

Meeting Date: Thursday 9 December 2021
Location: Meeting held remotely
Time: 5.00pm

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

NOTICE OF BUSINESS

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DECLARATIONS OF INTEREST

DEVELOPMENT APPLICATION

3 LDA2021/0375

114-116 Victoria Road Gladesville

Construction of a six storey residential apartment building comprising 55

apartments with three levels of basement carparking with 74 spaces. 3

DEVELOPMENT APPLICATION

- 3 LDA2021/0375**
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Construction of a six storey residential apartment building comprising 55 apartments with three levels of basement carparking with 74 spaces.

Report prepared by: Senior Coordinator - Development Assessment

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

File Number: GRP/09/6/12/1/2 - BP21/1126

City of Ryde Local Planning Panel Report

DA Number	LDA2020/375
Site Address & Ward	114-116 Victoria Rd Gladesville Lot 1 DP 785002 East Ward
Zoning	B4 Mixed Use
Proposal (as amended)	Construction of a six storey residential apartment building comprising 55 apartments with three levels of basement carparking with 74 spaces. The above proposal is integrated development under the Environmental Planning and Assessment Act 1979, as the subject site requires a dewatering licence. The relevant approval body is WaterNSW.
Property Owner	Zonie Properties Pty Ltd
Applicant	Zonie Properties Pty Limited atf Zonie Group Unit Trust
Report Author	Kimberley Kavwenje, Senior Coordinator Development Assessment

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Lodgement Date	29 October 2020
Notification - No. of Submissions	<p>Thirty-three (33) submissions received, thirty-two (32) objecting to the proposed development and one (1) in support.</p> <p>During the second notification period, three (3) submissions received objecting to the development.</p>
Cost of Works	\$22,234,390
Reason for Referral to LPP	<p>Sensitive Development – Development to which <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i> applies. <i>Schedule 1, Part 4 of Local Planning Panels Direction</i></p> <p>Contentious development – (b) in any other case – is the subject of 10 or more unique submissions by way of objection. <i>Schedule 1, Part 2 of Local Planning Panels Direction</i></p>
Recommendation	Deferred commencement consent
Attachments	<p>Attachment 1: Conditions of Consent Attachment 2: ADG Compliance Table Attachment 3: DCP Compliance Table Attachment 4: C4.6 variation request to height Attachment 5: Architectural plans</p>

1. Executive Summary

This report considers a development application under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on land at 114-116 Victoria Rd Gladesville, which is legally described as Lot 1 DP 785002.

The subject development application (LDA2020/0375) was lodged on 29 October 2020 and seeks consent for the construction of a six storey residential apartment building comprising 55 apartments with three levels of basement carparking with 74 spaces. In accordance with the *Environmental Planning and Assessment Act 1979*, Section 9.1 – Directions by the Minister, this application is reported to the Ryde Local Planning Panel for determination as it constitutes sensitive development to which *State*

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Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development applies. This application is also reported as being a contentious development. The DA has received in excess of ten (10) submissions objecting to the development.

The applicant has submitted a Clause 4.6 request to vary Clause 4.3(2) Height as the proposal exceeds the allowable building height of 19m. The maximum building height for the proposal is 20.39m, equating to a 5.7% variation to the control. The non-compliant parts of the building are the lift overrun and south western portion of level 5.

The Development Application was notified between 9 November and 15 December 2020. Thirty-three (33) submissions were received, thirty-two (32) objecting to the proposal and one (1) in support. Concerns raised in the submissions related to over development, height, amenity impacts including view loss, traffic impacts, lack of infrastructure, parking and loss of commercial development. Concerns were raised regarding the depth of excavation and impacts upon existing surrounding buildings. The application was re-notified between 4 – 25 November 2021. In response, three (3) submissions were received objecting to the development. No additional issues were raised in these submissions.

On 26 November 2020 a meeting was held with the UDRP and a number of urban design concerns were conveyed to the applicant.

On 15 December 2020, Transport for NSW advised they were not issuing concurrence and requested the provision of a deceleration lane in front of the site along Victoria Road. This resulted in ongoing discussions including the applicant preparing a concept plan with the requested deceleration lane in April 2021. On 17 May 2021, TfNSW formally advised that the deceleration lane was no longer required.

The applicant submitted amended plans on 28 June 2021 which responded to the concerns raised by the UDRP and included a reduction in the number of units from 57 to 55. The amended proposal was considered by the UDRP on 26 July 2021 and the proposal was considered satisfactory in terms of urban design.

A further request for information was sent on 16 August 2021 relating to the concern with the internal driveway width not facilitating two-way vehicle movements. Additionally, a detailed site investigation and validation report under the provisions of SEPP 55 were requested.

On 21 September 2021, Water for NSW requested an amended geotechnical report.

The applicant submitted amended plans and documentation including the requested detailed site investigation and geotechnical report on 5 October 2021. The amended plans included provision of two-way vehicle movements. Transport for NSW issued concurrence on 29 October 2021. Water for NSW issued concurrence on 19 November 2021.

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The proposal has appropriately responded to the requests for information and provides an appropriate design response to the issues raised throughout the assessment. The site has previously been used as a petrol station in which demolition and remediation works were approved under a separate development consent. The proposal has been supported by satisfactory information including a remediation action plan (RAP) to demonstrate the site is suitable for residential purposes.

The proposal results in a loss of city views presently available from the adjoining property to the north. The views are attained across the side boundary and as a result of the site being vacant. The proposal also results in a non-compliance with the required solar access under the Apartment Design Guide but has been supported on merit due to the orientation of the site. The proposal demonstrates it does not result in any significant adverse impacts upon adjoining properties or the streetscape and achieves reasonable amenity for the development.

Having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act*, it is recommended Development Application No. LDA2020/0375 be granted deferred commencement consent relating to the creation of a drainage easement.

2. The Site and Locality



Figure 1 Aerial photograph of the site and locality

The subject site is legally described as Lot 1 DP 785002 and is known as 114-116 Victoria Rd Gladesville. The site is irregular in shape and is located on the western side of Victoria Road, to the north of the intersection with Punt Road. The site has an area of 1979m² and a frontage of 59.37 metres to Victoria Road.

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The subject site is presently vacant. There are two (2) existing vehicular crossings adjacent to the southern and northern side boundaries (**Figure 2**). The site slopes from the street to the rear of the site. The site also has a cross fall from the north eastern corner RL34.42 to the south western corner RL30.28.



Figure 2 Site as viewed from Victoria Road

The surrounding locality is characterised by a mix of existing development comprising residential flat buildings, mixed-use development and retail/commercial development fronting the Victoria Road corridor.

The adjoining site to the north, No. 120 Victoria Road (**Figure 3**) contains a six storey residential flat building. The building has a nil setback from the southern boundary shared with the subject site. The site also has a frontage to Pearson Street to the west where vehicular access is attained. The development comprises 46 apartments approved under LDA2014/379.



Figure 3 Adjoining site to the north, No. 120 Victoria Road

The adjoining site to the south, No. 6 Pearson Street extends from Victoria Road to Pearson Street and comprises two buildings. The development presenting to Victoria Road is two storeys above car parking. This building is orientated to the north with balconies presenting to the shared boundary. The site has vehicle access adjacent to the southern boundary from Victoria Road. (**Figure 4**). The other building is a three storey residential flat building presenting to Pearson Street (**Figure 5**). The site shares the western and north western rear boundary with the subject site.

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Figure 4 Adjoining site to the south, No. 6 Pearson Street as viewed from Victoria Road



Figure 5 No. 6 Pearson Street as viewed from Pearson Street

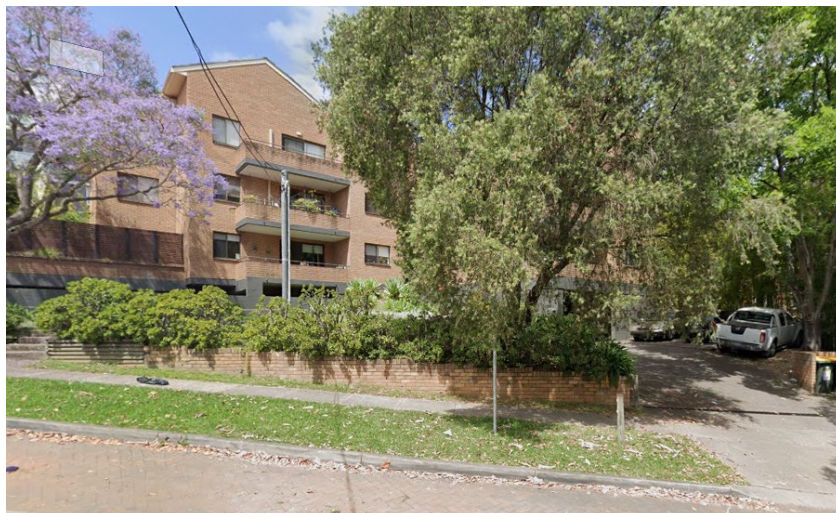


Figure 6 Adjoining development at No. 2 Pearson Street

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The site is adjoined by No. 2 Pearson Street (**Figure 6**) along the western and north-western boundary. The development comprises three levels of residential apartments above car parking. The site is irregular in shape and contains private open spaces with associated dwellings orientated towards the south-east in addition to having an orientation to the north. The POS areas contain privacy screening. There is established bamboo and landscaping along the southern and north-western boundaries shared with the subject site.



Figure 7 Adjoining property to south west, No. 4 Pearson Street

The property is also adjoined to the south west by No. 4 Pearson Street (**Figure 7**). This site contains a three-storey residential flat building and shares the south western boundary with the site. The building is orientated towards the northern boundary and contains balconies presenting to the subject site.

3. The Proposal (as amended)

The proposal seeks consent for the construction of a six storey residential apartment building comprising 55 apartments with three levels of basement carparking with 74 spaces. The proposal as it presents to Victoria Road is shown in **Figure 8** and as viewed from the rear of the site in **Figure 9**.

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Figure 8 Photomontage of the eastern elevation presenting to Victoria Road



Figure 9 Photomontage of rear western elevation as viewed from proposed communal open space

Basement Level 1 (RL27.13) (Figure 10)

- Basement Level 1 comprises 26 car parking spaces including 6 accessible spaces and storage receptacles for the residential units.
- Pedestrian access is provided between the basement and residential levels by way of two (2) lifts, and two fire stairs.

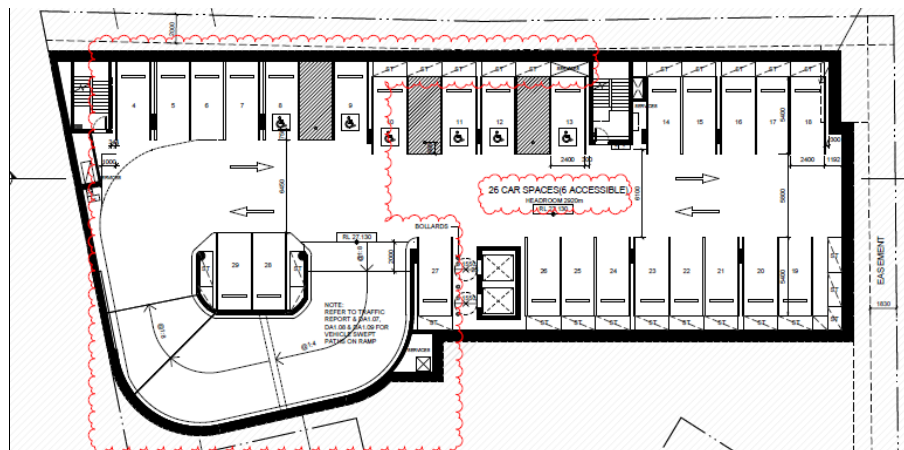


Figure 10 Proposed Basement Level 1

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Basement Level 2 (RL24.03) (Figure 11)

- Basement Level 2 comprises 34 car parking spaces, storage receptacles for the residential units.
- Pedestrian access is provided between the basement and residential levels by way of two (2) lifts, and two fire stairs.

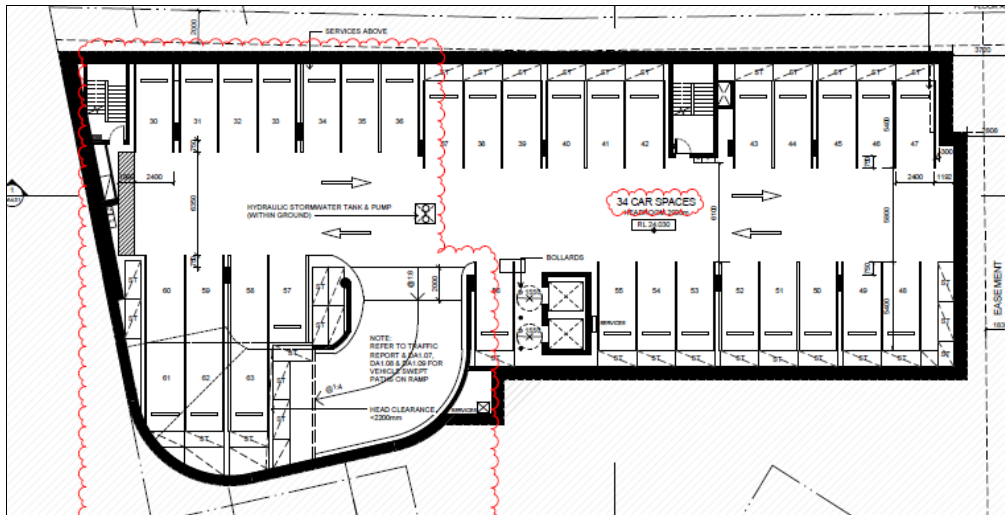


Figure 11 Proposed Basement Level 2

Lower Ground Floor Level (RL30.38 – RL30.63) (Figure 12)

- Lower ground floor comprising 14 parking spaces, including 10 visitor spaces and 2 accessible space, turning bay, car wash bay, hydrant pump room, electrical room, storage room, plant room and 8 bicycle spaces;
- Waste cupboard, lift core and accessible WC.
- 2 x 2 bedroom units (at the south-west corner) with associated balconies in western elevation.
- An at-grade communal open space area is indicated to the rear of the building.

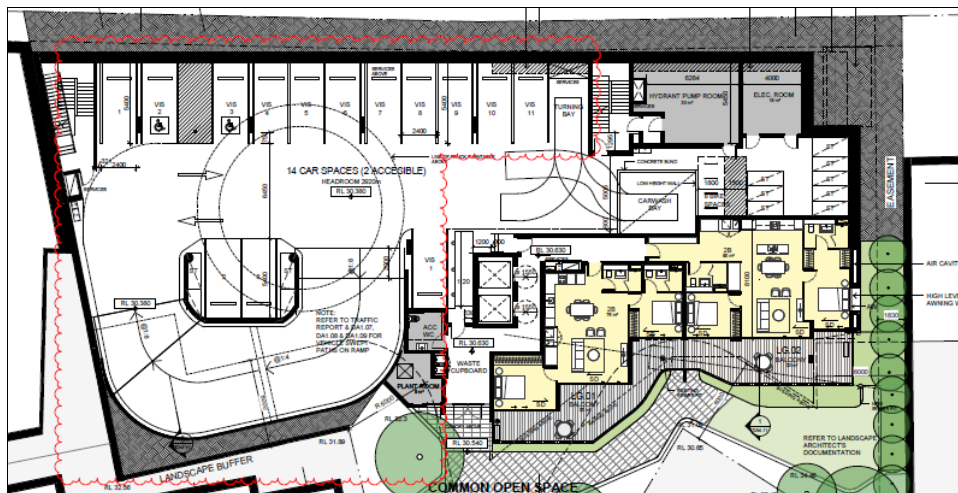


Figure 12 Proposed Lower Ground Floor Level

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Ground Floor Level (RL33.78 – RL33.78) (Figure 13)

- Driveway entrance adjacent to northern side boundary, services room, booster, bulky waste room, garbage room with bin loft, communications room.
- Pedestrian access from Victoria Road to centralised corridor to two (2) lift core
- Ground floor comprising 2 x 1 bedroom (1 adaptable), 1 x 1 + study, 1 x 2 bedroom and 1 x 3 bedroom.

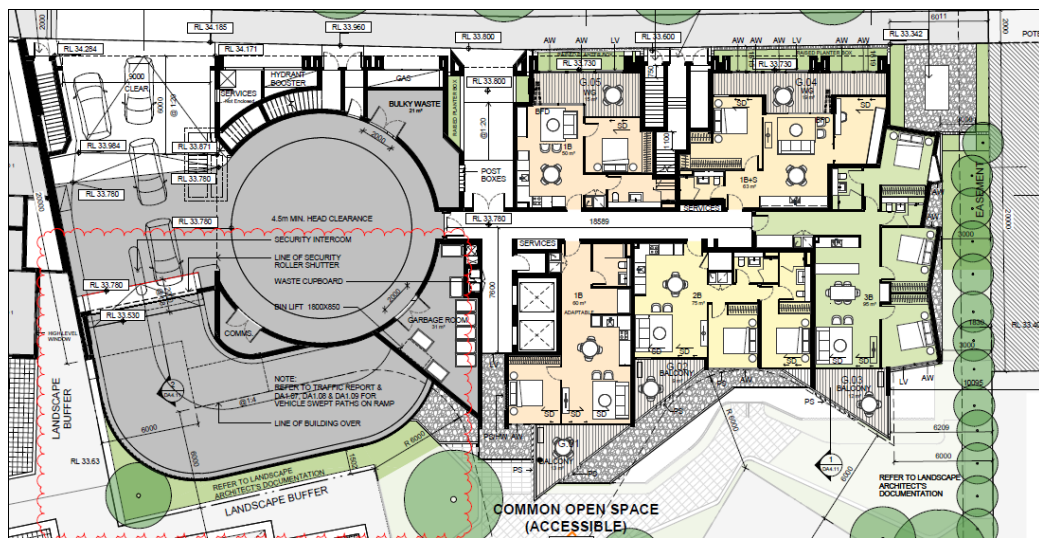


Figure 13 Ground floor plan

Level 1 (RL36.88) (Figure 14)

- Level 1 comprising 2 x 1 bedroom (1 adaptable), 3 x 1 bedroom + study, 1 x 2 bedroom and 1 x 3 bedroom.
- Lift core and fire stairs.

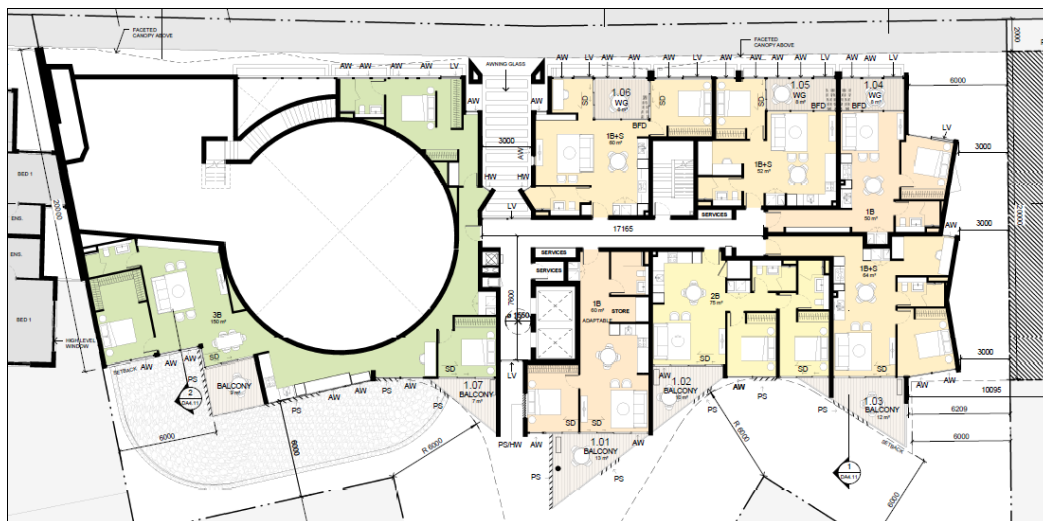


Figure 14 Level 1 plan

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External works

The proposal includes a 8.0-metre-wide driveway adjacent to the northern side boundary providing access to the three (3) basement levels containing seventy-four (74) parking spaces. The proposal includes a centralized pedestrian access to a communal letter box and bin area.

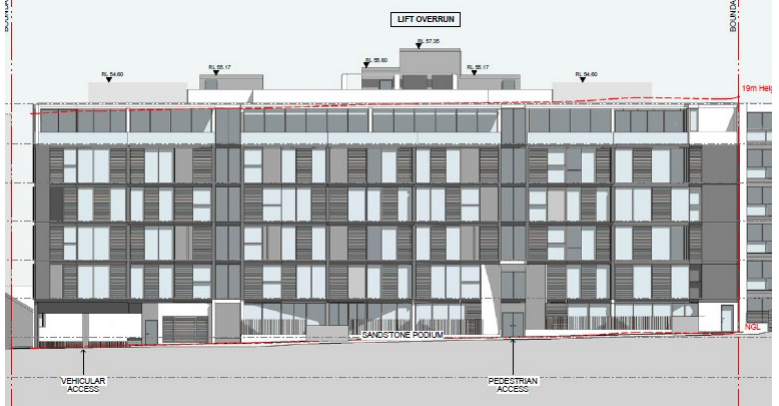
The proposal seeks to remove eleven (11) trees including a group of trees (Trees 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, & the 'Privet/Camphor Laurel Hedge'). Landscaping works include raised planter boxes within the eastern elevation and along the southern side boundary. The communal open space is proposed at the rear of the site and landscaping works extend in part along the northern boundary at the rear of the building.

4. Background

4.1 Site History

<p>21 May 2020</p>	<p>An Urban Design Review Panel (UDRP) and Pre-lodgement Panel meeting was held to discuss an initial proposal for the site (PRL2020/0013). The proposal was for the demolition of the existing petrol station and construction of a residential flat building comprising 67 units (34 x 1 bed, 30 x 2 bed and 3 x 3 bed) with 3 levels of basement (84 parking spaces) and loading bay at grade provided at rear of building.</p> <p>The applicant was advised a significant redesign was required. It was recommended concept sketches for the boundary relationships, ground level treatments and internal layouts be prepared and present to the Panel to ensure the proposal was moving in a supportable direction. The Panel did not support the scheme in its current configuration. The eastern elevation of this proposal is shown in Figure 17.</p> <p>The planning issues raised included non-compliant height and FSR, carpark design, public domain interface, inadequate natural ventilation, building depth, length of front elevation, front setback, southern side setback and requirement for minimum 6m setback and non-compliant rear setback.</p>
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	 <p>Figure 17 Eastern elevation as proposed in PRL2020/0013</p>
<p>29 May 2020</p>	<p>Development Application LDA2020/0011 for demolition of the existing service station and remediation works was approved.</p>

4.2 Application History

<p>29 October 2020</p>	<p>Development Application No. LDA2020/0375 was lodged proposing construction of a six storey residential apartment building comprising 57 apartments with three levels of basement carparking with 75 spaces.</p>
<p>9 November – 15 December 2020</p>	<p>The DA was notified to surrounding properties. In response, thirty-three (33) submissions were received; thirty-two (32) objecting to the proposed development.</p>
<p>26 November 2020</p>	<p>A meeting was held between the applicant, Council staff and the Ryde Urban Design Review Panel (UDRP) to discuss the proposal. A number of concerns were outlined by the Panel. The issues included:</p> <ul style="list-style-type: none"> • Non-compliant FSR and height and concerns because of the transitional to the R4 zone to the west (rear) of the site • Concerns regarding the northern setback, southern and rear setbacks • Size of the basement and recommendation for third level being introduced to improve setbacks • The building depth, length, ground and basement level arrangements are creating significant amenity issues • Concern regarding extent of tree removal and borrowed amenity from the adjoining properties to the rear

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	<ul style="list-style-type: none"> • The driveway access being adjacent to the southern boundary • The projecting bedroom for G.07, 1.11, 2.11, 3.11, 4.11 and 5.09 should be deleted to achieve an appropriate response • Reliance on landscape alone to achieve privacy is not supported • The excavated communal open space area and resultant height of retaining walls and poor amenity • The ground level interface requires redesign and lack of setback make it unsuitable for residential use • Safety concerns for pedestrian access particularly within the basement, location of fire stair and address to street • Non support of subterranean apartments such as LG01 • Non- compliant solar access and cross ventilation • Overshadowing of neighbouring property to the south • The materials board does not note exactly what these materials are e.g. the grey and black swatches. More information is required to ensure the materials are acceptable
15 December 2020	<p>Transport for NSW advised concurrence was not being issued. The following issues were raised:</p> <ul style="list-style-type: none"> • Concurrence would not be issued for the provision of two vehicle crossings from the major arterial road • Request for a deceleration lane to be provided to reduce the potential queuing on Victoria Road • Updated swept paths for the single vehicle access demonstrating largest vehicles can enter and exit without restricting manoeuvrability of other vehicles
22 December 2020	<p>WaterNSW issued concurrence and provided general terms of approval (GTA).</p>
3 February 2021	<p>The applicant was provided the Development Engineer comments which requested further information relating to stormwater management, requirement for wash bay and safety concerns being held regarding the one way vehicle access ramp to the lower basement levels.</p>
16 March 2021	<p>The applicant provided concept plans for discussion with Transport for NSW.</p>
24 March 2021	<p>Preliminary amended plans are submitted to Council.</p>
6 April 2021	<p>Transport for NSW advise concurrence is not issued due to the following reasons:</p>

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	<ol style="list-style-type: none"> 1. Lane allocation of Victoria Road should be included on swept path plans to demonstrate manoeuvres from the kerbside lane such that traffic flows on adjacent lanes are not impacted. Swept path plans should include the proposed deceleration lane in full. 2. Separate swept paths of HRV entering and exiting the site, as well as manoeuvrability throughout the site should be submitted for review. 3. An amended site plan with a singular vehicular access and proposed deceleration lane, shown in full, should be submitted for review. 4. Provision of a deceleration lane will require dedication of 3.5m wide strip of land. The land dedication needs to be shown in the amended plans.
12 April 2021	The applicant submits amended plans which include a deceleration lane along Victoria Road for consideration.
19 April 2021	The UDRP reviewed the amended plans and is detailed in Section 4.1 below.
6 May 2021	Council staff met with Transport for NSW Network Safety Team to discuss the required deceleration lane and Council's concerns with the concept plans provided.
17 May 2021	Transport for NSW issues concurrence advising a deceleration lane is no longer required.
28 June 2021	The applicant submitted amended plans.
16 July 2021	The applicant was requested to provide northern and southern elevations with the removal of the modified ground line to show the elevations in their entirety.
20 July 2021	The applicant submitted amended elevations.
26 July 2021	The amended plans were reviewed by the UDRP and is discussed in Section 4.1 below.
16 August 2021	<p>Council requests further information including:</p> <ul style="list-style-type: none"> - The width of the internal driveway not facilitating two-way movement - Land contamination and remediation requesting a validation report, site audit statement and detailed site investigation report pursuant to SEPP 55 - Elevation of proposed privacy screen details
2 September 2021	The applicant submitted concept drawings in response to the concerns regarding internal driveway widths.
21 September 2021	Water for NSW requested updated geotechnical report.
5 October 2021	Amended plans and documentation submitted including vehicle manoeuvring diagrams, updated geotechnical report, updated traffic impact assessment, updated

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	landscape plan, remediation action plan and detailed site investigation report. The changes included: <ul style="list-style-type: none"> - Increase in basement in a southerly direction to support 2 way movement on ramp - Decrease in parking spaces to 26 (6 accessible) within basement 1 - Decrease basement 2 by 1 parking space
29 October 2021	Transport for NSW issue concurrence.
4 – 25 November 2021	As the final set of amended plans proposed changes to the basement footprint, it was necessary to readvertise the development application. In response, three (3) submissions were received.
19 November 2021	Water for NSW provided concurrence.

5. Planning Assessment
Environmental Planning and Assessment Act
Objects of EP&A Act

Section 1.3 of the EP & A Act contains the following relevant objects:

1.3 Objects of Act (cf previous s 5)

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(g) to promote good design and amenity of the built environment,

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment.

The proposal achieves the objectives. The proposed development provides for an appropriate built form which is responsive to the site constraints and has been

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designed in response to the site's topography. The proposal is consistent with relevant Objects of the Act.

Section 4.46 Development that is integrated development (cf previous s91A)

Pursuant to Section 4.46, the development is integrated development and requires concurrence pursuant to Section 89, 90 and 91 of the *Water Management Act 2000* as the development requires a water supply work approval. Concurrence was issued by Water NSW on 19 November 2021. The General Terms of Approval has been included in the recommendation in accordance with Section 4.46(3). **Conditions 27 - 41.**

Contaminated Lands Management Act 1997

The site previously contained a petrol station and is identified as contaminated land. A remediation action plan has been prepared by Aargus which details how the site will be remediated for the purposes of the new development in accordance with the provisions of this Act. The proposal is satisfactory in this regard. **Conditions 21 – 25 and 113** deals with site remediation.

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

This Policy aims to improve the design quality of residential flat development in NSW and provides an assessment framework, the Apartment Design Guide (ADG), for assessing 'good design'.

Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000 requires the submission of a design verification statement from the building designer at the lodgment of the development application. This documentation has been and meets the lodgment requirement.

The application has been assessed by Council's Urban Design Panel and was considered to be acceptable and their comments are provided below:

Urban Design Review Panel

During the assessment phase of the application, a meeting was held between the Ryde Urban Design Review Panel (UDRP), the applicant and Council staff and the UDRP provided the following comments on the proposal's performance with regard to the SEPP 65 Design Quality Principles. The subsequent amended plans were provided to the UDRP for consideration. The amended UDRP comments on the principles and subsequent assessment comments are provided as follows:

- a) Context and Neighbourhood Character

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The amended plans now generally sit within the allowable height plane. The lift overrun appears to exceed the height control, but the Panel considers this minor exceedance is acceptable as it is located inset from the building edge so is unlikely to contribute to environmental impacts.

The southern setback has been increased to 3m rather than the 6m advocated by the Panel. Whilst this is less than the setback sought by the Panel, the configuration of the apartments with angled windows rather than direct outlook onto 112 Victoria Rd has achieved a reasonable balance and is considered acceptable.

The upper-level bedroom that previously intruded into the upper-level setback has also been deleted.

It appears the trees that exist to the west of the site are not retained however the applicant has justified this on the basis that the trees have no retention value. The Panel encourages the applicant to retain any trees if they provide a useful role in providing privacy to 4 Pearson St and instead commit to a landscape management regime for any proposed tree replacement over time.

Assessment Officer's Comments: The proposal results in a height non-compliance associated with the lift overrun and the south-western corner of the building with a height of 20.39 metres. The proposal has been supported by a satisfactory Clause 4.6 variation request.

The trees along the western boundary include Trees 8 (Melaleuca) and 9 (Bangalow Palm) and a privet hedge, The proposed removal of these trees have been supported by Council's Consultant Landscape Architect/Arborist on the basis their retention is not sustainable and capable of replacement plantings and are suitably off set by the proposed landscape scheme. The existing hedge is exempt and can be removed without consent.

b) Built Form and Scale

The amended plans now include some corner apartments which is positive. The vehicle access to the site has been relocated to the northern abutting boundary removing the unsightly and unsuitable driveway ramp/loading area which adversely affected the site and neighbouring properties.

The driveway is now fully contained within the building and loading is proposed at grade with the street. Whilst this is an improvement it does degrade the scheme's activation of the street to Victoria Road.

The Panel queries whether both the loading and the vehicle ramp could use a single access point thereby avoiding the cumulative impact to the street and enable a different treatment to the front façade. It is the Panel's understanding there may be concerns by Council on the turntable arrangement for the loading area and the lack of a waiting bay.

The upper level plans have been amended to improve the relationship to 120 Victoria Road. The Panel notes there is now a small balcony serving bedrooms on each level that protrudes beyond the alignment of the adjacent building. The Panel considers these balconies should be

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deleted to avoid adjacency and privacy impacts, and the creation of a slot arrangement mirroring the neighbouring façade.

The arrangement of the rear façade of the building is improved but there are still issues with the proximity of the façade to the rear boundary at ground level near 2 Pearson St and level 4 and 5 in terms of the 50% separation from the boundary (which should be 9m for all of the building's rear façade).

The Panel is concerned with the proximity of the ramp wall and the boundary to the west. It is not clear whether this element has an adverse visual impact to the neighbour. This area is very narrow and of limited utility and should not be used for COS.

The Panel is also concerned with the tight width of the paved area to the southern portion of the COS adjacent to the terrace areas of LG 01 and LG 2. The narrowness of this area is likely to create privacy impacts for adjacent units.

Assessment Officer's Comments: The proposal has been considered by Council's Senior Development Engineer. The amended proposal provides for a consolidated basement with access from a singular crossing adjacent to the northern side boundary. The amended design response, which includes a turntable to facilitate maneuvering results in apartment 1.07 having an unusual layout arrangement. The layout is discussed below under the ADG provisions and is considered to be acceptable on merit. The proposal has been amended to provide for two-way traffic within the driveway ramp.

