

Item 1

**287-295 Victoria Road, Gladesville - LDA2021/0089
Construction of a six storey mixed-use development**

Report prepared by: Senior Town Planner

Report approved by: Senior Coordinator - Development Assessment
Executive Manager - City Development

**City of Ryde
Local Planning Panel Report**

DA Number	LDA2021/0089
Site Address & Ward	287-295 Victoria Road, Gladesville Lot 1 DP 811044 East Ward
Zoning	B4 Mixed Use
Proposal (as lodged)	Construction of a six storey mixed-use development comprising 65 residential units, four commercial tenancies and two basement parking levels
Property Owner	Tenth House P/L
Applicant	Samuel Issa
Report Author	Shannon Butler, Senior Town Planner
Lodgement Date	25 March 2021
Notification - No. of Submissions	<u>First notification:</u> 14 unique submissions received, all objecting to the proposed development <u>Second notification:</u> 3 unique submissions received, all objecting to the proposed development
Cost of Works	\$19,031,410

Reasons 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 – <i>Greater than 10 unique submissions received objecting to the proposal</i></p> <p>Departure from Development Standards – <i>Development that contravenes a development standard by more than 10%.</i></p>
Recommendation	Approval
Attachments	<p>Attachment 1 - Recommended Conditions of Consent</p> <p>Attachment 2 – RDCP 2014 Table of Compliance</p> <p>Attachment 3 – ADG Guidelines Table of Compliance</p> <p>Attachment 4 – Applicant’s Clause 4.6 Request (Building Height)</p> <p>Attachment 5 – Architectural and Landscaping Plans</p> <p>Attachment 6 – Transport for NSW Comments</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 287-295 Victoria Road, Gladesville, which is legally described as Lot 1 in DP 811044.

The subject development application (LDA2021/0089) was lodged on 25 March 2021 and seeks consent for the construction of a six storey mixed-use development (as amended) comprising 65 residential units, four commercial tenancies and two basement parking levels. There is no subdivision proposed as part of the application.

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 (RLPP) for determination as it constitutes sensitive development to which *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* applies, further, the application constitutes contentious development as greater than 10 unique submissions have been received, objecting to the development.

Another trigger for the application to be referred to RLPP is the proposed variation to the maximum height standard by more than 10%. 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 (as amended) is 21.89m, equating to a 15.2% variation to the control. The non-compliant components of the building are two lift overruns, rooftop shade structure, and balustrading associated with rooftop common open space at the south-east corner of the building. The Clause 4.6 request is considered in the body of the report and is supported.

The Development Application was notified and advertised between 30 March 2021 and 27 April 2021. Fourteen (14) submissions were received objecting to the proposal. Concerns raised in the submissions included inadequate car parking, suitability of the building design, impact on the pedestrian environment, lack of supporting infrastructure, over saturation of apartments and retail tenancies in the suburb, location of the basement ramp, additional traffic and the financial status of the applicant. Following the submission of amended plans, the application was re-notified between 4 January 2022 and 1 February 2022 and a further three (3) submissions were received objecting to the proposal. Concerns raised in the further submissions included the request for more tree plantings and open space and concern in relation to the building height variation and the fact that it may set a precedent.

On 4 May 2021, Council wrote to the applicant requesting further information, which included a request for amendments to comply with Ryde DCP 2014 – Part 4.6 – Gladesville Town Centre and Victoria Road Corridor, car parking issues, details of public domain improvements, waste management issues, a detailed site investigation report and additional information in relation to tree impacts and landscaping. On 20 May 2021 a meeting was held with the Ryde Urban Design Review Panel (UDRP) and a number of urban design concerns were conveyed to the applicant. When the written comments from the UDRP were provided on 7 June 2021, they were provided to the applicant via email correspondence along with a request for additional information sought by Council's Senior Development Engineer.

On 20 December 2021 amended plans and additional information were submitted by the applicant in response to Council's request for additional information. The documents submitted included amended/updated architectural plans, amended BASIX Certificate, an amended Clause 4.6 request, amended landscaping plans, amended waste management plan and amended traffic and parking report.

On 20 February 2022 a further request for additional information was sent to the applicant raising concerns in relation to the encroachment of the building closer to the southern boundary with respect to impacts on existing trees and deep soil area; and requesting an amended building height plane which more clearly depicted the building elements exceeding the building height limit, re-allocation of some of the car parking spaces in order to comply with the Ryde Development Control Plan, outlining comments from Council's Urban Design Review Panel in relation to the amended proposal, outlining remaining traffic and waste management issues and requesting additional information in relation to contamination.

On 23 May 2022 amended plans and additional information were submitted comprising amended tree protection plan, architectural plans, landscaping plans, building height plane and an amended Clause 4.6 request.

On 7 July 2022 a meeting was held with the applicant to discuss remaining concerns in relation to the building height variation, remaining urban design and contamination issues. On 6 September 2022 amended plans and an amended Clause 4.6 request were submitted by the applicant.

On 7 October 2022 an email was sent to the applicant requesting amendments to the accessible path from the street to the common open space area on the southern side of the site in order to address feedback from Council's Urban Designer. An amended ground floor plan and amended landscaping plans were subsequently submitted on 11 October 2022. Having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act*, it is recommended Development Application No. LDA2021/0089 be approved subject to recommended conditions.

2. The Site & Locality



Figure 1 Aerial photograph of the site and locality

The subject site is legally described as Lot 1 DP 811044 and is known as 287-295 Victoria Road, Gladesville. The site is irregular in shape and is located on the southern corner of Victoria Road and Stansell Street. The site has an area of 2,089.58m² and a frontage of 54.015 metres to Victoria Road and 39.82 metres to Stansell Street. The site has an eastern boundary length of 58.675 metres and a southern boundary length of 31.81 metres.

The subject site is currently vacant following the recent demolition of a previous service station and site remediation works. The site has a downslope from the south-eastern corner RL48.72 to the north western corner RL44.43.



Figure 2 View of subject site from Stansell Street frontage

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

The adjoining site to the east, No. 1 Stansell Street (**Figure 3**) contains a single storey dwelling and detached shed. Development Application No. LDA2021/0125 sought consent for the demolition of existing structures and construction of a six storey residential flat building at No. 1 Stansell Street and consent was granted by the NSW Land and Environment Court on 16 February 2022. This development is intended to abut the proposed development in the front portion of the site. At the time of writing this report, works were yet to commence at 1 Stansell Street.



Figure 3 Adjoining site to the east, No. 1 Stansell Street

The adjoining site to the south, No. 2 Pittwater Road (**Figure 4**) comprises a Council-owned pedestrian pathway leading to an at-grade car parking area. The pathway provides pedestrian access between Victoria Road and the car parking area and contains a number of established trees. There are a number of narrow commercial properties located south of the pathway, fronting Victoria Road.



Figure 4 Adjoining site to the south – Council owned pathway

The properties on the opposite side of Stansell Street comprise three storey residential flat buildings of varying ages and a mixed-use development on the opposite corner of Victoria Road and Stansell Street (**Figure 5**).



Figure 5 Mixed-use development on the opposite corner of Victoria Road and Stansell Street (source: Google Maps)

Development on the opposite side of Victoria Road comprises older style single and two storey commercial/retail buildings and a recently constructed five storey mixed-use development (**Figure 6**).



Figure 6 Development on the opposite side of Victoria Road (source: Google Maps)

3. The Proposal (as amended)

The proposal seeks consent for the construction of a six storey mixed-use building containing 65 residential units, four retail/commercial tenancies and two basement car parking levels. The building is in the form of a L-shaped arrangement and is proposed to immediately abut the approved residential flat building development on the adjoining site to the east (No. 1 Stansell Street) which was approved by the NSW Land and Environment Court on 16 February 2022. The retail/commercial tenancies are proposed to front Victoria Road, as shown in **Figure 7**. Basement Level 1 includes a vehicle turntable to facilitate on-site waste collection and forward ingress and egress for the Council waste vehicles.

The application is accompanied by a Clause 4.6 request seeking to vary Clause 4.3(2) Height as the proposal exceeds the allowable building height of 19m. The maximum building height for the proposal (as amended) is 21.89m, equating to a 15.2% variation to the control.

The non-compliant components of the building are two lift overruns, rooftop shade structure, balustrading associated with rooftop common open space and the north-western corner of the building. The Clause 4.6 request is considered in the body of the report and is supported.

The proposal includes the removal of all existing trees on the site and the retention and protection of the trees on the adjoining Council-owned laneway to the south of the site.



Figure 7 Proposed western elevation (frontage to Victoria Road)

The proposed levels comprise the following:

Basement Level 2 (RL39.00) (Figure 8)

- Basement Level 2 comprises 65 residential parking spaces (comprising six accessible spaces), two stair accesses and two lift accesses.
- The level also contains residential storage cages predominately located in the south-eastern corner of the level.



Figure 8 Proposed Basement Level 2

Basement Level 1 (RL42.00) (Figure 9)

- Basement Level 1 comprises 32 car parking spaces comprising 18 commercial parking spaces (including one accessible space), 13 visitor parking spaces (including one accessible space) and one residential parking space. In addition, there are 16 bicycle parking spaces depicted.
- The level also contains residential storage cages predominately located in the centre of the level.
- The level contains three waste storage rooms, bulky waste storage room and a vehicle turntable to facilitate forward ingress and egress for Council's waste vehicle.
- The level contains two stair accesses and two lift accesses.



Figure 9 Proposed Basement Level 1

Ground Floor Level (RL44.800 to RL46.50) (Figure 10)

- The ground floor level contains four retail/commercial tenancies on the Victoria Road frontage.
- The level contains 2x2 bedroom units and 1 x 1 bedroom unit on the Stansell Street frontage.
- The level contains 1x1 bedroom unit and one x two bedroom unit located to the rear of two of the commercial tenancies and opening onto a common open space area.
- There are two pedestrian access points proposed to the residential units.
- The level contains two plant rooms, a fire hydrant booster, meter room and waste storage room for the commercial tenancies.
- A two-way driveway is proposed to the centre of the Stansell Street frontage which provides vehicular access to basement level 1.
- Public domain works are proposed on both street frontages in accordance with Council's Public Domain Technical Manual which encompass street tree plantings and granite paving.



Figure 10 Proposed Ground Floor Level

Level 1 (RL49.60) (Figure 11)

- The level contains 8x1 bedroom units and 7x2 bedroom units.
- There are two separate circulation areas and two lifts providing access.



Figure 11 Proposed Level 1 floor plan

Level 2 (RL52.70) (Figure 12)

- The level contains 8x1 bedroom units and 7x2 bedroom units.
- There are two separate circulation areas and two lifts providing access.

Level 4 (RL59.00) (Figure 14)

- This level contains 2x1 bedroom units, 6x2 bedroom units and 2x3 bedroom units.
- There are two separate circulation areas and two lifts providing access.



Figure 14 Proposed Level 4 floor plan

Level 5 (RL62.10) (Figure 15)

- This level contains 2x1 bedroom units, 6x2 bedroom units and 2x3 bedroom units.
- There are two separate circulation areas and two lifts providing access.



Figure 15 Proposed Level 5 floor plan

Rooftop Level (Figure 16)

- The rooftop contains a common open space area, being 304.27m² in size.
- The common open space area is proposed to contain seating areas, tree and shrub plantings, a shade structure, kitchen and barbecue facilities a lobby area adjacent to the lift access and toilet facilities.
- The rooftop contains two lift overruns and five ventilation shafts benefitting the units below. Lift 01 (on the southern side) provides access to the rooftop common open space area and Lift 02 (on the northern side) does not provide any rooftop access.



Figure 16 Proposed rooftop plan

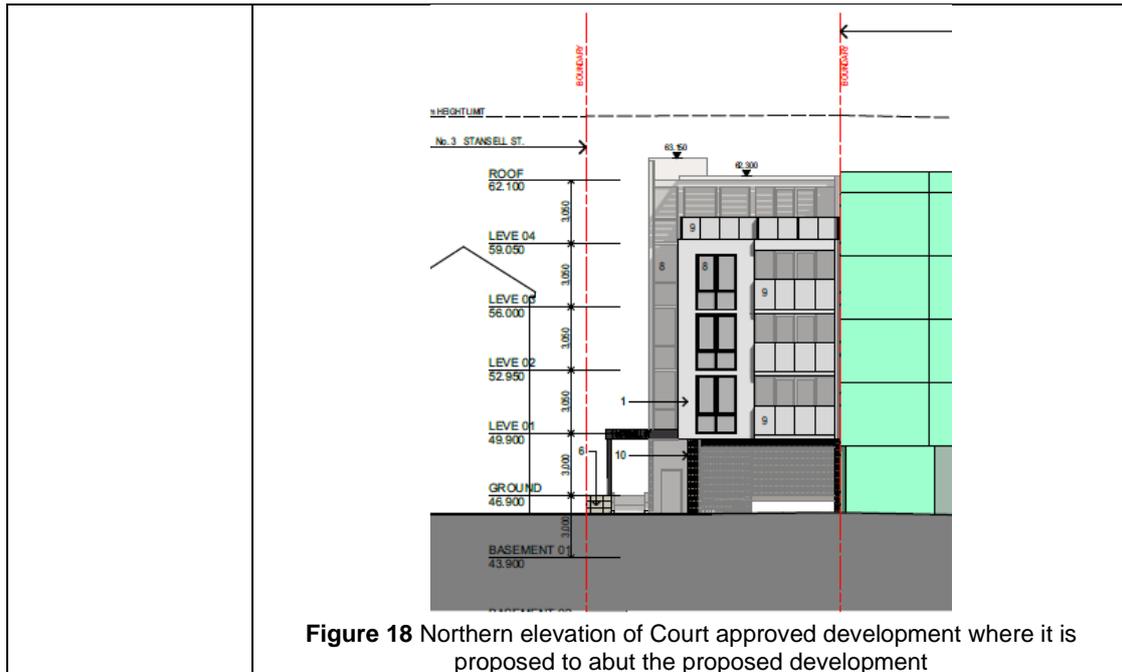
4. History

4.1 Site History

8 May 2020	Development Consent No. LDA2019/0454 was granted for demolition of an existing service station and site remediation. Demolition works have subsequently been carried out and remediation works are ongoing.
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4.2 Application for Adjoining Site to the East (No. 1 Stansell Street)

16 February 2022	<p>Consent for LDA2021/0125 was granted by the NSW Land and Environment Court following agreement between the parties as part of the Section 34 conciliation process.</p> <p>The approved development comprises two separate residential flat buildings. The building fronting Stansell Street is five storeys in height and the building to the rear is six storeys in height.</p> <p>At the time of writing this report, construction is yet to commence.</p>
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4.3 Application History

<p>25 March 2021</p>	<p>Development Application No. LDA2021/0089 was lodged proposing the construction of a six storey mixed use building containing 66 residential units, three retail/commercial tenancies and two basement car parking levels.</p>
<p>30 March to 27 April 2021</p>	<p>The application was notified to surrounding properties. In response, fourteen (14) submissions were received; all objecting to the proposed development.</p>
<p>4 May 2021</p>	<p>A Request for Information (RFI) was sent to the Applicant.</p> <p>Council identified the following issues with the proposal:</p> <ul style="list-style-type: none"> • Amendments were requested to the Victoria Road front setback to comply with Ryde Development Control Plan 2014 – Part 4.6 – Gladesville Town Centre and Victoria Road Corridor. • Amendments were requested to the design of the car parking area and submitted traffic report. • Details were requested in relation to the required public domain improvements outlined in the Ryde Public Domain Technical Manual. • Additional information was requested in relation to waste management. A detailed site investigation report to address contamination from the former petrol station use. Additional information was requested in relation to impact on existing trees and in relation to the lack of deep soil zones.
<p>20 May 2021</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 to be detailed in forthcoming written comments.</p>

