaning and Maintenance Staff

The Manager will be responsible for the ongoing cleaning and maintenance of common areas (including landscaped areas) of the premises on a regular basis. Common areas shall be appropriately constructed, maintained and controlled against vermin. These areas shall be regularly inspected by an authorized pest control company once every 12 months.

The garbage storage area for the boarding house will be maintained by or on behalf of the boarding house manager and will be washed down on a weekly basis in order to maintain cleanliness.

Building maintenance/repairs is to occur when required.

1.14 Fire Safety

1.14.1 Evacuation Plan

Building layout indicating, position of lodger rooms relative to the rest of the development, location of fire exits and firefighting equipment and emergency evacuation procedures shall be displayed in all rooms and common areas.

1.14.2 Maintenance

Emergency systems are maintained as part of a maintenance contract by a qualified company. All equipment will be tested and checked in accordance with the relevant Australian Standards. Any faults are documented and rectified immediately.

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ATTACHMENT 2

1.14.3 Annual Certification

Annual certification of Fire Safety Equipment and preparation of the Form 15a is carried out by a fire consultant. Annual certification required of any of the equipment is overseen by the owners.

1.15 Occupational Health and Safety Requirements

The Manager and staff must be aware of their responsibilities under such legislation as the Work Health and Safety Act 2011, Work Health Safety Regulation 2011 and the Innkeepers Act 1968.

The WorkCover website lists the Act and Regulations and other helpful information – visit www.workcover.nsw.gov.au for boarding houses NSW.

The following safety guidelines will be observed in the premises and employees must abide by them:

- All hazards (e.g. broken chairs, loose carpets, missing lights) should be removed, repaired or replaced in consultation with the Managing Agent;
- No item of plant or machinery may be operated unless the safeguards provided are correctly in place, secured and operating effectively and the staff member and/or contract services personnel have been trained;
- Dangerous chemicals are to be handled properly, labelled (MSDS), and locked in a secure storage area when not in use;
- Work areas are to be kept clean and tidy;
- Passageways and aisles are to be kept clear at all times;
- Materials or products are not to be stacked higher than what is considered to be safe;
- Rubbish bins must be used to dispose of all rubbish;
- Excessive alcohol consumption or drugs not prescribed by a doctor are forbidden on the premises; and
- All no smoking rules are to be observed.

1.16 Storage of Chemicals

All chemicals and other substances stored for use in workplaces will meet the requirements of certain Acts and Regulations. Chemicals or substances that are labelled Hazardous Goods will have a Materials Safety Data Sheet on site.

All hazardous chemicals/substances are to be securely stored when not in use.

1.17 Public Liability

The owners will maintain a public liability cover of \$10 million.

1.18 Complaints and Incident Register

Management must maintain a 'Complaints and Incident Register'. The register will contain:

- Complaint/Incident date and time
- Name of person/police/council making the complaint or notifying of the incident
- Contact details
- Nature of the complaint/incident

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ATTACHMENT 2

Plan of Management - 598A and 598B Blaxland Road, Eastwood

- Action taken (by whom and when)
- Outcome and/or further action required

An 'Incident' includes:

- a. any breach of this Plan; or
- b. any complaint by any person about the operation of the Premises; or
- c. any event that may cause alarm or concern to residents or persons passing or in the vicinity of the Premises as a result of the conduct or act of any person identifiable as a client of the Premises at that time.

When an incident is reported the person reporting details of the incident will be advised that an incident may be reported on a confidential or non-confidential basis and that confidential records will be made available to the Ryde Council and the NSW Police and any other person required by law and that non confidential complaints will be made available to the Ryde Council, the NSW Police, any other person required by law as well as residents who live within 100 metres of the premises who wish to inspect the Complaints Book.

The Complaints Book must be updated within 24 hours of any incident.

Management must request contact phone numbers to record in the Complaints Book so concerns can be followed up if necessary.

Management shall be available at all times to deal with any incident as to the operation and management of the premises. Any such incident shall be dealt with as soon as possible.

If an incident relates to noise, the Manager must:

- a. rectify the situation immediately.
- b. contact the individual who reported the incident to verify that the problem has been addressed.
- c. take all reasonable steps to stop or reduce the source of the noise to prevent future occurrences.

Management must review the Complaints Book regularly and where appropriate amend operating procedures so as to eliminate the possibility of the incident recurring or to minimise the impacts of the incident should it recur.