The basement has a nil setback along the northern boundary and achieves a 1502mm setback where it adjoins the eastern boundary shared with 2 Pearson Street. This area is not relied upon as communal open space, with the communal open space being provided further to the south of this area. The proposal has been designed to provide for a 6 metre separation distance from level 1 and above to achieve the desired separation distances.

The units within 2 Pearson Street which are orientated to the shared boundary contain privacy screening along their southern, eastern and western elevations. Additionally, there is dense bamboo existing along the southern and eastern boundaries shared with the subject site (**Figure 18**). The existing arrangement prevents direct overlooking between the sites.

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Figure 18 View from the existing private open space of Unit 1/2 Pearson Street overlooking the southern boundary and onto the subject site

The proposal has been amended in response to the relationship of the communal open space with the stepped rear boundary and resultant pinch points. The proposal provides for a consolidated communal open space which is directly accessible from within the building and given its western orientation receives solar access in the afternoon (**Figure 19**). Further details have been submitted and the proposal including the provisions of plantings within the planter boxes with appropriate soil depths and provision of replacement canopy trees. The proposal is considered satisfactory by Council's Consultant Landscape Architect/Arborist.

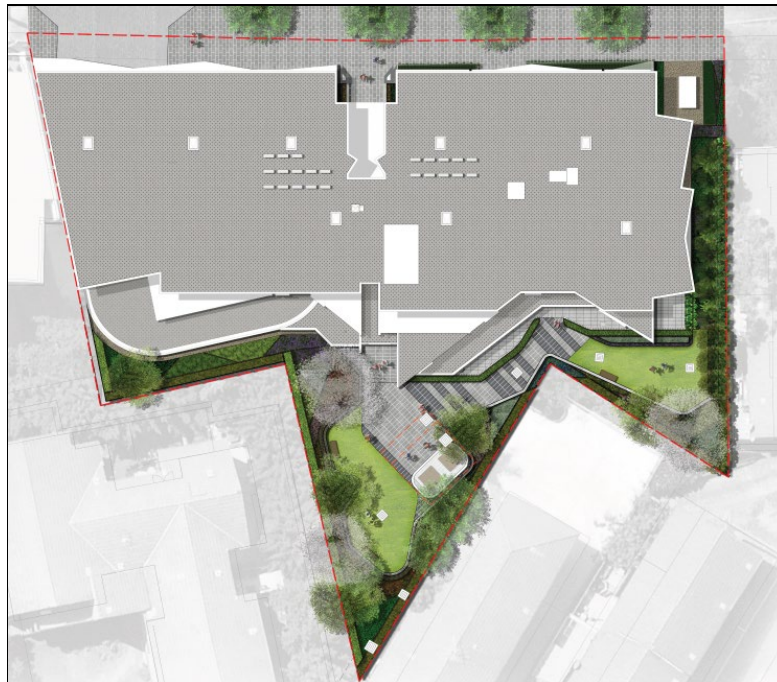


Figure 19 Landscape plan showing communal open space to the rear

The proposal has been amended to provide 6 metre setbacks from the rear boundaries. The proposal has reconfigured the internal layout of apartments located along the southern elevation in response to the reduced setback of 3 metre and incorporates the provision of angled openings and privacy screens to mitigate privacy impacts upon 6

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Pearson Street. Similarly, the internal layout of the apartments along the northern boundary has been amended to achieve a 6 metre setback from the side boundary. The applicant has provided a series of 1:50 facade sections and establishes an acceptable level of architectural quality. These drawings have been referenced in **Condition 1**.

c) Density

The proposal now complies with the maximum FSR and subject to addressing the remaining issues identified in this report, is considered acceptable.

Assessment Officer's Comments: The proposal achieves a compliant FSR and is acceptable in this regard.

d) Sustainability

Sustainability was not discussed in detail at the meeting. However, the panel considers a development of this scale should seek to exceed general Basix compliance with innovative approaches.

Assessment Officer's Comments: The proposal has been supported by a compliant BASIX Certificate.

e) Landscape

The comment in relation to the trees remains and the Panel relies upon Council to determine which trees are worthy of retention in the COS of the site.

The quality of the COS areas is compromised where there are tight dimensions between the building and the fence line. These areas require resolution to avoid poor sight lines, privacy impacts and potential safety issues.

It is not clear from the drawings how the planters shown along the unit interface to Victoria Road will achieve adequate soil depth to provide a measure of privacy. No deep soil is currently shown below these planted areas and this is not acceptable. The basement should be moved away from the area in which the planting is proposed.

Very narrow planters are shown on level 1 on the eastern elevation. They do not appear to offer sufficient depth for appropriate planting.

Assessment Officer's Comments: The proposal has been supported by an amended landscape design which has been considered satisfactory by Council's Consultant Landscape Architect/Arborist. The amended scheme includes a consolidated rear communal open space area. The proposal includes a deep soil landscape area of approximately 20%, exceeding the 15% requirement of the ADG. The communal open

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space area has been designed to allow for a range of activities and includes elements such as seating, pergola, lawn areas and area of paved surfaces. The design incorporates a range of plantings.

The proposal includes a raised planter box associated with G.04 and G0.5. The basement includes a reduced floor to ceiling height at this location (visitor space 10,11 and turning bay in addition to the hydrant pump room and electrical room) to facilitate an increased depth of soil to achieve the desired landscaping for privacy.

Level 1 no longer includes provision of landscaping along the eastern elevation.

f) Amenity

The deletion of the ramp and loading area has resolved many of the amenity issues raised by the Panel. The realignment of the rear façade to align with 120 Victoria Rd has also addressed these issues.

The Panel is concerned the amenity of the ground level apartments facing Victoria Road is still not adequate. It is suggested that these units should be redesigned as through apartments with outlook to both Victoria Road and the rear courtyard to improve their amenity. No information is yet provided demonstrating the courtyard level COS will receive sufficient solar access to satisfy the ADG.

The lobby entry has been improved. The proximity of this entry to the driveway access is a concern and a better arrangement may be to relocate the entry further to the south to provide some separation between the two uses.

Fire egress issues appear to be resolved by the amended plans. The rear units are no longer below grade and so this issue is addressed. The internalised rooms have also been deleted.

There are potential privacy issues created between the angled balconies shown for Unit 1.01, 1.02, 1.03 and those above. The same issue occurs between 1.08 and 1.09. This should be resolved by redesigning the shape of these balconies not by applying louvres.

The amended drawings rely upon ventilation via a very deep slot on Victoria Road. Two opposing apartments seem to rely upon this slot in the same location for air movement. This is likely to result in acoustic issues and the Panel questions whether the air movement would be sufficient to achieve cross ventilation.

ITEM 1 (continued)

Assessment Officer's Comments: The proposed arrangement of two ground level apartments addressing Victoria Road is largely retained. These apartments are provided with a setback, terrace, planter bed of 1.5 metres (**Figure 20**), fencing and screening. This arrangement is considered acceptable. Further details were submitted to demonstrate adequate soil depth is provided to the planter boxes and the proposal was considered acceptable by the UDRP and Council's Consultant Landscape Architect/Arborist.

The balconies associated with 1.01, 1.02 and 1.03 (**Figure 21**) are designed with a shorter depth where they adjoin a corresponding longer depth of balcony to prevent direct overlooking between apartments. The balcony of 1.02 is recessed and there is a solid wall between the balcony of 1.01 to prevent overlooking. The balcony of 1.01 contains a partial louvered screen where the balcony depth widens to prevent views in a southerly direction and achieves reasonable privacy between balconies. The balcony associated with 1.03 contains an angled privacy screen which also prevent direct overlooking.

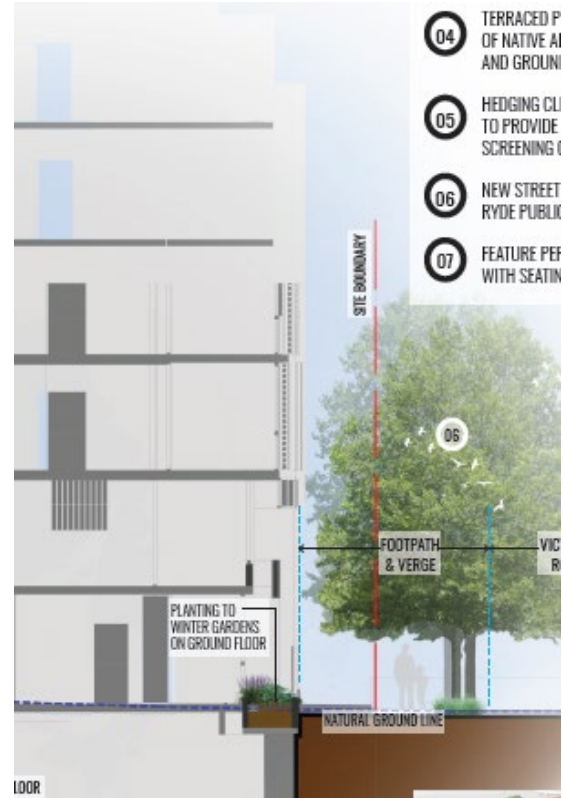


Figure 1 Soil depth of proposed planter associated with G.04

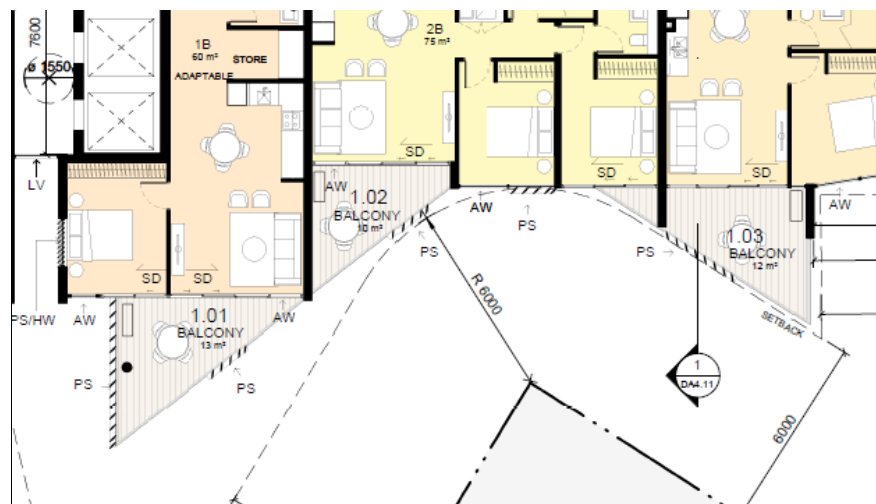


Figure 21 Proposed balconies of 1.01, 1.02 and 1.03

The amended proposal was supported by an expert statement prepared by Windtech in support of the proposed design response to natural ventilation system. The proposal relies upon operable skylights at Level 5 and privacy screens to facilitate ventilation through the apartments. The proposal is considered to be acceptable as Level 5 only

ITEM 1 (continued)

contains eight (8) apartments, five (5) of which achieve true cross ventilation by provision of openings in their eastern and western elevations. The proposal results in three (3) apartments (5.04, 5.05 and 5.06) obtaining cross ventilation only by skylight.

The proposal also includes an unusual confirmation for unit 1.07 (**Figure 22**) as a result of the proposed truck turntable. Whilst the depth of the apartment layout is slightly less than 20 metres, the proposal is considered acceptable in terms of natural cross ventilation and technically the two (2) opposing bedrooms will cross ventilate effectively.

The proposal is considered to be satisfactory in regard to Amenity.

g) Safety

A number of safety issues should be addressed in the design amendments, including:

- *the pedestrian access next to the ramp,*
- *narrow and deep-set access and doors to the entry,*
- *lack of security door to the driveway,*
- *fire egress arrangements next to the ramp, and*
- *lack of flat stacking area at the driveway.*

Assessment Officer's Comments: The proposal amended proposal deleted the ramp and loading areas which resolved a lot of the concerns with the proposed development regarding safety. The consolidated driveway and basement configuration, in addition to providing a distinct centralized pedestrian lobby has adequately addressed the proposal in terms of Safety.

h) Housing Diversity and Social Interaction

The proposal satisfies this principle.

i) Aesthetics

The Panel requests that notional 1:50 façade details are provided for each of the façade types proposed. This should also include balustrade details to ensure a high-quality façade is achieved.

Assessment Officer's Comments: The applicant has provided a series of 1:50 facade sections which establish an acceptable level of architectural quality. These drawings have been referenced in **Condition 1**.

Conclusion

The proposal has been amended in response to issues raised by the UDRP and Council. The proposal has been supported by additional information and further details

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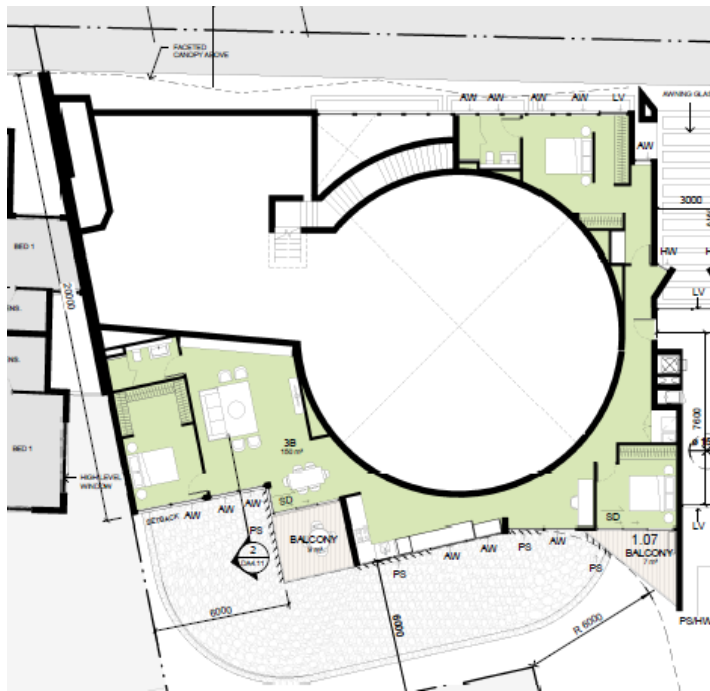
to demonstrate reasonable amenity is achievable to both the proposed development and its relationship with adjoining properties. The proposal achieves the desired landscape outcome of site and provides for a useable communal open space area.

Apartment Design Guide

Pursuant to Clause 30(2) of SEPP 65 in consideration of the Apartment Design Guide (ADG), **Attachment 2** provides a table of compliance addressing the ADG Guidelines. The proposal is considered to be non-compliant with the following provisions:

2 E Building Depth

Part 2E requires use of a range of appropriate maximum apartment depths of 12-18m from glass line to glass line to ensure apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation. The proposal includes apartment depths between 16m – 20m and is inconsistent with this requirement.



Units 1.07, 2.09, 3.09, 4.09 have a depth of 20 metres and are non-compliant. In regard to 1.07 (**Figure 22**), the layout provides for an extended north western aspect and limits the eastern aspect to a single bedroom only. The primarily living areas are afforded with solar access.

Figure 22 Apartment configuration of 1.07 with extended north western aspect

ITEM 1 (continued)

Units 2.09, 3.09, 4.09 have a standard layout (**Figure 23** which provides for the living areas having a north eastern aspect with a single bedroom being provided at the greatest depth but containing an opening. The apartment is primarily provided within a depth of 14m which affords increased solar access and the apartment achieves cross ventilation and is considered to be acceptable.

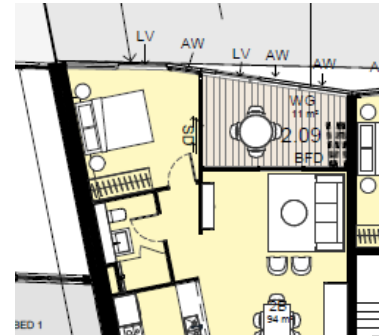


Figure 23 Apartment layout
2.09, 3.09 and 4.09 with
increased north eastern aspect

2F Building Separation

Part 2F of the ADG specifies the following minimum separation distances for buildings:

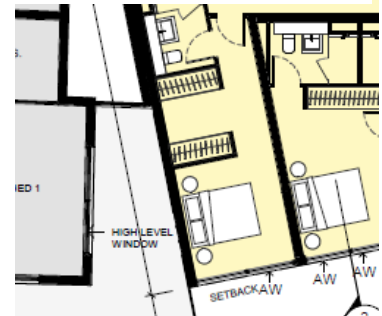
Up to four storeys:

- 12m between habitable rooms/balconies
- 9m between habitable and non-habitable rooms
- 6m between non-habitable rooms

rooms

Five to eight storeys:

- 18m between habitable rooms/balconies
- 12m between habitable and non-habitable rooms
- 9m between non-habitable rooms



The proposal provides for a nil setback along the northern side boundary for a length of 20 metres and is setback 3 metres from the southern side boundary. The balconies 1.03, 2.03, 3.03, 4.03 are in part setback 6 metres from the south-western rear boundary shared with 4 Pearson Street.

The amended proposal provides for a 1502mm setback from the shared boundary with 2 Pearson Street and does not achieve the 4.5 metres required separation from the raised courtyard of 2 Pearson Street. This part of the building relates to the internal ramp leading to the basement car parking and is unlikely to impact on the amenity of the adjoining properties. The proposal is however setback 6 metres at ground floor where residential units are proposed and achieves the desired separation.

The balconies (1.03, 2.03, 3.03 and 4.03) at the south-western corner are setback 6.208 metres from the southern boundary shared with 6 Pearson Street. The balconies (2.10, 3.10 and 4.10) in the north-western corner are setback 6.0 metres from the boundary shared with 120 Victoria Road.

All balconies within the western (rear) elevation (1.01, 1.02, 2.01, 2.02, 3.01, 3.02, 4.01 and 4.02) achieve a 6 metre separation from the shared boundaries with 2 and 4 Pearson Street.

ITEM 1 (continued)

At Level 5, the proposal has a minimum setback of 3.0 metres from the southern side boundary including the balcony associated with 5.02. Part of the balcony 5.02 and 5.01 are setback 8 metres from the south-western boundary shared with 4 Pearson Street rather than the required 9m. The balcony associated with 5.08 in part is sited within the required 9 metre separation from 2 Pearson Street. This balcony also achieves a separation distance of 7 metres from 120 Victoria Road. **Figure 24** demonstrates the areas of the balconies on level 5 that do not achieve the required separation distances.



Figure 24 Balconies which encroach within the required separation distance

Despite the departures from the required separation distance, the proposed separation is considered to be reasonable. The proposal has been designed to achieve reasonable separation and the encroachments occur as a result of the irregular shaped allotment. Where the encroachment does occur, the proposal does not result in any adverse impacts upon adjoining properties. The proposal maintains reasonable visual privacy between properties which is addressed below.

2H Side and Rear Setbacks

Part 2H of the ADG outlines the following in relation to side and rear setbacks:

Test side and rear setbacks with the requirements for:

- *building separation and visual privacy*
- *communal and private open space*
- *deep soil zone requirements*

Part 4.6 – Gladesville Town Centre and Victoria Road Corridor of Ryde DCP requires a minimum 12m separation above the ground floor between residential buildings (including existing residential buildings on adjacent sites) but also permits a nil side setback for a length of 20 metres. The proposal has a nil setback along the northern side boundary and provides a varied side setback between 3m – 6m from the southern side boundary and complies with the side setback requirements.

ITEM 1 (continued)

The proposal provides for a minimum rear setback of 6m from 2, 4 and 6 Pearson Street. The following setbacks are provided:

- The balconies 1.03, 2.03, 3.03,4.03 are setback 6 metres from the south-western rear boundary shared with 4 Pearson Street.
- Lower ground floor is setback 1502mm from the shared boundary with 2 Pearson Street.
- Setback 6 metres at ground floor from the shared boundary with 2 Pearson Street.
- The balconies (1.03, 2.03, 3.03 and 4,03) at the south-western corner are setback 6.208 metres from the southern boundary shared with 6 Pearson Street.
- The balconies (2.10, 3.10 and 4.10) in the north-western corner are setback 6.0 metres from the boundary shared with 120 Victoria Road.
- All balconies within the western (rear) elevation (1.01, 1.02, 2.01, 2.02, 3.01, 3.02, 4.01 and 4.02) achieve a 6 metre separation from the shared boundaries with 2 and 4 Pearson Street.

At lower ground floor, the basement is sited within 1502mm of the side boundary shared with 2 Pearson Street. The basement is approximately 1.8m above natural ground level in this area. **Condition 1 (a)** is recommended requiring provision of landscape buffer screening to be provided within this setback. The reduced setback is located at a pinch point on the site and adjoins courtyards within 2 Pearson Street. These courtyards contain privacy screening in addition to existing bamboo along the boundaries which provide a vegetation screen with the subject site. The reduced setback does not result in any adverse impacts.

The proposed setbacks are considered to be reasonable and provides for the desired physical separation of built form and allows for landscaping within these setback areas. The proposal provides acceptable deep soil areas on site and does not result in any adverse privacy impacts.

3D Communal & public open space

Part 3D requires a communal open space (COS) with an area equal to 25% of the site and a minimum of 50% of the useable area to receive direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June. The proposal is required to provide 494.75m² as communal open space. A total communal open space area of 484.56m² is proposed and results in a minor non-compliance at 24.5%. The variation is numerically small and the communal open space that is provided satisfies the objectives in the ADG. In addition, all apartments have also been provided with reasonable sized balconies.

The COS receives sunlight to more than 50% of the COS for 1 hour between 12 noon and 1pm only and does not achieve the required 2 hours. However, due to the location to the west of the proposed building, topography of the site and existing surrounding development the area is subject to overshadowing throughout the day and the solar access achieved is considered to be reasonable in this circumstance.

ITEM 1 (continued)

3F Visual Privacy

Part 3F of the ADG contains the following design criteria relating to visual privacy:

Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

<i>Building Height</i>	<i>Habitable rooms and balconies</i>	<i>Non-habitable rooms</i>
<i>Up to 12 m (4 storeys)</i>	<i>6m</i>	<i>3m</i>
<i>Up to 25m (5-8 storeys)</i>	<i>9m</i>	<i>4.5m</i>

The proposal provides for a nil setback along the northern side boundary (shared with 120 Victoria Road) and 3 metres from the southern side boundary (shared with 6 Pearson Street). The 3 metre setback is associated with blank walls adjoining bedrooms. The windows associated with these bedrooms are recessed and oriented to the east and west to ensure there is no adverse privacy impact (**Figure 25**).

No. 6 Pearson Street contains common accessed decking along the shared southern boundary which adjoins the POS areas which includes decking and living room windows presenting to the subject site (**Figure 26**). The provision of a blank wall and the orientation of the proposed openings ensures there is no resultant privacy impact despite the 3 metre setback.

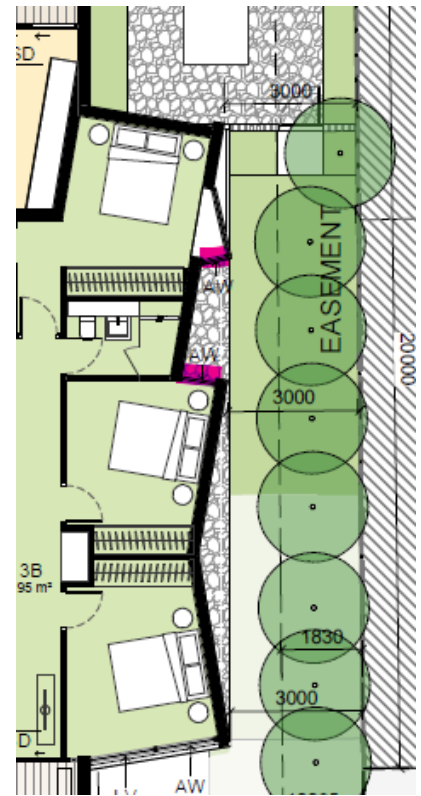


Figure 25 Windows associated with bedrooms where 3m side setback proposed

ITEM 1 (continued)



Figure 26 Decking and balconies of 6 Pearson Street presenting to the southern boundary of subject site.

The balcony at the rear of the development is setback 6.0 metres from the southern boundary and achieves a 6.0 metre setback from the rear boundary shared with 4 Pearson Street.

No. 4 Pearson Street contains elevated balconies within its northern elevation which adjoins the proposed communal open space area where the subject site narrows. The rear (eastern elevation) of the site (**Figure 27**) aligns with the balconies associated with G.01, G.02, 1.01, 1.02, 20.1, 2.02, 3.01, 3.02, 4.01 and 4.02 where a 6 metre setback is achieved. Due to the existing layout and separation distances there is no resultant privacy impact.



Figure 27 Eastern elevation of 4 Pearson Street

ITEM 1 (continued)

No. 2 Pearson Street is located adjacent to the rear north and north western corner of the proposal and in part behind the existing development at 120 Victoria Road (**Figure 28**). The eastern and southern boundary of 2 Pearson Street contains dense bamboo which provides a vegetation screen between sites.



Figure 28 Southern elevation of 120 Victoria Road and 2 Pearson Street behind

The amended proposal provides for a 1502mm setback from the shared boundary at 2 Pearson Street as a result of the above ground section of the access driveway to facilitate two way passing. However, at ground floor and above the setback increases to 6 metres. The private open space area which adjoins the reduced setback contains existing privacy screening (**Figure 29**). Additionally, there is established bamboo along the shared boundary (**Figures 18 above and 30**) which further limits the visibility between the subject site and existing dwellings.

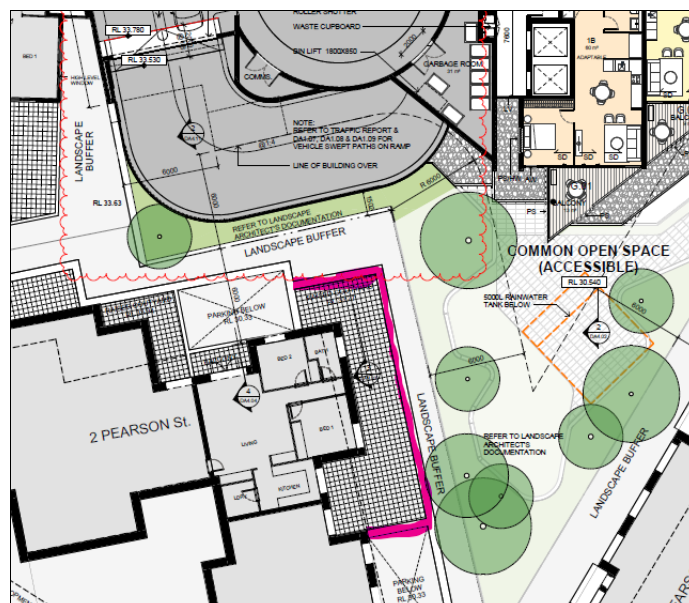


Figure 29 Courtyard of 2 Pearson Street which contain privacy screening

ITEM 1 (continued)



Figure 30 The pinch point where a reduced setback of 1502mm is proposed and existing bamboo as viewed from subject site

At Level 5, the proposal has a minimum setback of 3.0 metres from the southern side boundary for the balcony associated with 5.02. Part of the balcony 5.02 and 5.01 are setback 8 metres from the south-western boundary shared with 4 Pearson Street. These balconies do not achieve the required 9 metre setback from 4 Pearson Street. The southern elevation of balcony 5.02 contains a solid wall to prevent overlooking. The balcony sited within 3 metre of the southern boundary is associated with the bedroom and has a RL49.30, with the adjoining development having a ridge height of RL41.12 there will be not corresponding overlooking. The balcony is considered to have a solid balustrade to ensure no downward looking is possible.

The balcony associated with 5.08 in part is sited within the required 9 metre separation from 2 Pearson Street (**Figure 24**). This balcony also achieves a separation distance of 7 metres from 120 Victoria Road. The balcony associated with 5.08 has a depth of 1 metre where it encroaches within the required 9 metre setback and extends along bedrooms. The balcony widens where it adjoins the living area and, in this location, achieves a compliant setback of 9 metre. It is considered the existing landscape screening; provision of privacy screens and separation distance is adequate to ensure there is no direct overlooking of 2 Pearson Street.

The proposal is not considered to result in any adverse privacy impacts to adjoining properties.

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4A Solar and Daylight Access

Council has calculated 30 apartments, 54.5% receives the required 2 hours of solar access to living room windows. This calculation has not included apartments 5.01, 5.02 and 5.08 which will receive uninterrupted solar access through the proposed skylights. Including these apartments results in 33 apartments, 60% receiving 2 hours sunlight and the proposal would still be non-compliant. There is a discrepancy in calculation with those provided by the applicant which indicates 40 apartments, 72.7% receive compliant solar access.

The apartments where there is a difference of opinion includes G.01, 1.01, 2.01, 2.10, 3.01, 4.01 and 1.07. The apartments 1.01, 2.01, 3.01 and 4.01 will receive solar access between 2 – 3pm only (**Figure 31**). It is not clear given their positioning within the rear western elevation when further solar access is achieved in order to be considered compliant.

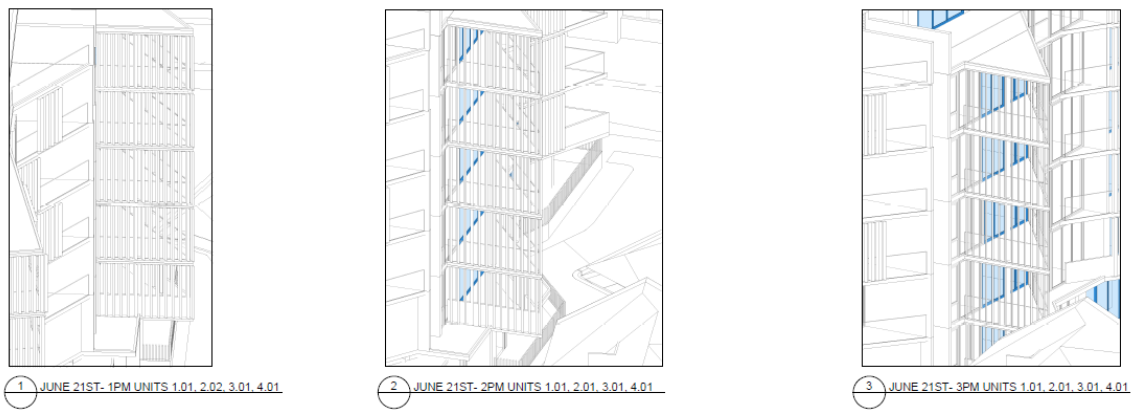


Figure 31 Shadow diagrams between 1pm - 3pm for Units 1.01, 2.01, 3.01 and 4.01

Unit 1.07 configuration (**Figure 22 above**) does not contain a living area within the eastern elevation which receives solar access between 9am and 11am. It is a bedroom which receives sunlight. The living area is positioned within the rear western elevation and does not receive sunlight until 3pm. The view from the sun diagrams at 1pm – 2pm are shown in **Figure 32**.

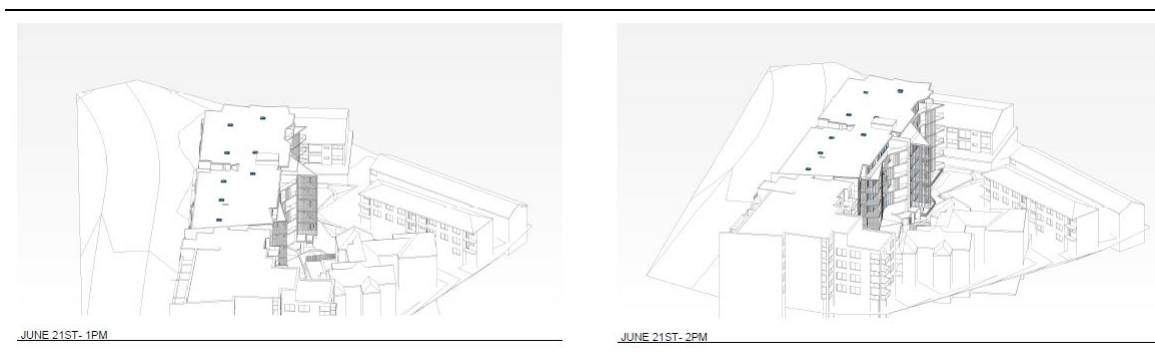


Figure 32 View from the sun diagrams 1pm and 2pm in which Unit 1.07 does not receive sunlight

ITEM 1 (continued)

The applicant indicates they do not agree with the assessment in regard to Units G.01, 1.01, 2.01, 3.01 and 4.01. The applicant indicates these apartments receive sunlight at 1pm and submitted further shadow diagrams on 9 November 2021 (**Figure 33**). If these apartments were included, 38 units would receive the required solar access equating to 68% and compliance would remain non-compliant.