	An email was sent to the applicant on the same date requesting a Crime Prevention Through Environmental Design (CPTED) report as requested by the NSW Police in their comments.
7 June 2021	Email correspondence sent to the applicant attaching the report by the UDRP and outlining comments from Council's Senior Development Engineer requesting additional information. Given concerns raised by the UDRP, the applicant was advised that consideration should be given to amalgamation with the adjoining site to the east in order to provide for a greatly improved development outcome and that the application was unlikely to be supported in its current form.
20 December 2021	Amended plans and additional information were submitted by the applicant in response to Council's request for additional information. The documents submitted included amended architectural plans, amended BASIX Certificate, an amended Clause 4.6 request, amended landscaping plans, amended waste management plan and amended traffic and parking report.
4 January 2022 to 1 February.	The application was re-notified following the receipt of amended plans and additional information. A further three unique submissions were received in objection to the proposal.
28 February 2022	<p>A further request for additional information letter was sent to the applicant. The letter requested additional information and amended plans addressing the following:</p> <ul style="list-style-type: none"> • Concerns were raised in relation to the impacts on existing trees as a result of the building encroaching closer to the southern boundary. • Requesting an amended building height plane plan depicting the full extent of the building height variation. • Requesting the re-allocation of car parking spaces in accordance with the minimum requirements of the Ryde DCP 2014. • Remaining issues raised by the Urban Design review Panel. • Vehicle access issues associated with the driveway. • Outlining remaining waste management issues. • Required public domain upgrade works to be shown on the architectural and landscaping plans. • A detailed site contamination analysis was requested. • A Crime Prevention Through Environmental Design (CPTED) assessment was requested.
23 May 2022	Amended plans and additional information were submitted comprising an amended tree protection plan, amended architectural plans, amended landscaping plans, amended building height plane and an amended Clause 4.6 request.
7 July 2022	A meeting was held between the applicant and Council staff to discuss the remaining issues with the application. An email was sent to the applicant on the same date outlining the issues discussed in the meeting as follows:

	<ul style="list-style-type: none"> Concern was raised in relation to the proposed building height exceedance of the north-western corner of the building and for the sawtooth element. Remaining issues raised by the Urban Design Review Panel were outlined. A supplementary ground water investigation was requested. A remediation action plan was requested. Further details were requested in relation to the solar access impact of the development on the Court approved development at 1 Stansell Street.
6 September 2022	Amended plans, an amended Clause 4.6 request and a remediation action plan were submitted by the applicant.
7 October 2022	An email was sent to the applicant requesting amendments to the accessible path from the street to the common open space area on the southern side of the site in order to address feedback from Council's Urban Designer.
11 October 2022	An amended ground floor plan and amended landscaping plans were subsequently submitted.

5. Planning Assessment

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 29(1) of the Environmental Planning and Assessment Regulation 2021 requires the submission of a design verification statement from the building designer at the lodgment of the development application. This document was submitted with the application.

When the application was lodged, it was proposed in the form of a U-shaped building arrangement. The originally lodged proposed was reviewed by Council's Urban Design Panel and the following initial comments were provided in response to the nine design criteria of the SEPP:

Urban Design Review Panel

a) Context and Neighbourhood Character

The site was previously occupied by a petrol station, and the Panel notes that this use has ceased and all structures have been demolished. The Panel also notes that this site is immediately adjacent to another site being considered by the Panel at 1 Stansell Street. The smaller site to the east is very narrow and constrained.

The subject site has an area of 2,087m² with frontage to both Victoria Rd and Stansell St and forms the corner. To the north and east are predominantly residential flat development with mixed use development to the south and north along Victoria Rd.

To the south of the site is a public access pathway leading to Gladesville Library and Council car park. This accessway contains mature trees and landscaping.

The site is zoned B4 Mixed Use with a height limit of 19m and a maximum FSR of 2.7:1. The proposal exceeds the height limit by some 4.2m and seeks to achieve the maximum FSR.

The site is within the Gladesville Town Centre under part RDCP 2014 – Part 4.6. It forms the northern edge of the Town Centre Precinct.

To the south of this site is a key site under the DCP. It is intended to have a nil boundary setback for the first 3 storeys. Active uses are required to the ground floor and development is to contribute to an enhanced pedestrian network and new public spaces off Victoria Road. Ground floors are to have a floor-to-floor height of 3.6m and retail uses are to have a depth of at least 10m.

Setback diagram E applies to the site and adjacent lots. The town centre extent includes 1 Stansell St to the rear of this site. Setback E requires a 5m setback above the third level and illustrates a five storey form for the site.

Rear setbacks are required to restrict development at the rear of sites along Victoria Road and allow for building separation. Residential uses above ground level are to be set back 12m. Buildings fronting Victoria Road are able to be built to the side boundary for a depth of 20m only and then the built form is to be setback 12m from the side boundary.

The key site to the south has strict controls and outcomes in the DCP. A four storey development is proposed with a three storey street wall and single storey to the rear. To the existing walkway the proposal will present a form only 13m in depth with a four storey height and the remainder will be one storey or three storeys.

A future plaza and multiple pedestrian laneways are planned on the key site diagram site. The walkway adjacent the site, its activation and the building presentation are a significant consideration to improve its interface with the subject site and for delivering the envisioned public domain within the town centre.

Given the site to the east has a lapsed consent and has approached Council and the Panel with a new application, the opportunity exists for this site and 1 Stansell St to amalgamate and achieve a far better development outcome for both sites and also for the public domain in the way they manage and address the existing walkway.

It is noted that both owners are using the same architectural firm. The Panel strongly encourages both owners to work together to achieve a single development solution that works across both sites and achieves high quality urban design and amenity outcomes, an improved response to the context, streetscape and improved amenity and relationship to the adjacent zone.

The Panel considers that proposals for each site that do not consider a cohesive design solution that addresses the broader context and desired future character in Councils DCP cannot satisfy SEPP 65 principles regarding context or Councils DCP.

The scheme presented to the Panel for this site states that it has considered the lapsed consent for the adjacent site however a study of the plans shows that it does not achieve a satisfactory relationship in terms of amenity, building alignments and separation. The scheme also does not present an appropriate solution to the existing walkway and appears to ignore the intended massing for the key site as well as many of the DCP controls for bulk and form. The current design does not satisfy this SEPP 65 principle.

b) Built Form and Scale

Both this site and the adjoining site to the east should be considered as a single built form solution which also includes a generous central/southern common open space/public open space. The design outcome should improve the amenity and activation of the existing walkway and respond to the scale and form of the key site to the south.

The scheme ignores the DCP requirements for a nil setback for the first three storeys to Victoria Road and instead sets back 5m at the ground level and approximately 1.5m to balcony edges for level 01. Level 02 is then setback 3.5m to balcony edges and 5m to the building. Above this the proposal sets back 5m.

The result is a discordant urban design outcome relative to the existing streetscape and Council's desired future character. A two storey street wall is created rather than a three storey street wall and the proposal does not activate the footpath as the retail tenancies are heavily recessed behind planters and the setback area.

The applicant justifies this approach to allow outdoor dining in the setback however the Panel questions whether any pedestrians would seek to sit at a café or restaurant in this location given the impacts of buses and traffic on Victoria Road.

The Panel encourages the applicant to reconsider this relationship and provide a nil streetwall setback for the first three floors (subject to ensuring a 3.5m wide footpath is achieved) and then setting back the upper floors 5m.

The depth of the retail is also insufficient to satisfy the DCP (10m is required). Moving the retail to the street edge will provide greater depth to ensure 10m is provided, encouraging a greater range of commercial occupants.

The scheme presents planters to both the corner of Stansell St and the existing walkway. Neither location benefits from any retail activation or interaction with the building itself. This is a poor outcome.

Active uses are required to return down Stansell St. The scheme instead has ground level residential and the residential entry.

Given the poor amenity offered by the proximity to Victoria Road the scheme should wrap retail uses around the corner, up the walkway and ideally for the Stansell St frontage up to the driveway.

Given Council's intent for a far more active and upgraded public domain on the key site to the south, this application should reinforce that outcome by having a direct floor level relationship to the walkway and streets and provide active uses.

There is also an opportunity to contribute to the public domain and achieve food and beverage offerings by considering a publicly accessible courtyard area along the walkway towards the southeastern portion of the site. This will be remote from the noise of Victoria Road but link into the future connectivity and vision for Council's site.

It also provides the opportunity for 1 Stansell St (if amalgamated) to also activate the walkway to its rear and contribute to a positive public domain.

The DCP for the key site will not result in a continuous six storey wall to the walkway as proposed by the scheme. Instead, the building mass will be located towards Victoria Rd with only single storey to the eastern part of the walkway.

The controls on the subject site require a 12m setback from the rear (which reasonably would be the eastern boundary given the design of the current scheme) above ground level and only a 20m depth of building is allowed with nil setback, returning down the walkway for upper levels. A similar form is actually intended for the subject site if the DCP controls are followed.



Figure 19 – RDCP 2014 Block 11 Built Form Plan

The current design requires redesign to respond to the key site and these controls. In doing so it will be able to activate the existing walkway for a depth of some 20m which could then lead to a publicly accessible space for the rest of the site depth.

Residential uses should be set back a minimum of 12m from the eastern boundary so the building form could transform to a L-shape addressing both streets.

This amendment would address many of the issues with the current design that are discussed further under amenity.

Other built form issues include the use of the ground level for parking and loading which reduces the available area for retail and presents blank walls hiding the ramp and access to 1 Stansell St and the walkway to the south.

The scheme also locates another driveway next to the boundary with Stansell St which is not ideal if residential apartments are provided on the adjacent site. It also appears that part of the boundary wall to the ramp and parking is open to the adjacent site which would create acoustic and visual impacts.

The entries to both residential cores are deeply recessed from the street which creates amenity issues and is a poor response.

Apartments are located hard on the ground level of the proposal with no direct street access and very poor visual and acoustic privacy.

A chamber substation is shown along the Victoria Road frontage but is heavily recessed and it is not clear how it would be serviced.

The upper level built form is very compromised. The scheme has a very deep floor plan to the centre portion, and this is creating real amenity issues as well as very deep units with poor layouts and long corridors.

The scheme abuts its eastern boundary (based on the lapsed approval) and creates a 'lightwell' that is open to the vehicle ramp below and crowds against the eastern boundary.

This creates very poor amenity for both sites and does not satisfy SEPP 65 or the ADG which expressly states lightwells are not to be relied upon as the primary source of outlook, light and air for habitable rooms and certainly not for POS as well.

Many of the proposed units rely on this unfortunate space for the main living room and POS outlook. The proposed scale of this central area is not sufficient to be considered a courtyard and is not supported by the Panel.

The deletion of the southern leg of the development to achieve a shallower L-shaped form, would assist in addressing many of these issues. However, the ramp access should be fully enclosed if retained as shown and parking is not encouraged on the ground level.

The southern boundary of the site currently benefits from a cluster of mature trees which are located on Council's walkway, and some are located on the subject site. The drawings suggest that this development would result in the loss of all these trees. That is not acceptable on land not owned by the applicant and is also a very poor outcome for those trees on the site. This is discussed further under Landscape.

The scheme also seeks to exceed the height controls. It is not clear what benefit is achieved by this exceedance. The floor-to-floor height of the proposal meet the ADG recommendation of 3.1m.

No height plane is shown on the sections so further information is required to fully understand the extent of the exceedance. A height blanket diagram is included but it does not appear to correlate with the height line shown in the elevations where considerable massing appears to be above the height line.

Given the significant compromises in this scheme in terms of streetscape, public domain and amenity, the Panel does not consider that a height non-compliance is justified.

c) Density

The Panel notes that the FSR is maximised on this site. The inefficient use of the ground level use puts more floor space in the upper levels., which contributes to the compliance, context and amenity issues. The poor relationships established by the current design approach suggest that this is an over-development of the site. Design driven purely by yield with little consideration of context and amenity is unlikely to satisfy SEPP 65. The proposal as designed does not satisfy the SEPP 65 density principle as it does not achieve a high level of amenity and is not relating appropriately to the context.

d) Sustainability

Specific sustainability measures were not discussed by the Panel.

e) Landscape

The proposal intends the removal of existing trees on the subject site and the Council walkway. The Panel also notes that a number of existing trees in the north-east corner of the site have already been removed. All remaining trees, based on the arborist report, are in good condition. The removal of these trees appears to be due to the inappropriate resolution of site levels and design of the garden bed to allow retention of the species.

The Panel is disturbed by this approach and does not consider that the removal of any of these trees is justified. Instead, the proposal should be redesigned to retain these trees including all the trees on Council's land and the majority on the subject site. A clever urban design approach would see these trees incorporated as a major landscape element into a new publicly accessible space and retained along the link to provide character and shade.

The scheme includes a non-accessible planter over the driveway of the scheme. This is a poor outcome and creates a landscaped space that is not usable by building occupiers, cannot be maintained, is poorly located in terms of its relationship to the adjoining site and

the development itself and does not even cover the open driveway. It is a token gesture that is not successful.

The landscape provision within the site and in the streetscapes generally is sparse and compromised by the design of the U-shaped form and its relationship to the site boundaries. The proposal also does not appear to include the DCP requirements for the public domain improvements to Victoria Rd or Stansell St.

The landscaped bed to the public walkway creates an opportunity for concealment and the dumping of rubbish as there is no surveillance or activation of this area.

The token planters along Victoria Road and on the corner are also negative outcomes as they separate the active uses from the pedestrian way and exposure to the streets.

The scheme has a level 1 planter roughly in the middle of the façade to Victoria Road. This seems incongruous and should be deleted. Other tiny planters are also shown in odd spots that appear to be spaces left over after planning.

None of these planters are meaningful to the scheme and they should be deleted, and a stronger landscape concept developed as an integral part of the design direction for the site.

COS is nominated on the roof and this location is appropriate. The program for the roof top space includes a variety of spaces and potential activities which is supported, although there appear to be a lot of pathways, that do not relate to vegetable beds. It is not clear why this approach has been adopted.

The location of synthetic lawn is not supported as it will bring residents very close to 1 Stansell St which will create privacy and acoustic impacts. The vegetable garden will also compromise privacy. All edges of the COS should be created by wide planter boxes that move residents away from building edges including to the walkway to avoid acoustic and privacy impacts.

f) Amenity

The scheme proposes compromised amenity both to neighbours and to the future residents. The open carparking and ramp compromises amenity to the internal lightwell and units that rely upon it as well as to any future units on the adjacent site to the east given the nil boundary condition.

The entries to the building are deeply recessed creating safety and address issues.

The floor plan for many units is very deep and living rooms and POS as well as bedrooms rely for their primary outlook, light and air on a 'lightwell condition' impacted by the ramp noise.

Privacy issues existing between apartments due to their proximity across the lightwell and the privacy screens shown, which seek to manage these issues are not a good solution. Refer to L1.4 and L1.3 for example. Acoustic impacts will be significant due to the lightwell arrangements.

Many units, such as Unit L1.03 and L1.08, have very deep balconies with the primary orientation to the side party wall. This offers a very poor outlook and limits light penetration to the habitable rooms behind them.

Several units, such as Unit L2.06, are heavily recessed into the floor plan with narrowing at the dining area, which also reduces light to the kitchen.

Several units, such as Unit L2.03 and L2.04, have very long corridors, which waste valuable floor space that could be used in the living space and is a poor outcome. This is particularly important in multiple bedroom apartments, where larger living areas are needed.

The ground level units have high walls to their balconies which creates a poor amenity and will be impacted by acoustics from the street, no setback is provided to soften this interface. As noted previously, non-residential use at ground level is recommended.

The location of balconies on the awnings is not supported. This is not a characteristic of the area or any conservation architecture around the site and the use of balconies that project beyond the line of the building façade is discouraged given the amenity of Victoria Road. A better approach would be wintergardens aligning with the façade.

Units are also located looking across Council’s walkway with only a 4m setback. This is unlikely to provide adequate amenity and creates a scale to the walkway that is not responsive to the key site next door and presents a scale that will overwhelm the walkway.