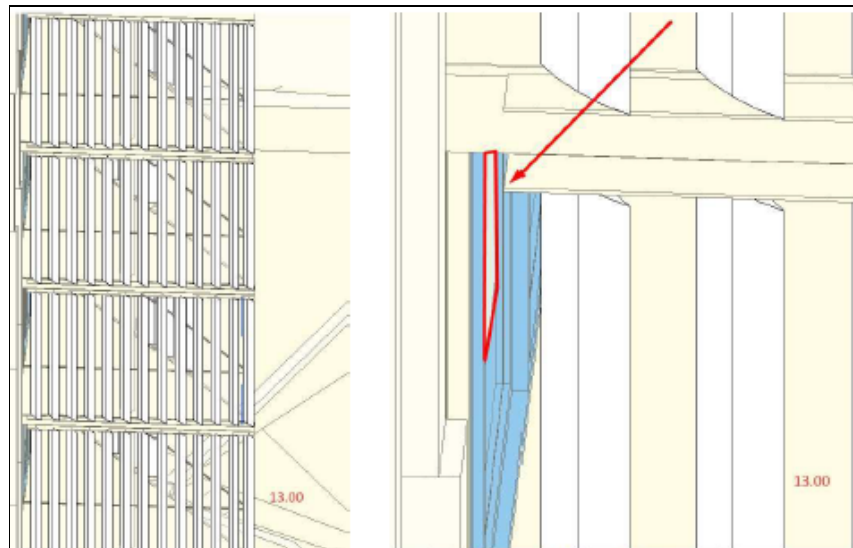


Figure 33 Further shadow diagram provided for 1pm for Units 1.01, 2.01, 3.01 and 4.01

Unit 2.10 does not receive sunlight at 1pm, although does receive sunlight between 2pm and 3pm (**Figure 34**).

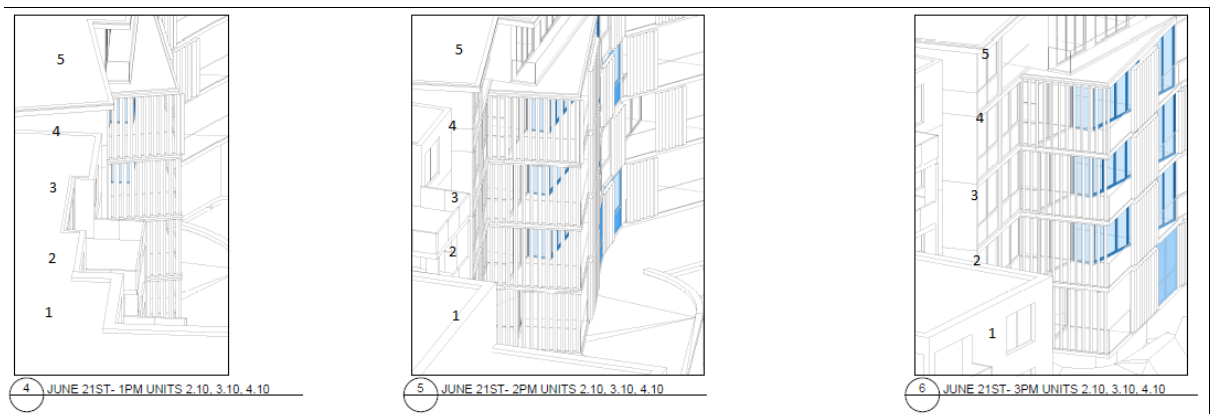


Figure 34 View from the sun diagrams between 1pm - 3pm for Units 2.10, 3.10 and 4.10

The proposal is also non-compliant with the requirement of no more than 15% of apartments receiving no sunlight. Council calculates 22% (12) of the apartments will receive no direct sunlight between 9am and 3pm at mid-winter.

Notwithstanding the difference in calculations, the proposal is considered to receive satisfactory levels of solar access for the following reasons:

ITEM 1 (continued)

- The orientation is east to west and positioned on the low side of the street. The site is located to the south of a 6 storey building which has a nil setback from its southern boundary.
- The site is irregular in shape and combined with the changes in levels results in no meaningful sunlight being received at 12 noon which limits sunlight to either the morning or afternoon periods. The apartments are not cross through and therefore do not benefit from dual aspects.
- 14 apartments (25%) receive in excess of 3 hours sunlight
- The configuration of the apartments although not receiving direct sunlight do receive uninterpreted opportunity for daylight access throughout the day.
- The proposal results in 4 additional units not receiving any direct sunlight access. The apartments at the lower ground floor and ground floor contribute to this non-compliance. Whilst they do not receive direct solar access their positioning allows for direct access to the communal open space which will provide for increased amenity which is not afforded to other apartments in the upper levels.
- It is not unexpected that apartments located at the south-western corner of the development do not receive solar access.
- The proposal has been designed to maximise daylight access as a result of the limited sunlight access. This has been achieved through large openings in the western and eastern elevations, provision of skylights and courtyards.

Other relevant State Environmental Planning Instruments

Instrument	Proposal	Compliance
State Environmental Planning Policy No. 55 – Remediation of Land		
The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated.	<p>The site was previously used for the purpose of a petrol station. Development consent LDA2020/11 approved the demolition and remediation of the site. The proposed development seeks to use the site for the purpose of residential development.</p> <p>A detailed site investigation report (DSI) and remediation action plan (RAP) has been submitted post the demolition of the petrol station in accordance with Clause 7(3). The specific contamination concerns identified are:</p> <ul style="list-style-type: none"> - the presence of Asbestos Containing Material in the ground in multiple borehole locations 	Yes

ITEM 1 (continued)

	<ul style="list-style-type: none"> - residual contaminants associated with the previous use of the site - fill used on the land following the demolition. <p>The DSI concludes that a RAP is required to ensure the land can be made suitable for the proposed use. The applicant has submitted a RAP prepared by Aargus and outlines the required remediation measures required to be performed. The report concludes that as long as the measures included in the as recommendation are implemented, the site will be suitable for residential use.</p> <p>Council's Environmental Health Officer (EHO) has reviewed the submitted documentation and raised no objections to the proposal subject to recommended conditions that would be imposed if the proposal was recommended for approval.</p>	
State Environmental Planning Policy (Infrastructure) 2007		
<p>The proposal is subject to the provisions of the SEPP as it has a frontage to a classified road.</p> <p>The aims of this policy is to facilitate the effective delivery of infrastructure across of the state.</p>	<p>The site has a frontage to Victoria Road which is a classified road under the provisions of Clause 101 of SEPPI.</p> <p>The application relies upon vehicular access from Victoria Road. The site does not have another frontage and therefore access is needed from the classified road.</p> <p>Pursuant to Clause 102, Victoria Road has an annual daily traffic volume of more than 20,000 vehicles and the proposal is for a residential development. In accordance with Clause 102(2), consideration has been given to the guideline</p>	<p>Yes</p>

ITEM 1 (continued)

	<p>Development near Rail Corridors and Busy Roads – Interim Guideline. Conditions 20 and 63 are recommended to ensure compliance with 102(3) regarding LAeq levels in bedrooms not exceeding 35dB(A) and 40 dB(A) in other areas (other than kitchen, bathroom and hallway). Transport for NSW has issued concurrence under Section 138 of the Roads Act 1993 on 29 October 2021. The recommended Conditions 42 – 47, 71, 139 and 140 have been included in the draft consent.</p>	
<p>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</p>		
<p>The Vegetation SEPP commenced on 25 August 2017 and replaced clause 5.9 of RLEP 2014, which related to the preservation of trees and vegetation.</p> <p>The objective of the 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.</p>	<p>The proposal includes the removal of eleven (11) trees including a group of trees (Trees 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, & 'Privet/Camphor Laurel Hedge').</p> <p>The application has been supported by an arborist report and landscape plan. However, the amended proposal has not been supported by an updated landscaped plan. The amendments undertaken do reduce the extent of landscape buffering available along the northern boundary. A condition has been recommended requiring an amended landscape plan to be submitted to Council prior to the issue of a construction certificate to ensure a landscape buffer is provided between the subject site and 2 Pearson Street. (See condition 1a).</p> <p>The proposal is considered to be satisfactory by Council's Consultant Landscape Architect/Arborist subject to the recommended conditions of consent.</p>	<p>Yes</p>
<p>State Environmental Planning Policy (Building Sustainability Index BASIX) 2004</p>		
<p>The development in identified under the Environmental</p>	<p>A BASIX Certificate has been prepared (No. 1132238M_02 dated</p>	<p>Yes</p>

ITEM 1 (continued)

<p>Planning and Assessment Regulation 2000 as a BASIX Affected Building.</p>	<p>18 June 2021) which provides the development with a satisfactory target rating.</p> <p>In the event of the application being recommended for approval, appropriate conditions would be recommended requiring compliance with the BASIX commitments detailed within the Certificate. (See conditions 4 and 160).</p>	
<p>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</p>		
<p>This Plan applies to the whole of the Ryde Local Government Area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.</p>	<p>The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of Ryde DCP 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.</p>	<p>Yes</p>

5.2 Ryde Local Environmental Plan 2014 (RLEP 2014)

Under the provisions of Ryde LEP 2014, the subject site is zoned B4 Mixed Use and the proposal is for a residential flat building which is defined as follows:

Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Development for the purpose of a residential flat building is permissible with consent within the B4 Mixed Use zone.

The relevant objectives for the B4 Mixed Use zone are as follows:

- *To provide a mixture of compatible land uses.*

ITEM 1 (continued)

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

- *To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities.*

- *To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.*

The proposal is for a residential flat building which is regarded as a compatible use for the zone and surrounding locality.

Clause	Proposal	Compliance
4.3(2) Height of Buildings		
19m	The maximum height of the proposed development is 20.39m to the lift overrun and southern portion of Level 5.	No
4.4(2) Floor Space Ratio		
2.7:1 (5,343.3m ²) SA: (1,979m ²)	GFA of 4837m ² resulting in an FSR of 2.44:1. Council calculation differs from the applicant's GFA of 4785m ² resulting in an FSR of 2.42:1. This is due to the bulky waste and garbage rooms at lower ground floor not being within a defined basement and as such are included as floor area. Nonetheless compliance is achieved.	Yes
4.6 Exceptions to development standards		
(1) The objectives of this clause are as follows— (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	The proposal has a height of 20.39m and a variation of 5.7% sought to Clause 4.3(2). Refer to discussion below.	Yes
6.2 Earthworks		
(1) The objective of this clause is to ensure that earthworks for which development consent is required will	The proposal provides for an extent of earthworks that is consistent with what would be anticipated for a	Yes

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Clause	Proposal	Compliance
not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	residential flat building development with associated basement parking.	
6.4 Stormwater Management		
(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.	The proposal is burdened by a drainage easement along the southern boundary. The proposal relies upon this easement to facilitate stormwater management. The proposal has been considered satisfactory by Council's Senior Development Engineer.	Yes

Clause 4.6 Exceptions to Development Standards

The development contravenes Clause 4.3(2) of RLEP 2014, which established a maximum building height of 19m. The proposal results in a height of 20.39 metres and does not comply with the development standard.

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

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

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

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

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

ITEM 1 (continued)

- Is a development which complies with the development standard unreasonable or unnecessary in the circumstances of the case?; and
- Is the objection well founded?

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

- Would the proposal, despite numerical non-compliance be consistent with the relevant environmental or planning objectives?
- Is the underlying objective or purpose of the standard not relevant to the development thereby making compliance with any such development standard unnecessary?
- Would the underlying objective or purpose be defeated or thwarted were compliance required, making compliance with any such development standard unreasonable?
- Has Council by its own actions, abandoned or destroyed the development standard, by granting consent that depart from the standard, making compliance with the development standard by others both unnecessary and unreasonable?
- Is the “*zoning of particular land*” unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable and unnecessary as it applied to that land? Consequently, compliance with that development standard is unnecessary and unreasonable.

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

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

The applicant has submitted a Clause 4.6 request prepared by ABC Planning dated October 2020 (**Attachment 4**) to vary the development standard. The variation occurs primarily to the lift overrun but also occurs to the south-western corner of Level 5 (**Figures 35 - 37**). The written variation indicates a maximum height of 20.07m is

ITEM 1 (continued)

sought. However, the height as calculated by Council as being 20.39 metres was confirmed in correspondence with the applicant on 9 November 2021.

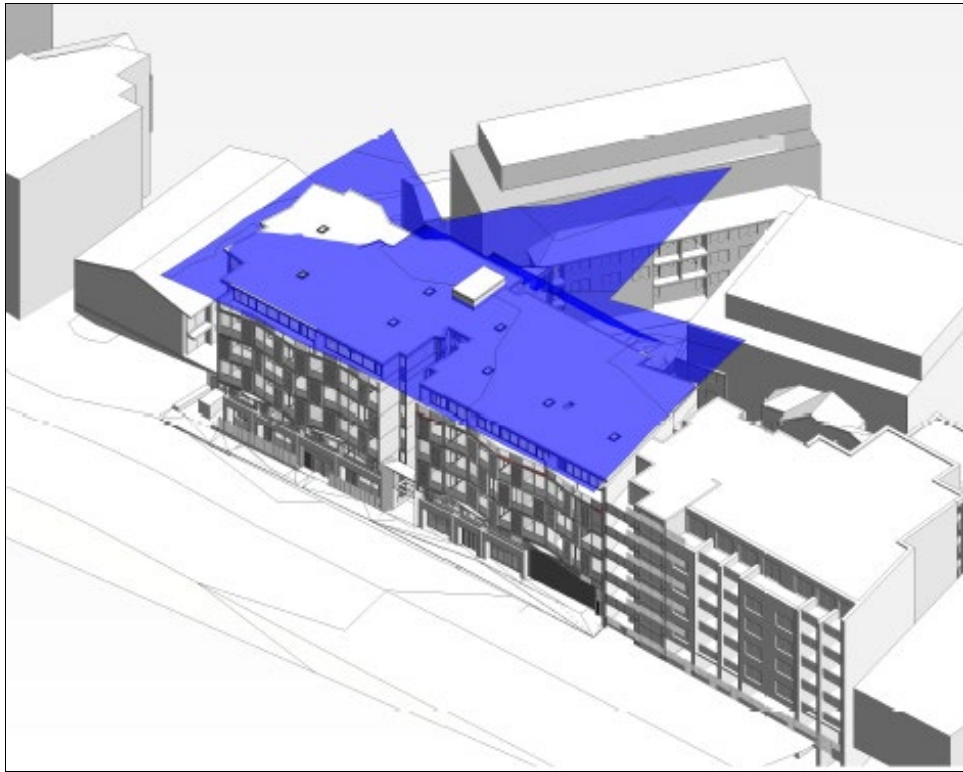


Figure 35 Building height plane as viewed from Victoria Road

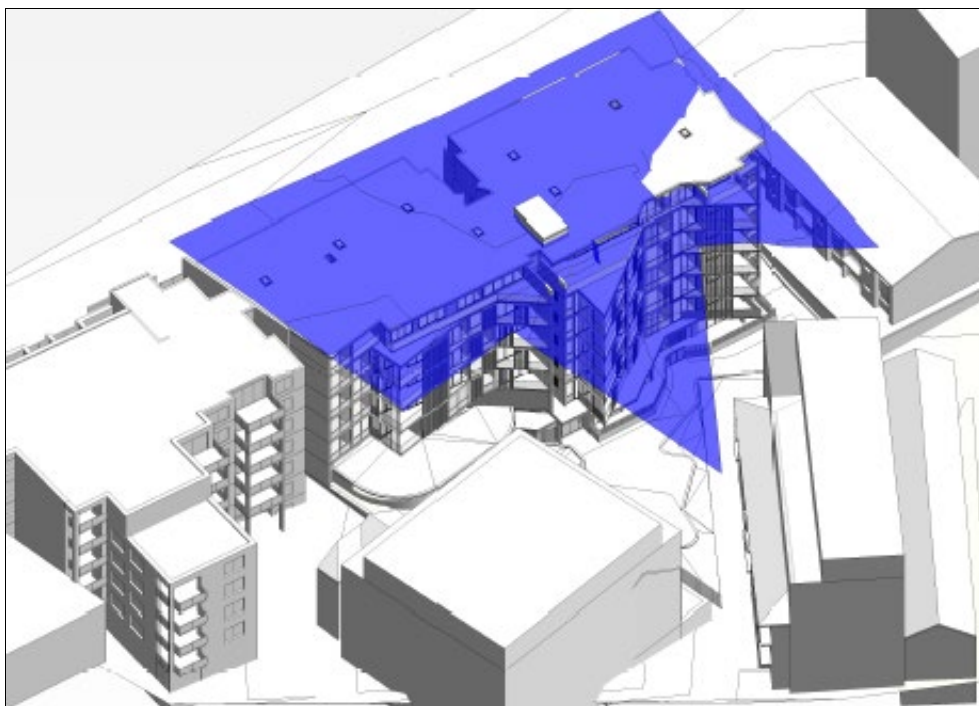


Figure 36 Height plane as viewed from the rear

ITEM 1 (continued)

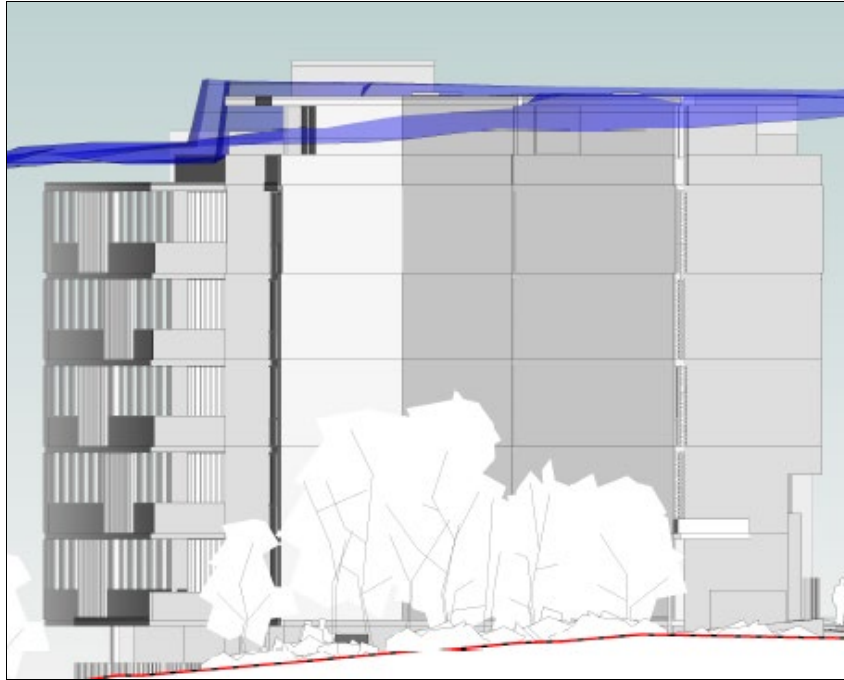


Figure 37 Height plane exceedance as viewed from the southern elevation

An assessment of the relevant provisions of Clause 4.6 is as follows:

- Clause 4.6(3)(a) - Is compliance unreasonable or unnecessary in the circumstances of the case?
- Clause 4.6(3)(b) - Are there sufficient environmental planning grounds to justify the proposed contravention of the development standard?

The written request provides the reasons why compliance with the standard is unreasonable and/or unnecessary, with selected excerpts shown below:

Unreasonable and unnecessary

- *The proposal complies with the objectives of the development standard and the B4 Mixed Use zone. Furthermore, compliance with the development standard is unreasonable and unnecessary as it is in the public interest given it is consistent with the objectives for the development within the zone and replaces a petrol station with a high quality high residential flat building that will improve the appearance of the area.*
- *The non-compliant elements are not visible from the public domain and will not result in unreasonable amenity impacts in terms of overshadowing, views and privacy*
- *It is reiterated that the proposal is well beneath the FSR control for the site and that the proposed FSR includes the GFA of the enclosed winter gardens, which*

ITEM 1 (continued)

are proposed to provide improved acoustic amenity for the apartments that front Victoria Road. The proposed height variation is thereby associated with a built form which is below the permitted FSR.

- The proposed height, combined with the proposed setbacks and building massing, including a recessed Level 5, with good articulation of the façade, ensures that the bulk and scale of the development will be compatible in the streetscape and will preserve the visual amenity to neighbouring properties and the streetscape.*
- The proposed height includes of floor to floor heights are consistent with the ADG. Provision of reduced heights as per the adjoining flat building to the north would reduce the amenity and buildability of the project.*
- The proposal represents a contemporary and desirable built form that will have a positive impact on the subject site and surrounding streetscape. The proposed height, bulk and scale of the development is not considered to be visually dominant in the streetscape and is considered appropriate for the character of the local area. On this basis, the proposed height variation does not generate any inconsistency with the desired future character contemplated by the suite of controls, including the height standard.*
- The height and scale of the proposal is consistent with existing surrounding development, in particular the six-storey residential flat building adjoining the subject site to the north at 120 Victoria Road. On this basis, the proposed height variation will not generate any inconsistency with the established context to the north of the site.*
- In terms of overshadowing impacts, it is reiterated that the building elements associated with the non-compliant height will not generate additional overshadowing when compared to a compliant height of 19m*
- In terms of view impacts, the proposed height variation will not adversely affect views from private or public land*
- The proposed height non-compliance will not result in adverse privacy impacts. The proposed development has been designed and sited to ensure adequate visual and acoustic privacy between the subject development and the adjoining properties. The proposal has considered the location of the development on the site, the internal layout and the building materials used. The proposed built form has appropriate setbacks limited in size and appropriately screened the location of windows. This provides for a suitable degree of visual privacy to both the subject site and adjoining properties. The proposal does not include a root top terrace.*
- The design and height of the proposed development ensures that the proposal is compatible with the existing and anticipated future character of the area and provides for excellent internal amenity whilst also preserving external amenity to surrounding properties in a reasonable manner.*
- The additional building height sought by the proposal will be indiscernible from the streetscape. A reduction of the proposed building height would provide for a negligible benefit to the streetscape and would significantly reduce the amenity of the development.*

ITEM 1 (continued)

- *The additional building height does not prevent the proposal from achieving the objectives of the building height standard and that of the B4 Mixed Use zone.*

Assessment Officer's Comments: The proposal achieves the objectives of Clause 4.3 despite the height exceedance. The proposal is in keeping with the character of nearby development, minimises overshadowing and is compatible with and improves the appearance of Gladesville town centre. The proposal does not result in any adverse amenity impacts upon surrounding properties. The view loss which does occur from 120 Victoria Road is not a result of the height exceedance. The proposed development provides for an alternative means of satisfying the objectives of the standard other than compliance and therefore strict compliance with the standard would be unnecessary given the objectives are achieved anyways and unreasonable as no purpose would be served. The applicant has demonstrated that the compliance with the development standard would be unreasonable and unnecessary.

Environmental planning grounds

The justification in the applicant's request and Assessment Officer's comments are below:

- *The proposal complies with the objectives of the development standard and the B4 Mixed use zone. Furthermore, compliance with the development standard is unreasonable and unnecessary as it is in the public interest given it is consistent with the objectives for the development within the zone and replaces a petrol station with a high quality residential flat building that will improve the appearance of the area.*
- *The elements of the built form that sit above the 10m LEP building height line include the lift overrun and the southern part of Level 5. These elements are not visible from the public domain and will not result in unreasonable amenity impacts in terms of overshadowing, views and privacy.*
- *The proposed height, combined with the proposed setback and building massing, including a recessed Level 5, with good articulation of the façade, ensures that the bulk and scale of the development will be compatible in the streetscape and will preserve the visual amenity to neighbouring properties and the streetscape.*

Assessment Officer's Comments: The site slopes from the south-eastern corner to the north-west. The site is located on the low side of the street and falls from Victoria Road to the rear of the property. The previous development was sited at the top of the site which has established a modified ground level and results in a steep transition along the southern boundary where the unmodified ground levels exist. The green line in **Figure 38** shows the existing built form platform with the area to the west of this being unmodified. The blue demonstrates the south-western corner of the development where the height breach occurs. The height exceedance at the south-western corner occurs as result of the change in topography of the site. The height exceedance of 20.39 metres occurs at the south-western rear corner of the building.

ITEM 1 (continued)

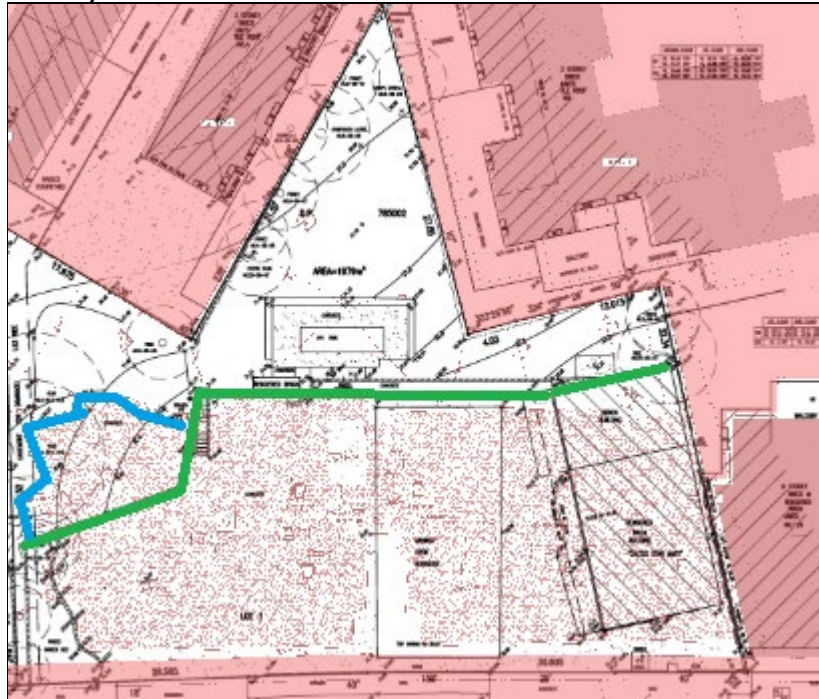


Figure 38 Survey showing modified ground levels and natural levels to the rear

Vehicular access is attained from Victoria Road which establishes the levels throughout the building's design. The height breach that occurs which is associated with the lift overrun is on the basis of the required clearance height. The lift core is centrally located to minimise visibility and being an ancillary element is not considered unreasonable.

To achieve compliance with the development standard would necessitate deletion of 5.02 at the south western corner of the building. The height breach is related to the topography of the site and achieving compliance would necessitate the deletion of the apartment as the area available at the south-western corner achieving height compliance would not be sufficient to accommodate any apartment in accordance with the required ADG apartment sizes. Given the height exceedance will not be visible in the oblique view from Victoria Road, it is not considered necessary to require a reduction in the building footprint at Level 5. The height exceedance allows for a well-designed and sized 2-bedroom apartment.

There are sufficient environmental grounds to justify the proposed variation to the height control.

Is the proposal in the public interest?

Pursuant to clause 4.6(4)(ii), a development will be in the public's interest if it is consistent with the objectives of the development standard and also the zone objectives in which the particular development is carried out. The objectives of Clause 4.3 are as follows:

ITEM 1 (continued)**4.3 Height of buildings**

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

The proposal is in keeping with the character of nearby development, minimises overshadowing and is compatible with and improves the appearance of Gladesville town centre. The proposal does not result in any adverse amenity impacts upon surrounding properties.

The proposal is consistent with the public interest as required by Clause 4.6(4)(a)(ii) for the following reasons:

- The development is consistent with the objectives of the standard and zone as required by Clause 4.6(4)(a)(i).
- The proposal achieves the objectives of the standard as required by Clause 4.6(3)(a).
- The development provides for a suitable residential use in an accessible location.

Summary

The applicant has submitted a Clause 4.6 written request that seeks to justify contravention of the development standard Clause 4.3(2) Height. Pursuant to Clause 4.6(3)(a) of RLEP 2014, the written request has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. The written request has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard, as required by Clause 4.6(3)(b).

Pursuant to Clause 4.6(4)(a)(i) of RLEP 2014, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3). Council is of the opinion that the proposed development will not be contrary to the public interest because of consistency with the objectives of the development standard for height.

The concurrence of the Planning Secretary is not required. Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-General's concurrence for exceptions to development standards.

ITEM 1 (continued)

Accordingly, the proposal variation is supported.

5.3 Draft Environmental Planning Instruments

Instrument	Proposal	Compliance
Draft Remediation of Land State Environmental Planning Policy		
<p>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:</p> <p><i>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.</i></p>	<p>The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of DAs. As discussed within the SEPP 55 assessment earlier in this report, Council's Environmental Health Officer (EHO) has reviewed the submitted documentation and raised no objections to the proposal subject to recommended conditions that would be imposed if the proposal was recommended for approval.</p>	<p>Yes</p>
Draft Environment SEPP		
<p>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 a number of SEPPs, which include:</p> <ul style="list-style-type: none"> - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 	<p>The proposal is not inconsistent with the provisions of the draft SEPP.</p>	<p>Yes</p>

ITEM 1 (continued)

5.4 Development Control Plans

Ryde Development Control Plan 2014 (RDCP 2014)

The proposal is subject to the provisions of the following parts of RDCP 2014:

- Part 4.6: Gladesville Town Centre and Victoria Road Corridor
- Part 7.2: Waste Minimisation and Management;
- Part 8.2: Stormwater & Floodplain Management;
- Part 8.3: Driveways;
- Part 9.2: Access for People with Disabilities
- Part 9.3: Parking Controls

With regard to Parts 7.2, 8.2, 8.3 and 9.2 of the RDCP 2014, noting the advice from various technical departments within Council and the consideration of issues previously in this report, the proposal is considered satisfactory in relation to the controls contained in these Parts.

A full assessment of Part 4.6, 9.2 and 9.3 has been included in Attachment 3. The following section details any variations to the DCP controls.

Part 4.6 – Gladesville Town Centre and Victoria Road Corridor

The proposal is subject to the requirements of Part 4.6 – Gladesville Town Centre and Victoria Road Corridor under RDCP 2014. A full assessment of the proposed under DCP 2014 is illustrated in the compliance table at **Attachment 3**.

The provisions of DCP 2014 have been considered in this assessment and it is concluded that the proposed is consistent with the aims and objectives of RDCP 2014. Where strict compliance has not been achieved, in accordance with Section 4.15 (3A)(b) flexibility has been sought to allow a reasonable alternative solution that achieves the objects the standard. These matters are discussed below:

Built Form Heights

Section 3.1.1(a) requires compliance with the maximum building height within the RLEP 2014 which is 19 metres. The proposal has a height of 20.39 metres and does not comply. The proposal seeks variation pursuant to Clause 4.6 of RLEP. The variation sought has been supported and is discussed in detailed above.

Setbacks

Section 3.1.4 setbacks requires all levels of the building with the exception of the upper most level to be setback 2 metres to Victoria Road. The upper storey at level 5 is subject to a 4 metres setback. The proposal provides for a setback of 2 metre on all levels. The external wall on level 5 is setback 4m but the balconies extend to the 2m

ITEM 1 (continued)

setback. The intent of this control is to reduce the visual appearance of the upper floor. This has been achieved with the balconies setback 2m from the upper level and this is also consistent with other recent developments in Gladesville.

Control 3.1.5 (b) requires a 12 metre separation distance between residential buildings. Control (c) permits buildings to be built to the side boundary for a depth of 20 metres measured from Victoria Road. The proposal provides for a nil setback along the northern side boundary for a depth of 20 metres and complies with this control. A side setback is then required to achieve a 12 metre separation distance between the proposed and potential residential land uses. The development complies along the northern boundary. Along the southern boundary the development has been setback between a minimum 3m and maximum 6m for the building within the first 20m. The rest of the building that exceeds the 20m length, is setback 6m. The development is consistent with the setback provisions.

The DCP also requires a 12m separation distance along the rear boundary. The development has provided a minimum setback of 6m with the exception of part of the lower ground floor where the basement is sited within 1502mm from the rear boundary shared with 2 Pearson Street. The basement is approximately 1.8m above natural ground level in this area. **Condition 1 (a)** is recommended requiring provision of landscape buffer screening to be provided within this setback. The reduced setback is located at a pinch point on the site and adjoins courtyards within 2 Pearson Street. These courtyards contain privacy screening in addition to existing bamboo along the boundaries which provide a vegetation screen with the subject site. The reduced setback does not result in any adverse impacts and is considered to be acceptable.

5.5 Planning Agreements OR Draft Planning Agreements

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

5.6 City of Ryde Section 7.11 Development Contributions Plan 2020

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$245,806.86
Open Space & Recreation Facilities	\$423,268.33
Roads & Traffic Management Facilities	\$129,942.02
Plan Administration	\$11,985.23
The total contribution is	\$811,002,22

ITEM 1 (continued)

Condition on the payment of Section 7.11 Contribution of \$811,002.22 has been included in the draft notice of determination attached to this report. **Condition 48.**

5.7 Any matters prescribed by the regulationsEnvironmental Planning and Assessment Regulation 2000

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning and others. Standard conditions are recommended relating to compliance with BCA and AS.

6. The likely impacts of the development

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment in general due to the nature of the development. All relevant issues regarding environmental impacts of the development are discussed within this report. The development is considered satisfactory in terms of environmental impacts. Concerns have been raised in the submissions relating to view loss and an assessment of the Tenacity Planning Principle on view loss is provided below.

View loss

In determining the extent of potential view loss to both neighbouring properties, the four (4) planning principles outlined within the Land and Environment Court Case of *Tenacity Consulting Pty Ltd v Warringah Council (2004) NSWLEC 140*, are applied to the proposal. Concern has been raised by 120 Victoria Road located to the north regarding a loss of views to the city.