The current design does not satisfy the Amenity principle.

g) Safety

The proposal creates potential safety issues due to the deeply recessed location of the building entries. The relationship of the building to the walkway offers no passive surveillance which also creates safety issues.

h) Housing Diversity and Social Interaction

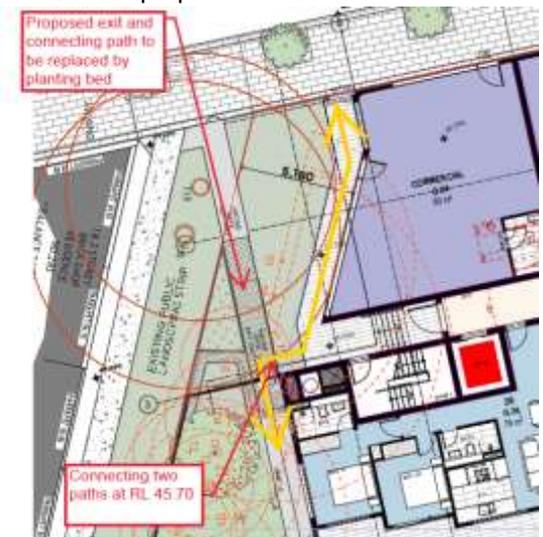
Housing diversity and social interaction measures were not discussed by the Panel.

i) Aesthetics

This was not discussed as the extent of issues identified suggest a new design is required which will change the massing and form of the proposal. The scheme does appear fairly ‘boxy’ in its form. The use of natural materials is supported and encouraged as is the expression of clear bays.

Following the initial comments from the UDRP, the applicant significantly amended the proposal to address the concerns raised. The form of the building was amended from a U-shaped arrangement to an L-shaped arrangement and an increased ground level common open space area was provided in the south-eastern corner of the site. Whilst amalgamation with the adjoining site to the east was a key theme of the initial UDRP comments, this issue was resolved given the approval of the adjoining residential flat building to the east (1 Stansell Street) by the NSW Land and Environment Court on 16 February 2022. The following table outlines the UDRP’s outstanding issues with the amended scheme and Council’s Urban Designer’s comments in response:

Outstanding Issues Raised by UDRP	Findings of Council’s Urban Designer
<p>There is insufficient information in plan that shows how the two developments align at the side boundary. The outline on the plan appears to show that the proposal extends forward of the party wall at 1 Stansell Street. Further documentation is required showing how the two proposals relate in plan, particularly showing the alignment of the party wall on each site and an assessment that demonstrates no amenity impact between the two properties and on proposed dwellings. A detail in plan should be provided to confirm the 3d views on drawing sheet DA905. The 3d views show a compelling outcome that does not match the plan.</p>	<p>Updated floor plans as well as drawings DA-204 and DA-1413 provide the information to show the alignment of the two developments. No amenity impacts are found between the two properties. The updated drawings are satisfactory.</p>

<p>The Panel recommended that the street wall datum be expressed to assist in the transition of scale. This could easily be achieved by amending the balustrade detail at Level 1, 2 and 3 to be solid thereby creating a visual link with the Victoria Road street wall.</p>	<p>Recommended design changes have been incorporated satisfactorily in the amended proposal.</p>
<p>The proposal appears to rely on works outside the property boundary and within the pedestrian link area to connect the proposed path linking the private communal space to the street. Council should confirm the extent of work outside the property is supported. The existing tree at the pedestrian link appears to be protected and separated from the alignment of the pathway (refer to Landscape section 01.601).</p>	<p>The direct access from the laneway to the proposed communal open space is supported and encouraged as it helps activate the laneway and increases passive surveillance.</p>
<p>The Panel supports the desire for barrier free access between the street and the communal open space, especially since the main lobby entry relies on a chair lift. The pathway at the communal open space is RL46.5 as is the internal corridor. If the two could be linked with DDA access from the street a secondary building entry could be created to provide equitable and dignified access.</p>	<p>The amended Architectural Plan DA-101 shows improvements with the addition of a 1:8 ramp but it has not fully addressed the UDRP comments. There is also inconsistent information - the new 1:8 ramp neighboring Unit G.05 on the Architectural Ground Floor Plan is not shown on the Landscape Ground Floor Plan.</p> <p>The following further changes are recommended to respond to the UDRP's comment (also refer markups on plan below):</p> <ol style="list-style-type: none"> 1. Connect the street access path with the path linking to communal open space at RL45.7 2. Remove proposed Victoria Road exit that impacts existing trees outside the side boundary at the S-E corner 3. Replace redundant paved pedestrian path with landscape planting 4. Ensure the design on the architectural and landscape plans are consistent.  <p>Figure 20 – Extract of ground floor plan marked up by Urban Designer</p> <p><u>Assessment Officer's Comment:</u> The applicant has submitted an amended ground floor plan and amended landscaping plans adopting suggestions 1 to 4 put forward by the Urban Designer.</p>

<p>The landscape plan concentrates tree planting in the deep soil which potentially assists in ameliorating tree loss. The clash with the building form potentially limits realisation of the landscape plan and tree canopy. The planting should be amended to enable the extent of canopy shown in the landscape plan in the communal space outside the building overhang.</p>	<p>Amendments shown on Landscape Plan 101 are satisfactory.</p>
<p>Cross ventilation has been amended to utilise plenums for units L1.05 and L1.06 and similar on floor above. The Windtech report states that these units have the potential to achieve cross ventilation. There is insufficient information provided to demonstrate that the theory can be achieved. The sections provided show that the plenum depth is 'tbc' (refer to DA-1403). In addition, the path of the plenum in the ceiling is not shown. More information is required to confirm that the plenum area and the opening between units L1.08 and L1.09 is sufficient to enable cross ventilation for all of the units served.</p>	<p>Supplementary information is satisfactory.</p>
<p>The use of colourbond on the façade at ground level along the street frontage is problematic. The drawings only show a material colour and do not describe the profile, grade or base material (steel or aluminium core). A standard walling profile is not adequately durable for use at the ground level façade. The material choice should also consider how a panel could be replaced if damaged. Alternative solutions should be considered such as a heavy gauge rigid panel or brick in a complementary colour to the proposed street wall.</p>	<p>The amendment to provide a brick finish on the ground floor is satisfactory.</p>

Apartment Design Guide

Pursuant to Clause 30(2) of SEPP 65 in consideration of the Apartment Design Guide (ADG), **Attachment 3** provides a table of compliance addressing the ADG Guidelines. The proposal is considered to be non-compliant with the following provisions:

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*

Five to eight storeys:

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

East – The eastern side setback ranges from a nil setback to 12m which is consistent with the following RDCP control:

c. Buildings fronting Victoria Road may build to the side boundary for a depth of 20m measured from the street frontage. A side setback is then required to achieve 12m separation between proposed and potential residential land uses.

The building is proposed to be built to the eastern side boundary for a depth of 17.9 metres from the Stansell Street frontage and the remainder of this side setback is 12 metres. It is noted that the design guideline states that no building separation is necessary where building types incorporate blank party walls – this occurs between the proposed development and the adjoining development to the east for a length of 17.9 metres. The proposed building separation to the east is considered satisfactory.

South – There is a 4m setback proposed from the southern boundary. The site adjoins a pedestrian laneway to the south which is 4.5 metres in width. This would allow for a minimum 8.5 metre setback to any future residential development to the south. It is noted that the site to the south is designated as a key site (Block 11) under the Ryde DCP – Part 4.6 – Gladesville Town Centre and Victoria Road Corridor. The DCP includes the following Block 11 Built Form Plan:



Figure 21 – RDCP 2014 Block 11 Built Form Plan with the subject site highlighted in yellow

As indicated in **Figure 21**, the DCP envisages retail/commercial uses on the ground floor and residential units above with a maximum height of four storeys where it adjoins the subject site. Therefore, there would be the potential for a minimum 8.5 metre setback between habitable rooms for the adjoining developments. This is considered to be satisfactory in the context of this site given that the development fronts Victoria Road and the intent of the DCP is for mixed use developments to front Victoria Road in a continuous manner. Any greater building separation would result in a larger break in the continuous run of buildings and would result in a disjointed appearance compared to the opposite side of Victoria Road.

Development to the north and west is separated by Victoria Road and Stansell Street and significantly exceeds the minimum required separation distances.

4E Private Open Space and Balconies

Part 4E of the ADG states the following in relation to apartments at ground level:

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.

All ground floor units comply with the required area but for the units fronting Stansell Street (units G.01, G.02 and G.03) the depths are under 3m (**Figure 22**).



Figure 22 – Extract of ground floor plan showing private open space areas of units G.01, G.02 and G.03 in yellow highlight

The composition of the private open space areas for these units are as follows:

Unit	Proposed POS Area Depths
G.01	Front POS: Depth 2.4m (area 10m ²) Rear POS: Depth 2.47m (area 19m ²) (Total area: 29m ²)
G.02	Front POS: Depth 2m (area 24m ²) (Total area 24m ²)
G.03	Front POS: Depth 2m (area 11m ²) Rear POS: Depth reducing to 1.7m (area 15m ²) (Total area: 26m ²)

Whilst the depths of these private open space areas do not comply, each of the units has a total area significantly exceeding the minimum required 15m². The reduced depths of the areas are a result of the stepped arrangement of the Stansell Street front setback which incorporates landscaping fronting the private open space areas and provides for a suitable privacy and streetscape appearance outcome.

It is considered that the private open space areas of these units are adequately useable and the ones fronting Stansell Street have considerable solar access at most times of the day. Further, the proposal provides for ground floor and rooftop common open space areas with a combined area of 757m², equating to 36% of the site area.

4F Common Circulation and Spaces

Part 4F of the ADG states the following in relation to units off a circulation core:

The maximum number of apartments off a circulation core on a single level is eight.

The design guidance then states:

Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.

There are nine apartments proposed off the northern-most circulation core for levels 1 and 2. This is considered to be satisfactory as it occurs over only two levels and complies with the design guidance which allows for no more than 12 apartments to be provided off a circulation core.

The proposal complies with the remainder of the design criteria of the ADG.

Other relevant State Environmental Planning Instruments

Instrument	Proposal	Compliance
State Environmental Planning Policy Resilience and Hazards SEPP 2021		
Chapter 4 Remediation of land		
<p>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</p> <p>The aims are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p>	<p>Pursuant to Clause 4.6(1) considerations, the subject site was historically used for the purpose of a service station. The demolition of the service station and remediation was approved under development consent No. LDA2019/454. An Environmental Management Plan (EMP) was prepared by WSP, dated 6 October 2021 following the remediation/validation of the site and prior to handover by Ampol to the new site owners. The EMP provides a summary of the remaining contamination at the site. To date, the site has only been remediated to a level suitable for <u>slab-on grade industrial/commercial</u> development.</p> <p>The subject application is seeking approval for a mixed-use development including two levels of basement carparking. A Detailed Site Investigation report (DSI) has been prepared by 'Foundation Earth Sciences', dated 22 August 2022, to assess the site's suitability for the proposed use.</p>	<p>Yes</p>

	<p>A summary of the report findings are below:</p> <ul style="list-style-type: none"> • Soil samples were assessed against NEPM 'HIL B' criteria (residential with minimal access to soil) • Ground water monitoring indicated that levels of hydrocarbons, heavy metals and VOC were detected above the ground water investigation levels (GILs), NHMRC Drinking Water Guidelines and the ANECC2000 Water Quality Guidelines. • Soil vapour sampling revealed that residual hydrocarbon concentration across the site. • Foundation Earth Sciences (FES) note that the proposed development will leave little unsealed surfaces limiting migration of contaminants from the site. • FES finds that the site can be made suitable for the proposed use provided that a Remedial Action Plan is prepared. <p>A Remedial Action Plan (RAP) prepared by FES, ref E2470-3 dated 19 August 2022 has also been submitted with the application. The plan concluded the site <u>can be made suitable</u> for the proposed use subject to the excavation and removal of all contaminated material to licenced landfill. A validation report and Site Audit Statement are to be prepared and submitted prior to the issue of Construction Certificate confirming that remedial works have been carried out in accordance with the approved RAP (conditions of consent are recommended in this regard – Conditions 20-22 & 27).</p>	
<p>State Environmental Planning Policy – Biodiversity and Conservation SEPP 2021</p>		
<p>Chapter 2 Vegetation in non-rural areas</p>		
<p>The objective of this chapter 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 19 trees within the site. None of these trees are identified as significant vegetation.</p> <p>The proposal has been supported by an arborist report and landscape plan. The proposal does not unduly impact upon any existing biodiversity or trees or vegetation on the site.</p>	<p>Yes</p>

	<p>The proposal is considered satisfactory by Council's External Consultant Landscape Architect. Their comments are included in the referrals section later in this report.</p>	
<p>State Environmental Planning Policy (Building Sustainability Index BASIX) 2004</p>		
<p>The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building.</p>	<p>A BASIX Certificate has been prepared (No. 1161235M_03 dated 15 December 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.</p>	<p>Yes</p>
<p>State Environmental Planning Policy (Transport and Infrastructure) 2021</p>		
<p>Chapter 2 Infrastructure</p>		
<p>Clause 2.119 of the SEPP states:</p> <p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</p> <p>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</p> <p>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</p> <p>(i) the design of the vehicular access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p> <p>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p> <p>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>	<p>The vehicle access to the site is proposed off Stansell Street and not from the classified road (Victoria Road).</p> <p>It is considered that the proposal will not affect the safety, efficiency and ongoing operation of the classified road and the proposal will not result in the emission of smoke or dust.</p> <p>The proposed development is sensitive to traffic noise and vehicle emissions but has been designed to include measure to suitably ameliorate potential traffic noise and vehicle emissions.</p> <p>The application was referred to Transport for NSW and no objection was raised subject to recommended conditions (see further details under the referrals section of this report).</p>	<p>Yes</p>

<p>Clause 2.120 of the SEPP states:</p> <p>(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—</p> <ul style="list-style-type: none"> (a) residential accommodation, (b) a place of public worship, (c) a hospital, (d) an educational establishment or centre-based child care facility. <p>(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p> <p>(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</p> <ul style="list-style-type: none"> (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am, (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time. 	<p>The subject site is located on Victoria Road which has an annual average daily traffic volume of over 20,000 vehicles. The proposed development predominately includes residential accommodation and is likely to be adversely affected by road noise and vibration.</p> <p>The submitted acoustic report has considered the criteria outlined in the Clause and makes a number of recommendations to ensure that the development achieves compliance including the use of appropriate glazing, wall construction/insulation, roofing construction, alternative ventilation, waste collection and on-site mechanical plant. Council's Environmental Health Officer has reviewed the submitted acoustic report and raised no objections subject to recommended conditions of consent requiring compliance with the report.</p>	<p>Yes</p>
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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 mixed use development which is defined as follows:

Mixed use development means a building or place comprising two or more different land uses.

Development for the purpose of a mixed-use development is permissible with consent within the B4 Mixed Use zone.

The proposed development contains the following uses:

Commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

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 purposes of a commercial premises and residential flat building are 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.*
- *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.*

The proposal is for a mixed use development containing four commercial tenancies and 65 residential flat building units which is regarded as a compatible use for the zone and surrounding locality. The proposal is consistent with the intent of the Ryde Development Control Plan 2014 - Part 4.6 - Gladesville Town Centre and Victoria Road Corridor which envisages mixed use development on the Victoria Road corridor and residential uses on the streets connecting to Victoria Road. The proposal is not regarded as being inconsistent with the zone objectives.

Relevant Clauses

Clause	Proposal	Compliance
4.3(2) Height of Buildings		
19m	The maximum height of the proposed development is 21.89m to the southern lift overrun and attached shading structure, which equates to a 15.2% variation to the control.	No – see Clause 4.6 discussion below.
4.4(2) Floor Space Ratio		
2.7:1 (5,635m ²)	GFA of 5,592m ² resulting in an FSR of 2.68:1.	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 21.89m and a variation of 15.2% sought to Clause 4.3(2). Refer to discussion below.	Yes – see Clause 4.6 discussion below.