1. Nature of the views affected

“The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured”.

The views obtained from the neighbouring property is of the city including centre point tower. The view albeit considered to be iconic, it is achieved from a district view (**Figures 39 and 40**). Views are also available in a south-westerly direction to the Parramatta River.

ITEM 1 (continued)



Figure 39 View of city skyline in the south-east



Figure 40 View of city skyline in south-east and water to the south -west

2. What part of the affected property the views are obtained

“The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation of retaining side views and sitting views is often unrealistic”.

The views are obtained from the rear communal open space area (**Figure 41**). The views are presently available in both a standing and sitting position. The views are

ITEM 1 (continued)

obtained across the southern side boundary in an easterly direction and are presently available as the site is vacant.

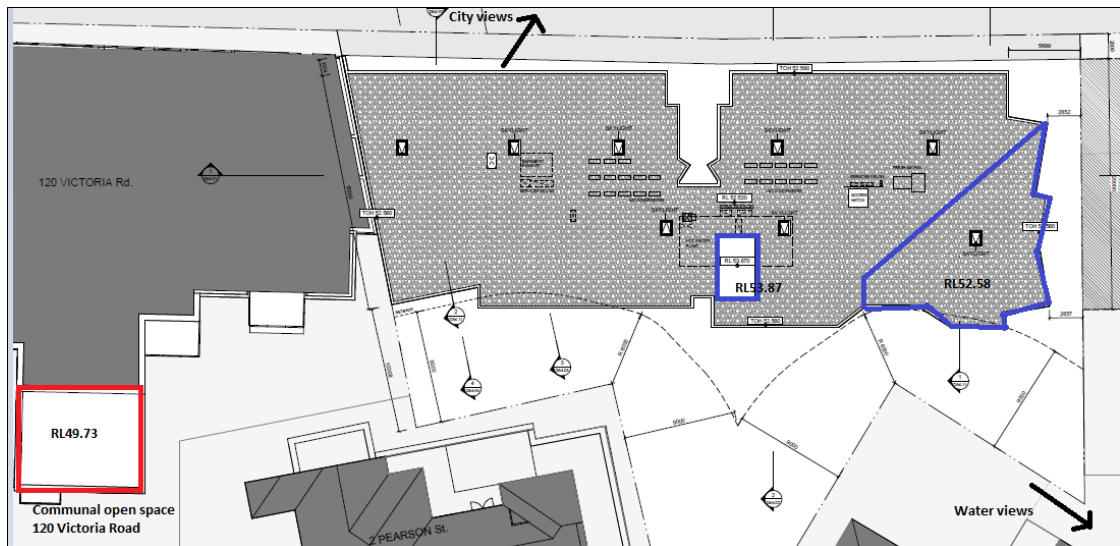


Figure 41 Communal open space 120 Victoria Road shown in red, the height breach proposed shown in blue and views marked

3. Extent of impact

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases, this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating”.

The views to the city will be entirely loss from the rear communal open space would be considered severe. No submissions were received from individuals regarding a view loss from their internal units. This is considered likely due to apartments presently to Victoria Road retaining their views which are not attained across the side boundary. The views to Parramatta River will not be impacted and the view loss would be considered negligible.

4. Reasonableness of the proposal that is causing the impact

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of

ITEM 1 (continued)

neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.”

Whilst the proposal does result in a height exceedance, the views that are impacted of the city do not occur as result of the height exceedance (**Figure 41**). The height breach occurs at the rear south-western corner of the building and associated with the lift over run. The proposal has a nil setback along the northern boundary which is permitted under the provisions of 3.1.5(c) of RDCP. The view loss occurs from a compliant development in terms of height and setback. The views to the city are obtained across the front of the property towards Victoria Road where the development complies with the height standard. In order to retain the city views, the height of the development would need to be reduced by a storey, this would result in a different development potential for the site. It is not a matter of a more skilful design given the irregular nature of the allotment. Given the view loss occurs from a compliant part of the development and in order to retain the views, it would not enable the same development potential the view loss is not considered to be unreasonable.

7 Suitability of the site for the development

The site is zoned B4 Mixed Use. The proposal is for a residential flat building and associated works. The assessment has demonstrated the proposal is consistent with the statutory requirements and policy controls. The proposal results in a height exceedance but has been supported by a satisfactory Clause 4.6 written variation request. The assessment demonstrates the proposal will not result in any significant adverse impacts upon adjoining properties or the streetscape. The proposal is an appropriate development and this has been demonstrated in this report. The proposal is considered to be suitable for the site.

8. The Public Interest

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised. The proposal has been assessed against the relevant planning instruments and is considered to be acceptable. The proposal seeks variation to Clause 4.3 and has been supported by a satisfactory Clause 4.6 written variation. The proposal does not result in any significant adverse impacts upon adjoining properties or the streetscape. On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

ITEM 1 (continued)**9. Submissions**

In accordance with the Ryde Community Participation Plan the proposal was notified to owners of surrounding properties between 9 November – 15 December 2020. During the notification period, thirty-one (31) submissions were received objecting to the proposal.

The amended plans were re-notified between 4 – 25 November 2021. In response, three (3) submissions were received objecting to the proposed development.

All concerns raised have been addressed below:

Development is too high, no architectural merit and destroys character of the area

Comment: The proposal does seek variation to the height standard in regard to the lift overrun and the south-western corner of the building. The proposal exceeds the height standard by 1.39 metres. The height exceedance has been supported on merit as it does not result in any adverse impacts upon adjoining properties or the streetscape.

The proposal has been reviewed by the Ryde Urban Design Review Panel and the design is considered to be satisfactory. The proposed use is a permissible form of development within the zone and is not out of character, given the existing development to the north and approved development to the south, the proposed development is consistently with the changing Character of Gladesville Town Centre.

Traffic congestion, especially the increased traffic flow on to Pearson Street. It will also impact traffic congestion on Ashburn Place & Punt Road.

Comment: The proposed development results in lesser traffic generation than the previous use of the site as a service station. The proposal results in up to 11 peak hour vehicle trips whereas the service station was calculated to provide between 50 -100 vehicle trips. The proposal therefore results in a net reduction in traffic generation associated with the site.

Devalue properties

Comment: There is not anecdotal evidence to support this objection and this is not a relevant matter for consideration under the Environmental Planning and Assessment Act.

Overdevelopment along Victoria Road with too many residential developments but no investment in local shops and results in insufficient infrastructure to support these developments

ITEM 1 (continued)

Comment: The site is zoned B4 mixed use and residential flat buildings are a permissible form of development. This section of Victoria Road is considered suitable for entirely residential development without a commercial component.

Depth of excavation on the boundary impacting 120 Victoria Road

Comment: The proposal has been supported by a geotechnical report, including an amended report which has been considered satisfactory by Council's Consultant Structural Engineers. Conditions of consent have been imposed to ensure compliance with this report (condition 1) as well as the requirement for a dilapidation report to be provided for the adjacent properties (see condition 77).

Normal hydraulic excavators with buckets and/or rippers will not be able to cut/excavate the shale (rock) and hydraulic Hammers will be required. Paragraph 4 of Clause 7.2 in the Geotechnical report submitted by the applicant made it very clear that hammering is not recommended. Council should prohibit hydraulic hammering method while excavating the site.

Comment: Conditions 76, 137, 173(h), (i), and 192 are recommended which requires compliance with the recommendations of the submitted geotechnical report.

Request for an audit report to be submitted confirming the land has been remediated to residential standards.

Comment: Council requested the submittal of a site audit statement and detailed site investigation which has been provided. The application has additionally been supported by a remediation action plan detailing works required in order to enable use of the site for residential purposes.

Request for vibration monitoring standards to ensure vibrations by excavation do not exceed acceptable limits and ensures no damage to surrounding buildings. Concern about noise impacts.

Comment: Condition 117 is recommended which requires vibration monitoring during excavation works and a noise management plan. The purpose of this control is to ensure no adverse impacts occur to the amenity of surrounding properties.

Request for a dilapidation report to be prepared regarding footpaths, 120 Victoria Road and 2 Punt Road, Gladesville

Comment: Conditions 77, 109, 165, 191 are recommended which requires dilapidation reports.

Request the applicant to produce reports showing methods of dust and odour controls specially particles airborne during excavation.

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Comment: Conditions 79, 120 and 147 are recommended which requires management of dust during works to ensure adjoining properties are not adversely affected.

The proposed building at 114 Victoria Road Gladesville is too close to the back boundary and will protrude past the back building line of 120 Victoria road which will block air and natural lights to the building at 120 Victoria.

Comment: The subject site is irregular in shape but is different to the two adjoining properties at 120 Victoria Road and 6 Pearson Road which extends to have a Pearson Road frontage as well as frontage to Victoria Road. The proposed setback is considered to be reasonable and is not uncharacteristic of the adjoining buildings. The proposed setback of between 6 – 9m from the rear boundaries is appropriate.

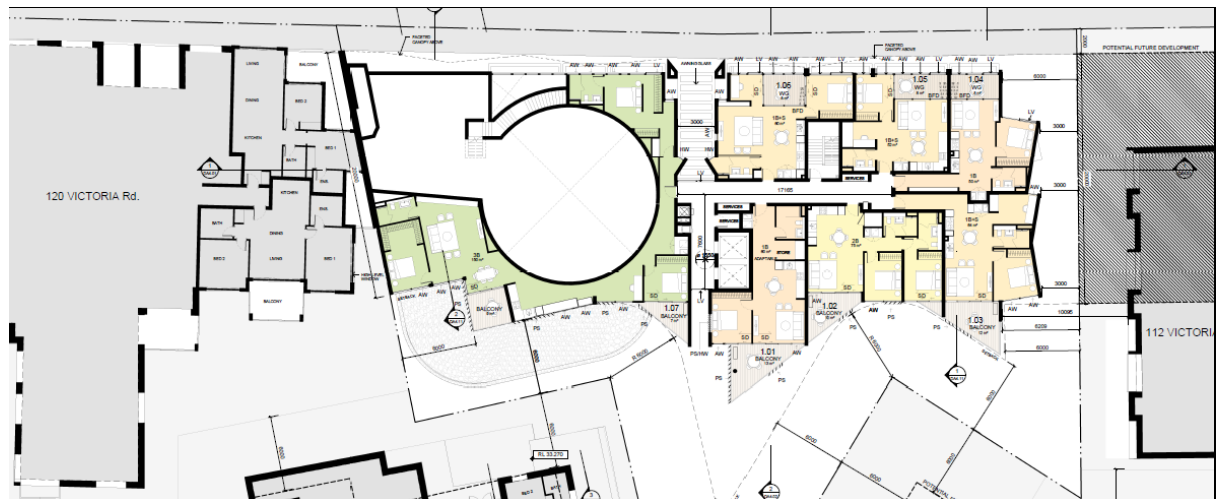


Figure 42 Proposal in relation to the siting of 120 Victoria Road rear setback

The site has an east – west orientation and therefore does not result in any adverse overshadowing impacts 120 Victoria Road which is located to the north of the subject site.

The back of the proposed building at 114 Victoria road has a triangle shape end which has balconies looking straight into our building at 120 Victoria which will cause privacy issues to private court yards on ground floor and open communal areas on ground floor as well.

Comment: The balconies adjacent to the northern boundary (1.07, 2.10, 3.10 and 4.10) are setback 6 metres from the boundary and contain a privacy screen along the northern elevation. The balconies associated with 1.01, 2.01, 3.01, 4.01 are setback in excess of 18 metres from the northern side boundary and contain privacy screens along the northern elevation (**Figure 43**). The separation distances and provision of screens ameliorates any resultant privacy impact.

ITEM 1 (continued)

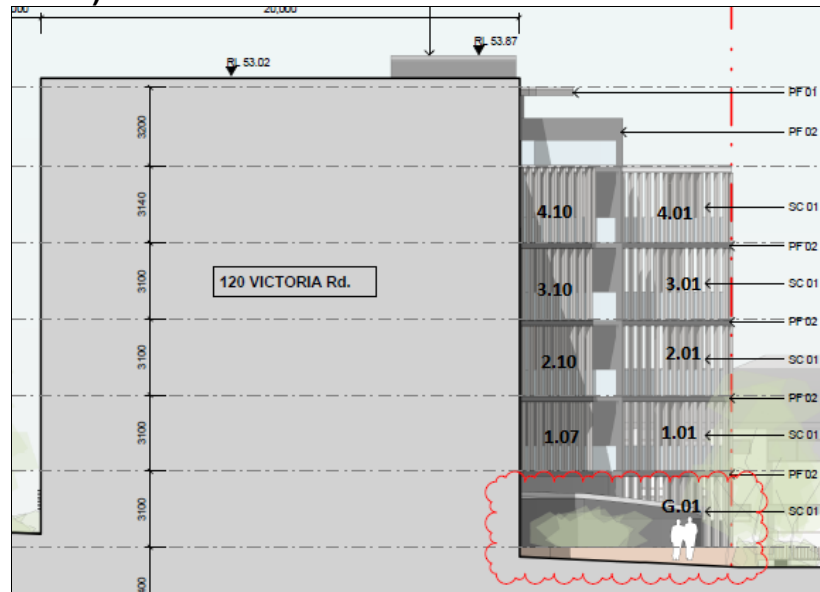


Figure 43 Balconies with a northern elevation presenting to 120 Victoria Road

The blade wall adjacent the boundary of 120 Victoria in the proposed building is more than 20 meters from the boundary facing Victoria road. The DCP is very clear that it should not exceed 20 meters. If the council allows the blade wall to exceed 20 meters it will affect the natural ventilation and natural light to the building at 120 Victoria Road at the point adjacent to that wall.

Comment: The northern elevation has a length of 20 metres and complies with control 3.15(d) of RDCP.

The proposed building exceeds the allowable height in more than one point. This will impact natural light and will block the views to the city from our open communal space in the back of the building at 120 Victoria Road.

Comment: The proposed lift over run and part of the south western corner of the development results in an exceedance of the standard (shown in blue in **Figure 41**). 120 Victoria Road Level 6 is RL49.73. The view available to the city is attained to the south east and is not interfered with by the height exceedance which occurs at the rear of the site. Whilst the city views will be loss, the impact occurs from a compliant component of the building and the nature of the site would not afford the same development potential and protection of these views. The view loss is not considered to be unreasonable.

Request that the council impose a condition on the developer to lodge a reasonable bond with department of fair trading or council to cover any damage to our properties similar to the bond concept which council imposes on developers to protect their own assets and similar to the 2% bond the government imposes on developers to cover defects in buildings they develop.

ITEM 1 (continued)

Comment: There is no statutory means to require a bond for potential damage to an adjoining property. In the event damage does occur it is a civil matter between building owners. Conditional requirements for the provision of dilapidation reports to be prepared prior to the commencement of works and at the completion have been recommended to ensure there is documented evidence of the structures before and after works have occurred.

Request that the council imposes a DA condition which requires the developer to have an insurance policy in place for the value of \$35,000,000 to cover any damage that will require the demolition of 120 Victoria road and re-construction of the building including relocating the residence and compensating the investors replying on tenants to pay their mortgages. The insurance policy MUST include vibration and weakening of support.

Comment: Conditions 80 and 181 are recommended which requires public liability and insurance.

The significant number of trees being removed between 4 Pearson and the development must be replaced with at least 1 or 2 more than what is proposed on the landscape designs particularly in front of the balcony of unit 4 (back right corner of 4 Pearson Street). The proposed buildings height will reduce privacy will balconies and windows looking down into my property.

Comment: The development includes the removal of 11 trees from the site. None of these trees are considered significant. Replacement planting of 11 trees is proposed. The majority of these trees will be in the communal open space area at the rear of the site, which is in the vicinity of 4 Pearson Street.

Construction must not occur outside of 8am-5pm hours Monday to Friday.

Comment: Condition 6 is recommended which nominates the hours of construction to be 7am to 7pm Monday to Friday and Saturday 8am to 4pm. Construction work is allowed on Saturdays but not Sundays. These hours are consistent with Council's policy for construction hours.

This development first does not have adequate number of parking spaces for the number of units built. Most households these days are two car households so that hasn't been taken into consideration. If the ratio is one parking space per unit then there are still not sufficient spaces for visitor parking. Overflow parking will mainly impact Pearson St as it will be the closest to the development.

Comment: Part 9.3 requires parking for residential flat buildings with a maximum requirement. The development comprises a total of 55 apartments comprising of 26 x one (1) bedroom, 24 x two (2) bedroom and 5 x three (3) bedroom. The minimum required parking is 45 spaces and the maximum is 63 spaces. The proposal provides for the maximum of 74 spaces and complies with the control requirement.

ITEM 1 (continued)***Dangerous driving opportunities of drivers doing u-turn at the T junction of Punt Road and Ashburn Place.***

Comment: Whilst there is nothing to prevent a driver from presently undertaking this movement, a driver could also continue down to round about at Meriton Street and Ashburn Place to come back up to Victoria Road. There is nothing to suggest that the proposed residents from this development will undertake this movement.

Due to the design of this building and where the car park exit is located, should residents wish to drive city bound they would be forced to turn left and travel down Pearson Street to get to Punt Road. In peak times this will cause unnecessary congestion to an already congested street.

Comment: The proposed development results in lesser traffic generation than the previous use of the site as a service station. The proposal results in up to 11 peak hour vehicle trips and does not result in increased traffic generation associated with the site.

The proposed height will block light to properties on Pearson Street

Comment: The proposal will result in shadow impact to the front building present to Victoria Road at 6 Pearson Street throughout the entire day. Between 9 – 10am the front north eastern corner of 6 Pearson Street will receive sunlight. From 11am – 12 noon onwards the building is impacted by shadow. However, between 1pm to 3pm the rear and middle of the building is not impacted by overshadowing.

The proposal will result in over shadowing of the rear building on 6 Pearson Street between 9am and 10am only.

The proposal will result in overshadowing of 4 Pearson Street between 9am and 11am only. At 11am, the shadow impact does not affect the building or private open space which is orientated towards the north eastern boundary.

The proposal maintains reasonable solar amenity to adjoining properties. The extent of overshadowing cannot be avoided given the orientation of the site and the height and setback controls.

Traffic movements during construction and parking for tradespersons during construction

Comment: **Conditions 14, 86, 112, 132 and 144**, are recommended which requires provision of a construction and traffic management plan and pedestrian access plan to be submitted and implemented through the construction works. As soon as possible, tradespersons will be required to park on site.

The development should be restricted to three (3) levels only.

ITEM 1 (continued)

Comment: The height development standard permits 19 metres, which is greater than three (3) storeys.

There are no service stations left in Gladesville and a good commercial site should not be made into another residential development

Comment: The proposed land use is permissible and is considered to be appropriate. The site is located at the gateway to Gladesville Town Centre with commercial development being provided to the north. The proposed residential use provides for a transitional use adjoining lower density residential areas.

The layout of apartments and communal spaces need to be designed to reflect the actual needs of individuals and families living and working from home. The standard ADG minimum requirements are outdated and unsuitable. The development should provide for the social needs of the community.

Comment: The proposal provides for a variety of apartment layouts and an acceptable mixture of apartment types. The proposal includes provisions of studies within some of the proposed apartments. The proposal has been designed and assessed against the relevant and applicable standards within the ADG.

10. Referrals**Senior Development Engineer**

The application was referred to Council's Senior Development Engineer who was satisfied subject to recommended conditions.

Background

The initial Development Engineering Services review identified the following matters to be addressed. These are considered in light of the most recent revised plans:

Stormwater Management

A review of the stormwater management plans by BG&E, reference S20036, drawings DA-0000, DA-0200, DA-0201, DA-0220, DA-0300, DA-0700, and DA-0710, revision B, dated 21 September 2020, has noted the following matters that are required to be addressed;

- DRAINS and MUSIC model files are required to be submitted in order for Council to assess the stormwater hydraulic design and Water Sensitive Urban Design (WSUD) treatment measures.*
- Basement drainage plans and an appropriately sized pump out pit within Basement 2 are required to be provided as part of the DA.*
- Retaining walls are proposed to be built within the exiting easement through the site, benefitted by Council. Permanent structures are not permitted within this easement. The Landscape plan is to be amended to remove the proposed walls and natural ground levels maintained.*

ITEM 1 (continued)

In review of each of these points:

- *The provided DRAINS datafile has been reviewed and the concept system appears adequate, with the maximum 100yr ARI discharge estimated to be 114L/s which is wholly accommodated in the proposed 300mm diameter drainage service line located in the proposed easement. Similarly, the WSUD measures have achieved the DCP targets for pollutant treatments. This matter is addressed.*
- *The basement plans have detailed a pump-sump pit however this does not appear to correlate with the DCP requirements which require the volume of the sump to accommodate a three hour-100yr ARI storm event in the event of pump failure. The pit volume can be readily expanded and therefore this matter is addressed by condition of consent.*
- *The amended plans are noted to have a single retaining wall spanning the easement at the southern end. This may be accommodated should there be a service installed in the easement by provision of a drop pit atop the wall and therefore the scale of works over the easement is acceptable.*

Matters concerning vehicle access and parking are noted as follows:

Vehicle Access and Parking

- *It is recommended that a carwash bay be provided for the development to provide additional amenity for the residences.*
- *The design of the one-way vehicle access ramp to navigate to the lower basement levels poses safety concerns due to the following:*
 - *The top of the ramp, prior to exit onto Victoria Road, does not allow for the queueing of vehicles whilst the security door opens. Cars will be stopped on a 1:8 ramp and vehicles entering the site will be forced to queue at the top of the ramp. The ramp layouts are recommended to be redesigned to allow two-way manoeuvrability.*
 - *The location of the security door does not allow queueing for more than 1 vehicle entering the site off Victoria Road. This results in vehicles queuing across the verge in Victoria Road and impacts pedestrian and vehicle safety. Consideration must be given to relocating the security shutter further away from the front boundary line to avoid queuing along the public footpath or roadway.*
 - *Consideration is to be given to the design of visitor parking spaces 1 and 11. The locations of these spaces are difficult to manoeuvre due to the locations requiring more than 3 manoeuvres to safely enter and exit the space.*

In addition to this, CWI – Traffic drew concern in relation to the one way basement access as this was considered inappropriate for the scale of development.

The above points are considered respectively:

ITEM 1 (continued)

- A carwash bay has been provided on the lower ground level addressing this aspect.
- The location of the security door has been setback now to provide a queuing area for 3 vehicles thereby addressing this concern.
- The provided swept paths has not fully demonstrated that two way flow can be achieved on the ramp. Separate vehicle swept path analysis plans have been submitted, one depicting a vehicle ascending and one depicting a vehicle descending, each with an opposing vehicle in spot locations but not with the two swept paths shown on the same plan. Despite this, it would appear there would only be conflict at 2 or 3 points on the ramp and, given the low volumes, tidal flow and the likelihood that the opposing drivers would manage to navigate around each other (either one of the driver manoeuvres to a position to allow the opposing to overtake) the configuration is accepted and considered an improvement over the original configuration. A condition requiring centreline marking to be implemented on the ramp is advised to ensure there is demarcation of the traffic flow.

The alteration to the ramp width has consequently required the removal of several spaces. The most recent plans (Iss E - 14 September 2021) present the following parking requirements.

Unit Type	Quantity	Min.	Max.	Visitors
Studio	0	0	0	
1				
Bedroom	26	15.6	26	
2				
Bedroom	24	21.6	28.8	
3				
Bedroom	5	7	8	
TOTALS	55	44.2	62.8	11
		(45)	(63)	(11)
Accessible Req.	Spaces	(6)		

These plans provide 63 resident spaces (inc 6 disabled spaces for adaptable units) and 11 visitor spaces, maintaining compliance with the DCP parking controls.

Recommendation

The revised plans have addressed the initial matters raised. Accordingly, the following conditions are advised. **Conditions 11 – 13, 16, 72 – 79, 132 – 138, 170 - 174, 211 and 212.**

ITEM 1 (continued)

Planner's comment: The proposal is recommended for deferred commencement consent relating to the required drainage easement. This is provided in **Part 1, Condition 1** of the draft consent.

City Works – Drainage

The application was referred to Council's City Works – Drainage team and the proposal was considered satisfactory subject to conditions. **Conditions 12, 65 – 70, 100 – 103, 136, 141 – 143, 197 – 202.**

City Works – Traffic

The application was referred to Council's Traffic Engineer who provided the following comments:

Traffic generation and impact on surrounding road network

Based on the traffic generation rates established within the Guide to Traffic Generating Developments (GTTD) Technical Direction (TDT2013/04a), the proposed residential flat building comprising 55 dwellings is projected to generate up to 11 peak hour vehicle trips to and from the site during peak hour periods. It is noted that the development site previously accommodated a service station/convenience store development.

Surveys of the previous land use undertaken by the traffic consultant have indicated that the service station/convenience store generated around 50 – 100 vehicle trips to and from the site during peak hour periods. In this regard, the proposed development is anticipated to result in a net reduction in traffic generated by the site, which in turn results in less impact to the surrounding road network.

*Transport department therefore has no objection to the approval of this application subject to the following conditions. **Conditions 14, 15, 86, 132, 144, 175 – 179 and 213.***

City Works – Assets and Infrastructure

The application was referred to Council's City Works – Assets and Infrastructure team and the following comments were provided:

General comments

- *The development is subject to the standards and requirements of the City of Ryde Development Control Plan DCP 2014 Part 4.6 Gladesville Town Centre and Victoria Road Corridor, Gladesville, and the City of Ryde Public Domain Technical Manual PDTM Section 2 – Gladesville.*

ITEM 1 (continued)

- *The pavement of the footway is to be designed according to the requirements of the Public Domain Technical Manual, Section 2.2 - Gladesville.*
- *South Gladesville Precinct require footpath to be upgraded to full width granite paving throughout the Victoria Road corridor (Figure 14. Paving Plan). Granite paving type "2" for the Victoria Road.*
- *The applicant is to provide suitably prepared engineering plans providing details that demonstrate the smooth connection of the proposed road works into the remaining street scape. This will include relevant existing and design surface levels, drainage pit configurations and pavement within the road reserve.*
- *The Public Domain Technical Manual identifies "Platanus acerifolia (London Plane tree) as the designated street tree for Victoria Road. The exact position for the new trees is to be advised by Open Space Planning team.*
- *Existing overhead cables in Victoria Road are to be placed underground (Refer to the Public Domain Technical Manual – Figure 16 of Section 2 – Gladesville).*
- *All telecommunication and utility services are to be placed underground along both Victoria Road and Pearson Street frontages.*
- *Road Opening Permits will be required for any construction work on the road.*
- *There will be several hold points for inspections during the course of the construction in the public domain area.*

From a Public Domain perspective there are no objections to approval of this application subject to conditions. **Conditions 16 – 20, 80 – 85, 104 – 112 and 213.**

City Works – Waste

The application was referred to Council's City Works – Waste team and the following comments were provided:

General

The proposed development is for a 5 storey residential block containing 55 residential units with access to the basement and waste loading dock off Victoria Rd. A turn table is provided for the waste truck to allow it to enter and exit in a forward direction. The entry and loading dock area have a height clearance of 4.5m to allow a heavy rigid vehicle to enter and swept paths are provided.

A waste chute and a separate recycling bin cupboard is provided on each floor opposite the lifts. Waste will be discharged into 660L bins in the garbage room on the ground floor and the 240L recycle bins will be taken to the ground floor bin room and decanted into 660L recycling bins.

The recommended bin configuration is:

2 x 660L & 1 x 1100L waste bins serviced 3 times per week. An additional 660L waste bin will be provided to go under the chute during collection

4 x 660L recycle bins serviced 2 times per week.

2 x 240L waste bins will be supplied for the bin cupboards on the ground and lower ground floors and emptied into the 660L bins for servicing

7 x 240L recycle bins for the recycle cupboard on each floor which will be decanted into the 660L recycling bins for servicing

ITEM 1 (continued)

The garbage/recycling room and bulky waste room are located adjacent to the loading dock for ease of access for servicing.

Conditions 64, 87 – 90, 145, 146, 180 – 196, 205 – 209, 219 – 225 are recommended.

Environmental Health Officer

The application was referred to Council's Environmental Health Officer for comment. The following comments were received:

The site was previously occupied by a petrol station and owned by Caltex. The demolition, removal of Underground storage and rectification works were approved under LDA2020/0011. This determination ensured that the underground storage tanks were removed, and the land was remediated in accordance with Environmental Planning Policy no. 55 – Remediation of land.

Contamination:

Under LDA2020/0011 conditions were applied for the demolition of the petrol station and structures which included the removal of the USTs. As the site has now been remediated, the focus is to ensure that the site is suitable for the construction of the residential flat building and to assess whether there is any further contamination to consider.

Following the demolition and removal of the USTs, a site validation report was not supplied and consequently, further information was requested to assess for the presence of any remaining contamination. A detailed site investigation report (DSI) and remediation action plan (RAP) have now been submitted by the applicant post demolition for review.

The DSI consisted of sampling from bore holes, testing the soil and a groundwater assessment. The specific contamination concerns identified are:

- *the presence of Asbestos Containing Material in the ground in multiple borehole locations*
- *residual contaminants associated with the previous use of the site*
- *fill used on the land following the demolition.*

The DSI concludes that a RAP is required to ensure the land can be made suitable for the proposed use and this was completed by Aargus and submitted as amended plans with this application. The RAP has outlined that the following measures are required to be performed:

- *An accredited Occupational Hygienist is to prepare an Asbestos Removal Control Plan (ARCP) which will outline the requirements for the handling, monitoring and contractor (Class A) disposal requirements for the Special Waste soils*

ITEM 1 (continued)

- *Areas 1-7 will be excavated using the specific diameters that are outlined in the RAP. Relevant stockpiles will then need to be tested and the waste classified. Validation for the areas outlined as Hotspots will need to be conducted.*
- *All other fill materials to be excavated will be temporarily stockpiled to ensure appropriate sampling of the soil requiring off-site disposal. The stockpiles will be classified according to the NSW EPA “Waste Classification Guidelines, Part 1: Classifying Waste” and disposed of to a licensed landfill/facility. If the material has been classified prior to excavation (in-situ), it could be immediately loaded on trucks and removed off-site to the most appropriate licensed facility.*

In response to the conclusions of the DSI investigation, a RAP was prepared. It has been outlined by Aargus that if the measures are put in place from the RAP then the site will be suitable for this development. The main concerns that have been raised in this investigation are the presence of Asbestos Containing Material in the ground and also other contaminants associated with the previous use of the site. All fill is going to need to be tested, classified and correctly disposed of and the Environmental contractor will be responsible for overseeing this process. (What is required to be done – specifically – what needs to be done to the waste) - remediation to be completed is classification and removal

Acoustic:

An acoustic assessment prepared by Acoustic Logic (D21/87714) dated 9/6/2021 has assessed the following noise parameters:

- *Measurement of ambient Noise levels.*
- *External noise impacts assessment (primarily traffic noise) and recommended acoustic treatments for the amenity of tenants.*
- *Noise emission goals for Noise Policy for Industry and AS 2107 Standard for Recommended design sound levels and reverberation times for building interiors.*
- *Noise generated by future loading dock activities*

Both attended and unattended monitoring was completed to determine the background noise levels as detailed in Tables 4 and 5 (pg 11) of the acoustic report.

The following recommendations were provided regarding amenity noise treatment –

- i. Glazing thicknesses are detailed in table 7 (pg 11)*

ITEM 1 (continued)

- ii. *Minimum Sound Transmission Class (STC) and use of acoustic seals is in table 8 (pg 11)*

The acoustic report provides noise levels for internal spaces and indicative glazing requirements to achieving the noise levels. Traffic noise intrusion can be mitigated with the appropriate selection of glazing and use of acoustic seals.

Mechanical Ventilation

Habitable rooms are required to have doors and windows closed to achieve the noise goals. Mechanical ventilation will be supplied using air-conditioning systems throughout the building.

Detailed mechanical plant has not been selected at this stage. An acoustic assessment of the mechanical plant can be undertaken at the Construction Certificate stage to ensure compliance with the relevant Australian Standard.

Loading Dock

Section 5.5 (pg 20) of the acoustic report provides recommendations to ensure that noise from activities in the loading dock do not impact on neighbouring residents. These recommendations include:

- *No loading dock operation between 6pm and 7am Monday to Saturday or 6pm to 8am Sunday/public holidays.*
- *The slab structure between apartment and loading areas shall be minimum 250mm thick reinforced concrete slab with density of 2400Kg/m³.*
- *Garbage compacting can only be operated during 7am to 6pm Monday to Saturday, 8am to 6pm Sunday and Public Holidays.*
- *Signage displayed within loading dock to remind operators to minimise noise during loading and unloading activities.*

Waste Management Plan

The waste management plans adequately address how waste will be managed during the construction and operational stages of the development.

There is no plan to place the waste collection bin on the footpath fronting Victoria Road Gladesville, a condition can be included to ensure this bin is placed on the subject site.

The garbage storage room and a bulky waste storage room are shown on the plans to be accessible from Victoria Road and located within the loading dock.