5.10 Heritage Conservation		
<p>The objectives of this clause are as follows:</p> <p>(a) to conserve the environmental heritage of Ryde, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>Victoria Road (Great North Road) in Gladesville is listed in Schedule 5 of the Ryde Local Environmental Plan as a local heritage item. The application has been assessed by Council's Heritage Advisor and the following advice was provided:</p> <ul style="list-style-type: none"> • <i>The Great North Road (GNR) heritage item acknowledges the significance of the alignment of the former GNR along with the social and engineering significance of the road and the potential for relics.</i> • <i>The site is located along a section of the now Victoria Road that is highly modified from that of the former GNR.</i> • <i>Any remaining evidence of the GNR heritage item adjacent to the site, is likely to be sub – road reserve surface</i> • <i>The proposed development will have no adverse impact on the GNR heritage item.</i> • <i>Any access to the GNR heritage item would require authority from TfNSW as the owner of Victoria Road, who can address any heritage watching conditions of works/ development.</i> • <i>Notably the GNR is not on TfNSW's Section 170 Register (Heritage Act).</i> <p>Accordingly, the proposal is considered satisfactory with regard to Section 5.10 of the RLEP 2014.</p>	<p>Yes</p>
6.2 Earthworks		
<p>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p>The proposal provides for an extent of earthworks that is consistent with what would be anticipated for a mixed-use development in this locality.</p>	<p>Yes</p>
6.4 Stormwater Management		
<p>(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.</p>	<p>The proposed stormwater management system for the development discharges to an existing kerb inlet pit in Stansell Street. There is an on-site detention system proposed to be located within the communal open space area to the rear of the building.</p>	<p>Yes</p>

	<p>The proposed stormwater management system has been reviewed by Council's Senior Development Engineer and is considered satisfactory subject to recommended conditions.</p>	
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Clause 4.6 Exceptions to Development Standards

The development contravenes Clause 4.3(2) of RLEP 2014, which establishes a maximum building height of 19m. The proposal results in a height of 21.89 metres and does not comply with the development standard.

The proposal represents a 15.2% variation to the standard. The applicant has submitted a Clause 4.6 request prepared by Lighthouse Planning, dated 5 September 2022 (**Attachment 4**) to vary the development standard.

The variation occurs to the lift overruns, the shading structure attached to the southern lift overrun, the balustrading associated with the rooftop common open space area and the roof form in the north-western corner of the site (**Figures 23 & 24**).



Figure 23 - Building Height Plane and as viewed from the north-western corner (it is noted that this figure does not depict the rooftop shading structure located within the common open space area)

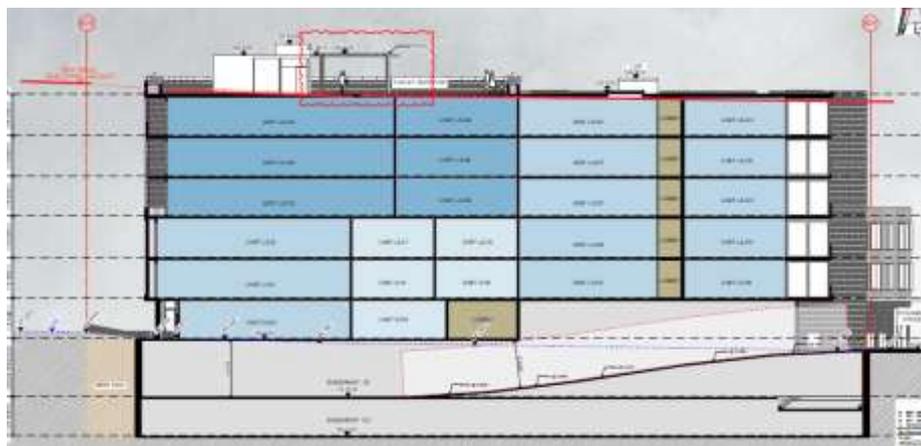


Figure 24 – Section C showing 19m maximum building height as red line

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

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

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

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

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

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

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

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

Unreasonable and unnecessary

- *Despite numerical non-compliance, the proposal remains consistent with the relevant environmental and planning objectives of the B4 Zone and Height of Building development standard. This is explored further in Section 3.4 of this report.*
- *The variation results in a scale and character that remains compatible with the surrounding locality and envisioned future character of the Gladesville Centre. A development compliant with the building height development standard contained in the RLEP 2014 would not achieve a perceivably different or better planning outcome.*

- *Strict compliance with the development standard would likely require the loss of several dwellings, currently proposed in an appropriate and accessible location. This outcome would result in no discernible benefit to the site or surrounding locality.*
- *The proposed design and height variation are primarily the result of providing access to the rooftop communal open space. It is unreasonable to require removal of significant portions of the development, that is within the permissible FSR, when the variations do not result in material adverse impact or discernible visual difference.*

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 significant adverse amenity impacts upon surrounding properties. The lift overruns, common open space shading structure and balustrading are suitably set back from the building facades and will not be discernible from the public domain. Whilst the north-western corner of the building does not comply, it is considered that strict compliance would not necessarily achieve a better outcome given the distance of this corner of the site from surrounding residential development.

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 and unreasonable as no purpose would be served by full compliance. 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:

- *Some elements of the street-facing elevations are marginally above the prescribed building height. This is in part due to a gradual fall in topography across the site, sloping down towards the southwest corner. The need to provide a consistent level across the site for the ground floor results in a partial variation to the height limit at the uppermost level of the southwest corner, near the intersection of Victoria Road and Stansell Street. Accordingly, the extent of variation reflects the natural fall relative to the consistent ground level. The street facing elevations are a lesser variation to the height standard than the central lift overrun and do not result in unreasonable adverse impacts.*
- *The variation to the prescribed maximum building height occurs primarily to the two lift overruns, located centrally within the building floorplate. One lift core provides required and beneficial access to the Common Open Space (COS) area at the roof level.*

The provision of COS at rooftop level is necessitated by the orientation and context of the site. The adjoining development at 1 Stansell Street would impact on Ground Floor COS in terms of solar access and visual privacy. This is compounded by the

need to provide an active frontage to Victoria Road, which limits the flexibility in locating such a space.

The COS at rooftop level requires the lift access, shading structures and balustrading for safety, equitable access and good amenity. The location of the lift cores and COS balustrade on the building and the site mean they will not be readily perceived from the public domain at street level and do not result in unreasonable impact.

- The public interest is better served by supporting the variation as it allows occupants convenient access to the landscaped rooftop communal open space.*
- The proposal satisfies the objectives of the B4 Mixed Use zone and the objectives of the Height of Buildings development standard, having regard to the particular nature of the development and the particular circumstances of the Site.*
- The non-compliance with the standard will nevertheless result in a scale of development that is compatible with both the existing and future character of the locality.*
- The variation to the building height standard will not have unreasonable visual impact from the public domain. The extent of variation is greatest at the lift overruns, which do not present to the street and are considerably setback from side boundaries.*

Assessment Officer's Comments: The site slopes from the south-eastern corner to the north-west, with an approximate 4.14 metre fall. The height exceedance at the north-western corner occurs partly as a result of the change in topography of the site. The ground floor levels are set by the provision of the ground floor retail/commercial tenancies which have an increased floor to ceiling height as required. The provision of a split-level design or stepping the roof form in response to the topography would not necessarily provide for an improved outcome for the site and would arguably diminish the architectural appeal of the building.

To achieve compliance for the north-western corner of the building it would result in the deletion of approximately four to five units on level 5 or the deletion of the entirety of level 5. This would be an onerous measure that would not drastically improve the development outcome for the site.

As stated by the applicant, the extent of the variation is greatest at the point of the lift overruns which are well set back from the façade and boundaries and will not be visible from street level or the public domain. The southern lift overrun provides access to the rooftop common open space which is a worthwhile feature of the development that will improve the amenity of the apartments for future residents. Given its location, being well set back from boundaries, it will not result in any significant amenity impacts for surrounding properties.

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:

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.

Accordingly, the proposal variation is supported.

5.3 Draft Environmental Planning Instruments

There are no draft Environmental Planning Instruments for consideration.

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.

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 development under DCP 2014 is illustrated in the compliance table at **Attachment 2**.

The provisions of DCP 2014 have been considered in this assessment and it is concluded that the proposed development 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. The only non-compliance is as follows:

Built Form Heights

Section 3.1.1(a) requires compliance with the maximum building height within the RLEP 2014 which is 19m. The proposal has a height of 21.89 metres and does not comply. The proposal seeks a variation pursuant to Clause 4.6 of RLEP. The variation has been addressed in the discussion earlier in this report.

Part 9.3 – Parking Controls

The proposal complies with the requirements of RDCP 2014 – Part 9.3 – Parking Controls. The following parking rates are applicable to residential development under RDCP 2014 – Part 9.3 – Parking Controls:

- *0.6 to 1 space per one bedroom dwelling;*
- *0.9 to 1.2 spaces per two bedroom dwelling;*
- *1.4 to 1.6 spaces per three bedroom dwelling; and*
- *1 visitor space per 5 dwellings.*
- *Retail 1/25m²*

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

Apartment Type	Minimum	Max	Provided	Compliance
1 bedroom (24)	14.4	24	66 spaces	Yes
2 bedroom (35)	31.5	42		
3 bedroom (6)	8.4	9.6		
Sub-total	54.3 (55)	75.6 (76)	66 spaces	Yes
Visitor	13	13	13 spaces	Yes
Retail/commercial	17.84 (18)	17.84 (18)	18 spaces	Yes
Total (65)	86 spaces	107 spaces	97 spaces	Yes

Bicycle Parking

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

Therefore, a total of approx. 10 bicycle parking spaces would be required. The basement 01 plan depicts 16 bicycle parking spaces.

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	\$312,949.83
Open Space & Recreation Facilities	\$538,885.35
Roads & Traffic Management Facilities	\$165,436.01
Plan Administration	\$15,259.03
The total contribution is	\$1,032,530.22

Condition on the payment of Section 7.11 Contribution of \$1,032,530.22 has been included in the draft notice of determination attached to this report.

5.7 Any matters prescribed by the regulations

Environmental Planning and Assessment Regulation 2021

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.

7. Suitability of the site for the development

The site is well located for the provision of commercial floorspace and residential units, providing an appropriate level of street activation and integration with the approved development on the adjoining property to the east (No. 1 Stansell Street).

8. The Public Interest

Given the above assessment, 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.

9. Submissions

In accordance with the Ryde Community Participation Plan the proposal was notified to owners of surrounding properties between 30 March 2021 and 27 April 2021. Fourteen (14) submissions were received objecting to the proposal. Following the receipt of amended plans the application was re-notified between 4 January 2022 and 1 February 2022 and a further three (3) submissions were received objecting to the proposal.

All concerns raised have been addressed below:

Council needs to ensure that enough parking is provided for the 65 residential units and adequate parking for the commercial tenancies below.

Comment:

The proposal provides for 66 residential car parking spaces, 13 visitor parking spaces and 18 spaces for the retail/commercial tenancies which achieves compliance with the Ryde Development Control Plan 2014 – Part 9.3 – Car Parking. It is noted that based on the unit mix and retail/commercial floorspace proposed, the DCP requires a minimum of 86 spaces and a maximum of 107 spaces in total. The proposal provides for 97 spaces in total which falls within the required range. The proposal is considered satisfactory in relation to car parking.

Council should ensure that the building has an architectural design that adds to the value of the area unlike some of the recent multi-level buildings constructed along Victoria Road.

Comment:

The application has been reviewed by Council's Urban Design Review Panel and Council's Urban Designer and is considered to have suitable architectural merit which will positively contribute to the Gladesville Town Centre and is a form of development envisaged by the

Ryde Local Environmental Plan and Ryde Development Control Plan – Part 4.6 – Gladesville Town Centre and Victoria Road Corridor.

What is being done to ensure that the units are not just sold to investors? What percentage of the residential units are for public housing?

Comment:

Council cannot influence whether the units are eventually sold to investors and this is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. None of the proposed units are designated as affordable or public housing and are conventional residential apartments.

It is extremely unpleasant walking around that area of Victoria Road and this turns people off using the businesses on that strip. Is anything being done about that or will these flats compound that problem?

Comment:

It is considered that the proposal will make a positive contribution to the pedestrian environment on Victoria Road by providing retail/commercial floorspace on the Victoria Road frontage which will activate the streetscape. The proposal includes 65 apartments which provide for housing opportunities in close proximity to shops and public transport.

Gladesville has been completely over-populated with these developments. Another 65 units without supporting infrastructure is a recipe for disaster and will continue to diminish our suburb.

Comment:

The proposed development is consistent with the form of development envisaged for the Victoria Road corridor in the Ryde Development Control Plan 2014. The proposal includes sufficient on-site car parking, drainage infrastructure and will require the developer to upgrade the public domain on Victoria Road and Stansell Street frontages of the site which will greatly improve the presentation of the site.

The proposed development will result in overshadowing of the building on the opposite side of Stansell Street (No. 2 Stansell Street) and create a further wind corridor down Victoria Road.

Comment:

The subject site is located to the south of No. 2 Stansell Street and will not result in any overshadowing of this property on 21 June (winter solstice). It is not considered likely that the proposal will result in a wind tunnel effect along Victoria Road.

The building of huge numbers of apartments along Victoria Road in Gladesville is completely unnecessary. Gladesville is already saturated with units, many of them unoccupied.

Comment:

The proposal is consistent with the form of development envisaged for the Victoria Road corridor in Ryde Local Environmental Plan and Ryde Development Control Plan 2014. The supply or undersupply of units within a suburb is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and is a commercial consideration for the developer.

We don't need any more commercial shops. Those already built along the Victoria Road precinct are nearly all empty. Also, it is unclear where customers and staff will park.

Comment:

The retail/commercial tenancies in the development are consistent with the intent of Ryde Local Environmental Plan and Ryde Development Control Plan 2014 – Part 4.6 – Gladesville Town Centre and Victoria Road Corridor. The proposal includes 18 car parking spaces for the retail/commercial tenancies which achieves compliance with Part 9.3 of the RDCP 2014 based on the overall gross floor area of that component.

Concern is raised in relation to the location of the basement ramp as it will be located directly opposite the basement ramp for the building at 2 Stansell Street.

Comment:

The application has been assessed by Council's Senior Development Engineer and City Works – Traffic team and no concerns were raised in relation to the location of the driveway access and potential conflicts with vehicle access points on the opposite side of Stansell Street. The proposed driveway is offset from the location of the driveway access points on the opposite side of Stansell Street (**Figure 25**). It is noted that Transport for NSW would not permit vehicle access directly off Victoria Road, therefore, the driveway could only be located on the Stansell Street frontage.



Figure 25 – Plan depicting the location of the proposed driveway in solid green and location of driveways on opposite side of Stansell Street (in green crosses)

The traffic report does not address the impact on surrounding streets as the Pittwater Road intersection with Victoria Road already has long delays at peak hours to turn left or right onto Victoria Road. 100 more vehicles will exacerbate this issue and slow traffic in all directions.

Comment:

The application has been assessed by Council's City Works – Traffic team and the following comments were provided in relation to traffic implications:

The Guide to Traffic Generating Developments (GTGD), and its Technical Direction (TDT 2013/04a) specify the following traffic generation rates applicable to the proposed mixed-use development:

High Density Residential Development

AM Peak = 0.19 vehicle trips per dwelling

PM Peak = 0.15 vehicle trips per dwelling

Office

AM Peak = 1.6 vehicle trips per 100m² GFA

PM Peak = 1.2 vehicle trips per 100m² GFA

Based on a development yield of 65 dwellings and 440m² of commercial office space, the proposed development could generate between 17 – 20 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. The service station/convenience store is estimated to generate around 150 vehicle trips to and from the site during peak hour periods.

Vehicle trips generated by petrol stations is estimated on the basis of RMS' Guide to Traffic Generating Developments, which provides specific trip generation rates for petrol stations.