ITEM 1 (continued)**CONCLUSION**

*The proposal satisfies the requirements of Council's controls and can be supported, subject to standard conditions of consent. **Conditions 21 – 16, 61, 63, 113, 114, 117, 124 – 131, 210 and 215 and 227.***

Consultant Landscape Architect/Arborist

The application was referred to Council's Consultant Landscape Architect/Architect who provided the following comments:

This addendum has been prepared in response to amended documentation submitted to Council as part of a Development Application for the construction of a proposed six (6) storey residential development at the subject site being 114-116 Victoria Road, Gladesville. This information follows previous Landscape and Arboricultural Assessments completed by CPS dated 23 December 2020 and 16 July 2021 whereby the proposal was deemed satisfactory, subject to conditions.

As part of this amended information, it has been noted that an updated landscape plan has not been provided for assessment. Despite this, a review of the amended Architectural Plans has revealed that the only change relevant to the arrangement of open space results from an increase in the width of the previously proposed basement access ramp within the north-western corner of the site.

This change has resulted in a reduction in the extent of a landscape buffer positioned between the proposed ramp and the boundaries adjoining No. 120 Victoria Road and, primarily, No.2 Pearson Street. Specifically, this includes a decrease of approximately 55% in the width of the buffer as measured from the outside edge of the basement ramp to the parallel boundary shared with the Pearson Street allotment (= 2.75m down to 1.25m) as well as loss of approximately 25.72m² of site deep soil area.

Whilst the proposed changes remain compliant with the minimum 7% deep soil requirement stipulated by the Apartment Design Guide 2015 (ADG), some concern is raised with regard to the significantly reduced landscape buffer to adjoining allotments and the potential detrimental impacts this may have on neighbouring balconies/Private Open Space areas which are located in close proximity to the boundary.

As such, it is recommended a condition be added to those previously communicated in order to resolve this issue and achieve a positive outcome for the development.

The removal of eleven (11) trees and groups of trees (Trees 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, & 'Privet/Camphor Laurel Hedge') located on the subject site has been supported. The removal of these trees is unlikely to result in a significant impact

ITEM 1 (continued)

to the landscape character of the site with their removal considered to be suitably offset by the proposed landscape scheme including new street tree plantings.

Tree 10 located within the neighbouring allotment at No.2 Pearson Street must be retained and protected in accordance with the conditions provided within Section 3.1 below and is unlikely to be significantly impacted.

The submitted landscape plan is generally considered to be satisfactory with regards to open space layout, design and species selection. The minimum (25%) communal open space area requirement has been met, the proposal achieves the (7% min) deep soil zone requirement and street trees have been provided along the Victoria Road frontage. However, a non-compliance has been identified in regards to the minimum access to sunlight for the principle usable area of the private open space. This non-compliance has been deemed acceptable due to the existing overshadowing from neighbouring buildings and the irregular allotment shape of the subject site.

Should Council approve the development in its current form, a condition has been recommended for the inclusion of an additional canopy tree species to the rear setback area, within Section 4.1 below.

3.0 Existing trees

An Arboricultural Impact Assessment (AIA) prepared by Lee Hancock Consulting Arborist dated 10th September 2020 has been submitted with the subject application. This AIA has identified twelve (12) trees and groups of trees located on the subject site and within the neighbouring allotment at No.2 Pearson Street which are likely to be impacted by the proposed development. The AIA recommends the retention of one (1) group of trees within the adjoining allotment as well as the removal of eleven (11) trees and groups of trees located with the site boundaries.

For reference, it is noted that the above-mentioned AIA is generally poorly presented and lacks a significant amount of information typically required to satisfy the provisions outlined within the 'Minimum Content for Arboricultural Reports' on pages 21-25 of the City of Ryde Tree Management Technical Manual. Specifically, the report has omitted a number of fundamental components including:

- 1) Representation of tree heights, canopy spreads and stem diameters at breast height and above the root buttress, and;*
- 2) Calculation of Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) associated with each tree with relevant discussion pertaining to specific percentage incursions to each of these zones as required by AS4970-2009 - Protection of tree on development sites.*

ITEM 1 (continued)

Notwithstanding, further desktop analysis completed by CPS as part of this assessment has revealed that those existing trees located upon the subject site are generally minor trees of low retention value and are not considered worthy of being a constraint upon the proposed development. As such, CPS has proceeded with an assessment of the AIA in its current form in the interest of proceeding toward a determination for this DA.

Planner’s comment: The referral included a table with a synopsis of the species identified by the AIA including relevant tree identification number, along with the proposed recommendation of the assessment in terms of removal or retention, as well as CPS's comment on the proposed recommendation in terms of whether it can be supported. There was no disagreement with the submitted arborist report and recommendation.

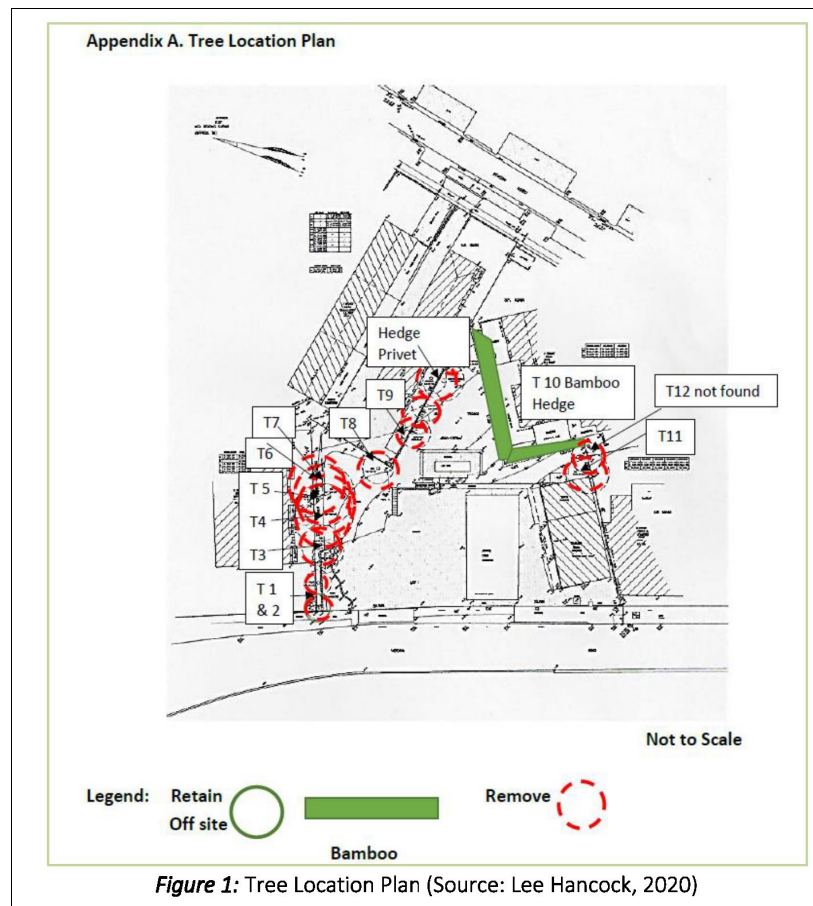


Figure 44 Tree location plan

4.0 Landscape Plan

The landscape drawings (Revision L, dated 10th June 2021) prepared by Geoscapes has been reviewed as part of this assessment against the relevant provisions pertaining to landscaping and open space contained within the following documents:

ITEM 1 (continued)

- *NSW Planning and Environment - Apartment Design Guide, 2015 (ADG)*
- *City of Ryde - DCP 2014, Part 4.6 - Gladesville Town Centre and Victoria Road Corridor*
- *City of Ryde - Street Tree Master Plan 2013*
- *City of Ryde - Public Domain Technical Manual*

A review of the landscape plan has revealed a landscape design that is generally compliant with the majority of the controls and objectives contained within abovementioned NSW Planning & Environment, and City of Ryde guides, plans and manuals.

Natural ground levels have been generally maintained around the development footprint and plant species selection has been reviewed as mostly suitable for the site-specific environmental conditions.

The proposal has been calculated as having a deep soil area of approximately 20% of the allotment area, achieving the minimum 7% requirement as stipulated Apartment Design Guide (ADG) Objective 3E-1, Design Criteria 1. It is noted that the ADG states within the 'Design Guidance' that "On some sites it may be possible to provide deep soil zones, depending on the site area and context: 15% of the site as deep soil on sites greater than 1,500m²". With subject site having an area of 1979m², the proposal also achieves this ADG additional achievement. A number of native tree species specimens have been proposed within the deep soil zone, maximising the specimens' chances of successful growth and health, whilst also improving residential amenity and providing natural screening to the adjacent co-located Communal open space.

The total proposed communal open space areas have been calculated at approximately 25.11% of the total surveyed site area. This calculated percentage is in excess of the minimum 25% area of site requirement for COS as defined by Objective 3D-1 of the ADG. Despite this adherence to the minimum area of COS provided, the communal open space located on the lower ground floor does not achieve a minimum of 50% direct sunlight to the principle usable part for a minimum of 2 hours between 9am and 3pm on 21 June, as stated by design criteria 2 of objective 3D-1 of the ADG. However, this non-compliance with access to sunlight is considered acceptable due to the existing overshadowing from neighbouring buildings at No.2 Pearson Street, and No. 116 Victoria Road, and the irregular shape of the subject site's allotment.

The proposed communal open space has been designed to allow for a range of activities, as per Objective 3D-2 of the ADG, including the provision of elements such as backed and bench seating for individuals and groups, a feature pergola, lawn areas and areas of paved surfacing accessible from the building.

*Large scale street tree plantings (*Platanus acerifolia*) are proposed as "framework planting for Victoria Road" as per Part 3.3.3 of the 2014 RDCP (Part*

ITEM 1 (continued)

4.6) for the South Gladesville Precinct. The street tree species selection is considered satisfactory given it aligns with the required species as described in Section 2.2.5 of the Gladesville Public Domain Technical Manual.

Whilst the proposal is generally able to be supported from a landscape perspective, a minor concern has been identified that is capable of being addressed via conditions of consent as provided within Section 4.1 and of which are discussed in greater detail below:

Larger Canopy Replacement Trees (Rear of Site):

The landscape plan has proposed a number of trees to be planted as part of the development. However, it is recommended that a canopy tree capable of reaching a height of 13-18m, identified as a 'large tree' in the ADG, be incorporated into the rear planting scheme area.

Street Furniture:

Part 3.3.6 of the 2014 RDCP (Part 4.6), Control C-i states "Provide seats and bins at 200m intervals and at bus stops, OR a minimum one per block, if required by Council". The current development does not propose any seats or bins along the site frontage, and there are no other instances of bins or seats along this block.

Planner's comments: **Conditions 1 (a), 96, 149 – 153, 161, and 214** are recommended which includes additional canopy tree in the rear of the site, street furniture, tree protection measures and arborist requirements during construction to minimise impacts upon retained trees and those on the neighbouring properties.

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 suitable for the site and is not contrary to the public interest. Therefore, it is recommended that the application be approved for the following reasons:

1. The proposal is consistent with the objectives for B4 zoned land.
2. The proposal has been supported by a satisfactory Clause 4.6 written variation to Clause 4.3 which demonstrates compliance is both unreasonable and unnecessary and has provided sufficient environmental planning grounds to support the variation.
3. The proposal does not result in any significant adverse impacts upon adjoining properties or the streetscape.
4. The proposal is not contrary to the public interest.

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

A. THAT the Ryde Local Planning Panel accepts that the Clause 4.6 written request to vary the height standard (Clause 4.3) in LEP 2014 has adequately addressed the matters in subclause (4) and will be in the public interest as it is consistent with the objectives of the development standard in Clause 4.3 and the objectives of the B4 Mixed Use Zone of Ryde Local Environmental Plan 2014.

B. THAT the Ryde Local Planning Panel, as the consent authority, grant deferred commencement consent to Development Application LDA2020/375 for construction of a six storey residential flat building with two basement car parking levels on land at 114 – 116 Victoria Road, Gladesville subject to the draft conditions contained in Attachment 1.

ATTACHMENTS

- 1 DraftConditions of Consent
- 2 ADG Guidelines
- 3 RDCP 2014 - Table of Compliance
- 4 Clause 4.6 Variation
- 5 Architectural Plans - subject to copyright provisions

Report Prepared By:

Kimberley Kavwenje
Senior Coordinator - Development Assessment

Report Approved By:

Sandra Bailey
Manager - Development Assessment

Liz Coad
Director - City Planning and Environment

ITEM 1 (continued)

ATTACHMENT 1

PART 1 - The following are the Deferred Commencement condition(s) imposed pursuant to Section 4.16 of the Environmental Planning & Assessment Act 1979.

(A) Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, a deferred commencement consent is granted to LDA2020/0375 subject to the following conditions of consent:

1. **Drainage Easement.** Prior to the commencement of any works, an easement to drain stormwater from the development must be acquired over the downstream property. The easement is to be located generally as shown on the concept plan by B G & E Consulting Engineers (Refer to Project No. S20036 Dwgs DA-0000, DA-0200 - DA-0204, DA-0300 & DA-0301 Rev A dated 11 June 2021), must have a defined width and must comply with the DCP Part 8.2 (*Stormwater and Floodplain Management*) & Part 8.4 (*Title Encumbrances*).

The terms of the easement should reference Schedule 8 of the Conveyancing Act – 1919 (“*Easement to drain water*”). The easement plan and associated terms agreed upon by all parties must be submitted to Council for review and approval prior to the submission to the NSW Land Registry Services (LRS) for registration.

Council must be listed as the prescribed authority to release or vary the terms of the easement.

Documentary evidence of registration of the drainage easement on the title of the burdened lot, including the terms of the drainage easement and its location on the burdened lot(s) which are consistent with the draft terms approved by Council, must be submitted to Council to demonstrate the requirements of this condition have been satisfied prior to the activation of this Development Consent.

(B) Written evidence that the matter identified in deferred commencement condition (A) (1) above has been satisfied, must be submitted to Council within 24 months from the date of this development consent, failing which, this development consent **will lapse** pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979.

(C) This Development Consent will not operate until such time that the Council notifies the Applicant in writing that that deferred commencement consent condition (A) (1) above has been satisfied; and

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

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

GENERAL

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

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

Document Description	Plan No./ Reference	Date
Cover Sheet prepared by marchese partners	DA0.01 Revision E	14/09/2021
NATHERS Thermal Comfort Inclusions prepared by marchese partners	DA0.02 Revision C	02/06/2021
Site plans prepared by marchese partners	DA1.04 Revision D	14/09/2021
Tree removal & replacement + deep soil calculation plan prepared by marchese partners	DA1.06 Revision C	14/09/2021
Site analysis and swept paths prepared by marchese partners	DA1.07 Revision B	14/09/2021
Ramp swept paths – entry prepared by marchese partners	DA1.08 Revision A	14/09/2021
Ramp swept paths – exit prepared by marchese partners	DA1.09 Revision A	14/09/2021
Basement 2 prepared by marchese partners	DA2.01 Revision D	14/09/2021
Basement 1 prepared by marchese partners	DA2.02 Revision D	14/09/2021
Lower Ground prepared by marchese partners	DA2.03 Revision D	14/09/2021
Ground Level prepared by marchese partners	DA2.04 Revision D	14/09/2021
Level 1 prepared by marchese partners	DA2.05 Revision C	02/06/2021
Level 2 prepared by marchese partners	DA2.06 Revision C	02/06/2021
Level 3 prepared by marchese partners	DA2.07 Revision B	02/06/2021
Level 4 prepared by marchese partners	DA2.08 Revision C	02/06/2021

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partners		
Level 5 prepared by marchese partners	DA2.09 Revision C	02/06/2021
Roof Level prepared by marchese partners	DA2.10 Revision C	02/06/2021
Site elevations – North prepared by marchese partners	DA3.01 Revision D	14/09/2021
Site elevations – South prepared by marchese partners	DA3.02 Revision C	02/06/2021
Site elevations – East prepared by marchese partners	DA3.03 Revision C	02/06/2021
Site elevations – West prepared by marchese partners	DA3.04 Revision C	02/06/2021
Site elevations – North prepared by marchese partners	DA3.05 Revision B	14/09/2021
Site elevations – Entry Lightwell North prepared by marchese partners	DA3.06 Revision A	19/07/2021
Site elevations – South prepared by marchese partners	DA3.07 Revision A	19/07/2021
Site elevations – Entry Lightwell South prepared by marchese partners	DA3.08 Revision B	14/09/2021
Site Section 1 prepared by marchese partners	DA4.01 Revision C	02/06/2021
Site Section 2 prepared by marchese partners	DA4.02 Revision C	02/06/2021
Site Section 3 prepared by marchese partners	DA4.03 Revision C	14/09/2021
Site Section 4 prepared by marchese partners	DA4.04 Revision C	14/09/2021
Façade Detail East prepared by marchese partners	DA4.10 Revision B	02/06/2021
Façade Detail West prepared by marchese partners	DA4.11 Revision C	14/09/2021
Privacy Screen Detail – Sheet 1 prepared by marchese partners	DA4.12 Revision A	14/09/2021
Privacy Screen Detail – Sheet 2	DA4.13 Revision A	14/09/2021
Storage Schedule – Sheet 1 prepared by marchese partners	DA5.05 Revision D	14/09/2021
Storage Schedule – Sheet 2 prepared by marchese partners	DA5.06 Revision C	02/06/2021
Adaptable Unit Plan – Type A prepared by marchese partners	DA6.01 Revision C	02/06/2021
Adaptable Unit Plan – Type B prepared by marchese partners	DA6.02 Revision D	14/09/2021
Silver Units prepared by marchese partners	DA6.03 Revision B	02/06/2021

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Siteworks and Drainage Plan Basement Level 2 prepared by BG&E	DA-0200 Revision A Project No. S20036	11/06/2021
Siteworks and Drainage Plan Basement Level 1 prepared by BG&E	DA-0201 Revision A Project No. S20036	11/06/2021
Siteworks and Drainage Plan Lower Ground Level prepared by BG&E	DA-0202 Revision A Project No. S20036	11/06/2021
Siteworks and Drainage Plan Lower Ground Level (Easement) prepared by BG&E	DA-0203 Revision A Project No. S20036	11/06/2021
Siteworks and Drainage Plan Ground Level prepared by BG&E	DA-0204 Revision B Project No. S20036	15/06/2021
Driveway Longitudinal Sections prepared by BG&E	DA-0220 Revision D Project No. S20036	15/06/2021
Typical Details Sheet 1 WSUD Chamber prepared by BG&E	DA-0300 Revision C Project No. S20036	11/06/2021
Typical Details Sheet 2 Pump pit prepared by BG&E	DA-0301 Revision A Project No. S20036	11/06/2021
Erosion and Sedimental Control Plan prepared by BG&E	DA-0700 Revision C Project No. S20036	11/06/2021
Erosion and Sediment Control Plan Details prepared by BG&E	DA-710 Revision C Project No. S20036	11/06/2021
Landscape Masterplan prepared by Geoscapes	LDA-01 Revision L	10/06/2021
Landscape Lower Ground Floor – Communal Space prepared by Geoscapes	LDA-02 Revision L	10/06/2021
Landscape Detail Plan prepared by Geoscapes	LDA-03 Revision L	10/06/2021
Landscape Section AA prepared by Geoscapes	LDA-04 Revision L	10/06/2021
Landscape Details and Specifications prepared by Geoscapes	LDA-05 Revision L	10/06/2021
Planting Schedules and Imagery prepared by Geoscapes	LDA-6 Revision L	10/06/2021
Arborist Report prepared by Lee Hancock Consulting Arborist		10/09/2020
Access Compliance Assessment Report prepared by AE & D	Project 10170 – Rev 2.0	30/09/2020
Building Code of Australia Compliance Assessment Report prepared by AE&D	Project 10170-Rev 2.0	30/09/2020
Construction Waste Management Plan prepared by Elephants Foot	SO553 Revision D	16/10/2020
Stormwater Management Plan prepared by BG&E	S20036-RPT-A-003 Rev/3	11/06/2021
Geotechnical Report prepared by Aargus	GS7897-1A Rev02	29/09/2021

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Detailed Site Investigations prepared by Aargus	ES8037/2	16/09/2021
Remediation Action Plan prepared by Aargus	ES8037/3	23/09/2021
Traffic Impact Assessment prepared by Traffix	20.072r01v06	September 2021
Acoustic Report prepared by Acoustic Logic	20200171.1/0906A/R4/AZ	09/06/2021
Operational Waste Management Plan prepared by Elephants Foot	SO553 Revision F	03/06/2021
NATHERS Certificate	0005233000	18/06/2021

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

- (a) Buffer Planting. Updated landscape plans are to be prepared and submitted to Council's Landscape Architect for assessment and approval prior to issuance of Construction Certificate. The updated plans are to reflect the design changes to the basement access ramp within the north-western corner of the site and provide a revised planting scheme for the proposed landscape buffer adjoining No. 120 Victoria Road and No.2 Pearson Street. The revised planting scheme within this portion of the site is to incorporate dense screen planting species of a height, width and foliage density capable of providing a substantial landscape buffer to the adjoining allotments.
- (b) The documentation relied upon to satisfy the Part 1 Condition 1 will form part of this consent.

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

Reason: To ensure that development is in accordance with the determination.

- 2. **Inconsistency between documents.** In the event of any inconsistencies between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

Reason: To ensure that development is in accordance with the determination.

- 3. **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

Reason: Statutory requirement.

- 4. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 1132238M_02 dated 18 June 2021.

Reason: Statutory requirement.

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5. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

Reason: To ensure the structural protection of adjoining properties.

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

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties during the construction process.

7. **Hoardings.**
- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

Reason: To ensure the safety of the public and hoarding/fencing is removed at the completion of the development.

8. **Illumination of public place** - Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Reason: To ensure the safety of the public.

9. **Development to be within site boundaries** - The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

Reason: To ensure works are within the site boundaries.

10. **Public space** - The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

Reason: To ensure public spaces are unobstructed during construction.

11. **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

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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.

Reason: To ensure compliance with design and construction standards.

12. **Design and Construction Standards** - All engineering detailed design plans and associated drainage works shall be carried out in accordance with the requirements of the relevant Australian Standards and Council's DCP Part 8.2 and Part 8.5 except as amended by the conditions herein.

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.

Reason: To ensure compliance with design and construction standards.

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

Reason: To ensure services are provided to the development.

14. **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*.

Reason: To ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems.

15. **Preservation of Parking Restrictions.** The development consent is approved on the premise that the parking and servicing 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.

Reason: To ensure the maintenance of existing parking restrictions and satisfactory parking being provided within the site.

16. **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

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the Road Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

Reason: To ensure compliance with the requirements of *Roads Act 1993*.

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

Reason: To ensure impacts upon surrounding properties and road network are minimised.

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

Reason: To ensure the protection of public during works.

19. **Land Boundary / Cadastral Survey** – If any design work relies on critical setbacks from land boundaries or subdivision of the land is proposed, it is a requirement that a land boundary / cadastral survey be undertaken to define the land.

The land boundaries should be marked or surveyed offset marks placed prior to the commencement of any work on site.

Reason: To ensure works are within the site boundaries.

20. **Road traffic noise criteria for sensitive developments** - The building(s) 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)..

21. **Remediation Action (RAP)** - Remediation works shall be carried out in accordance with the Remediation Action Plan numbered ES8037/3 prepared by Aargus received by Council on 23rd September 2021. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works.

Reason: To comply with the statutory requirements of State Environmental Planning Policy 55

22. **Validation Report** - A validation report prepared by a suitability qualified person shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates:

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- a) compliance with the approved RAP;
- b) that the remediation acceptance criteria (in the approved RAP) has been fully complied with;
- c) that all remediation works undertaken comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Management of Contaminated Lands Policy; and includes:
- d) Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
- e) a "notice of completion of remediation work" as required under Clause 18 of SEPP 55; and
- f) a statement confirming that the site following remediation of contamination is suitable for the intended use.

Reason: To ensure that the development complies with the Remedial Action Plan and that the works are in accordance with the *Contaminated Land Management Act 1997*

23. Validation Report - Following the preparation of the validation report, Council will require that the applicant engage an accredited auditor under the *Contaminated Land Management Act 1997* to review the Validation Report prepared by the contaminated land consultant and issue a **Site Audit Statement**. The accredited auditor shall consult with Council prior to finalising and issuing the Site Audit Statement. The Site Audit Statement should allow for soil access to occur to ground level courtyards and communal open space areas within the development. The accredited auditor shall provide Council with a copy of the Site Audit Report and Site Audit Statement, prior to the issuing of the Occupation Certificate. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of the inconsistency and a Section 96 Application or further Development Application pursuant to the *Environmental Planning and Assessment Act 1979* will be required.

Reason: To ensure that the development complies with the Remedial Action Plan and that the works are in accordance with the *Contaminated Land Management Act 1997*

24. Imported fill (validated) - All imported fill must be validated in accordance with the *Contaminated Sites Sampling Design Guidelines* (EPA, 1995) by an experienced environmental consultant, and a copy of the validation report must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the fill is used.

Reason: To ensure imported fill poses no risk to the environment and human health.

25. Requirement to notify about new contamination evidence - Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

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Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

26. **Duty to Notify Pollution Incidents** - Council being the 'appropriate regulatory authority' must be notified immediately of any pollution incident where material harm to the environment is caused or threatened. This duty extends to persons carrying on an activity, employers and employees, contractors and the occupier of the premises where the incident occurs.

Reason: To comply with the requirements of the Protection of the Environment Operations Act 1997.

General Terms of Approval – Water NSW

27. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application.

Reason: To satisfy Water NSW conditional requirements.

28. An authorisation under the relevant water legislation, such as a Water Access Licence (CNAL), shall be obtained for the take of groundwater as part of the activity. For avoidance of doubt, these terms do not represent any authorisation for the take of groundwater, nor do they constitute the grant, or the indication of an intention to grant, any required WAL.

Reason: To satisfy Water NSW conditional requirements.

29. An authorisation under the relevant water legislation, such as an Approval, is also required for the works involved in extracting the groundwater. For avoidance of doubt, these terms do not represent any authorisation for the construction or installation of such works.

Reason: To satisfy Water NSW conditional requirements.

30. The relevant works must not be carried out, installed or operated until a specialist hydrogeological assessment has been completed by the Department of Planning Industry and Environment, which concludes that adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems, as a consequence of the construction or use of the proposed water management work.

Reason: To satisfy Water NSW conditional requirements.

31. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.

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Reason: To satisfy Water NSW conditional requirements.

32. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and: a. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and b. any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and c. where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

Reason: To satisfy Water NSW conditional requirements.

33. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

Reason: To satisfy Water NSW conditional requirements.

34. The Applicant is bound by the above terms and any other terms and conditions of the subsequent authorisation(s) required for the extraction of groundwater and the associated works under the relevant water legislation.

Reason: To satisfy Water NSW conditional requirements.

35. Measurement and monitoring arrangements to the satisfaction of WaterNSW are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.

Reason: To satisfy Water NSW conditional requirements.

36. Following cessation of the dewatering operations and prior to the surrender of any associated authorisation, the applicant shall submit to WaterNSW the completion report which shall include: a. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and b. The location and construction of groundwater extraction works that are decommissioned c. a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and d. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

Reason: To satisfy Water NSW conditional requirements.

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37. All required monitoring and reporting arrangements are to be designed to demonstrate the activity meets due diligence with respect to the Water Management Act 2000, the relevant water sharing plan(s) and the NSW Aquifer Interference Policy during construction and occupation phases of the building.

Reason: To satisfy Water NSW conditional requirements.

38. At the time of application for a Construction Certificate, the developer must be able to demonstrate to the consent authority that an authorisation for the pumping of groundwater for temporary construction dewatering has been obtained for the relevant groundwater source from which water is being taken.

Reason: To satisfy Water NSW conditional requirements.

39. The Department of Planning, Industry and Environment-Water has determined that an authorisation to account for the temporary and transient impacts on groundwater systems associated with the proposed development for up to twelve months is required (to be issued by WaterNSW).

40. All monitoring data collected for the development and all monitoring and management reports are to be provided in electronic format (including summarised, tabulated and raw corrected data) to the Department of Planning, Industry and Environment-Water.

41. A specialist Site Hydrogeology Report prepared and certified by a qualified, experienced and practising hydrogeologist must be provided with the authorisation application that includes, but is not limited to, the following:

a. Pre-development (existing) conditions in the form of a baseline monitoring record and comprehensive groundwater system description:

- i. site and neighbouring area stratigraphy, formation description, site groundwater levels, groundwater flow paths, site aquifer and aquitard (if relevant) hydraulic characterisation
- ii. groundwater quality and specific consideration of groundwater potentially affected by contamination from surrounding land uses or acid sulfate soils where they are found to exist
- iii. neighbouring users, groundwater dependent ecosystems, water bodies and other relevant features within a one kilometre radius of the subject site
- iv. the above site information must not date more than six months prior to the date of lodgement of the development application to account for climate trends and maintain the currency of groundwater data

b. Excavation phase (during dewatering), in the form of a comprehensive impact prediction description as well as a monitoring and management strategy:

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- i. predicted impacts (extent, magnitude and duration) that are developed through numerical groundwater modelling
- ii. corresponding trigger levels (levels, quality, flow, volume and ground surface settlement) to manage any potential impacts
- iii. construction techniques and approaches that will be used to prevent any ongoing groundwater pumping at the same time as not causing any obstruction to natural groundwater behaviour
- iv. details of monitoring (groundwater levels, quality as required, rate of inflows, metered pumping)
- v. where a risk of ground settlement is identified due to the proposed dewatering, the proponent is to provide a program of monitoring, trigger and responses to Council (Note while it is the Proponent's responsibility to identify the risk, the Department recommends that Council enforce this requirement for all applications in all high risk areas which includes sand formations or other unconsolidated ground).

c. Post-excavation phase (during aboveground construction) in the form of a comprehensive post-dewatering impact review:

- i. collation of monitoring records,
- ii. analysis of actual impacts compared to predicted impacts, noting that some impacts may be delayed,
- iii. magnitude and extent of potential long-term effects from the completed structure
- iv. arrangements for reporting (measurements, technical analysis and future predictions) to the relevant authority

d. Occupational phase (after building completion) in the form of an annual groundwater monitoring plan:

- i. monthly monitoring to demonstrate the magnitude of groundwater pumping after construction, either through satisfactory photographic and documented evidence of no visible seepage into the building or, if inflows cannot be prevented, measured flow rates into all pump-out sumps
- ii. recording arrangements to document ongoing compliance, event-based notification of unexpected groundwater take to the relevant authority and annual reporting arrangements

Reason: To satisfy Transport for NSW conditional requirements.

42. TfNSW has previously resumed and dedicated a strip of land as road along the Victoria Road frontage of the subject property, as shown by grey colour on the attached Aerial - "X". All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Victoria Road boundary.

Reason: To satisfy Transport for NSW conditional requirements.

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43. The removal of the redundant vehicular crossings, reinstatement of kerb and gutter and construction of a new vehicular crossing on Victoria Road shall be designed to meet TfNSW requirements, and endorsed by a suitably qualified practitioner. Details of these requirements should be obtained by email todeveloperworks.sydney@rms.nsw.gov.au

Reason: To satisfy Transport for NSW conditional requirements.

Detailed design plans of the proposed kerb and gutter 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.

Reason: To satisfy Transport for NSW conditional requirements.

44. 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.

Reason: To satisfy Transport for NSW conditional requirements.

45. 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.

Reason: To satisfy Transport for NSW conditional requirements.

46. 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.

Reason: To satisfy Transport for NSW conditional requirements.

47. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Victoria Road during

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construction activities. A ROL can be obtained through <https://lmyrta.com/oplinc2/pages/security/oplincLogin.jsf>

Reason: To satisfy Transport for NSW conditional requirements.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

Contributions

48. **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	\$245,806.86
Open Space & Recreation Facilities	\$423,268.33
Roads & Traffic Management Facilities	\$129,942.02
Plan Administration	\$11,985.23
The total contribution is	\$811,002,22

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

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

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

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A copy of the Section 7.11 Development Contributions Plan may be inspected at the Ryde Customer Service Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

Reason: To ensure the provision, extension or augmentation of the key community infrastructure identified in the Ryde Contributions Plan 2019 that will, or is likely to be required as a consequence of the development.

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

Reason: To ensure compliance with the *Environmental Planning and Assessment Regulation 2000*.

50. **Access for people with disabilities (residential).** Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided prior to the issue of any Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

51. **Adaptable units.** Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the nominated adaptable units nominated in the development application are designed as Class C Adaptable Housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing and a notice placed on the power box identifying these units as adaptable.

Note: Evidence from an appropriately qualified professional demonstrating compliance with this standard is to be submitted to and approved by the Certifier prior to the issue of any Construction Certificate.

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Reason: To ensure disabled access and amenity for future occupants of adaptable units.

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

Reason: To ensure the required storage areas as approved are provided within each unit.

53. **Crime Prevention through Environmental Design.** Prior to the issue of a Construction Certificate, an amended Crime Prevention through Environmental Design (CPTED) Assessment Report, prepared by a suitably qualified consultant is to be submitted to the Principal Certifying Authority in relating to the development as approved by Condition 1. Details of compliance with the report are to be submitted with the plans for **Construction Certificate**.

Reason: To ensure an updated CPTED is submitted in regards to the approved plans.

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

Reason: To ensure compliance with the Australian Standards.

55. **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**.

Reason: To ensure the structural integrity of the approved development.

56. **Security deposit** - The Council must be provided with security for the purposes of section 4.17 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 development involving the delivery of bricks and heavily machinery).

Reason: Statutory requirement.

57. **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

Reason: Statutory requirement.

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

Reason: Statutory requirement.

59. **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.

Reason: Statutory Requirement.

60. **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**.

Reason: To ensure the use of appropriate roofing material to minimise reflectivity and impacts upon amenity.

61. **Construction Noise Management Plan (Construction)** - A construction noise management plan must be prepared by a suitably qualified and experienced noise expert in accordance with the noise management levels in EPA's *Interim Construction Noise Guideline* and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- a) hours of construction
- b) Identification of nearby residences and other sensitive land uses.
- c) Assessment of expected noise impacts.
- d) Describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers
- e) Include strategies that have been developed with the community for managing high noise generating works.
- f) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.
- g) Include a complaints management system that would be implemented for the duration of the construction
- h) Include a program to monitor and report on the impacts and environmental performance of the development

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Reason: To ensure the amenity of surrounding properties is protected during construction works.

62. **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).

Reason: To ensure provision of services.

63. **Noise impact on residential building** - Prior to the issue of a Construction Certificate written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Council, stating that appropriate design and construction materials are to be utilised within the development to ensure compliance with the following noise criteria specified for managing the noise impact on **residential buildings** from rail corridors and/or busy roads:

- (a) In any bedroom in the building: 35dB(A) between 10pm – 7am
- (b) Anywhere else in the building (other than a garage, hallway, kitchen or bathroom: 40dB(A) at any time.

Reason: Compliance with relevant noise amenity criteria in Infrastructure SEPP.

64. **Construction of garbage rooms** - All garbage rooms must be constructed in accordance with the following requirements:

- a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
- b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;

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- c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
- d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
- e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
- f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
- g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
- h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
- i) The room must be provided with adequate artificial lighting; and
- j) A hose cock must be provided in or adjacent to the room to facilitate cleaning.
- k) Details demonstrating compliance with these provisions are to be shown on the Construction Certificate plans.

Reason: To ensure provision of adequate waste storage arrangements.

65. **Stormwater - Council Easements – Building Foundation Clearances Detailed Design** - The footings and foundations of all proposed structures adjacent to the existing Council pipeline must extend a minimum depth to the angle of repose to the invert level of the existing stormwater pipe, to ensure that no additional load will be placed on the {existing 1050 mm diameter Council stormwater pipe}.

The applicant shall submit detailed design drawings and certificates to Council for written acceptance, prior to the issue of a Construction Certificate. The Principal Certifying Authority shall be notified of Council's written acceptance.

The submission shall address the following:

- a) Council's existing 300 mm diameter pipeline through the development site must be physically located via non-destructive method, surveyed by a registered surveyor and shown on the final construction drawings (including amended survey, architectural and civil design plans).
- b) A minimum horizontal clearance of 1.0 m is to be provided from the outside edges of the existing stormwater pipe to the proposed structures. All setbacks of the proposed structures including eaves of roof from Council's drainage lines shall be shown on the plans submitted.

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- c) Detailed design drawings of the footings and foundations of the proposed structures shall be prepared by a suitably qualified Structural Engineer (registered on the NER of Engineers Australia), or equivalent.
- d) A Structural Engineer's design certificate shall be prepared confirming the building structure and its foundations are designed in such a way that no building loads are transmitted to the stormwater conduit and that the conduit can be repaired at any time without affecting the stability of the building structure or its foundations.

Reason: To ensure that no additional load will be placed on the existing 1050 mm diameter Council stormwater pipe.

66. **Stormwater - Council Drainage - Reflux Valve** - A design certificate from a suitably qualified Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng), or equivalent, shall be provided to the Principal Certifying Authority, prior to the issue of the Construction Certificate, confirming that the site drainage outlet pipe has been designed with a reflux valve in order to stop any backwater effect from Council's stormwater system for events up to the 1% AEP (100 year ARI).

Reason: To ensure effective stormwater management.

67. **Stormwater - Council Drainage - Pit Connection Details** - The proposed site drainage connection to the existing Council kerb inlet pit shall be made via a uPVC pipe. The site drainage connection pipe shall be cut flush with the internal wall of the pit and should enter the pit perpendicular to the pit wall.

Amended stormwater plans complying with this condition shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. The plans shall be prepared by a Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng).

Reason: To ensure effective stormwater management.

68. **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.

Reason: Statutory requirement.

69. **Stormwater - Drainage Design Submission** - Engineering drawings prepared by a Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng) 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:

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- a) A drainage system layout plan and structural details shall be drawn at a scale of 1:100, 1:200 or 1:250 and shall show the location of drainage pits and pipe and any other information necessary for the design and construction of the drainage system (i.e. utility services).
- b) A drainage system longitudinal section shall be drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and shall show the underground channel and pipe size, class and type, pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system (i.e. utility services).
- c) 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 BG&E P/L Drawing No. DA0000 to DA0204 (Project No. S20036, Revision 3, 11 June 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) The drainage system layout plan shall be documented on a detailed features survey plan that describes all existing structures, utility services, vegetation and other relevant features.
- f) New stormwater drainage pipes shall be located underneath the kerb & gutter alignment to facilitate future maintenance.
- g) Details of the connection to Council network, as per Council DCP, must be included in the Stormwater Management Plan.

Reason: To ensure effective stormwater management.

- 70. **Stormwater - Council Drainage Works – Bond** - To ensure satisfactory performance of the excavation, laying of pipes, back filling, disposal of excess soil and restoration including new kerb and gutter works, a maintenance period of twelve (12) months shall apply to the trunk drainage works following completion of the development.

The maintenance period shall commence from the date of issue by Council, of the Compliance Certificate for the Council Drainage 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’ maintenance period. Any defects identified during the maintenance period shall be rectified at their cost within a period of thirty (30) days after notification from Council. The details of the defects and repairs shall be documented and certified by a suitably qualified Civil Engineer (registered on the NER of Engineers Australia), or equivalent.

A bond in the form of a cash deposit or Bank Guarantee of \$75,000 shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met.

Council engineers from the City Works Directorate shall be notified in writing three (3) months prior to the expiry of the maintenance period for the inspection of the

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trunk drainage works and restored areas. Details and certifications of the defects and repairs shall be provided to Council's City Works Directorate at this notification. The inspection shall be jointly conducted between Council engineers and the applicant's site engineers.

Notifications and inspections may be arranged by telephoning Council's Customer Service Section on 9952 8222 during office hours. A minimum of five (5) working days' notice shall be given to Council to inspect the works.

The bond will only be refunded when the works are determined to be satisfactory to Council, in writing, after the expiry of the twelve (12) months maintenance period.

Reason: To ensure satisfactory performance of the excavation, laying of pipes, back filling, disposal of excess soil and restoration including new kerb and gutter works.

71. **Swept paths.** 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 prior to the issue of a Construction Certificate for approval, which shows that the proposed development complies with this requirement.

Reason: To satisfy Transport for NSW conditional requirements.

72. **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) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans to be prepared for the Construction Certificate must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.
- b) To ensure that service vehicles have sufficient headroom clearance when accessing loading bay areas, a profile must be produced along the vehicle path of travel for all service vehicles. The plan must detail all levels and overhead clearances (allowing for services) along the vehicle path of travel from the vehicle entry at the boundary to the loading bay area and must demonstrate that the required overhead clearance (SRV – 3.5m / MRV & HRV – 4.5m) is achieved along this path.
- c) The internal ramp must have a centreline marked to facilitate the demarcation of conflicting traffic flows on the ramp.

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- d) The nominated turning bar area on lower ground floor level must be clearly linemarked as a turning bay area, ensuring the space is treated alternatively to the other parking spaces so as to prevent visitors inadvertently parking in this location.

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

Reason: To ensure compliance with the Australian Standard

73. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to Pearson Street, generally in accordance with the plans by B G & E Consulting Engineers (Refer to Project No. S20036 Dwgs DA-0000, DA-0200 - DA-0204, DA-0300 & DA-0301 Rev A dated 11 June 2021) subject to any variations marked in red on the approved plans or noted following:

- The pump – sump storage is to be enlarged to comply with Council’s DCP requirements for such systems. Refer to the condition “*Stormwater Management – Pump System.*”
- A surface inlet pit shall be located at the base of the easement so as to facilitate access to the drainage service at the base of the easement. The pit may be located just upstream of the waste bin storage area on 2 Pearson Street so as to avoid contaminates entering the system.
- Connection to the public drainage infrastructure will require the approval of Council’s City Works (Stormwater) Department. Any conditions associated with this approval must be noted on the plans.

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

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council’s DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- The subsurface drainage system must be designed to preserve the pre-developed groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid long term impacts related to the support of structures on neighbouring properties.

Reason: To ensure effective stormwater management.

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74. **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.

Reason: To ensure effective stormwater management.

75. **Construction near Public Drainage Easement on Lot.** To ensure the development will not jeopardise any potential access to the adjacent drainage easement, all footings for structures adjacent the easement shall be extended no less than 2m below the finished ground level when adjoining the easement or for structures offset from the easement, an equivalent zone of influence assuming a pipe foundation depth of 1.5m. To demonstrate compliance with this requirement, cross section details prepared by a suitably qualified engineer, showing the new footing and the easement corridor and the resulting zone of influence are to be depicted on the structural plans submitted with the application for a Construction Certificate.

Reason: To ensure the development will not jeopardise any potential access to the adjacent drainage easement.

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

This engineer is to prepare the following documentation:

- a) Certification that the civil and structural details of all subsurface structures are designed to;
- provide appropriate support and retention to neighbouring property,
 - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation)

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sufficient to cause an adverse impact to adjoining property or public infrastructure, and,

- ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.

b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;

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

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

Reason: To ensure there are no adverse impacts arising from excavation works.

77. **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:

- 120 Victoria Road
- 2, 4 and 6 Pearson Street

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

Reason: To ensure there is documented evidence of the adjoining structures prior to the commencement of works.

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

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

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

Reason: To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts.

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

- Existing and final contours
- The location of all earthworks, including roads, areas of cut and fill
- Location of all impervious areas
- Location and design criteria of erosion and sediment control structures,
- Location and description of existing vegetation
- Site access point/s and means of limiting material leaving the site
- Location of proposed vegetated buffer strips
- Location of critical areas (drainage lines, water bodies and unstable slopes)
- Location of stockpiles
- Means of diversion of uncontaminated upper catchment around disturbed areas
- Procedures for maintenance of erosion and sediment controls
- Details for any staging of works
- Details and procedures for dust control.

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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.

Reason: Protection of the environment.

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

- a. Advice being provided to the relevant Public Utility Authorities of the proposed anchoring, including confirmation that their requirements are being met.
- b. the payment of all fees in accordance with Council's Schedule of Fees & Charges at the time of the issue of the approval, and
- c. the provision of a copy of the Public Liability insurance cover of not less than \$20million with Council's interest noted on the policy. The policy shall remain valid until the de-commissioning of the ground anchors.

Reason: To ensure the required approvals are obtained prior to the use of grounds anchors.

81. **Public domain improvements** - The public domain is to be upgraded in Victoria Road frontage of the development site in accordance with the City of Ryde Public Domain Technical Manual Chapter 2 – Gladesville. The work is to include paving, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council, prior to the issue of any Occupation Certificate.

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

- (a) Footpath paving as specified in the condition of consent for public infrastructure works.
- (b) Street trees to be provided in accordance with the Gladesville Tree Master Plan. The designated species are "Platanus acerifolia" (London Plane tree) for Victoria Road– Refer to Open Space Planning team for exact wording required by them.

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

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- (c) All telecommunication and utility services are to be placed underground along the Victoria 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.
- (d) 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.

Reason: To ensure the required public domain works are designed in accordance with Council's requirements.

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

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

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns and other relevant details for the new works and demonstrate the smooth connection to the existing kerb, gutter, footpath and road.

- (a) The removal of all redundant vehicular crossings and replacement with new kerb and gutter, and the adjacent road pavement reconstruction in accordance with TFNSW requirements.
- (b) The construction of new kerb and gutter along the Victoria Road 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 Victoria Road.
- (c) Construction of grey granite footway (Paving Type 2), along the Victoria Road frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Chapter 2 - Gladesville.
- (d) Construction of 2 meter grey granite footway within the property boundary frontage, an expansion joint (220mm deep) must be provided along the front boundary line.
- (e) Stormwater drainage installations in the public domain in accordance with the DA approved plans.

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- (f) Staging of the public civil works, if any, and transitions between the stages.
- (g) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

Notes:

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

Reason: To ensure the required public domain works are designed in accordance with Council's requirements.

83. **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 constructed at right angle to the alignment of the kerb and gutter, and located no

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closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

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

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

Reason: To ensure the required vehicular access works are designed in accordance with Council's requirements.

84. **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 dedication of the roads as public roads. The defects liability period shall commence from the date of issue by Council, of the Compliance Certificate for the Public Infrastructure Works. The builder/civil contractor shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period. A bond in the form of a cash deposit or Bank Guarantee of \$50,000 shall be lodged with the City of Ryde prior to the issue of any Construction Certificate for each stage of the development site, 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.

Reason: To ensure satisfactory performance of the public domain works, a defects liability

85. **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.

Reason: Statutory requirement.

86. **Construction Pedestrian and Traffic Management Plan.** A Construction Pedestrian and Traffic Management Plan (CPTMP) and report shall be prepared by a suitably qualified traffic engineering consultant and submitted to and approved by Council's Transport Department prior to issue of any Construction Certificate.

Due to heavy traffic congestion along Victoria Road during peak commuter periods, truck movements will be minimised during major commuter peak times being 7.00am

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- 9.00am and 4.00pm - 6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CPTMP.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's Schedule of Fees and Charges with payment to be made prior to receipt of approval from Council's Transport Department for the CPTMP.

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

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- iii. Make provision for parking onsite once the basement level parking is constructed. All Staff and Contractors are to use the basement parking once available.
- iv. Specify the number of truck movements to and from the site associated with the construction works. Temporary truck standing/ queuing in a public roadway/ domain in the vicinity of the site are not permitted unless approved by City Works Directorate.
- v. Include Traffic Control Plan(s) prepared by a SafeWork NSW accredited designer for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.
- vi. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- vii. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- viii. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- ix. Take into consideration the combined construction activities of other development(s) and/or roadworks in the surrounding area. To this end, the consultant preparing the CPTMP must engage and consult with relevant stakeholders undertaking such works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- x. Specify spoil management process and facilities to be used on site.
- xi. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xii. Comply with relevant sections of the following documents:
 - The Australian Standard *Manual of Uniform Traffic Control Devices* (AS1742.3-2019);
 - TfNSW' *Traffic Control at Work Sites* technical manual; and

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- Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

Reason: To ensure appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

87. Waste and Service Vehicle Access. Access to the on-site loading bay area including ramp grades, transitions and height clearance shall be designed for safe forward in and forward out access of Council's 10.8m long waste vehicle, as a minimum requirement. The minimum height clearance required is 4.5m, measured from the floor level to the lowest point of any overhead structures/service provisions such as pipes.

Plans showing the ramp grades, transitions and height clearance and swept path diagrams of Council's 10.8m long waste vehicle shall be submitted to and approved by Council's Transport Department prior to the issue of the Construction Certificate. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.

Reason: To ensure appropriate management of waste and service vehicles.

88. Any changes to the Waste Management Plan dated 10 September 2020 or DA 2.04A, DA2.03-09 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.

Reason: To ensure consistency with the approved plans.

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

- 660L Bins – width 1.3m, depth 0.8m, height 1.3m
- 240L Bins – width 600mm, depth 800mm, height 1100mm

Reason: To ensure waste storage rooms are appropriately sized.

90. Required waste receptacles. The proposal shall provide the following:

- 2 x 660L & 1 x 1100L waste bins serviced 3 times per week. An additional 660L waste bin will be provided to go under the chute during collection
- 4 x 660L recycle bins serviced 2 times per week.
- 2 x 240L waste bins will be supplied for the bin cupboards on the ground and lower ground floors and emptied into the 660L bins for servicing
- 7 x 240L recycle bins for the recycle cupboard on each floor which will be decanted into the 660L recycling bins for servicing

The garbage/recycling room and bulky waste room are located adjacent to the loading dock for ease of access for servicing.

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91. **Universal and accessible housing.** Prior to the issue of a Construction Certificate, evidence from an appropriately qualified Liveable Housing Accredited Assessor/Access consultant is to be submitted to and approved by the Senior Co-ordinator Development Assessment, demonstrating compliance with the following requirements:

(a) Silver Level Housing

20% of units are designed to Silver Level under the *Liveable Housing Design Guidelines*.

(b) Visitable dwellings

At least 70% of units are a visitable housing unit as defined in AS 4299-1995 Adaptable Housing.

Reason: To ensure apartments accommodate a variety of lifestyle needs.

92. **Design and construction of mechanical ventilation.** Prior to the issue of the Construction Certificate plans and specification complying with the requirements of the National Construction Code Volume 1 Part F4 and the Australian Standard 1668 parts 1 and 2- The use of ventilation and air conditioning in buildings- Fire and smoke control in buildings shall be submitted to and approved by the Principle Certifying Authority.

Reason: To ensure compliance with the relevant standards.

93. **Location of plant (residential flat buildings).** Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement (except for the air conditioning equipment approved to be located elsewhere).

Note: Architectural plans identifying the location of all plant and equipment shall be provided to the Certifier prior to the issue of any Construction Certificate.

Reason: To ensure equipment is consistent with the approved location.

94. **Compliance with BASIX Certificate.** Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that all commitments listed in approved BASIX Certificate (referred to under Condition 4) have been complied with.

Reason: To ensure consistency with the approved BASIX Certificate.

95. **Certification of external materials, colours and finishes.** The Certifier shall not issue any Construction Certificate unless the external materials, colours and finishes specified in the Construction Certificate application are consistent with the approved plans and documents referred to in Condition No. 1 of the Development Consent.

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Reason: To ensure consistency with the approved façade details and materials as considered as part of the development assessment.

96. Larger Canopy Replacement Trees (Rear of Site) The rear communal open space area is to include a minimum of one (1) additional canopy tree, capable of reaching a minimum mature height of 15m and planted at a minimum 75 litre pot size.

Reason: To improve amenity, canopy cover and fauna habitat to offset removal of existing trees.

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.

97. 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.

Reason: Statutory requirement.

98. Excavation adjacent to adjoining land

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

Reason: To ensure notice to given to adjoining owners prior to excavation works.

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99. **Safety fencing** - The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

Reason: To ensure to site is safely secured.

100. **Stormwater - Pre-Construction CCTV Report** - To ensure Council's stormwater infrastructures are adequately protected, a pre-construction CCTV report on the existing stormwater pipeline and the existing kerb lintel pit in the vicinity of the proposed development is to be submitted to Council prior to the commencement of any construction works.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing drainage line adjacent to the site is required. This report shall include the date of CCTV inspection and shall be submitted to Council's City Works Directorate for approval prior to commencement of any works.

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

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

Reason: To ensure Council's stormwater infrastructures are adequately protected.

101. **Stormwater - Council Drainage - Structural Adequacy** - Council stormwater pits which are being connected into shall be surveyed and confirmed to be capable as being structurally adequate for receiving the upstream connection from the development and satisfy durability requirements. If it is deemed appropriate to replace the pit, kerb inlet pits shall be cast in-situ and conforming to Council's standard drainage pit details.

A certificate from a suitably qualified Structural Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Principal Certifying Authority, prior to the commencement of any works, certifying compliance with this condition.

Reason: To ensure the structural adequacy of the stormwater pit prior to commencement of works.

102. **Notice of Intention to Commence Council Drainage Works** - Prior to commencement of the Council drainage works, Council's City Works Directorate shall be notified for written acceptance.

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

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Reason: To ensure Council is notified prior to the commencement of works.

103. **Notification to adjacent properties – Council Drainage Works** - The Applicant shall provide the adjoining owners and occupiers written notice of the proposed Council drainage works minimum two weeks prior to commencement of construction. The notice is to include a contact person name and number should adjoining owners and occupiers have any enquiries in relation to the construction works.

All structures and surface areas affected by the drainage connection works must be reinstated at the completion of this activity, at no cost to the affected property owner.

Reason: To ensure Council is notified prior to the commencement of works.

104. **Work Zones and Permits.** Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane.

Reason: To ensure that appropriate measures have been made for the operation of the site during the construction phase.

105. **Road Occupancy Licence.** Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows on a State Road (e.g. Victoria Road) and/or within 100m of a signalised intersection.

Reason: To ensure that appropriate measures have been made for the operation of the site during the construction phase.

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

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

Reason: To ensure Council is notified prior to the commencement of works.

107. **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.

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Reason: To ensure neighbours are notified prior to the commencement of works.

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

Reason: To ensure an inspection is undertaken prior to commencement of work.

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

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

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

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

Reason: To ensure a dilapidation report is undertaken prior to commencement of work.

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

- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
- b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles

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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.

Reason: To ensure the required approvals are obtained prior to the commencement of work.

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

Reason: To ensure pedestrian access along Victoria Road is maintained during works.

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112. **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.

Reason: To ensure the required approval from the Traffic Committee is obtained.

113. **Notice of proposed work (contaminated land)**. A notice of commencement must be provided to Council's Development Assessment Officer, in accordance with SEPP 55, Clause 16. Note: At least 30 days notice is required, except in the case of work required to be carried out immediately under the terms of remediation order (in which case, at least 24 hours notice is required).

SEPP 55, Clause 16 requires that the notice must:

- be in writing
 - provide the name, address and telephone number of the person who has the duty of ensuring that the notice is given
- briefly describe the remediation work
 - show why the person considers that the work is category 2 remediation work by reference to Clause 9, 14 and (if it applies) 15(1)
 - specify, by reference to its property description and street address (if any), the land on which the work is to be carried out
 - provide a map of the location of the land
 - provide estimates of the dates for the commencement and completion of the work

The following additional information must be submitted with the notice to Council:

- copies of any preliminary investigation, detailed investigation and remediation action plan for the site
- contact details for the remediation contractor and any other party responsible for ensuring compliance of remediation work with regulatory requirements.

Reason: To ensure the required notice of commencement is provided to Council.

114. **Asbestos (hazardous management strategy)** - The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

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Reason: To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

DURING CONSTRUCTION

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

115. **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 of the *Environmental Planning and Assessment Regulation 2000*. (Note: this condition does not relate to the staging of construction certificates or occupation certificates).

Reason: Statutory requirement.

116. **Noise from construction work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from construction work.

Reason: To ensure protection of residential amenity during works.

117. **Noise management plan** - Where demolition or construction activities are likely to cause significant noise or vibration (eg. jackhammering ,rock breaking or impact piling) a noise management plan must be prepared by a suitably qualified acoustical consultant and be submitted to the Principal Certifying Authority before the work commences. The plan must be prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009) and include:

- (a) Identification of nearby affected residences or other sensitive receivers.
- (b) An assessment of the expected noise impacts.
- (c) Details of the work practices required to minimise noise impacts.
- (d) Noise monitoring procedures.
- (e) Procedures for notifying nearby affected residents.
- (f) Complaints management procedures.

Reason: To ensure protection of residential amenity during works.

118. **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.

Reason: To ensure all works are located on the subject site.

119. **Use of fill/excavated material** - Excavated material must not be reused on the property except as follows:

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- (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.

Reason: To protect the environment.

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

Reason: To protect the environment and the amenity of surrounding properties.

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

Reason: To ensure safety and amenity of the area.

122. **Site Facilities**

The following facilities must be provided on the site:

- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

Reason: Statutory requirement.

123. **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.

Reason: To ensure the site is appropriately maintained.

124. **Contaminated soil disposal** - All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) before being transported from the site.

Reason: To ensure appropriate disposal of contaminated soil.

125. **Contaminated waste to licensed EPA landfill** - Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

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Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

126. **Waste data maintained** - A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

Reason: To confirm waste minimisation objectives are met.

127. **Storage and removal of wastes** - All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals.

Reason: To prevent any nuisance or danger to health, safety or the environment.

128. **Hazardous/intractable waste disposal** - Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the EPA, and with the provisions of:

(a) Work Health and Safety Act 2011

(b) NSW Protection Of the Environment Operations Act 1997 (NSW) and

(c) NSW Department of Environment and Climate Change Environmental Guidelines; NSW EPA Waste Classification Guidelines

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

129. **General requirements for liquid and solid waste** - Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999). NSW EPA Waste Classification Guidelines

Reason: To prevent pollution of the environment.

130. **Polluted water excavation - analysis before discharge** - Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and Australian & New Zealand Guidelines for Fresh & Marine Water Quality Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

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Reason: To prevent pollution of waterways.

131. **De-watering of Excavated Sites** - Any site excavation areas must always be kept free of accumulated water. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate.

Reason: To protect against subsidence, erosion and other nuisances.

132. **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.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

133. **Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

Reason: To ensure trucks minimise sediment on the roadway.

134. **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 B G & E Consulting Engineers (Refer to Project No. S20036 Dwgs DA-0000, DA-0200 - DA-0204, DA-0300 & DA-0301 Rev A dated 11 June 2021) submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.

Reason: To ensure effective stormwater management system is constructed.

135. **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.

Reason: Protection of the environment.

136. **Stormwater Management – Works in the New Drainage Easement.** To ensure there is minimal imposition and loss of amenity to the owner/ occupants of the property burdened by the new drainage easement in construction of these drainage services, the builder/ developer must:

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- (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.

Reason: To ensure there is minimal imposition and loss of amenity to the owner/ occupants of the property burdened by the new drainage easement in construction of these drainage services.

137. **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.

Reason: To ensure the excavation works are undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP).

138. **Site Dewatering Plan – Implementation.** The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Construction Certificate version of the SDP submitted in compliance to the condition labelled “Site Dewatering Plan.”, the requirements of Council in regards to disposal of water to the public drainage infrastructure and the requirements of any Dewatering License issued under NSW Water Act 1912 in association with the works. A copy of the SDP is to be kept on site at all times whilst dewatering operations are carried out.

Reason: To ensure works are undertaken in accordance with the Site Dewatering Plan (SDP)

139. The proposed internal traffic light system is to be designed and positioned so that it is not visible by motorists on Victoria Road. Priority should be given to vehicles entering the site.

Reason: To satisfy Transport for NSW conditional requirements.

140. **Vehicle ingress and egress and contained within 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. All demolition and construction vehicles are to be

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contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Victoria Road.

Reason: To satisfy Transport for NSW conditional requirements.

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

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

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

Reason: To ensure inspections are undertaken and documented.

142. **Stormwater - Hold Points during construction – Council Drainage Works** – Council requires inspections to be undertaken by a suitably qualified Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng), or equivalent, for all Council stormwater drainage works.

The Applicant shall submit to the Principal Certifying Authority, certification from the Engineer, at each stage of the inspection listed below, stating all civil and structural construction works have been executed as detailed in the stamped approved plans, and in accordance with the relevant Australian Standards, City of Ryde standards and specifications within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

- a) Upon connection to Council's existing kerb inlet pit.

Reason: To ensure inspections are undertaken and documented.

143. **Stormwater - Council Drainage Works - Council Construction Inspection** — Joint inspections shall be undertaken with Council's Engineer and the Site Engineer to confirm the construction for the stormwater drainage is to Council's satisfaction

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The scope and number of inspections required shall be discussed and mutually agreed with Council's Engineer at the construction commencement stage. Council shall be given a minimum 7 days' notice prior to the commencement of drainage Construction works.

Inspections shall typically occur at the following hold points:

- (a) Upon installation of pipeline in the trench and installation of other drainage structures, prior to backfilling.
- (b) Upon backfilling of excavated areas and prior to the construction of the final pavement surface.

Further work is not to proceed until the works are inspected and accepted by Council in writing.

Note: An inspection fee is applicable for each visit, and at least 48 hours' notice will be required for the inspections. Please contact Council's Customer Service Section on 9952 8222 to book an inspection subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

Reason: To ensure Council is present at the required inspections.

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

Reason: To the approved CPTMP is implemented and provides for the safety of people.

145. 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.

Reason: To ensure waste disposal is documented.

146. Site Management. 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.

Reason: To reduce the incidence of illegal dumping and management of litter from the site

147. Dust Control - Adequate dust control methods must be implemented to prevent the escape of dust from the site during demolition and construction this may include:

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- Physical barriers being placed around the site and other dust sources to prevent wind or work activities from generating dust.
- Watering areas of exposed soil during dry windy weather.
- Covering or watering stockpiles during dry windy weather.
- Watering the work area or use of fog cannons during excavation work.
- Stopping excavation work during periods of high winds if dust emissions cannot be prevented.
- Watering haul roads during dry weather.
- Ensuring that all excavated materials transported from the site are covered.
- Re-stabilisation of disturbed areas as soon practicable after work is completed.

Reason: To ensure the amenity of surrounding properties is protected during works.

148. **Construction Noise Control** - All noise from construction work must comply with the Interim Construction Noise Guideline (DECC, 2009) and AS2436-2010 *“Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites”* and AS2436-2010 *“Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites”* this may include:

- Identification of nearby affected residences or other sensitive receivers.
- An assessment of the expected noise impacts.
- Details of the work practices required to minimise noise impacts.
- Noise monitoring procedures.
- Procedures for notifying nearby affected residents or businesses.
- Complaints management procedures.

Reason: To ensure the amenity of surrounding properties is protected during works.

149. **Tree Retention.** The following trees as referenced within the Arboricultural Impact Assessment prepared by Lee Hancock dated 10th September 2020 must be retained and protected: Tree 10

Reason: To ensure all trees nominated for retention on the approved plan are appropriately retained and protected.

150. **Tree Removal.** The following trees and groups of trees as referenced within the Arboricultural Impact Assessment prepared by Lee Hancock dated 10th September 2020 are approved for removal: Trees 1, 2, 3, 4, 5, 6, 7, 8, 9, 11 & 'Privet/Camphor Laurel Hedge'

Reason: To facilitate the proposed construction works.

151. **Tree Protection.** All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site.

Reason: To ensure suitable tree protection is in place prior to the commencement of any demolition works.

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152. Tree Protection Fencing. All protective fencing and signage around TPZs must be located in accordance with AS4970: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.

Reason: To provide suitable protection fencing for trees nominated for retention.

153. Project Arborist. A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites and the Arboricultural Impact Assessment prepared by Lee Hancock dated 10th September 2020. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.

Reason: To ensure a suitably qualified Arborist is appointed and made responsible for the protection of trees.

154. Stormwater Trench/Pit Locations - General. The alignment of storm water infrastructure is to be located as far away from existing trees to be retained as practical. Should the excavation for the storm water pits and trenches conflict with any major structural roots (greater than >25 mm diameter) of existing trees, their location and alignment is to be modified in consultation with the Project Arborist to avoid impact. Under no circumstances should roots be severed or cut without prior approval from the Project Arborist.

Reason: To ensure excavation works associated with storm water infrastructure do not result in damage to existing tree roots.

155. Underground Utilities. Any utility services to be located underground within the TPZ are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >25mm diameter). To prevent soil compaction and root damage these works should be conducted with non-motorised hand tools or directional drilling.

Reason: To ensure excavation works associated with services installation do not result in damage to existing tree roots.

156. Excavation within TPZ. Any excavation or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual, non-motorised hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.

Reason: To ensure all excavation works do not result in damage to existing tree roots.

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157. **Fill Requirements.** All fill to be placed within the Tree Protection Zones is to be gap graded structural soils which allows for gaseous exchange and future root growth. The Project Arborist is to confirm suitability of the proposed material prior to installation.

Reason: To ensure any fill to be placed within root zones is of a suitable type to minimise impacts to existing trees.

158. **Root Pruning.** Where root pruning is required, roots shall be severed with clean, sharp pruning implements and retained in a moist condition during the construction phase using hessian material or mulch where practical. Severed roots shall be treated with a suitable root growth hormone.

Reason: To reduce the stress and negative impacts caused by any root pruning required for construction.

159. **Spill clean-up equipment** - Sufficient supplies of appropriate absorbent materials and /or other spill clean-up equipment shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods only.

Reason: To ensure that any liquid spills can be contained on site and prevent the contamination of stormwater drains.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

160. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 1132238M_02 dated 18 June 2021.

Reason: Statutory requirement.

161. **Landscaping** - All landscaping works approved by this consent are to be completed prior to the issue of any **Occupation Certificate** for each stage.

Reason: To ensure that the landscape works are consistent with the Development Consent.

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162. **Sydney Water – Section 73** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application, a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

Reason: Statutory requirement.

163. **Design Verification.** Prior to an **Occupation Certificate** being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential flat development achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard to the design quality principles set out in Schedule 1 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154A of the *Environmental Planning and Assessment Regulations 2000*.

Reason: Statutory requirement.