The pass-by/diverted vehicle trips to the petrol station would redistribute the traffic on the surrounding road network, and therefore produce traffic impacts on existing traffic facilities.

Further, many petrol stations offer convenience store/car repairing/washing service, which could generate their own trips.

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.

The traffic and parking report references 2013 RMS guidelines which will not suit the needs of the City of Ryde into the future. Parking is already difficult to find in Stansell Street and surrounding streets each evening - so much so that a number of utes will park on the footpath each evening. This will only exacerbate the issue further.

Comment:

The proposal provides for 66 residential car parking spaces, 13 visitor parking spaces and 18 spaces for the retail/commercial tenancies which achieves compliance with the Ryde Development Control Plan 2014 – Part 9.3 – Car Parking. It is noted that based on the unit mix proposed, the DCP requires a minimum of 86 spaces and a maximum of 107 spaces in total. The proposal provides for 97 spaces in total which falls within the required range. The proposal is considered satisfactory in relation to car parking.

The applicant is listed as Tenth House Pty Ltd - a deregistered company since 2011, with history of financial mismanagement including administration since 2008. Can this entity and the individuals associated be trusted with a development that will change the character of Stansell Street and surrounding streets.

Comment:

The financial status of the applicant is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposed development is consistent with the envisaged form of development for the site by the Ryde Development Control Plan 2014 – Pat 4.6 – Gladesville Town Centre and Victoria Road Corridor.

Second notification period

We need trees to be planted and more open space to accommodate the growing population.

Comment:

The proposal includes a ground floor communal open space area which is 456m² in size and accommodates a number of new trees. The landscaping plan (as amended) depicts the proposed planting of a total of 36 trees on the ground floor with minimum 100 Litre pot sizes and minimum mature heights of 8 metres. There are 5 tree plantings proposed on the Level 3 podium with 100 Litre pot sizes and 5 metre mature heights. Within the rooftop common open space area there are 11 tree plantings proposed with mature heights of a minimum of 3 metres. It is considered that the proposal provides a suitable number of tree plantings and open space.

The proposed building height in excess of 21 metres presents an unacceptable increase in height which sets a precedent that other proposed developments in the area may also seek to exceed. The wind tunnel effect and impact to daylight sunshine hours will be exacerbated with increasing heights being permitted of buildings along the Victoria Road Gladesville corridor.

Comment:

The building height variation occurs to the lift overruns, the shading structure attached to the southern lift overrun, the balustrading associated with the rooftop common open space area and the roof form in the north-western corner of the site. The height variation has been addressed earlier in this report and is supported. A significant amount of the overshadowing created by the development will fall on Victoria Road and the adjoining car park to the south-east of the site.

It is not considered that the building height non-compliance will set a precedent for surrounding development. All other developments are required to comply with the building height controls under Clause 4.3(2) of the Ryde Local Environmental Plan 2014 and where any variation is proposed, the tests under Clause 4.6 are required to be applied.

10. Referrals

Transport for NSW

The application was referred to Transport for NSW given the location of the site on a classified road (Victoria Road) and the following comments were provided:

Reference is made to Council's correspondence regarding the abovementioned Application which was referred to Transport for NSW (TfNSW) for comment in accordance with State Environmental Planning Policy (Infrastructure) 2007. TfNSW advises that concurrence is also required for the removal of redundant driveways on Victoria Road in accordance with Section 138 of the Roads Act, 1993.

TfNSW has reviewed the development application and provides concurrence to the removal of the redundant driveways and reinstatement of kerb and gutter on Victoria Road under Section 138 of the Roads Act 1993, subject to Council's approval and the below recommended conditions of consent.

Assessment Officer's Comment: The recommended conditions provided by Transport for NSW have been included in the draft conditions of consent (**attachment 1**). See Condition Nos. 50, 84, 89, 93 and 94.

Viva Energy

The subject site is located in the vicinity of the Viva Energy (formerly Shell) high pressure pipeline and the application has been referred to Viva Energy for comment. Comments from Viva Energy were provided and no objections were raised subject to conditions of consent being imposed (in the event of the application being recommended for approval) relating to vibration monitoring, the application of a membrane to the basement to prevent the penetration of liquids and gases and in relation to 'Dial Before You Dig' requirements during construction.

Assessment Officer's Comment: The recommended conditions provided by Viva Energy have been included in the draft conditions of consent (**attachment 1**). See Condition Nos. 92, 125 and 126.

Senior Development Engineer

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

Stormwater Management

The previous 'request for additional information' stormwater management item has not been addressed:

- *The site is greater than 1,500m² in area and as such the Applicant is required to demonstrate a Water Sensitive Urban Design Strategy for the site in accordance with the DCP.*

The revised stormwater plan has shown the WSUD targets are achievable through the proposed measures. Therefore, there is no further objection.

- *The stormwater management plan shall be updated to reflect the amended architectural design.*

Please note, the proposed onsite detention system shall be in common area (not private courtyard) and the pump riser will need to be located outside the proposed habitable areas.

The revised stormwater management plan shows the outlet pipe from the proposed on-site detention system will need to route underneath the building before it reaches the proposed junction pit. This is not acceptable because in the case pipe leaks or bursts, it has the potential to flood the inside of the building. However, this can be dealt with by way of a condition of consent.

Vehicle Access and Parking

A review of the revised parking layout and vehicle access has revealed the following that is required to be addressed prior to approval:

- *Wheel stops should be provided to restrain vehicle contact with wall and limit the travel of a vehicle into a parking space in accordance with AS2890.1. Amend architectural plan accordingly.*

No wheel stops are reflected in the latest version of basement floor plan. However, a condition of consent regarding wheel stops is recommended.

Additional comment regarding revised stormwater management:

- *The pump riser does not appear to be connected to the proposed OSD. However, this can be dealt with by way of a condition of consent and stormwater plan marked in red.*

Additional comments regarding the revised driveway and parking number:

- *The proposed visitor intercoms are mounted on the left and right walls before the car park gate. This is not ideal as the driver will require to drive on the opposite traffic aisle to operate the intercom mounted on the right wall before car park gate and the driver in a seated position is difficult to reach to the intercom mounted on the left wall before the gate. This can cause delays in operation and result in queuing to the Stansell Street. To ensure visitors access the intercom in an efficient manner, signage must be located at the vehicle entrance, large enough to be clearly visible to an entering driver, indicating the location of the intercom. Or alternatively, an intercom pedestal shall be installed in the middle of the driveway and entirely within the queuing area for efficient access of the access control device. A condition of consent will apply to reflect such requirement.*
- *The revised architectural plan has shown update car and bicycle parking number which are found to be complied with DCP requirements. Parking number is summarised in the following table:*

Use	Requirement	Min. required parking number	Provided parking number	Compliance
<i>Residential</i>	DCP: 0.6 to 1 space/1 bed 0.9 to 1.2 space/2 bed 1.4 to 1.6 space/3 bed	55	66	Yes
<i>Visitor (Residential)</i>	DCP: 1 space per 5 residential units	13	13	Yes
<i>Commercial</i>	DCP: 1 space per 25m ² GFA	18	18	Yes
TOTAL		86	97	YES
<i>Bicycle</i>	10% of the parking number	9	16	Yes

As per Ryde DCP Part 9.2 – Parking Controls, the development requires 10% of the total units to be adaptable, resulting in a requirement for seven (7) adaptable units, and as a result a minimum of seven (7) out of the 66 residential spaces must provide accessible spaces dimensioned in accordance with AS2890.6. Only six (6) accessible spaces for residential unit are shown on the revised plan. However, a condition of consent is recommended requiring a minimum of seven accessible spaces.

Also, one of the visitor spaces must accommodate an accessible space. Further, one (1) accessible space per 10 to 33 commercial parking spaces is required. These would result in nine (9) accessible parking space requiring for the development. A review of the plans indicates compliance with the required number of accessible parking spaces for residential visitor and commercial space.

Assessment Officer's Comment: The recommended conditions provided by the Senior Development Engineer are included in the recommended conditions of consent (**Attachment 1**). See Condition Nos. 11, 12, 13, 14, 15, 16, 17, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 79, 80, 82, 83, 106, 107, 108, 109, 143, 144, 145, 146, 147, 148, 149, 176 and 177.

City Works – Traffic

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

External Traffic Implications

The Guide to Traffic Generating Developments (GTGD), and its Technical Direction (TDT 2013/04) specifies the following traffic generation rates applicable to the proposed mixed-use development:

High Density Residential Development

AM Peak = 0.19 vehicle trips per dwelling

PM Peak = 0.15 vehicle trips per dwelling

Office

AM Peak = 1.6 vehicle trips per 100m² GFA

PM Peak = 1.2 vehicle trips per 100m² GFA

Based on a development yield of 65 dwellings and 440m² of commercial office space, the proposed development could generate between 17 – 20 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. The service station/convenience store is estimated to generate around 150 vehicle trips to and from the site during peak hour periods.

Vehicle trips generated by petrol stations is estimated on the basis of RMS' Guide to Traffic Generating Developments, which provides specific trip generation rates for petrol stations.

The pass-by/diverted vehicle trips to the petrol station would redistribute the traffic on the surrounding road network, and therefore produce traffic impacts on existing traffic facilities.

Further, many petrol stations offer convenience store/car repairing/washing service, which could generate their own trips.

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.

Parking Implications

The subject development proposes to provide a total of 97 car parking spaces on site over two (2) levels comprising:

- 66 resident parking spaces;
- 18 commercial parking spaces; and
- 13 spaces for visitors

Part 9.3 of City of Ryde's Development Control Plan (DCP) specify the following parking rates for land uses pertinent to the proposed development:

High Density Residential Development

0.6 to 1 space per one bedroom dwelling;

0.9 to 1.2 spaces per two bedroom dwelling;

1.4 to 1.6 spaces per three bedroom dwelling; and

1 visitor space / 5 dwellings

Retail

1 space per 25m² GFA

Based on the proposed development yield, the subject development is required to provide between 86 to 107 off-street car parking spaces. The proposed parking provision of 97 car parking spaces is therefore compliant with City of Ryde's DCP.

Transport department therefore has no objection to the approval of this application subject to recommended conditions.

Assessment Officer's Comment: The recommended conditions provided by the City Works – Traffic team are included in the recommended conditions of consent (**Attachment 1**). See Condition Nos. 14, 55, 56, 83, 84, 110, 150, 151 and 178.

City Works – Public Domain

The application was referred to Council's City Works – Public Domain team and no objections were raised subject to recommended conditions.

Assessment Officer's Comment: The recommended conditions provided by the City Works – Public Domain team are included in the recommended conditions of consent (**Attachment 1**). See Condition Nos. 15, 16, 17, 18, 58, 59, 60, 61, 62, 63, 85, 86, 87, 88, 89, 90, 111, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166 and 167.

City Works – Waste

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

The proposal is for a mixed-use development consisting of 65 residential units over six levels with four retail tenancies facing onto Victoria Road. A chute is located on each floor for residents to dispose of their waste with a recycling room housing a 240L recycle bin located next to the chute. 1100L waste bins will be located at the end of the chute in the residential waste room on the ground floor. The recycle bins will be decanted into 660L recycle bins for servicing.

Swept paths have been provided showing that a 10.8m truck can access the ground floor basement in a forward direction, and utilise a turntable located at the rear of the site to turn around and exit in a forward direction. Access to the ground floor loading area is from a driveway off Stansell Street.

A bin holding room is located next to the turntable for easy access for servicing the bins with a rear load truck. A 16m² bulky waste storage room is also located adjacent to the turntable for residents to dispose of their unwanted household items awaiting cleanup collection.

Bin Configuration:

- 3 x 660L waste bins serviced three times per week
- 1 x 660L waste bin to go under the chute while the bins are being service
- 5 x 660L recycle bins serviced two times per week
- 6 x 240L recycle bins to go in the recycle room next to the chute on each floor to be decanted into 660L recycle bins for servicing.
- 1 x 240L garden organics bin serviced fortnightly

Assessment Officer's Comment: The recommended conditions provided by the City Works – Waste team are included in the recommended conditions of consent (**Attachment 1**). See Condition Nos. 65, 66, 67, 68, 112, 113, 168, 169, 170, 171, 172, 173, 179, 180, 181, 182, 183, 181, 182 and 183.

Environmental Health Officer

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

Contamination

The site was historically used as a service station. The demolition of the site and remediation was approved under LDA2019/454. An Environmental Management Plan (EMP) was prepared WSP, Site ID: 28880, dated 6 October 2021 following the remediation/validation of the site and prior to handover by Ampol to the new site owners. The EMP provides a summary of the remaining contamination at the site. To date, the site has only been remediated to a level suitable for slab-on grade industrial/commercial developments.

The current applicant is seeking approval for a mixed-use development including 2 levels of basement carparking. A Detailed Site Investigation report (DSI) has been prepared by 'Foundation Earth Sciences' ref E2470-2 dated 22 August 2022 to assess the sites suitability for the new use. Summary of the report findings are below:

- Soil samples were assessed against NEPM 'HIL B' criteria (residential with minimal access to soil)
- Ground water monitoring indicated that levels of hydrocarbons, heavy metals and VOC were detected above the ground water investigation levels (GILs), NHMRC Drinking Water Guidelines and the ANECC2000 Water Quality Guidelines
- Soil vapour sampling revealed that residual hydrocarbon concentration across the site
- Foundation Earth Sciences (FES) note that the proposed development will leave little unsealed surfaces limiting migration of contaminants from the site
- FES finds that the site can be made suitable for the proposed use provided that a Remedial Action Plan prepared

A Remedial Action Plan (RAP) prepared by FES, ref E2470-3 dated 19 August 2022 has also been submitted with this application. The plan concluded the site can be made suitable for the proposed use subject to the excavation and removal of all contaminated material to licenced landfill. A validation report and Site Audit Statement are to be prepared and submitted prior to CC confirming that remedial works have been carried out in accordance with the approved RAP.

Acoustics:

Acoustic impact has been addressed in comments dated 3 March 2020. There were no issues with the submitted acoustic report. Compliance with the recommendations of the report is addressed by way of recommended conditions of consent.

Assessment Officer's Comment: The recommended conditions provided by Council's Environmental Health Officer are included in the recommended conditions of consent (**Attachment 1**). See Condition Nos. 19, 20, 21, 22, 23, 24, 27, 39, 41, 113, 114, 115, 116, 117, 118, 119, 120, 121, 123, 124, 174, 175, 184, 185, 186, 187 and 188.

Consultant Landscape Architect/Arborist

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

These comments have been prepared in response to amended plans and information received as part of a development application for construction of a multi-storey mixed-use development comprising sixty-five (65) residential units and four (4) commercial tenancies at the subject site being 287-295 Victoria Road, Gladesville.

This review follows on from previous preliminary assessments of the proposal dated 30 April 2021 and 15 February 2022. Detailed within these previous assessments were a number of concerns with the proposal which prevented it from being supported from a Landscape and Arboricultural perspective. Specifically, the level of impact to two (2) council-owned trees (Trees 1 & 2) was not supported.

In response to this concern, an amended suite of documentation has been submitted to Council for further assessment. Within this documentation, it is acknowledged that design changes to the basement and building footprints, as shown within the amended Architectural Plans, have significantly reduced impacts to Trees 1 & 2. The level of impact to these trees is now generally supported subject to recommended conditions surrounding the installation of footpaths and other hard paving areas within the wider Tree Protection Zone (TPZ). No objection is raised to the removal of the trees on the subject site as none of this vegetation is identified as being significant.

Although the reduction in the rooftop common open space (COS) is considered undesirable given the associated reduced level of outdoor amenity able to be afforded to future residents, it is noted that the proposal still provides approximately 40% of the site area as COS. Given this exceeds the specified minimum COS area for new developments outlined under Objective 3D-1 (1) of the NSW Apartment Design Guide 2015 (25% of site area), the proposed changes can be generally supported. As such, the previously provided Landscape & Arboricultural Conditions of Consent are still considered appropriate.