164. **Compliance with BCA.** The principal certifying authority is to ensure compliance with the national building code of Australia and BCA performance-based documentation whereby compliance achieved by satisfying the deemed to satisfy requirements or by formulation an alternative solution to address the relevant performance requirements.

Reason: Statutory requirement.

165. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report (**Condition 77**). 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**.

Reason: To ensure there is a record of neighbouring sites and infrastructure after the completion of construction.

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166. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

Reason: To ensure consistency with Council's requirements for street numbering.

167. **Clotheslines and clothes dryers.** Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the units either have access to an external clothes line located in common open space or will have a mechanical clothes dryer installed.

Reason: To ensure all apartments have access to an external drying area.

168. **Mechanical ventilation.** Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifying Authority shall be satisfied of the following prior to the issue of any Occupation Certificate:

a) The installation and performance of the mechanical systems complies with:

- The Building Code of Australia
- Australian Standard AS1668
- Australian Standard AS3666 where applicable

b) The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.

Note: Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure mechanical systems comply with relevant standards.

169. **Mechanical noise control.** Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the mechanical ventilation systems and other plant, including but not limited to air conditioners, car park and garbage room exhaust, roller shutter doors and lifts when in operation either as an individual piece of equipment or in combination with other equipment will not exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day and shall not exceed the background level at night (10.00pm – 7.00am) when measured at the boundary of the nearest potentially affected residential occupancies. The background (LA90, 15 min) level is to be determined without the source noise present. Written confirmation

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from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifier.

Reason: To ensure noise emission complies with relevant standards.

170. **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.

Reason: To ensure stormwater works are constructed in accordance with requirements.

171. **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.

Reason: 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).

172. **Drainage System Maintenance Plan.** A drainage system maintenance plan (DSMP) must be prepared for implementation for the ongoing life of the development.

The DSMP must contain the following:

- (a) All matters listed in Section 1.4.9 of the DCP Part 8.2 (Stormwater and Floodplain Management – Technical Manual).
- (b) The DSMP is to incorporate a master schedule and plan identifying the location of all stormwater components crucial to the efficient operation of the trunk drainage system on the development lot. This is to include (but not be limited to) pump/sump systems, WSUD components and all onsite detention systems. The master plan is also to contain the maintenance schedule for each component.
- (c) The DSMP is also to include safe work method statements relating to access and maintenance of each component in the maintenance schedule.

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- (d) Signage is to be placed in vicinity of each component, identifying the component to as it is referred in the DSMP (eg. OSD – 1), the reference to the maintenance work method statement and maintenance routine schedule.
- (e) Designate areas inside the property in which the maintenance operation is to be undertaken for each component. Maintenance from the road reserve or public domain is not accepted. Areas are to be demarcated if required.
- (f) Locate a storage area for maintenance components / tools to be stored on site. The location is to be recorded in the DSMP.

The DSMP is to be prepared by a suitably qualified and practising drainage engineer in co-operation with a workplace safety officer (or similar qualified personal) and all signage / linemarkings are to be implemented prior to the issue of any Occupation Certificate.

Reason: To ensure the approved onsite detention system and WSUD measures function as designed for the ongoing life of the development.

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

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council’s DCP 2014 Part 9.3 (Parking Controls).
- b) Confirming that the constructed interallotment drainage system complies with the construction plan requirements and the Council’s DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- c) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council’s DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- d) 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.
- e) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council’s DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- f) Confirming that the footings adjacent to public drainage easements are founded in accordance with the condition “*Construction Near Public Drainage Easement on Lot.*”.

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- 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 structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
- i) 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.
- j) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council’s satisfaction.

Reason: To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards.

174. **Parking Area Linemarking and Signage.** 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.

Reason: 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.

175. **Loading Dock Management Plan.** A Loading Dock Management Plan shall be prepared by a suitably qualified traffic engineering consultant and submitted to Council’s Transport Department for review, prior to the issue of any Occupation Certificate. The Plan will need to demonstrate how the internal loading dock will be managed to ensure that there will be only one vehicle entering and exiting the loading dock access in any period and how safe servicing arrangements including waste collection will be undertaken without interrupting general traffic within Victoria Road. Vehicle queuing onto Victoria Road is not permitted.

Reason: To ensure that there will be only one vehicle entering and exiting the loading dock access in any period to ensure a safe servicing arrangement.

176. **Signage and Linemarking - Internal.** A plan detailing the signage & linemarking and/or other traffic control devices (e.g. “TRUCKS (CROSSING OR ENTERING)” sign(s), convex mirror(s), etc.), centreline marking etc. proposed within the internal roadway, basement car parking levels and loading dock area shall be prepared by a

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suitably qualified person and submitted to and approved by the Principal Certifying Authority prior to the issue of any Occupation Certification.

Reason: To ensure the safe and efficient circulation of traffic and access to parking.

177. **Signage and Linemarking (Internal) – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by the Principal Certifying Authority. These works are to be undertaken prior to the issue of any Occupation Certificate.

Reason: To ensure the safe and efficient circulation of traffic and access to parking is implemented.

178. **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.

To ensure the safe and efficient circulation of traffic and access to parking.

179. **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.

Reason: To ensure the safe and efficient circulation of traffic and access to parking is implemented.

180. **Public Access and Right of Way.** Prior to the issue of any Occupation Certificate, a Right of Way (ROW) shall be created over the 2metre footpath inside the property boundary in favour of Council for public access. Terms regarding the creation of the ROW are to be submitted to and approved by Council prior to the lodgement at the Lands and Property Information Office. Evidence regarding effective registration of the ROW shall be submitted to Council and the PCA prior to the issue of the Occupation Certificate.

The terms of the Right of Way must ensure that:

- a. The 2 metre footpath inside the property boundary is accessible at all times to the Public;
- b. The 2 metre footpath inside the property boundary will be adequately maintained by the occupier/ owner of the site at all times;
- c. The Council is the only authority empowered to release, vary or modify the terms of the Public Access.

Reason: To ensure legal entitlement for the use of the footpath within the property.

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

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

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

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

Reason: To ensure maintenance and repairs of the site and public liability insurance.

182. **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.

Reason: To ensure vehicle access is constructed at the completion of the development.

183. **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.

Reason: To ensure the cross and gutter has been constructed in accordance with Council's requirements.

184. **Public Domain Improvements and Infrastructure Works – Completion** – All public domain improvements and infrastructure works shall be completed to Council's

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satisfaction, in accordance with the approved public domain plans and at no cost to the Council, prior to the issue of any Occupation Certificate.

Reason: To ensure public domain works have been constructed in accordance with the approval.

185. 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.

Reason: To ensure public domain works have been constructed in accordance with Council’s controls.

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

Reason: To ensure street lighting been constructed in accordance with the Ausgrid approval.

187. 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.

Reason: To ensure landscaping works have been provided in accordance with Council requirements.

188. 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

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list shall include all the relevant quantities in order to facilitate the registration of the assets in Council's Asset Registers.

Reason: To ensure the public infrastructure works are completed in accordance with the approved plans and specifications.

189. 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.

Reason: To ensure all works are contained with the site and do not encroach within neighbouring properties.

190. 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.

Reason: To ensure the public domain works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

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

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

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

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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.

Reason: To ensure Council's infrastructures are adequately protected and a post-construction dilapidation report on the existing public infrastructure is submitted.

192. Decommissioning of Ground Anchors – Prior to the issue of any Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.

Reason: To ensure ground anchors are decommissioned.

193. 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.

Reason: To ensure the public infrastructure assets are inspection prior to completion.

194. 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.

Reason: To ensure 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 are completed to Council's satisfaction and in accordance with the Council approved drawings.

195. 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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Reason: To ensure public domain works have been constructed in accordance with Council's controls and specifications.

196. **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.

Reason: To ensure public domain works have been constructed in accordance with Council's controls and specifications.

197. **Stormwater - Council Drainage Works – Post Construction Certifications** - Following completion of the final stage of the drainage and associated works and prior to the issue of the Occupation Certificate, the applicant shall submit all certifications from the Supervising Engineer for each hold point inspection required for the drainage works, as outlined in the condition for "Stormwater - Hold Points during construction – Council Drainage Works", to Council's City Works Directorate for written acceptance.

The certificates shall contain photographs of the completed works and commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

Reason: To ensure the protection of public drainage asset.

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

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

Reason: To ensure the public infrastructure works are completed in accordance with the approved plans.

199. **Stormwater - Post-Construction CCTV Report** - To ensure Council's stormwater infrastructures are adequately protected, there are no damages and no protruding pipe

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inside Council's pipeline due to proposed construction activities and property drainage connection, a post-construction CCTV report on the Council's stormwater pipeline through the proposed development site and the existing kerb inlet pit in front of the property is to be submitted to Council.

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

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

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

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

Reason: To ensure Council's stormwater infrastructures are adequately protected

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

Note: An inspection fee is applicable for each visit, and at least 48 hours' notice will be required for the inspections. Please contact Council's Customer Service Section on 9952 8222 to book an inspection subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

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

Reason: To ensure the handover of the trunk drainage assets to Council

201. **Compliance Certificate – Council Drainage Works** – Prior to the issue of any Occupation Certificate, a compliance certificate shall be obtained from Council's City Works Directorate confirming that all Council drainage and associated restoration works have been completed to Council's satisfaction and in accordance with the Council approved drawings.

Note: 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.

Reason: To ensure compliance certificate is issued by Council.

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202. **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 DCP (2014) Part 8.5 Public Civil Works, or the Roads and Maritime Services’ standards and specifications, where applicable.

Reason: To ensure certification of works is undertaken and submitted.

203. **Accessibility.** Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 – 2009 and the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

204. **Silver and platinum units.** Prior to the issue of an Occupation Certificate, an accredited Liveable Housing Australia assessor shall certify that:

Apartments identified as Silver - comply with the Silver Level requirements of the Liveable Housing Australia Liveable Housing Guidelines and as detailed on the Construction Certificate plans.

An accredited Liveable Housing Australia assessor shall certify that the development achieves compliance with the requirements of each standard within the Liveable Housing Guidelines and the certification shall be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure the required liveable housing has been provided and constructed.

205. **Access for waste collection.** An authorised Council traffic engineer or waste officer is to ensure that the development can be accessed and serviced by the nominated waste collection vehicle in accordance with the Waste Management plan providing safe easy access to service the waste containers. Suitable arrangements must be made with the City of Ryde Council for the provision of garbage services to the premises. Approval must be provided by City of Ryde Council prior to the issue of the Occupation Certificate.

Reason: To ensure access is provided for waste vehicles.

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206. **Positive Covenant - Onsite Waste Collection.** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), ensuring that future owners provide and maintain the access driveway and loading bay accommodating waste collection services undertaken by Council. The terms of the instrument are to be generally in accordance with Council's current standard terms (available from Council) and any amendments necessary drafted in accordance with the City of Ryde DCP 2014 - Part 8.4 (*Title Encumbrances*), to Council's satisfaction. The drafted instrument must be accompanied by a Works-As-Executed plan of the service area ensuring there is adequate swept path and height clearances so as to accommodate Council waste vehicles. A swept path analysis may also be required to clarify this. The instrument and works-as-executed plans are to be submitted to Council with a completed "*Application Form for Endorsement of Title Encumbrances*" (available from Council's website) for review and the covenant must be registered on the title prior to the release of any Occupation Certificate for the development works.

Reason: To ensure legal entitlement to access the site for waste collection.

207. **Vehicle Turntable - Positive Covenant.** Where a vehicle turntable has been approved for use by the Waste Contractor, a Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the vehicle turntable system. To assure safe and efficient waste services are maintained, it is crucial the unit operate throughout the service life of the development. The terms of the instrument are to be generally in accordance with the standard terms (available from Council) and any amendments undertaken in accordance with the City of Ryde DCP 2014 - Part 8.4 (*Title Encumbrances*) - Section 7. The terms of the covenant are to be to the satisfaction of Council prior to endorsement and are to be registered on the title prior to the release of any Occupation Certificate. The application to Council for endorsement of the positive covenant must be accompanied by a compliance certificate required by the condition "*Compliance Certificates – Engineering*" related to the vehicle turntable.

Reason: To ensure legal entitlement to access the site for waste collection.

208. **Access to basement for waste collection.** Where there is a lockable door to access a bin room or hardwaste storage room, the universal Council key should be installed so the contractor can access the room for servicing bins or collect the household cleanup items. Where there will be secure access in place to the loading dock area, Council's waste team will be provided with three (3) access fobs or the relevant access code for use by the contractor to enable service.

Reason: To ensure access it provided to Council.

209. **All works/methods/procedures/control measures** - Prior to the issue of an occupation certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Council, stating that all works/methods/procedures/control measures approved by Council in the following report has been completed:

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(a) Acoustic Report No. (20200171.1/0906A/R4/AZ), dated (9/6/2021), prepared by (Acoustic Logic)

Reason: To demonstrate compliance with submitted reports

210. **Acoustic Compliance report (Building design)** - Prior to the issue of Occupation Certificate, written certification from a suitably qualified person shall be submitted to the Principal Certifying Authority and Council, stating that appropriate design and construction materials have been utilised to ensure compliance with Australian Standards AS/NZS 2107 and Table 4 point 8 of the EPA Road Noise Policy, Department of Environment, Climate Change and Water NSW, March 2011.

Reason: Compliance with relevant noise criteria

OPERATIONAL CONDITIONS

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

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

- A minimum of 45 and maximum of 63 residential spaces (including 6 disabled spaces for adaptable units)
- 11 visitor parking spaces
- 8 bicycle parking spaces

Reason: To ensure the required parking is maintained for the development.

212. **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).

Reason: To ensure the maintenance of the stormwater management system.

213. **Implementation of Loading Dock Management Plan.** All vehicle ingress and/or egress activities are to be undertaken in accordance with the approved Loading Dock Management Plan. Vehicle queuing on public road(s) is not permitted.

Reason: To ensure the ongoing operation of loading dock management plan.

214. **Trees.** All tree plantings must be maintained in good health and condition until they reach a height of at least 5 metres. Any tree failures must be replaced and maintained as per the above.

Reason: To ensure required landscaping is maintained in good health.

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215. **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*.

Reason: To ensure the site does not adversely affect the acoustic amenity of surrounding properties.

216. **Noise from mechanical equipment** - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

Reason: To ensure mechanical equipment does not adversely affect the acoustic amenity of surrounding properties.

217. **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 *Noise Policy for Industry (EPA, 2017)*.
- 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.

218. **Air Conditioners in Residential Buildings** - The air conditioner/s must not:

- (1) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (a) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (b) before 7.00am and after 10.00pm on any other day.
- (2) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those as specified in (1), which exceeds the background (LA90, 15 minute) by more than 5dB(A).

The source noise level must be measured as a LAeq 15 minute.

Reason: To prevent loss of amenity to the area.

219. **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.

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Reason: To ensure Council is responsible for the collection of waste.

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

Reason: To ensure signs are provided to encourage recycling.

221. **Movement of bins from garbage room.** 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.

Reason: To ensure on waste collection day the bins are moved outside of the garbage room to enable collection.

222. **Remove putrescible waste at sufficient frequency** - All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

Reason: To ensure provision of adequate waste disposal arrangements.

223. **Management of waste storage facilities** - All waste storage areas are to be maintained in a clean and tidy condition at all times.

Reason: To ensure the ongoing management of waste storage areas.

224. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner

Reason: To ensure the ongoing management of waste storage areas.

225. **Waste containers** - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.

Reason: To ensure waste is adequately stored within the premises.

226. **Storage of bins between collection periods** - Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

Reason: To ensure waste is adequately stored within the premises.

227. **Disposal of liquid wastes** - All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the requirements

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of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.

Reason: To ensure compliance with Sydney Water's requirements and protect the environment.

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ATTACHMENT 2

Attachment 2 - Apartment Design Guide – Table of Compliance

SEPP No. 65 – Design Quality of Residential Apartment Development requires consideration of the "Apartment Design Guide" (ADG) which supports the nine design quality principles by giving greater detail as to how those principles might be achieved. The table below addresses the relevant matters:

Part 2 - Developing the controls		
	Proposal	Compliance
<p>Building Depth Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.</p>	<p>The proposed apartment depths range from 16m to 20m. The 20m depth occurs only for the northern most apartments. These apartments still maintain adequate solar access and ventilation.</p>	<p>No – acceptable on merits</p>
<p>Building Separation Minimum separation distances for buildings are: <i>Up to four storeys (approx 12m):</i> - 12m between habitable rooms/balconies - 9m between habitable and non-habitable rooms - 6m between non-habitable rooms. <i>Five to eight storeys (approx 25m):</i> - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms <u>Note:</u> • At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m • No building separation is necessary where building types incorporate blank party walls. Typically this occurs along a main street or at podium levels within centres.</p>	<p>North – Nil Balconies of 1.07, 2.10, 3.10 and 4.10 – 6m to 120 Victoria Rd 1502mm from 2 Pearson St at lower ground floor. West – 6m to 2 Pearson Street boundary SW – 6.208m balconies 1.03, 2.03, 3.03, 4.03 to 6 Pearson Street North - The balconies (2.10, 3.10 and 4.10) in the north-western corner are setback 6.0 metres shared with 120 Victoria Road. South – 3m – 6m to 6 Pearson Street Proposal achieves the shared separation distance by providing 6m. Building separation is not required from northern boundary due to the blank wall. All balconies within the western (rear) elevation (1.01, 1.02, 2.01, 2.02, 3.01, 3.02, 4.01 and 4.02) achieve a 6 metre separation from the shared boundaries with 2 and 4 Pearson Street. <u>Level 5</u> North – Nil Balcony 5.08 – 7m to 120 Victoria Rd. West – Min 8m (Balcony 5.08) to 2 Pearson Street</p>	<p>No – lower ground floor adjacent to 2 Pearson Street and balconies on level 5.</p>

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	<p>Part of the balcony 5.02 and 5.01 are setback 8 metres from the south-western boundary shared with 4 Pearson Street</p> <p>SW – 9m (balcony 5.01) to 4 Pearson Street</p> <p>5m - Balcony 5.02 to 4 Pearson St</p> <p>South – 3m balcony 5.02 from 6 Pearson St</p>	
<p>Front, Rear & Side Setbacks See discussion under the relevant Development Control Plan.</p>	<p>With regard to side/rear setbacks, the DCP requires a minimum 12m separation above the ground floor between residential buildings (including existing residential buildings on adjacent sites). The RDCP also permits a nil setback from the side boundaries for a depth of 20m. The proposal relies upon this provision and complies with a nil setback from the northern boundary and minimum of 3m from the southern.</p> <p>The proposal has a nil setback along the northern side boundary and provides a varied side setback between 3m – 6m from the southern side boundary and complies with the side setback requirements.</p> <p>The proposal provides for a minimum rear setback of 6m from 2, 4 and 6 Pearson Street. The following setbacks are provided:</p> <ul style="list-style-type: none"> • The balconies 1.03, 2.03, 3.03,4.03 are setback 6 metres from the south-western rear boundary shared with 4 Pearson Street. • Lower ground floor is setback 1502mm from the shared boundary with 2 Pearson Street. • Setback 6 metres at ground floor from the shared boundary with 2 Pearson Street. • The balconies (1.03, 2.03, 3.03 and 4,03) at the south-western corner are setback 6.208 metres from the southern boundary shared with 6 Pearson Street. • The balconies (2.10, 3.10 and 4.10) in the north-western corner are 	<p>No – lower ground floor only</p>

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	<p>setback 6.0 metres from the boundary shared with 120 Victoria Road.</p> <ul style="list-style-type: none"> All balconies within the western (rear) elevation (1.01, 1.02, 2.01, 2.02, 3.01, 3.02, 4.01 and 4.02) achieve a 6 metre separation from the shared boundaries with 2 and 4 Pearson Street. <p>At lower ground floor, the basement is sited within 1502mm of the side boundary shared with 2 Pearson Street. Due to the irregular shaped allotment, this would be defined as the rear setback and the proposal is non-compliant.</p>	
Part 3 Siting the development Design criteria/guidance		
<p>3A Site Analysis</p> <p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context</p> <p><u>Design guidance</u></p> <p>Each element in the site analysis checklist should be addressed</p>	<p>A suitable site analysis plan has been submitted with the application</p>	<p>Yes</p>
<p>3B Orientation</p> <p>Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.</p>	<p>The proposal provides a suitable response to the surrounding streetscape and characteristics of the site.</p>	<p>Yes</p>
<p>3C Public domain interface</p> <p>Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.</p>	<p>The proposal provides a suitable transition between the private and public domain. The pedestrian access is well located at the centre of the site and is highly legible.</p>	<p>Yes</p>
<p>3D Communal & public open space</p> <p>Provide communal open space to enhance amenity and opportunities for landscaping & communal activities.</p> <p><u>Design guidance</u></p>	<p>The ADG requires that the site provide 494.75m² as communal open space. A total communal open space area of approximately 484.56m² proposed 23.8% and results in a minor non-compliance.</p> <p>The proposal does not achieves solar access to 50% of the useable area of</p>	<p>No – Variation acceptable on merit</p>

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<p>Provide communal open space (COS) with an area equal to 25% of site; Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.</p>	<p>communal open space for 2 hours. The proposal achieve solar access for one hour between 12 noon and 1pm. The proposal is non-compliant in this regard.</p> <p>9 – 10am no sunlight 11am – 3.6% 12 – 1pm – 50-66% 2pm – 43% 3pm – 26%</p>													
<p>3E Deep Soil Zone Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p>Design criteria 1. Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 3m – 6m.</p>	<p>20% of the site is proposed to be maintained as deep soil zone.</p>	<p>Yes</p>												
<p>3F Visual Privacy Building separation distances to be shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <p>Design Criteria Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="204 1563 667 1939"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms & balconies</th> <th>Non habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m(4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table> <p>Note:</p>	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m(4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>North - Nil setback along the northern side boundary (shared with 120 Victoria Road)</p> <p>3m - southern side boundary (shared with 6 Pearson Street). 3m setback is associated with blank walls adjoining bedrooms. The windows associated with these bedrooms are recessed and oriented to the east and west.</p> <p>The balcony at the rear of the development is setback 6.0 metres from the southern boundary and achieves a 6.0 metre setback from the rear boundary shared with 4 Pearson Street.</p> <p>The balconies associated with G.01, G.02, 1.01, 1.02, 20.1, 2.02, 3.01, 3.02, 4.01 and 4.02 achieve 6m from 4 Pearson St,</p> <p>The amended proposal provides for a 1502mm setback from the shared boundary at 2 Pearson Street.</p> <p>Level 5 – Min setback 3m – southern</p>	<p>No – variation acceptable on merit</p>
Building Height	Habitable rooms & balconies	Non habitable rooms												
Up to 12m(4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												

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<ul style="list-style-type: none"> No separation is required from blank walls; Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties. 	<p>for balcony 5.02. Part balcony 5.02 and 5.01 setback 8m from SW.</p> <p>Balcony 5.02 setback 3m from S.</p> <p>Balcony 5.08 in part – 7m from N</p>	
<p>3G Pedestrian Access & entries Pedestrian Access, entries and pathways are accessible and easy to identify.</p>	<p>The proposed pedestrian entry to the building is located to the centre of the site on the Victoria Road frontage and is highly legible.</p>	<p>Yes</p>
<p>3H Vehicle Access. Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>No concerns have been raised by Council's Senior Development Engineer in relation to the vehicle access into the site.</p>	<p>Yes</p>
<p>3J Parking Provisions. Car parking: For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station; or within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre, <p>the minimum parking for residents and visitors to be as per TfNSW Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.</p>	<p>Residential Development - High Density (Residential Flat Buildings) 0.6 to 1 space / one bedroom dwelling 0.9 to 1.2 spaces / two bedroom dwelling 1.4 to 1.6 spaces / three bedroom dwelling 1 visitor space / 5 dwellings</p> <p>The application is proposing three levels of basement car parking for 74 parking spaces including seven (7) accessible car parking spaces and 11 visitor car parking spaces. Eight (8) bicycle spaces are also proposed. The development complies with Part 9.3 of the RDCP 2014.</p>	<p>Yes</p>
<p>Bicycle Parking: Provide adequate motorbike, scooter and bicycle parking space (undercover). 10% of carspaces</p>	<p>Eight (8) suitable bicycle parking is proposed in the basement.</p>	<p>Yes</p>
<p>Part 4 Designing the building</p>		
<p>4A Solar & daylight access 1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight</p>	<p>There is a difference of calculation with the applicant. Council has determined 30 apartments 54.5% receive 2 hours of sunlight to living room windows. This has excluded the skylights at Level 5. If these</p>	<p>No – variation acceptable on merit</p>

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<p>between 9 am and 3 pm at mid-winter.</p>	<p>apartments are included (5.01, 5.02, 5.08) a total of 33 apartments 60% receive 2 hours of sunlight.</p> <p>The applicant contends 40 apartments receive 2 hours sunlight.</p> <p>The apartments in disagreement are G.01, 1.01, 2.01, 2.10, 3.01, 4.01 and 1.07.</p> <p>Council indicates the following</p> <ul style="list-style-type: none"> - G.01 receives sunlight at 3pm only - 1.01, 2.01, 3.01 and 4.01 between 2 – 3pm only - 1.07 between 2-3pm only. <p>The applicant advises 68% of apartments received the required solar access.</p>	
<p>No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>22% (13) of the apartments will receive no direct sunlight between 9am and 3pm at mid-winter.</p>	<p>No – variation acceptable on merit</p>
<p>Design should incorporate shading and glare control, particularly for warmer months.</p>	<p>Suitable features proposed.</p>	<p>Yes</p>
<p>4B Natural Ventilation All habitable rooms are naturally ventilated.</p>	<p>All habitable rooms are naturally ventilated (have access to a window). Proposal relies upon openable skylights and the proposed screens on balconies to facilitate cross ventilation through apartments. Proposal has been supported by wind report demonstrating the movement of ventilation through apartments.</p>	<p>Yes</p>
<p>Design layout of single aspect apartments to maximise natural ventilation and airflow (See Figure 4D.3)</p>	<p>The design layout of the single aspect apartments is considered satisfactory and allows for suitable ventilation and air flow.</p>	<p>Yes</p>
<p><u>Design criteria for natural cross ventilation:</u></p> <p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural</p>	<p>67.3% of the apartments achieve cross ventilation. – 18 apartments receive none.</p>	<p>Yes</p>

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<p>ventilation and cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>Maximum proposed is 16.5m.</p>	<p>Yes</p>												
<p>4C Ceiling Heights Ceiling height achieves sufficient natural ventilation and daylight access. The following is required as a minimum:</p> <table border="1" data-bbox="204 730 608 1081"> <thead> <tr> <th colspan="2">Min ceiling height for apartment & mixed use buildings</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m (3.1m floor to floor)</td> </tr> <tr> <td>Non Habitable</td> <td>2.4m</td> </tr> <tr> <td>2 storey apts</td> <td>2.7m for main living area , 2.4m for 2nd floor</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room</td> </tr> <tr> <td>Mixed used zone</td> <td>3.3m for ground & 1st floor to promote future flexibility of use.</td> </tr> </tbody> </table>	Min ceiling height for apartment & mixed use buildings		Habitable rooms	2.7m (3.1m floor to floor)	Non Habitable	2.4m	2 storey apts	2.7m for main living area , 2.4m for 2 nd floor	Attic spaces	1.8m at edge of room	Mixed used zone	3.3m for ground & 1 st floor to promote future flexibility of use.	<p>The submitted plans nominate a habitable room height of 3.1m.</p>	<p>Yes</p>
Min ceiling height for apartment & mixed use buildings														
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Attic spaces	1.8m at edge of room													
Mixed used zone	3.3m for ground & 1 st floor to promote future flexibility of use.													
<p>4D Apartment size and layout Apartments are required to have the following minimum internal areas with one bathroom:</p> <ul style="list-style-type: none"> • Studio = 35m²; • 1 bedroom = 50m²; • 2 bedroom = 70m²; • 3 bedroom = 90m²; • 4 bedroom = 102m². <p><u>Note:</u> ➤ Additional bathrooms increase the minimum internal area by 5m²;</p>	<table border="1"> <thead> <tr> <th>Apartment type</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>N/A</td> </tr> <tr> <td>1 bedroom</td> <td>Min 50m²</td> </tr> <tr> <td>2 bedroom</td> <td>Min 75m²</td> </tr> <tr> <td>3 bedroom</td> <td>Min 97m²</td> </tr> </tbody> </table>	Apartment type	Proposed	Studio	N/A	1 bedroom	Min 50m ²	2 bedroom	Min 75m ²	3 bedroom	Min 97m ²	<p>Proposed</p> <p>N/A 55m² N/A 119-124m²</p>		
Apartment type	Proposed													
Studio	N/A													
1 bedroom	Min 50m ²													
2 bedroom	Min 75m ²													
3 bedroom	Min 97m ²													
<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	<p>All habitable rooms have direct access to a window opening that achieves light and ventilation. No borrowed daylight and air is proposed.</p>	<p>Yes</p>												
<p>Bedroom - minimum dimension of 3m (excluding wardrobe space)</p>	<p>All bedrooms have minimum dimension of 3m.</p>	<p>Yes</p>												

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<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments; • 4m for 2 & 3 bedroom apt 	<p>All living rooms achieve compliance.</p>	<p>Yes</p>															
<p>4E Private Open Space and balconies Apartments must provide appropriately sized private open space and balconies to enhance residential amenity. Design criteria 1.All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="204 853 667 1106"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Min.depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m²</td> <td>N/A</td> </tr> <tr> <td>1 bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table>	Dwelling type	Minimum area	Min.depth	Studio apartments	4m ²	N/A	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	<p>3 bed min of 12m² 2 bed min 10m² 1 bed area – min 8m²</p> <p>LGF apartments min 33m² (LG02)</p>	<p>Yes</p>
Dwelling type	Minimum area	Min.depth															
Studio apartments	4m ²	N/A															
1 bedroom	8m ²	2m															
2 bedroom	10m ²	2m															
3+ bedroom	12m ²	2.4m															
<p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	<p>The at-grade POS courtyards meet the required 15m² and minimum dimensions.</p>	<p>Yes</p>															
<p>4F Common circulation and spaces. Design criteria 1. The maximum number of apartments off a circulation core on a single level is 8. Where design criteria 1 is not achieved, no more than 12 apartments should be provided of a circulation core on a single level.</p>	<p>The development proposes a maximum of: Level 1 = 9 Levels 2 to 4 =11 Level 5 = 8</p> <p>There are no more than 12 units provided off a circulation core on a single level.</p>	<p>Yes</p>															
<p>Design Guide: Daylight and natural ventilation should be provided to all common circulation space above ground. Windows should be provided at the end wall of corridor, adjacent to the stair or lift core.</p>	<p>Suitable daylight and natural ventilation is provided to all common circulation space.</p>	<p>Yes</p>															

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<p>4G Storage Adequate, well designed storage is to be provided for each apartment. Design criteria 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p> <table border="1" data-bbox="204 618 667 790"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m³</td> </tr> <tr> <td>1 bedroom apt</td> <td>6m³</td> </tr> <tr> <td>2 bedroom apt</td> <td>8m³</td> </tr> <tr> <td>3 + bedroom apt</td> <td>10m³</td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment. Additional storage is conveniently located, accessible and nominated for individual apartments (show on the plan).</p>	Dwelling type	Storage size volume	Studio	4m ³	1 bedroom apt	6m ³	2 bedroom apt	8m ³	3 + bedroom apt	10m ³	<table border="1" data-bbox="678 483 1208 707"> <thead> <tr> <th>Dwelling type</th> <th>Proposal</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>N/A</td> </tr> <tr> <td>1 bedroom apartments</td> <td>8.3m³ - 9.7m³</td> </tr> <tr> <td>2 bedroom apartments</td> <td>8m³ - 16.3m³</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>16.9m³ - 24.8m³</td> </tr> </tbody> </table> <p>The storage provided consists of both storage space within the units and storage cages within the basement.</p> <p>In each unit, more than 50% of the storage is provided within the apartment.</p>	Dwelling type	Proposal	Studio apartments	N/A	1 bedroom apartments	8.3m ³ - 9.7m ³	2 bedroom apartments	8m ³ - 16.3m ³	3+ bedroom apartments	16.9m ³ - 24.8m ³	<p>Yes</p>
Dwelling type	Storage size volume																					
Studio	4m ³																					
1 bedroom apt	6m ³																					
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Studio apartments	N/A																					
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<p>4H Acoustic privacy Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments.</p> <p>Plant rooms, services and communal open space and the like to be located at least 3m away from the bedrooms.</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	<p>The building is suitably sited to minimise noise transmission.</p> <p>Plant is located on the roof top in a location which is not visible and is suitably separated from surrounding buildings.</p>	<p>Yes</p>																				
<p>4K Apartment mix A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.</p>	<p>15 x 1 + study, 11 x 1 bedroom, 24 x 2 bedroom and 5 x 3 bedroom</p>	<p>Yes</p>																				
<p>4L Ground floor apartments Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.</p>	<p>The ground floor apartments provide visual interest and suitable amenity for residents. They are provided with ground level private open space which appropriately secured from the surrounds.</p>	<p>Yes</p>																				
<p>Building functions are expressed by the façade.</p>	<p>Satisfactory.</p>	<p>Yes</p>																				