Assessment Officer's Comment: The recommended conditions provided by the consultant Landscape Architect/Arborist are included in the recommended conditions of consent (**Attachment 1**). See Condition Nos. 72, 73, 74, 75, 127, 128, 129, 130, 131, 132 and 133.

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:

- The proposal is consistent with the objectives for B4 zoned land.
- 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.
- The proposal does not result in any significant adverse impacts upon adjoining properties or the streetscape.
- The proposal is not contrary to the public interest.

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 consent to Development Application LDA2021/0089 for construction of a six storey mixed-use development comprising 65 residential units, four commercial tenancies and two basement parking levels on land at 287-295 Victoria Road, Gladesville subject to the draft conditions contained in Attachment 1.
- C. THAT the objectors are advised of the decision.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 RDCP 2014 Table of Compliance
- 3 ADG Guidelines Table of Compliance
- 4 Applicant's Clause 4.6 Request (Building Height)
- 5 Architectural & Landscape Plans - subject to copyright provision
- 6 Transport for NSW Comments

Report prepared by:

Shannon Butler
Senior Town Planner

Report approved by:

Sohail Faridy
Senior Coordinator Development Assessment

Sandra Bailey
Executive Manager City Development

Attachment 1 – Recommended Conditions of Consent

GENERAL

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

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

Document Description	Plan No./ Reference	Date
Site Plan, Prepared by Urban Link	DA-006	06/09/2022, Revision D
Ground Floor Plan, Prepared by Urban Link	DA-101	11/10/2022, Revision E
Level 01, Prepared by Urban Link	DA-102	06/09/2022, Revision D
Level 02, Prepared by Urban Link	DA-103	06/09/2022, Revision D
Level 03, Prepared by Urban Link	DA-104	06/09/2022, Revision D
Level 04, Prepared by Urban Link	DA-105	06/09/2022, Revision D
Level 05, Prepared by Urban Link	DA-106	06/09/2022, Revision D
Rooftop COS, Prepared by Urban Link	DA-107	06/09/2022, Revision D
Basement 01, Prepared by Urban Link	DA-108	06/09/2022, Revision C
Basement 02, Prepared by Urban Link	DA-109	06/09/2022, Revision C
Elevations North & South, Prepared by Urban Link	DA-201	06/09/2022, Revision D
Elevations East & West, Prepared by Urban Link	DA-202	06/09/2022, Revision D
Elevations Victoria Rd, Prepared by Urban Link	DA-203	06/09/2022, Revision D
Elevations Stansell Street, Prepared by Urban Link	DA-204	06/09/2022, Revision D
Sections A, Prepared by Urban Link	DA-301	06/09/2022, Revision D
Sections B, Prepared by Urban Link	DA-302	06/09/2022, Revision D
Sections C, Prepared by Urban Link	DA-303	06/09/2022, Revision D
Sections D, Prepared by Urban Link	DA-304	06/09/2022, Revision D
Sections E, Prepared by Urban Link	DA-305	06/09/2022, Revision D
Sections F, Prepared by Urban Link	DA-306	06/09/2022, Revision D
Sections G, Prepared by Urban Link	DA-307	06/09/2022, Revision D
Sections H, Prepared by Urban Link	DA-308	06/09/2022, Revision D
Façade Section Detail, Prepared by Urban Link	DA-309	06/09/2022, Revision B
Sections Ground Interface, Prepared by Urban Link	DA-310	06/09/2022, Revision A
Finishes Schedule, Prepared by Urban Link	DA-902	06/09/2022, Revision D
Tree Retention Plan, Prepared by Site Image	001	14/04/2022, Revision A
Landscape Plan – Ground Floor, Prepared by Site Image	101	11/10/2022, Revision H
Landscape Plan – Level 3, Prepared by	102	17/11/2021, Revision B

Conditions of Consent for LDA2021/0089 :-

Site Image		
Landscape Plan – Level 6, Prepared by Site Image	103	30/08/2022, Revision E
Landscape Details, Prepared by Site Image	501	10/05/2022, Revision B
Landscape Details, Prepared by Site Image	502	06/04/2022, Revision A
Landscape Sections, Prepared by Site Image	601	11/10/2022, Revision C
Waste Management Plan, Prepared by Dickens Solutions	20208	December 2021, Revision 1

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

- a) At a minimum, all residential visitor parking spaces on Basement 01 are to be provided with electric vehicle charging points.

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 1161235M_03 dated 15 December 2021.

Reason: Statutory requirement.

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

Conditions of Consent for LDA2021/0089 :-

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 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 that all works are undertaken in accordance with any relevant standard and DCP requirements.)

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

(Reason: To ensure public services are maintained.)

13. Road Opening Permit. In accordance with the requirements of the Roads Act, the applicant must obtain consent (Road opening Permit) from Council prior to any

Conditions of Consent for LDA2021/0089 :-

excavation being undertaken in the road reserve (this includes verge and public footpath areas). No works shall be carried out in the road reserve without this permit being paid and a copy kept on the site.

(Reason: To ensure the amenity and state of the public domain is maintained.)

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: This condition is to ensure that appropriate measures/controls are in place to assist with the safety of all affected road users within the public domain when construction works are being undertaken.

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

(Reason: Protection of infrastructure and compliance with relevant Authorities requirements)

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

(Reason: Compliance with relevant Acts)

17. **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: Ensure public safety and protection of infrastructure)

18. **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: No encroachment of private works on public land)

Conditions of Consent for LDA2021/0089 :-

19. **Compliance with Acoustic Report** - All control measures nominated in the Noise and Vibration Impact Report R01B, dated 4 December 2020, prepared by Acoustic Works must be implemented.

Reason: To demonstrate compliance with submitted reports.

20. **Remediation Action (RAP)** - Remediation works shall be carried out in accordance with the Remediation Action Plan numbered E2470-3 prepared by Foundation Earthworks received by Council on 19 August 2022. 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 requirements of the RAP.

21. **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.

22. **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.

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

23. **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.

24. **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.

25. **Tree Planting – Selection & Establishment.** Tree specimens chosen for planting within the proposed development are to align with the requirements for stock selection as stipulated by AS2303-2015 – Tree stock for landscape use. Further, the trees shall be planted in accordance with the specifications as prescribed within Section 6 of the City of Ryde Tree Management Technical Manual and maintained until they reach a height of five (5) metres or have a stem circumference of 450mm

Conditions of Consent for LDA2021/0089 :-

at a height of 1.4m above ground level, at which time they shall become protected by Part 9.5 (Tree Preservation) of the City of Ryde Development Control Plan 2014. If any tree dies before reaching this size, they are to be replaced in accordance with the replanting conditions provided above.

(Reason: To ensure the establishment of viable canopy tree planting in the medium-long term.)

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

26. **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	\$312,949.83
Open Space & Recreation Facilities	\$538,885.35
Roads & Traffic Management Facilities	\$165,436.01
Plan Administration	\$15,259.03
The total contribution is	\$1,032,530.22

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.

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,

Conditions of Consent for LDA2021/0089 :-

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.

27. **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 Construction 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*.

28. **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*.

29. **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.

Conditions of Consent for LDA2021/0089 :-

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

30. **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.

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

31. **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.

32. **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.

33. **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.

34. **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.

35. **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

Reason: Statutory requirement.

Conditions of Consent for LDA2021/0089 :-

36. **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.

37. **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.

38. **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.

39. **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

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

40. **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:

Conditions of Consent for LDA2021/0089 :-

- (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.

41. **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.

42. **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.

43. **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.

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

44. **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;

Conditions of Consent for LDA2021/0089 :-

- 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, an accessway / ramp 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) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, the driveway entry at the property boundary must have clear sight through a splayed region defined by Figure 3.3 of AS 2890.1 (2004) and Council's DCP. Ideally the region is to be free of all obstructions, otherwise any solid obstructions are to be no greater than 900mm above finished surfaces and horizontal fencing/ slats are to permit more than 50% visual permeability.
- d) To ensure visitors access the intercom in an efficient manner, signage must be located at the vehicle entrance, large enough to be clearly visible to an entering driver, indicating the location of the intercom. Or alternatively, an intercom pedestal shall be installed in the middle of the driveway and entirely within the queuing area for efficient access of the access control device.

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 the vehicle access and parking area is in accordance with the require standards and safe for all users.)

45. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to Council's kerb inlet pit, generally in accordance with the plans by United Consulting Engineers Pty Ltd, Drawing No.: 20MB8524/D01 to 20MB8524/D09, Sheet 1 to 8 inclusive, Issue No.: D, Dated 26/5/22, subject to any variations marked in red on the approved plans or noted following;

- a) Drainage pipes shall not be going underneath the proposed building. The stormwater plan shall be amended to show stormwater pipe routed around building. Alternatively, the stormwater plan shall be amended to provide inspection out pits on the either side of the building to allow for accessing the pipe for maintenance and repair purpose if running stormwater pipe underneath the building is the only practical solution.

Conditions of Consent for LDA2021/0089 :-

- b) The pump riser should connect to the proposed onsite detention system prior to the connection to the proposed junction pit.
- c) 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.

(Reason: To ensure that the developments stormwater management system is aligned with the controls and objectives of the City of Ryde DCP 2014 Part 8.2)

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

As a minimum, the OSD system must;

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

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

(Reason: To ensure that the design of the OSD is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2)

47. **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.

Conditions of Consent for LDA2021/0089 :-

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 that the design of the pump system is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2 and relevant Australian Standards.)

48. **Stormwater Management – Connection to Public Drainage System.** Engineering plans detailing the connection of the developments stormwater management system to the public drainage service must be forwarded to Council and an inspection fee (as per Council's schedule of fees and charges current at the time of payment) must be paid to Council prior to the issue of the Construction Certificate.

Council must be notified when the connection has been made to the pit / pipe and an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval.

Where the point of connection is in neighbouring property, the applicant must provide written notification to the affected property owner no less than a week prior to the works and all structures/ 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 that the connection is in accordance with the City of Ryde 2014 DCP Part 8.2 and to Council's satisfaction.)

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

Prior to the issue of the Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath and gutter crossover. The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover. The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground

Conditions of Consent for LDA2021/0089 :-

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 6.95m. wide, without the splays, and shall be constructed at right angle to the alignment of the kerb and gutter, and located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

An assessment and inspection fee (as per Council's schedule of fees and charges current at the time of payment) must be paid to Council prior to the issue of the Construction Certificate.

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

(Reason: The design and levels of the new driveway crossover(s) will require approval from Council under Section 138 of the Roads Act)

50. **Driveways and Kerb and Gutter on Victoria Road Frontage.** The redundant driveways on the Victoria Road boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Victoria Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to: developerworks.sydney@rms.nsw.gov.au. Detailed design plans of the proposed kerb and gutter 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. 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: Transport for NSW requirement.)

51. **Geotechnical Design, Certification and Monitoring Program.** 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;

Certification that the civil and structural details of all subsurface structures are designed to;

- provide appropriate support and retention to neighbouring property,
- ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
- ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.

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

Conditions of Consent for LDA2021/0089 :-

- is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
- details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
- details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
- details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.
- Is in accordance with the recommendations of the Geotechnical Report by Foundation Earth Sciences, dated March 2021.

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.)

52. **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;

- 1 Stansell Street Gladesville
- 283 - 285 Victoria Road

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

(Reason: To clarify any claims of damage made by adjoining property owners.)

53. **Site Dewatering Plan.** A Site Dewatering Plan (SDP) must be prepared and submitted with the application for a Construction Certificate.

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

- a) All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
- b) Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
- c) Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
- d) The maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging to the kerb.
- e) Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- f) Incorporate water treatment measures to prevent the discharge of sediment laden water to the public drainage system. These must be in accordance with the

Conditions of Consent for LDA2021/0089 :-

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 to neighbouring properties and downstream water systems.)

54. **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;

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

The ESCP must be submitted with the application for a Construction Certificate.

(Reason: To protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.)

55. **Construction Pedestrian and Traffic Management Plan.** A Construction Pedestrian and Traffic Management Plan (CPTMP) 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.

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:

Conditions of Consent for LDA2021/0089 :-

- 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)/Traffic Guidance Scheme(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
 - Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

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

56. **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 garbage truck, as a minimum requirement. The minimum height clearance required is 4.3m, measured

Conditions of Consent for LDA2021/0089 :-

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 a Council's 10.8m long garbage truck shall be reviewed and approved by a chartered civil engineer (with evidence of this certification submitted to Council) 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: This condition is intended to assist with the safety and efficiency of heavy vehicles entering and exiting the site.

57. **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: Ensuring compliance with Council's relevant Planning Instruments)

58. **Public domain improvements - Design for Construction Certificate** - The public domain is to be upgraded along the Victoria Road frontage, the Stansell Street frontage and the public footway south of the development site in accordance with the City of Ryde Public Domain Technical Manual Chapter 2 - Gladesville. The works shall include paving, multifunction light poles, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council.

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

- (a) Footpath paving as specified in the condition of consent for public infrastructure works.
- (b) Street trees to be provided in accordance with the Gladesville Town Centre Tree Master Plan. The designated species are "Pyrus calleryana 'Capital' (Ornamental Pear) 200L, pit size 3m x 1.5m with Liriope muscari 'Royal Purple' at base" as the designated street planting for the Victoria Road frontage and "Future street & open space tree planting' for the Stansell Street frontage of the development.

Conditions of Consent for LDA2021/0089 :-

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

- (c) All telecommunication and utility services are to be placed underground along the Victoria Road and Stansell Street frontages. The extent of works required in order to achieve this outcome may involve works beyond the frontage of the development site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to, and approved by Council and relevant utility authorities, prior to commencement of work. The public utility cover requirements shall be based on the approved Finished Surface Levels for the footpath, driveways and kerb ramps.

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

- (d) New street lighting serviced by metered underground power and on multifunction poles (MFPs) shall be designed and installed to Australian Standard AS1158:2020 *Lighting for Roads and Public*.

Subject to design, it is expected that three new street lights on multi-function poles (MFP's) will be required along the Victoria Road frontage, one new street light on an MFP will be required along the Stansell Street frontage and one new street light will be required to replace the existing pole and light along the pedestrian walkway along the southern boundary of the site. Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual Chapter 2 – Gladesville. The consultant shall liaise with Council's City Works Directorate in obtaining Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter boxes.

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

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

(Reason: Provision and upgrade of public assets and to ensure compliance with Council's relevant Planning Instruments)

59. **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.

Conditions of Consent for LDA2021/0089 :-

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

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

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

- (a) The full reconstruction of half road width pavement for the Stansell Street Development frontage including the intersection of Victoria Road (inclusive of the left most traffic lane on Victoria Road), in accordance with the City of Ryde DCP 2014 *Part 8.5 - Public Civil Works*, Clause 1.1.4 – *Constructing Half Road*. The limits of the pavement reconstruction to be determined and agreed upon at construction stage.
- (b) The full reconstruction of the Bus Lane on Victoria Road for the Victoria Road development frontage and subject to TfNSW approval.
- (c) The removal of all redundant vehicular crossings and replacement with new kerb and gutter, and the adjacent road pavement reconstruction. Along the Victoria Road frontage the new kerb and gutter will need to be according to TfNSW standards and specifications.
- (d) The construction of new kerb and gutter along the Victoria Road and Stansell Street frontages of the development site. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along Victoria Road and Stansell Street.
- (e) Construction of full width granite footway along the Victoria Road and Stansell Street frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Chapter 2 - Gladesville.
- (f) Construction of granite footway along the Council's pedestrian walkway to Gladesville Library and carpark along the southern boundary of the development site in accordance with the City of Ryde Public Domain Technical Manual Chapter 2 - Gladesville
- (g) Reconstruction of existing Koppers' Log retaining wall along the pedestrian walkway south of the site.
- (h) The construction of new granite kerb ramp for pedestrians crossing Stansell Street.
- (i) The construction of new heavy duty driveway layback and granite vehicular footpath crossing in Stansell Street.
- (j) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- (k) Signage and line-marking details.
- (l) Staging of the public civil works, if any, and transitions between the stages.
- (m) 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.

Conditions of Consent for LDA2021/0089 :-

Notes:

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

(Reason: Provision and upgrade of public assets and to ensure compliance with Council's relevant Planning Instruments and standards)

60. **Vehicle Footpath Crossing and Gutter Crossover** – A new vehicle footpath crossing and associated gutter crossover shall be constructed at the approved vehicular access location/s. Where there is an existing vehicle footpath crossing and gutter crossover, the reconstruction of this infrastructure may be required in order that it has a service life 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 B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included.

All grades and transitions shall comply with Australian Standard AS 2890.1-2004 *Offstreet Parking* and Council's specifications. The new crossing shall be constructed at right angle to the alignment of the kerb and gutter, and shall be located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

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

Conditions of Consent for LDA2021/0089 :-

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

(Reason: Improved access and public amenity)

61. **Public Domain Works – Defects Security Bond** - To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue by Council, of the Compliance Certificate for the External Works. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period. A bond in the form of a cash deposit or Bank Guarantee of **\$100,000** shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.

(Reason: Ensure compliance with specifications)

62. **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: Ensure compliance with Council's requirements)

63. **Anticipated Assets Register - Changes to Council Assets** - In the case that public infrastructure improvements are required, the developer is to submit a listing of anticipated infrastructure assets to be constructed on Council land as part of the development works. The new elements may include but are not limited to new road pavements, new Multi-Function Poles (MFPs), new concrete or granite footways, new street trees and tree pits, street furniture, bus shelters, kerb and gutter and driveways. This information should be presented via the Anticipated Asset Register file available from Council's Assets and Infrastructure Department. The listings should also include any assets removed as part of the works. The Anticipated Asset Register is to assist with council's future resourcing to maintain new assets. There is potential for the as-built assets to deviate from the anticipated asset listing, as issues are resolved throughout the public domain assessment and Roads Act Approval process. Following completion of the public infrastructure works associated with the development, a Final Asset Register is to be submitted to Council, based upon the Public Domain Works-As-Executed plans.

(Reason: Record of civil works)

64. **Changes to Waste Management Arrangements.** Any changes to the Waste Management Plan dated 22/10/18 or DA 05 plans which were utilised to evaluate the waste collection by Council, are to be approved by the Waste Department at the

Conditions of Consent for LDA2021/0089 :-

City of Ryde Council before the issue of a Construction Certificate to ensure the waste collection is not affected.

(Reason: To ensure that waste management arrangements are satisfactory.)

65. **Waste Storage Area Doorways.** 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.
- 1100L Bins – width 1.4m, depth 1.1m, height 1.4m
 - 660L Bins – width 1.3m, depth 0.8m, height 1.3m
 - 240L Bins – width 600mm, depth 800mm, height 1100mm

(Reason: To ensure that waste storage areas are of adequate dimensions.)

66. **Waste Storage in Dwellings.** Two separate receptacles must be provided inside each dwelling to store up to two days worth of waste and recyclables awaiting transfer to the communal bin disposal areas to ensure source separation of recyclables.

(Reason: To ensure that adequate storage space is provided in each unit for waste and recycling.)

67. **Bulky Waste Storage.** On-site storage of 16m² must be provided for bulky waste awaiting household cleanup collection adjacent to the loading bay as shown on the plans. Suitable details must be clearly shown on the approved plan before the issue of any Construction Certificate.

(Reason: To ensure adequate facilities for the storage of bulky waste on-site.)

68. **Garbage and Recycling Rooms.** All garbage and recycling rooms must be constructed in accordance with the following requirements:

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

Conditions of Consent for LDA2021/0089 :-

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

(Reason: To ensure that garbage and recycling rooms are constructed to Council's standards.)

69. **Construction Noise Management Plan (demo & 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

Reason: To prevent loss of amenity to the area and maintain appropriate amenity to nearby occupants.

70. **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.

71. **Environmental Management Plan** - Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to Council. The CEMP must include, but not be limited to, the following:
- (a) Details of:

Conditions of Consent for LDA2021/0089 :-

- (i) hours of work;
- (ii) 24-hour contact details of site manager;
- (iii) management of dust and odour to protect the amenity of the neighbourhood;
- (iv) stormwater control and discharge;
- (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
- (vi) groundwater management plan including measures to prevent groundwater contamination;
- (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
- (viii) community consultation and complaints handling;
- (b) Construction Noise and Vibration Management Sub-Plan;
- (c) Construction Waste Management Sub-Plan;
- (d) Construction Soil and Water Management Sub-Plan;
- (e) Flood Emergency Response;
- (f) an unexpected finds protocol for contamination and associated communications procedure;
- (g) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site

Reason: To ensure that the business establishes a commitment to the protection of the environment.

72. **Footpath Construction within SRZs.** Construction of the proposed footpaths within the Structural Root Zones (SRZs) of Trees 1, 2 & 23 is to be located entirely above the existing ground levels. Any fill used to establish required design levels is to consist of gap-graded structural soils to the specification of the Project Arborist. Walls or edging systems required to retain the path sub-grade are to be installed via a method that does not require a continuous strip footing. The surface finish of footpaths within the SRZ of these trees is to be provided as a permeable solution. Details of compliance are to be shown on the plans prepared for Construction Certificate.

(Reason: To ensure the ongoing viability of the root systems associated with each of these trees.)

73. **Tree Protection Plan and Specification.** A dedicated and detailed Tree Protection Plan & Specification is to be prepared by an AQF Level 5 consulting Arborist who is registered as a consulting arborist with either Arboriculture Australia or the Institute of Australian Consulting Arboriculturists. This document is to provide details and guidance as to how existing trees to be retained are to be protected during the demolition, excavation and construction works. This document is to take into consideration all trees within the public domain which are to be retained and may be affected by the proposal. The Tree Protection Plan & Specification is to be submitted to the Principal Certifier for review and approval prior to issue of a Construction Certificate.

(Reason: To provide a suitable framework and guidance for tree protection prepared by a qualified professional.)

74. **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

Conditions of Consent for LDA2021/0089 :-

to be retained on the subject site and neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites. All trees are to be monitored to ensure adequate health throughout the construction period 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 the Principal Certifier prior to the commencement of construction.

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

75. **Landscape Maintenance Plan.** A plan relating to the establishment and ongoing management of proposed landscape areas is to be prepared as part of the plans and information for Construction Certificate. The plan is to provide detailed information as to how landscape areas are to be successfully established, stipulate an ongoing maintenance schedule for a specified time period of no less than twenty-four (24) months, provide details on the minimum standards to which these areas are to be maintained and describe actions to be undertaken if the landscape areas do not function as intended, including provisions for replacement planting should plant specimens fail within the identified maintenance period.

(Reason: To ensure the establishment and ongoing quality of the overall landscape scheme.)

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.

76. 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.

77. 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

Conditions of Consent for LDA2021/0089 :-

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.

78. **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.

79. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Any doors/ gates on the boundary must be installed so they do not open onto any footpath.

(Reason: To maintain public safety and amenity in public domain areas adjoining the development site.)

80. **Property above/below Footpath Level.** Where the ground level adjacent the property alignment is above/below the established verge and footpath level, adequate measures are to be taken, either by means of constructing approved retaining structures or batters entirely on the subject property, to support the subject land/footpath and prevent harm to the public / occupants of the site due to the abrupt level differences.

(Reason: To preserve public safety and the support of property due to abrupt level differences between the site and public domain land.)

81. **Construction Environmental Management Plan** - Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to Council. The CEMP must include, but not be limited to, the following:

(a) Details of:

- (i) hours of work;
- (ii) 24-hour contact details of site manager;
- (iii) management of dust and odour to protect the amenity of the neighbourhood;
- (iv) stormwater control and discharge;
- (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
- (vi) groundwater management plan including measures to prevent groundwater contamination;
- (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
- (viii) community consultation and complaints handling;

- (b) Construction Noise and Vibration Management Sub-Plan;
- (c) Construction Waste Management Sub-Plan;

Conditions of Consent for LDA2021/0089 :-

- (d) Construction Soil and Water Management Sub-Plan;
- (e) Flood Emergency Response;
- (f) an unexpected finds protocol for contamination and associated communications procedure;
- (g) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site

(Reason: To ensure that the business establishes a commitment to the protection of the environment)

82. **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 application for approval from Council's Public Works department, as per the provisions of Section 138 of the Roads Act. The application for consent must include detailed structural plans prepared by a chartered structural engineer, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is subject to the applicant paying all applicable fees in accordance with Council's Management Plan.

(Reason: To minimise the imposition of soil / rock anchors on the public domain.)

83. **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: Specific activities on public roads where Council is the consent authority require Council approval prior to such activities being undertaken.

84. **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. lane closures, etc.) and/or within 100m of a signalised intersection.

Reason: Transport for NSW requirement.

85. **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 several documents are required to be lodged with the Notice; no fee is chargeable for the lodgement of the Notice.

(Reason: Ensure compliance and record of works)

86. **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

Conditions of Consent for LDA2021/0089 :-

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.

(Reason: Ensure compliance and record of works)

87. **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: Ensure compliance and communicate Council's requirements)

88. **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: Protection of Council's infrastructure)

89. **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.

Conditions of Consent for LDA2021/0089 :-

- b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. **A Transport for NSW 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: Legal requirement)

90. **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: Ensure public amenity and safety)

91. **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

Conditions of Consent for LDA2021/0089 :-

Ryde Traffic Committee prior to the installation of any traffic devices, signage and linemarking.

(Reason: To ensure compliance)

92. **Viva Energy Requirements.** Prior to the commencement of works, a Dial Before You Dig (DBYD) enquiry is to be undertaken and Viva Energy Surveillance is to be contacted on 1800 945 223. The applicant is to ensure that service providers connecting utilities for the development complete a DBYD enquiry and follow Viva Energy procedures and conditions.

(Reason: Viva Energy requirements given proximity of the development to the Viva Energy pipeline.)

93. **Drainage on Victoria Road Frontage.** Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Victoria Road 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: Transport for NSW requirement.)

94. **Submission of Documents to TfNSW.** The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@rms.nsw.gov.au. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

(Reason: Transport for NSW requirement.)

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.

95. **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.

Conditions of Consent for LDA2021/0089 :-

96. **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.

97. **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.

98. **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.

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

- (a) Fill is allowed under this consent;
- (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
- (c) the material is reused only to the extent that fill is allowed by the consent.

Reason: To protect the environment.

100. **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.

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

Reason: To ensure safety and amenity of the area.

102. **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

Conditions of Consent for LDA2021/0089 :-

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

Reason: Statutory requirement.

103. 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.

104. 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.

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

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

106. 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 United Consulting Engineers Pty Ltd, Drawing No.: 20MB8524/D01 to 20MB8524/D09, Sheet 1 to 8 inclusive, Issue No.: D, Dated 26/5/22, 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 the stormwater system is constructed as approved)

107. 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: To prevent soil erosion and the discharge of sediment over the land.)

108. 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

Conditions of Consent for LDA2021/0089 :-

the owner and occupiers of the adjoining allotments before excavation works commence.

(Reason: To ensure that the excavation works are undertaken appropriately throughout the period of construction.)

109. **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 that site dewatering is undertaken appropriately throughout the period of construction.)

110. **Implementation of the Construction Traffic and Pedestrian Management Plan.** All construction works including demolition are to be undertaken in accordance with the approved Construction Traffic and Pedestrian Management Plan (CTPMP). All controls in the CTPMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate SafeWork NSW accreditation. Should the implementation or effectiveness of the CTPMP be impacted by surrounding major development not encompassed in the approved CTPMP, the CTPMP measures and controls are to be revised accordingly and submitted to Council.

Reason: This condition is to ensure that the measures/protocols stated in the approved CPTMP are carried out by the builder during construction.

111. **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: Ensure compliance with relevant standards)

Conditions of Consent for LDA2021/0089 :-

112. **Tip Dockets for Construction Phase.** 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 compliance with the Waste Management Plan.)

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

(Reason: To prevent illegal dumping.)

114. **Sediment and Erosion Control measures** - Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

Reason: To ensure soil and water management controls are in place before site works commence.

115. **Erosion & sediment control measures** - Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

Reason: To ensure no adverse impacts on neighbouring properties.

116. **Soil and Water Management (Stockpiles)** - Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

Reason: To ensure that building materials are not washed into stormwater drains.

117. **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.

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

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

119. **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.

Conditions of Consent for LDA2021/0089 :-

Reason: To confirm waste minimisation objectives are met.

120. **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.

121. **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.

122. **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.

123. **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.

Reason: To prevent pollution of waterways.

124. **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.

Conditions of Consent for LDA2021/0089 :-

125. **Viva Energy Requirements.** All utility connections impacting the Gore Bay Pipeline are to be installed to not impact the pipeline and all works must meet Australian Standards AS2885. Vibration monitoring is to be undertaken during works (to ensure there is no damage to the pipeline coating). A membrane is to be applied to the basement that will prevent the penetration of liquids and gases in particular groundwater and gas and liquid petroleum.

(Reason: Viva Energy requirements given proximity of the development to the Viva Energy pipeline.)

126. **Viva Energy Requirements.** The land owner must at no cost to Viva Energy Australia Pty Ltd, carry out the works (whether or not within the pipeline easement) for the development to meet the requirements of:

- a Safety Management Study (if required by AS2885) &
- The land owner must at no cost to Viva Energy Australia Pty Ltd, carry out the works (whether or not within the pipeline easement) for the development to meet the requirements of:
 - (a) Australian Standard AS2885 Pipelines – Gas and Liquid Petroleum;
 - (b) Pipelines Act 1967; and
 - (c) Pipeline Regulations 2013

(Reason: Viva Energy requirements given proximity of the development to the Viva Energy pipeline.)

127. **Tree Retention.** The following trees, as referenced within the Arborist Report prepared by Abacus Tree Services dated 1 March 2021, must be retained and protected: Trees 1, 2, 22, 23, 24, 25 & 26.

Reason: To ensure all trees capable of retention are appropriately retained and protected.

128. **Tree Removal.** The following trees, as referenced within the Arborist Report prepared by Abacus Tree Services dated 1 March 2021, are approved for removal: Trees 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 & 21.

Reason: To facilitate the proposed construction works.

129. **Stormwater Trench/Pit Locations - General.** The alignment of stormwater infrastructure is to be located as far away from existing trees to be retained as practical. Should the excavation for the stormwater 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 stormwater infrastructure do not result in damage to existing tree roots.)

130. **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 >25 mm diameter). To prevent soil

Conditions of Consent for LDA2021/0089 :-

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.)

131. **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.)

132. **Fill Requirements.** Any fill to be placed within the Tree Protection Zones of existing trees 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.)

133. **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.)

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.

134. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 1161235M_02 dated 15 December 2021.

Reason: Statutory requirement.

Conditions of Consent for LDA2021/0089 :-

135. **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.

136. **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.

137. **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.

138. **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.

139. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of any **Occupation Certificate**.

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

Conditions of Consent for LDA2021/0089 :-

140. **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.

141. **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.

142. **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

143. **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 clarify the configuration of the completed stormwater management system.)

144. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.

(Reason: To maximise onstreet parking capacity and avoid confusion relating to the enforcement of parking restrictions.)

145. **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, pump/ sump components incorporated in the approved Stormwater Management system. 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

Conditions of Consent for LDA2021/0089 :-

the release of any Occupation Certificate for development works for which the system(s) serve.

(Reason: 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).)

146. **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.
- 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 stormwater components such as onsite detention system , pumps and WSUD measures, function as designed for the ongoing life of the development)

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

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
- b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.

Conditions of Consent for LDA2021/0089 :-

- c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of *AS 3500.3 - 2003* (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
- e) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
- f) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
- g) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
- h) Compliance certificate from Council confirming that all external works in the public road reserve and alteration to Council assets located in the property have been completed to Council's satisfaction.