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<p>4N Roof design Roof treatments are integrated into the building design and positively respond to the street.</p>	<p>Satisfactory.</p>	<p>Yes</p>
<p>Opportunities to use roof space for residential accommodation and open space are maximised.</p>	<p>The proposal does not involve the use of roof space for accommodation or open space which is considered satisfactory given the location of the site on a busy classified road.</p>	<p>Yes</p>
<p>Roof design incorporates sustainability features.</p>	<p>The roof incorporates a number of skylights to improve access to natural daylight to the Level 5 units.</p>	<p>Yes</p>
<p>4O Landscape design Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable</p>	<p>The landscape design contributes to the streetscape and amenity. The design reflects the requirements of the Ryde DCP in relation to presentation to Victoria Rd.</p>	<p>Yes</p>
<p>4P Planting on structures Appropriate soil profiles are provided.</p>	<p>The application was amended to include sections of planters to Victoria Rd. Appropriate soil profiles have been outlined for the planter boxes.</p>	<p>Yes</p>
<p>4Q Universal design Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are provided.</p>	<p>The proposal includes 6 adaptable apartments and a further 6 silver level apartments which archives compliance.</p>	<p>Yes</p>
<p>4T Awnings and signage Awnings are well located and complement and integrate with the building design.</p>	<p>There are no awnings proposed which are visible from the public domain.</p>	<p>Yes</p>
<p>4U Energy efficiency Development incorporates passive environmental design measures – solar design, natural ventilation etc.</p>	<p>The development complies with solar access and natural ventilation requirements.</p> <p>A BASIX certificate is submitted with the application which indicates that the building will meet the energy and water use targets set by the BASIX SEPP.</p>	<p>Yes</p>

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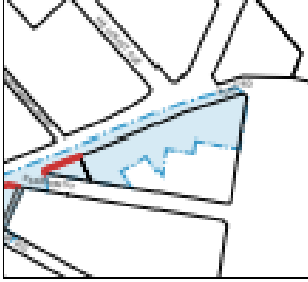
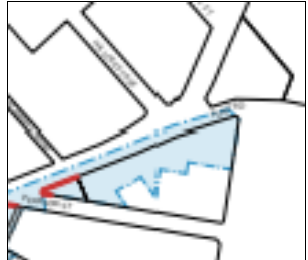
Attachment 3 - Ryde Development Control Plan 2014 – Table of Compliance

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

Control	Comment	Compliance
2.0 Vision		
2.2.4 Vision Statement South Gladesville Precinct South Gladesville extends south of the town centre to Punt Road. It is the main approach to the town centre from Central Sydney, and provides a visual impression of Gladesville upon arrival. The character of this precinct will be reinforced as a well- landscaped entry to the town centre. The existing uses are predominantly low rise residential on the eastern side of Victoria Road, and commercial with residential flat buildings on the western side. Future development on the western side will have taller buildings set back from the street frontage with trees in the front setback providing the landscaped setting.	The development is consistent with the vision statement for the South Gladesville Precinct.	Yes
3.1 – Built Form		
3.1.1 Built Form Heights Buildings must comply with the maximum heights described in RLEP 2014.	The LEP specifies a maximum building height of 19m for the site. The majority of the building achieves compliance, with the exception of the lift overrun and the south-western portion of Level 5. The maximum height proposed is 20.39m, equating to a departure of 5.7% to the height standard. A Clause 4.6 request has been submitted with the application.	No, Clause 4.6 request submitted. See discussion in body of report.
Floor to ceiling heights must be a minimum of 2.7m for residential uses.	Each residential floor has a floor to floor height of 3.1m which complies with the minimum floor to ceiling height of 2.7m.	Yes
Ground floor levels are to have a floor to floor height of a minimum of 3.6m (mixed use developments).	The proposal is a residential development.	N/A
3.1.2 Active Street frontages Provide ground level active uses where indicated on the map.	The DCP does not call for active uses along the site frontage on Victoria Road.	N/A


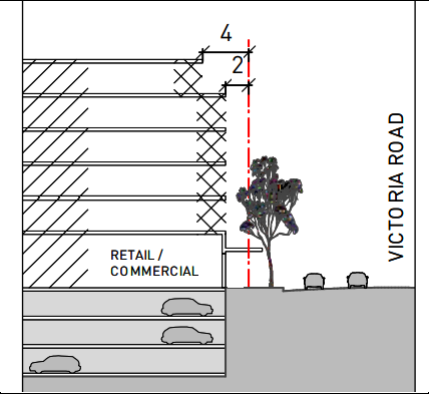
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 <p><i>Figure 1 Figure 4.6.05 Active Street Frontages</i></p>		
<p>Residential uses, particularly entries and foyers must not occupy more than 20% of the total length for each street frontage</p>	<p>This control does not apply as the DCP does not require active uses on the Victoria Road frontage.</p>	<p>N/A</p>
<p>Where required, active uses must comprise the street frontage for a depth of at least 10m.</p>	<p>This control does not apply as the DCP does not require active uses on the Victoria Road frontage.</p>	<p>N/A</p>
<p>Vehicle access points may be permitted where active street frontage is required if there are no practicable alternatives.</p>	<p>This control does not apply as the DCP does not require active uses on the Victoria Road frontage.</p>	<p>N/A</p>
<p>Security grills can be incorporated to ground floor shops. Blank roller shutter doors are not permitted.</p>	<p>This control does not apply as the DCP does not require active uses on the Victoria Road frontage.</p>	<p>N/A</p>
<p>3.1.3 Buildings Abutting the Street Alignment Provide buildings built to the street boundary in the Gladesville Town Centre precinct and in Monash Road precinct except as shown on the appropriate map under Section 4.0. Ground level architectural features, such as recessed doors and windows, are permitted to a maximum of 400mm from the street boundary to design out concealment opportunities and promote personal safety and security.</p>  <p><i>Figure 2 Figure 4.6.06 Buildings abutting the street alignment control</i></p>	<p>The DCP does not require the building to abut the street alignment on the Victoria Road frontage.</p>	<p>N/A</p>
<p>3.1.4 Setbacks (front)</p>		

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<p>Setbacks in accordance with Setback Requirements Table and Key Sites Diagram (Figure 3).</p> <p>Front Setback (Figure 4)</p> <p>The table under this section requires the setback as follows:</p> <p>Ground level to Level 4 = 2m Upper level above level 5 = 4m</p>  <p><i>Figure 3 Area A front setback in Figure 2.4.07</i></p>  <p><i>Figure 4 Required front setback</i></p>	<p>All levels have a 2 metre front setback to balconies.</p> <p>The upper storey has a front setback of 2m to the balconies with the façade achieving the required 4m setback.</p>	<p>Yes</p>
<p>Side & Rear Setbacks and Residential Amenity</p> <p>a. Provide 9 m ground level setback generally at the rear of sites fronting Victoria Road in the North Gladesville and Monash Road Precincts except where adjoining Gerard Lane and as shown in Key Sites Diagrams. Refer Figure 4.6.09 Setback I and Figure 4.6.09 Setback J.</p> <p>b. Provide 12 m separation minimum above the ground floor between residential buildings (including existing residential buildings on adjacent sites).</p> <p>c. Buildings fronting Victoria Road may build to the side boundary for a depth of 20 m measured from the</p>	<p><u>Side setback</u></p> <p>Nil setback for depth of 20m from the northern boundary shared with 120 Victoria Road. Proposal provides a setback between 3 – 6m from the southern boundary for depth of 20 metres and complies.</p> <p><u>Rear setback</u></p> <p>The amended proposal provides for a 1502mm setback from the shared boundary at 2 Pearson Street. This is defined as a rear boundary due to the irregular shape of the allotment and is technically non-compliant.</p>	<p>No – rear setback only</p>

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<p>street frontage. A side setback is then required to achieve 12 m separation between proposed and potential residential land uses.</p> <p>d. Predominantly residential activities should be located adjoining low density residential areas including at the rear. If this is not practicable, activities that do not produce negative impacts in terms of noise, light, sound and odour are encouraged.</p>		
<p>3.1.6 Conservation Area and Built Form Guidelines</p> <p>All development proposals within the Conservation Area shall be assess for their impact on the heritage significance of the Conservation Area and have regard to the Statement of Significance</p>	<p>The site lies outside of the Conservation Area.</p>	<p>N/A</p>
<p>3.1.7 Awnings</p> <p>Provide awnings over footpaths for ground level building frontages as shown on relevant map and setback 600mm from kerb. Provide street trees.</p> <p>Height of awning minimum 3m. The heights of adjoining awnings should be considered.</p> <p>Glazed unit not permitted.</p> <p>Provide lighting, preferably recessed, to the underside of awnings, sufficient to ensure a high level of safety for pedestrians at night.</p> <div data-bbox="277 1520 600 1805" data-label="Image"> </div> <p><i>Figure 5 Figure 4.6.11 Awning control</i></p>	<p>The DCP does not require the provision of an awning on the Victoria Road frontage on this site.</p>	<p>N/A</p>
<p>3.2 – Access</p>		
<p>3.2.1 Minimum Street frontage</p> <p>North and South Gladesville Precincts to have a minimum 40m to Victoria</p>	<p>59.37m frontage to Victoria Road.</p>	<p>Yes</p>

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<p>Road and have one driveway crossing unless access is possible from a local road.</p>	<p>One access point proposed from Victoria Road adjacent to northern side boundary.</p>	
<p>3.2.2 Vehicular Access Provide vehicular access from the local roads network in preference to Victoria Road. This will require the development of public laneways within the rear setback of most sites in the North Gladesville and Monash Road Precincts.</p>	<p>Access is proposed from Victoria Road. One vehicular access point is proposed off Victoria Road.</p>	<p>Yes</p>
<p>3.2.3 Parking Provide publicly accessible parking in specified locations.</p>	<p>The site does not fall in the area designated for publicly accessible parking.</p>	<p>N/A</p>
<p>3.3 Public Domain</p>		
<p>3.3.1 Pedestrian Connections Provide street furniture, lighting and generous paved areas along the main pedestrian routes within the retail and commercial core with clear direct sightlines and direct linkages. Provide pedestrian through-site connections and public domain parks, squares and plaza's in accordance with the Pedestrian Connections Control Drawing (Figure 4.6.13) and the Public Domain Control Drawing (Figure 4.6.14). Courtyards, plazas or squares should be provided to complement and adjoin pedestrian through-site connections.</p>	<p>Not applicable to this site.</p>	<p>N/A</p>
<p>3.3.2 Public Domain Framework Increase the quantum and diversity of public space in the heart of the town centre as shown on the Public Domain Framework Control Drawing.</p>	<p>The Public Domain Framework Control Drawing does not require any specific public space features for the subject site.</p>	<p>Yes</p>
<p>3.3.3 Landscape Character Create a consistent planting theme with a number of species to ensure that the planting provides a visual coherence, Provide street trees as shown on the Landscape Character Control Drawing (Figure 4.60) and in accordance with the Ryde Public Domain Technical Manual and Relevant Street Tree Master Plans.</p>	<p>The proposed landscaping within the front setback will contribute to the variety of existing species within the street. The landscaping plan nominates four street tree plantings in accordance with the Public Domain Technical Manual.</p>	<p>Yes</p>

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<p>3.3.4 Urban elements</p> <p>Provide paving, seats, benches and bins in accordance with the Ryde Public Domain Technical Manual.</p> <p>Provide seating and shelter (awnings or bus shelter) at all bus stops. Seating shall be in accordance with the Ryde Public Domain Technical Manual.</p> <p>Provide new street lighting to primary and secondary streets as selected by Council and underground power cables.</p> <p>Provide pole lighting, lighting from building awnings and structures, in new public spaces, to ensure night time pedestrian safety.</p>	<p>The landscaping plan nominates four street tree plantings and public domain paving in accordance with the Public Domain Technical Manual.</p>	<p>Yes</p>
<p>3.3.6 Victoria Road – North Gladesville and South Gladesville Precinct</p> <p>Setback building by 2m to provide a wide 5.5m paving along Victoria Road.</p> <p>Provide street furniture in accordance with the Ryde Public Domain Technical Manual including:</p> <ul style="list-style-type: none"> • Provide seats and bins at 200 metre intervals and at bus stops, OR a minimum one per block, if required by Council. • Provide new street lighting, staggered at 40 metre intervals on both sides of street, or to Council satisfaction. • Provide lighting to the underside of awnings for the safety and security of pedestrians. <p>Power lines are to be underground in locations specified by Council.</p>	<p>The building has been setback 2m on ground – to fourth (4) floor and a minimum of 2m for all levels above. This clause requires the public domain to be upgraded in accordance with the Ryde Public Domain Manual. This has been included as a condition of consent. Condition 62. Condition 62(d) also requires the front paving within the building setback to be grey granite so as to be consistent with the public domain works.</p> <p>This clause also requires powerlines to be underground in locations specified by Council.</p> <p>Appropriate conditions have been recommended to ensure compliance with this requirement. Condition 62.</p>	<p>Yes</p>

Part 9.2 Access for People with Disability

The proposal has been supported by an Access Compliance Assessment Report prepared by AE & D. The proposal is serviced by lift and includes 6 adaptable apartments and a further 6 silver level apartments which archives compliance with Part 4.13 which requires 10% of apartments to be adaptable Class A in accordance with

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AS4299. The development has been designed with continuous path of travel and direct access from Victoria Road to a sufficiently sized lobby which access to the lifts to facilitate access in accordance with Part 5 of the DCP Design Requirements.

An accessible path of travel is provided with the basement in addition to the required seven (7) accessible parking numbers in accordance with Part 5.16. The proposal is considered to be acceptable subject to recommended conditions. **Conditions**

Part 9.3 – Parking Controls

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

Residential Development - High Density (Residential Flat Buildings)

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

The development will contain a total of 55 apartments comprising of:
 26 x one (1) bedroom, 24 x two (2) bedroom and 5 x three (3) bedroom.

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

	Min	Max
26 x 1 bed	15.6	26
24 x 2 bed	21.6	28.8
5 x 3 bed	7	8
Total	44.2 (45)	62.8 (63)
Visitor /5	11	11
Total	55	74

The application is proposing three levels of basement car parking for 74 parking spaces including seven (7) accessible car parking spaces and 12 visitor car parking spaces.

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CLAUSE 4.6 TO CLAUSE 4.3 OF RYDE LEP 2014

EXCEPTIONS TO DEVELOPMENT STANDARDS – **BUILDING HEIGHT VARIATION**

Construction of a six-storey residential flat building with three levels of basement carparking

at

114 – 116 VICTORIA ROAD, GLADESVILLE

SUBMITTED TO

RYDE COUNCIL

PREPARED BY

ABC PLANNING PTY LTD

OCTOBER 2020

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RYDE LEP 2014 - CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARDS

This Clause 4.6 submission has been prepared to accompany the Statement of Environmental Effects submitted to Ryde Council by ABC Planning Pty Ltd for the proposed construction of a six-storey residential flat building with three levels of basement carparking at 114-116 Victoria Road, Gladesville.

Clause 4.6 of the Ryde LEP 2014 allows the consent authority to grant consent for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards.

This Clause 4.6 variation request takes into account the relevant aspects of the Land and Environment Court judgement in *Initial Action Pty Ltd v Woollahra Council [2017] NSWLEC 1734*, as revised by the NSW Court of Appeal in *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130*.

Clause 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

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Development Standard to be Varied

The proposal seeks a variation to the development standard contained within clause 4.3 of the Ryde LEP 2014 - maximum building height of 19m.

The proposal will result in a maximum building height of 20.07m (measured from existing natural ground level to the top of the lift overrun), which is greater than the building height development standard of 19m, representing a 5.6% (1.07m) variation to the building height control.

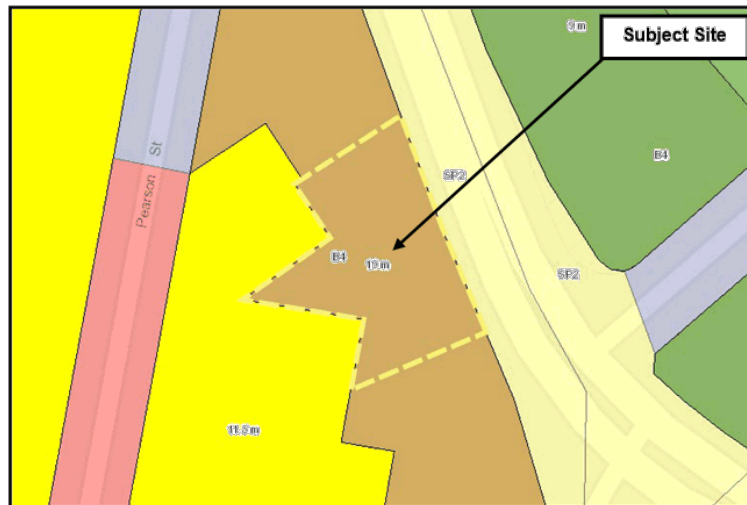


Figure 32: Height of Buildings Map

Justification for Contravention of the Development Standard

This written request is considered to justify the contravention of the development standard and addresses the matters required to be demonstrated by clause 4.6(3), of which there are two aspects. Both aspects are addressed below:

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

Assessment: It is considered that strict compliance with the development standard for building height on the site is unreasonable and unnecessary in the circumstances for the following reasons:

- The proposal complies with the objectives of the development standard and the B4 Mixed Use zone, indicated in the assessment at **Table 6** below. Furthermore, compliance with the development standard is unreasonable and unnecessary as it is in the public interest given it is consistent with the objectives for the development within the zone and replaces a petrol station with a high quality high residential flat building that will improve the appearance of the area. Refer to the extract of the photomontage of the proposed development below.

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Figure 33: Extract of the photomontage demonstrating the high quality of the proposed development whilst the indiscernible nature of the components which breach the height limit are demonstrated below

- As demonstrated in the extracts of the building height plane and Section Plan below, elements of the built form that sit above the 19m LEP building height line include the lift overrun and the southern part of Level 5. These elements are not visible from the public domain and will not result in unreasonable amenity impacts in terms of overshadowing, views and privacy.

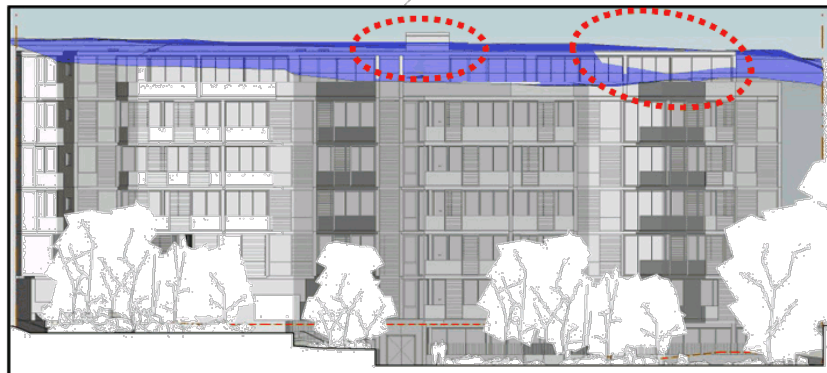


Figure 34: Extract of the building height plane showing the areas of the building that do not comply with the 19m building height control

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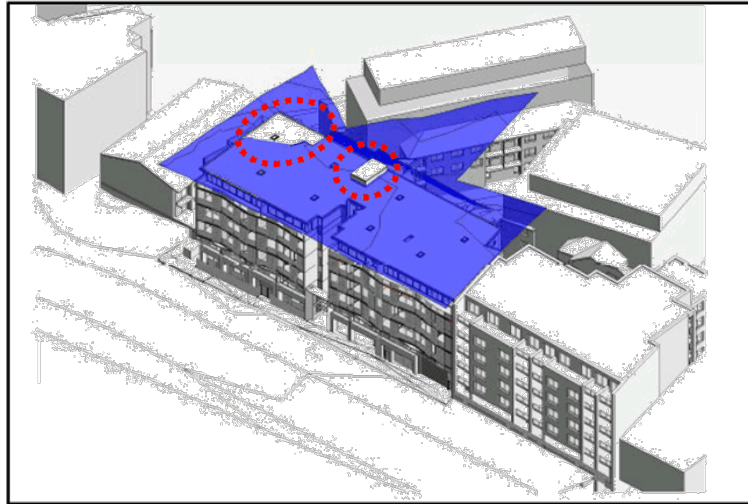


Figure 35: Extract of the building height plane showing the elements of the built form that site above the LEP 19m height line

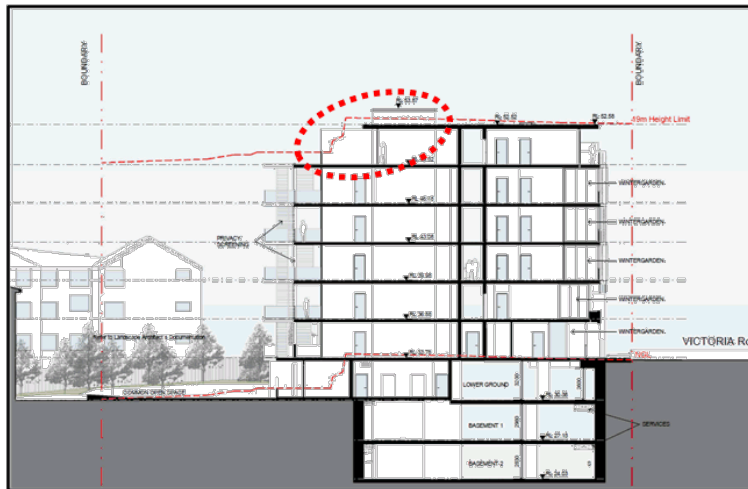


Figure 36: Extract of the Section Plan showing the elements of the built form that site above the LEP 19m height line

- It is reiterated that the proposal is well beneath the FSR control for the site and that the proposed FSR includes the GFA of the enclosed wintergardens, which are proposed to provide improved acoustic amenity for the apartments that front Victoria Road. The proposed height variation is thereby associated with a built form which is below the permitted FSR standard.
- The proposed height, combined with the proposed setbacks and building massing, including a recessed Level 5, with good articulation of the facade, ensures that the bulk

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and scale of the development will be compatible in the streetscape and will preserve the visual amenity to neighbouring properties and the streetscape.

- The proposed height is inclusive of floor to floor heights which are consistent with the ADG. Provision of reduced heights as per the adjoining flat building to the north would reduce the amenity and buildability of the project.
- The proposal represents a contemporary and desirable built form that will have a positive impact on the subject site and surrounding streetscape. The proposed height, bulk and scale of the development is not considered to be visually dominant in the streetscape and is considered appropriate for the character of the local area. On this basis, the proposed height variation does not generate any inconsistency with the desired future character contemplated by the suite of controls, including the height standard.
- The height and scale of the proposal is consistent with existing surrounding development, in particular the six-storey residential flat building adjoining the subject site to the north at 120 Victoria Road. On this basis, the proposed height variation will not generate any inconsistency with the established context to the north of the site. Refer to the photos of 120 Victoria Road below.



Figure 37: Adjoining property to the north at No. 120 Victoria Road, viewed from Victoria Road

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Figure 38: Adjoining property to the north at No. 120 Victoria Road, viewed from Pearson Street

- In terms of overshadowing impacts, it is reiterated that the building elements associated with the non-compliant building height will not generate additional overshadowing when compared to a compliant height of 19m.
- In terms of view impacts, the proposed height variation will not adversely affect views from private or public land.
- The proposed height non-compliance will not result in adverse privacy impacts. The proposed development has been designed and sited to ensure adequate visual and acoustic privacy between the subject development and the adjoining properties. The proposal has considered the location of the development on the site, the internal layout and the building materials used. The proposed built form has appropriate setbacks thereby providing adequate separation from the adjoining properties. Balconies are limited in size and appropriately screened and the location of windows have been offset. This provides for a suitable degree of visual privacy to both the subject site and adjoining properties. The proposal does not include a roof top terrace.
- The design and height of the proposed development ensure that the proposal is compatible with the existing and anticipated future character of the area and provides for excellent internal amenity whilst also preserving external amenity to surrounding properties in a reasonable manner.
- The additional building height sought by the proposal will be indiscernible from the streetscape. A reduction of the proposed building height would provide for a negligible benefit to the streetscape and would significantly reduce the amenity of the development.
- The additional building height does not prevent the proposal from achieving the objectives of the building height standard and that of the B4 Mixed Use zone.

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Despite the non-compliance, the proposal achieves the objectives of the development standard and the zoning, as demonstrated in the following table:

Table 6: Assessment against the Objectives of the Development Standard and Land Use zone
Consistency with the objectives of the building height standard in the LEP

Objectives	Assessment
(a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,	The height and scale of the proposal is consistent with the street frontage of the six-storey residential flat building adjoining the subject site to the north at 120 Victoria Road. Refer to the photos of 120 Victoria Road above.
(b) to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,	<p>The proposed development replaces a petrol station with a high quality high residential flat building that will improve the appearance of the area. Refer to the extract of the photomontage of the proposed development above. The proposed height variation facilitates a development which enhances the appearance of the area as desired by the objective.</p> <p>The proposed height variation also does not generate any incompatibility with the six-storey residential flat building adjoining the subject site to the north at 120 Victoria Road. Refer to the photos of 120 Victoria Road above.</p> <p>In terms of overshadowing impacts, it is reiterated that the building elements associated with the non-compliant building height will not generate additional overshadowing when compared to a compliant height of 19m.</p>
(c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,	<p>The residential flat building will be in close proximity to numerous bus routes and stops on Victoria Road.</p> <p>The proposal provides 3 basement levels of off-street basement car parking for 75 car parking spaces, including 7 accessible parking spaces and 12 visitor spaces.</p> <p>The proposal also includes 8 x bicycle parking spaces on the Lower Ground Floor.</p>
(d) to minimise the impact of development on the amenity of surrounding properties,	<p>The proposed height variation will not result in unreasonable amenity impacts in terms of overshadowing, views and privacy, as follows:</p> <p><u>Overshadowing:</u> The building elements associated with the non-compliant building height will not generate additional overshadowing when compared to a compliant height of 19m.</p> <p><u>Views:</u> The proposed height variation will not adversely affect views from private or public land.</p>

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	<p>Privacy: The proposed height non-compliance will not result in adverse privacy impacts. The proposed development has been designed and sited to ensure adequate visual and acoustic privacy between the subject development and the adjoining properties. The proposal has considered the location of the development on the site, the internal layout and the building materials used. The proposed built form has appropriate setbacks thereby providing adequate separation from the adjoining properties. Balconies are limited in size and appropriately screened, and windows have been offset. This provides for a suitable degree of visual privacy to both the subject site and adjoining properties. The proposal does not include a roof top terrace.</p>
<p>(e) to emphasise road frontages along road corridors.</p>	<p>The proposed residential flat building fronts Victoria Road, a deemed Classified Road (Gazetted Road Number 165).</p> <p>The street frontage of the development has been designed to have a variety of architectural features including indentation and recesses including winter gardens, balconies and windows, and steps in the floor levels, creating effective articulation to the built form and building façade. Additionally, a range of materials and finishes are proposed to be incorporated to provide visual interest and character to the development so as to reduce the visual bulk of the built form when viewed from surrounding properties and the streetscape.</p>
<p>Consistency with the objectives of the B4 Mixed Use zone</p>	
<p>Objectives</p> <ul style="list-style-type: none"> • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities. • To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor. 	<p>Assessment</p> <p>The proposed residential flat building is permissible in the B4 Mixed Use zone under Ryde LEP 2014.</p> <p>The proposal replaces a petrol station with a high quality high residential flat building that will improve the appearance of the area.</p> <p>The residential flat building will be in close proximity to numerous bus routes and stops on Victoria Road. The proposal is considered to meet the objectives of the B4 Mixed Use zone, which seeks to provide a mixture of compatible land uses and to integrate suitable business, office, residential and other development in accessible locations.</p> <p>The proposed design ensures that the proposal is consistent with the existing and anticipated future residential development surrounding the site, and provides for excellent internal amenity whilst also preserving external amenity to surrounding properties in a reasonable manner.</p> <p>It is therefore considered that the proposed development satisfies the zone objectives, notwithstanding the minor height variation</p>

Based on the above assessment, it is considered that strict compliance with the LEP building height standard is unreasonable and unnecessary in this instance.

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(b) that there are sufficient environmental planning grounds to justify contravening the development standard

Assessment: It is considered that there are sufficient environmental planning grounds to justify varying the building height development standard, which include:

- The proposal complies with the objectives of the development standard and the B4 Mixed Use zone, indicated in the assessment at **Table 6** above. Furthermore, compliance with the development standard is unreasonable and unnecessary as it is in the public interest given it is consistent with the objectives for the development within the zone and replaces a petrol station with a high quality high residential flat building that will improve the appearance of the area.
- As demonstrated in the extracts of the building height plane and Section Plan above, elements of the built form that sit above the 19m LEP building height line include the lift overrun and the southern part of Level 5. These elements are not visible from the public domain and will not result in unreasonable amenity impacts in terms of overshadowing, views and privacy.
- The proposed height, combined with the proposed setbacks and building massing, including a recessed Level 5, with good articulation of the facade, ensures that the bulk and scale of the development will be compatible in the streetscape and will preserve the visual amenity to neighbouring properties and the streetscape.
- The proposal represents a contemporary and desirable built form that will have a positive impact on the subject site and surrounding streetscape. The proposed height, bulk and scale of the development is not considered to be visually dominant in the streetscape and is considered appropriate for the character of the local area.
- The height and scale of the proposal is consistent with existing surrounding development, in particular the six-storey residential flat building adjoining the subject site to the north at 120 Victoria Road. Refer to the photos of 120 Victoria Road above.
- In terms of overshadowing impacts, it is reiterated that the building elements associated with the non-compliant building height will not generate additional overshadowing when compared to a compliant height of 19m.
- In terms of view impacts, the proposed height will not adversely affect views from private or public land.
- The proposed height non-compliance will not result in adverse privacy impacts. The proposed development has been designed and sited to ensure adequate visual and acoustic privacy between the subject development and the adjoining properties. The proposal has considered the location of the development on the site, the internal layout and the building materials used. The proposed built form has appropriate setbacks thereby providing adequate separation from the adjoining properties. Balconies are limited in size and appropriately screened and the location of windows have been offset. This provides for a suitable degree of visual privacy to both the subject site and adjoining properties. The proposal does not include a roof top terrace.
- The design and height of the proposed development ensure that the proposal is compatible with the existing and anticipated future character of the area and provides for excellent internal amenity whilst also preserving external amenity to surrounding properties in a reasonable manner.

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- The additional building height sought by the proposal will be indiscernible from the streetscape. A reduction of the proposed building height would provide for a negligible benefit to the streetscape and would significantly reduce the amenity of the development.
- The additional building height does not prevent the proposal from achieving the objectives of the building height standard and that of the B4 Mixed Use zone.

Based on the above points, it is considered that there are sufficient environmental planning grounds to permit the building height variation in this instance.

Other Matters for Consideration

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

Assessment: The above assessment demonstrates that the proposed height satisfies the objectives of the building height standard and the B4 Mixed Use zone.

Furthermore, it is considered that the variation does not raise any matters of public interest as there are no public views or detrimental streetscape outcomes associated with the minor height variation.

The development is in the public interest given that the proposal replaces a petrol station with a high quality high residential flat building that will improve the appearance of the area. The proposed development (and associated height variation) would not have any adverse impact on the environmental amenity and enjoyment of the adjoining properties with respect to privacy and solar access.

Given that the proposal is consistent with the desired future character for the area nominated by the specific controls in the LEP and DCP, and that there are no adverse or unreasonable impacts to the broader community, it is considered that there are no public interest matters which would prevent a variation to the building height control.

*(5) In deciding whether to grant concurrence, the Director-General must consider:
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning*

Assessment: The proposed building height variation allows for the orderly and economic use of land as envisaged by the *Environmental Planning and Assessment Act, 1979*.

The proposed building height is therefore consistent with the State and Regional Policies, particularly urban consolidation principles which seek to provide additional densities near transport and established services.

Concurrence

The Secretary's concurrence under clause 4.6(4) of the LEP has been delegated to the Council by written notice dated 21 February 2018, attached to the Planning Circular PS 18-003 issued on 21 February 2018. That concurrence may also be assumed by the Court pursuant to s39(6) of the Land and Environment Court Act.

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(b) the public benefit of maintaining the development standard

Assessment: There is no public benefit in maintaining the building height standard given the limited amenity impacts associated with the development and the positive streetscape outcome that would arise from the redevelopment of the subject site.

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

Assessment: There are not considered to be any additional matters to consider beyond those discussed above.

Generally as to concurrence, for the reasons outlined above – and particularly having regard to the site specific nature of this clause 4.6 variation request – there is nothing about this proposed height variation that raises any matter of significance for State or regional environmental planning, nor is there any broad public benefit in maintaining the development standard on this site. There are no other relevant matters requested to be taken into consideration before granting concurrence.

Conclusion

For reasons mentioned herein, this Clause 4.6 variation is forwarded in support of the development proposal at 114-116 Victoria Road, Gladesville and is requested to be looked upon favourably by the consent authority.