(Reason: To ensure that all engineering components are completed to the satisfaction of an appropriately qualified person, prior to occupation or use of the development.)

148. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at 1 Pope Street – Ryde (Top Ryde City Shopping Centre).

(Reason: To ensure that owners of the site are aware of the location of the onsite detention system and the need to maintain the system over the life of the development.)

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

Conditions of Consent for LDA2021/0089 :-

(Reason: To ensure the safe and efficient circulation of traffic and access to parking areas from the public road.)

150. **Signage and Linemarking – External.** Any alterations to the public domain that results in a change to the parking and traffic conditions requires a signage and linemarking plan prepared by a suitably qualified traffic engineering consultant to be 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 Ryde Traffic Committee generally meets once a month. As such, adequate time should be allowed for the review and approval process.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's latest Schedule of Fees and Charges.

Reason: This condition is to ensure that changes to the traffic and parking conditions within the surrounding public road network as a consequence of the development is appropriately managed to minimise the impact to public safety and amenity.

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

Reason: This condition is to ensure that the works outlined in the approved signage and linemarking plan are installed, prior to the development being occupied.

152. **Loading Dock Management Plan.** An updated Loading Dock Management Plan shall be prepared by the applicant and submitted to and approved by Council's Transport Department prior to the issue of any Occupation Certificate. The plan must specify that the vehicles permitted to access the loading dock shall be no longer than 10.8m in length.

The Plan will need to demonstrate how the internal loading dock will be managed to ensure servicing arrangements including waste collection will be wholly accommodated within the site without interfering with the safety of all road users and the efficiency of traffic movements on the public road (including verge). Vehicle queuing on any public road is not permitted.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's latest Schedule of Fees and Charges.

Reason: This condition is intended to assist with minimising the impact of site servicing activities primarily associated with deliveries and refuse collection on the surrounding public roads.

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

Conditions of Consent for LDA2021/0089 :-

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: Improved access and public amenity)

154. **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: Ensure Compliance)

155. **Public Domain Improvements and Infrastructure Works – Completion** – All public domain improvements and infrastructure works shall be completed to Council's satisfaction, in accordance with the approved public domain plans and at no cost to the Council, prior to the issue of any Occupation Certificate.

(Reason: Ensure Compliance)

156. **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: Ensure public safety and protection of infrastructure)

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

(Reason: Public amenity and safety)

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

(Reason: Ensure Compliance)

159. **Compliance Certificate – External Landscaping Works** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, certification from a

Conditions of Consent for LDA2021/0089 :-

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: Ensure Compliance)

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

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

(Reason: Record of Completed Works)

161. **Registered Surveyor Final Certificate** – Upon completion of all construction works, and before the issue of any Occupation Certificate, a Certification from a Registered Surveyor must be submitted to Council, stating that all works (above and below ground) are contained within the site's land boundary.

(Reason: Ensure Compliance and no encroachments)

162. **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: Ensure Compliance)

163. **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.

Conditions of Consent for LDA2021/0089 :-

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

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

(Reason: Protection of public assets)

164. **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: Ensure compliance for protection of public assets)

165. **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: Ensure Compliance)

166. **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: Ensure Compliance)

167. **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

Conditions of Consent for LDA2021/0089 :-

domain work throughout 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: Public amenity and safety)

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

(Reason: To ensure that the development can be suitably accessed and serviced in terms of waste management.)

169. **Arrangements for Waste Servicing.** Suitable arrangements must be made with the City of Ryde Council for the provision of garbage services to the premises prior to the issue of any Occupation Certificate.

(Reason: To ensure that waste servicing is adequate.)

170. **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 allow for the ongoing accessibility of the site for Council's waste vehicles.)

171. **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

Conditions of Consent for LDA2021/0089 :-

positive covenant must be accompanied by a compliance certificate required by the condition “*Compliance Certificates – Engineering*” related to the vehicle turntable.

(Reason: To ensure the ongoing useability of the vehicle turntable for waste collection.)

172. **Access to Waste Storage Rooms.** 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.

(Reason: To ensure accessibility to the waste storage rooms.)

173. **Access to Loading Dock Area.** Where there will be secure access in place to access the basement loading dock area, a lock box accessed by the Council universal key will be provided on the outside of the roller shutter doors. The building access fob will be housed in the lock box for use by the contractor to enable access to service the bins

(Reason: To ensure accessibility for waste servicing.)

174. **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:

(a) Noise and Vibration Impact Report ref R01B, dated 4 December 2020, prepared by Acoustic Works

Reason: To demonstrate compliance with submitted reports.

175. **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.

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

- 66 residential spaces including 7 accessible spaces
- 13 visitor spaces including 1 accessible space
- 18 commercial spaces including 1 accessible space and,
- 16 bicycle parking spaces.

Tandem parking spaces are to be allocated to one strata title unit.

Conditions of Consent for LDA2021/0089 :-

(Reason: To ensure the development maintains the capacity and allocation of parking spaces on the site.)

177. **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 stormwater management system is appropriately maintained for the life of the development.)

178. **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) or outside of the loading dock is not permitted.

Reason: This condition is to ensure that the measures outlined in the approved loading dock management plan is implemented.

179. **Waste Servicing by Council.** 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.

(Reason: To ensure waste servicing for the development by Council.)

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

(Reason: To encourage recycling and reduce contamination.)

181. **Maintenance of Waste Storage Areas.** All waste storage areas must be maintained in a clean and tidy condition at all times.

(Reason: To ensure that waste areas are maintained.)

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

(Reason: To ensure suitable arrangements for bulky waste collections.)

183. **Arrangements for Waste Collection.** 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 that suitable arrangements are in place for waste collection.)

184. **Council may require acoustical consultant’s report** – Upon receipt of a justified customer request, Council may require the submission of an acoustic report from an

Conditions of Consent for LDA2021/0089 :-

appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.

Reason: To demonstrate compliance with relevant legislation

185. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:

(a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).

(b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.

(c) The transmission of vibration to any place of different occupancy.

Reason: To prevent loss of amenity to the area.

186. **No 'offensive noise'** - Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.

Reason: To reduce noise levels.

187. **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 protect the amenity of the area.

188. **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.

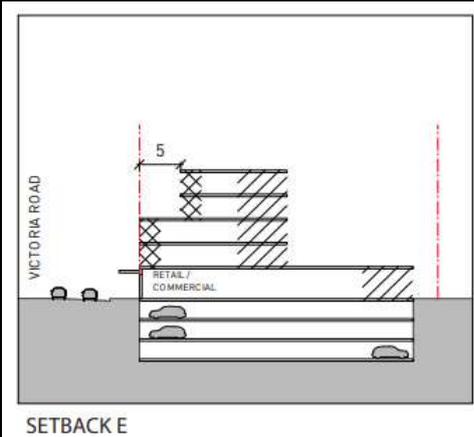
Attachment 2 - Ryde Development Control Plan 2014 – Table of Compliance

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

Control	Comment	Compliance
2.0 Vision		
<p>2.2.4 Vision Statement</p> <p>Town Centre Precinct</p> <p>The town centre precinct is to be transformed from a poorly functioning strip shopping centre into a genuine mixed use town centre. The existing shops and pedestrian amenity on Victoria Road have been degraded by traffic and lack of renewal in recent years. The town centre will be revitalised with new large retail developments in Cowell Street and Coulter Street, which will support the existing retail shops with parking and greater pedestrian amenity. An enhanced pedestrian network and new public spaces will be created off Victoria Road, with a new square at the end of Wharf Road and street tree planting around the Coulter Street retail development. A pedestrian bridge across Victoria Road will link the existing shops and the proposed “one-stop” parking in large new retail developments in Cowell and Coulter Streets. Better pedestrian amenity on and around Victoria Road and a greater range of services will revitalise the town centre as the focus of urban life for the communities on both sides of the town centre. The intersection of Wharf Road, Meriton Street and Victoria Road is a key site (refer section 4.3 of this part). The Clocktower marks this important intersection, which will be</p>	<p>The proposal achieves the vision for the precinct by providing a new development with revitalised retail tenancies to Victoria Road and residential units above. The retail tenancies allow for suitable street activation.</p>	<p>Yes</p>

strongly defined by appropriately scaled buildings built to the street alignments.		
3.1 – Built Form		
<p>3.1.1 Built Form Heights Buildings must comply with the maximum heights described in RLEP 2014.</p>	<p>The LEP specifies a maximum building height of 19m for the site.</p> <p>The majority of the building achieves compliance, with the exception of the lift overruns, shading structure, balustrades associated with the rooftop common open space and north-west portion of the roof form.</p> <p>A maximum height of 21.89m is proposed resulting in a 15.2% variation from the numeric development standard.</p> <p>A Clause 4.6 request has been submitted with the application.</p>	<p>No – Clause 4.6 request submitted. See discussion in body of report.</p>
Floor to ceiling heights must be a minimum of 2.7m for residential uses.	The floor to ceiling height for the residential units comply, being 2.7m. Also, floor to floor minimum heights of 3.1m as required by the ADG are proposed.	Yes
Ground floor levels are to have a floor to floor height of a minimum of 3.6m (mixed use developments).	The ground floor has a floor to floor height of 3.9m to accommodate the commercial/retail tenancies.	Yes
<p>3.1.2 Active Street frontages Provide ground level active uses where indicated on the map.</p>	The proposal includes four retail/commercial tenancies on the Victoria Road frontage, which are considered to be active uses.	Yes
Residential uses, particularly entries and foyers must not occupy more than 20% of the total length for each street frontage	There are two residential pedestrian entry points located on the Victoria Road frontage which account for 17% of the Victoria Road frontage.	Yes
Where required, active uses must comprise the street frontage for a depth of at least 10m.	The commercial/retail tenancies have a depth of 10m.	Yes
Vehicle access points may be permitted where active street frontage is required if there are no practicable alternatives.	Vehicle access is proposed off Stansell Street where the active frontage is not required under the DCP.	Yes

<p>Security grills can be incorporated to ground floor shops. Blank roller shutter doors are not permitted.</p>	<p>This elevation depicts typical shopfront windows on the Victoria Road frontage which are considered satisfactory.</p>	<p>Yes</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 in Figure 4.6.06 (extract below).</p>  <p>Ground level architectural features, such as recessed doors and windows, are permitted to a maximum of 400mm from the street boundary to design out concealment opportunities and promote personal safety and security.</p>	<p>The building is proposed to be built to the street boundary on the Victoria Road frontage as indicated in Figure 4.6.06.</p>	<p>Yes</p>
<p>3.1.4 Setbacks (front) Setbacks in accordance with Setback Requirements Table and Key Sites Diagram. Front Setback (Diagram E) The table under this section requires the setback as follows: Ground level = Nil Above level 3 = 5m (see DCP illustration below)</p>	<p>The proposal has a nil setback for the ground floor and the two residential levels above, then steps back to 5 metres for levels 3 and above.</p>	<p>Yes</p>



SETBACK E

Side & Rear Setbacks and Residential Amenity
 b) Provide 12m separation minimum above the ground floor between residential buildings (including existing residential buildings on adjacent sites).
 c) Buildings fronting Victoria Road may build to the side boundary for a depth of 20m measured from the street frontage. A side setback is then required to achieve 12m separation between proposed and potential residential land uses.

Point c is considered to be applicable. The building is proposed to be built to the side boundary for a length of 18m then provides a 12m setback to the 1 Stansell Street development for the remainder of the rear boundary.

Yes

3.1.6 Conservation Area and Built Form Guidelines
 All development proposals within the Conservation Area shall be assess for their impact on the heritage significance of the Conservation Area and have regard to the Statement of Significance

The site lies outside of the Conservation Area.

N/A

3.1.7 Awnings
 Provide awnings over footpaths for ground level building frontages as shown on relevant map and setback 600mm from kerb. Provide street trees.

The proposal includes a street awning on the Victoria Road frontage and part of the Stansell Street frontage in accordance with the Awnings Control Drawing. The awning is 3m in height.

Yes

<p>Height of awning minimum 3m. The heights of adjoining awnings should be considered. Glazed unit not permitted. Provide lighting, preferably recessed, to the underside of awnings, sufficient to ensure a high level of safety for pedestrians at night.</p>		
<p>3.2 – Access</p>		
<p>3.2.1 Minimum Street frontage North and South Gladesville Precincts to have a minimum 40m to Victoria Road and have one driveway crossing unless access is possible from a local road.</p>	<p>N/A – site is located in the Town Centre precinct.</p>	<p>N/A</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>All vehicle access is proposed from Stansell Street. The proposal is supported by TfNSW.</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</p>	<p>The proposal will improve the pedestrian environment along Victoria Road given the provision of paving, street furniture and lighting in accordance with Council's Public Domain Technical Manual. There are no through-site connections, plazas or squares required for the subject site.</p>	<p>Yes</p>

<p>(Figure 4.6.13) and the Public Domain Control Drawing (Figure 4.6.14).</p> <p>Courtyards, plazas or squares should be provided to complement and adjoin pedestrian through-site connections.</p>		
<p>3.3.2 Public Domain Framework</p> <p>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>N/A</p>
<p>3.3.3 Landscape Character</p> <p>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 on Stansell St is considered satisfactory. Suitable conditions of consent are recommended in relation to street tree planting requirements in accordance with the DCP.</p>	<p>Yes</p>
<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,</p>	<p>Conditions of consent are recommended in relation to the requirements of Council's Public Domain Technical Manual.</p>	<p>Yes</p>

to ensure night time pedestrian safety.		
<p>3.3.7 Victoria Road – Town Centre Precinct Section</p> <p>a. Provide a 3.5 m wide footpath and buildings typically built to the boundary defining both sides of Victoria Road.</p> <p>b. Provide continuous granite paving for the full footpath width in accordance with the Ryde Public Domain Technical Manual.</p> <p>c. Provide landscaping consistent with an urban setting including planter boxes and the like.</p> <p>d. Provide street furniture in accordance with Ryde Public Domain Technical Manual including:</p> <p>i. provide seats and bins at 50 m intervals and at bus stops, a minimum one per block, if required by Council;</p> <p>ii. provide new street lighting, staggered at 20 m intervals on both sides of street; or to Council satisfaction;</p> <p>iii. provide lighting to the underside of awnings for the safety and security of pedestrians.</p> <p>e. Powerlines are to be underground in locations specified by Council.</p>	<p>A 3.5m wide footpath is proposed to be maintained on Victoria Road with the building built to the boundary.</p> <p>Conditions of consent recommended.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Part 9.3 - Car Parking

Car Parking

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

- *0.6 to 1 space per one bedroom dwelling;*
- *0.9 to 1.2 spaces per two bedroom dwelling;*
- *1.4 to 1.6 spaces per three bedroom dwelling; and*

- 1 visitor space per 5 dwellings.
- Retail 1/25m²

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

Apartment Type	Minimum	Max	Provided	Compliance
1 bedroom (24)	14.4	24	66 spaces	Yes
2 bedroom (35)	31.5	42		
3 bedroom (6)	8.4	9.6		
Sub-total	54.3 (55)	75.6 (76)	66 spaces	Yes
Visitor	13	13	13 spaces	Yes
Retail/commercial	17.84 (18)	17.84 (18)	18 spaces	Yes
Total (65)	86 spaces	107 spaces	97 spaces	Yes

Bicycle Parking

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

Therefore, a total of approx. 10 bicycle parking spaces would be required.

The basement 01 plan depicts 16 bicycle parking spaces.

Attachment 3 - 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>	Apartment depths range between 12m to 18m from glass line to glass line.	Yes
<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> <ul style="list-style-type: none"> At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m No building separation is necessary where building types incorporate blank party walls. Typically this occurs along a main street or at podium levels within centres. </p>	<p>East – Ranges from nil setback to 12m which is consistent with RDCP control. It is noted that the design guideline states that no building separation is necessary where building types incorporate blank party walls – this occurs between the proposed development and the adjoining development to the east for a length of 17.9m.</p> <p>South – There is a 4m setback from the southern boundary, plus the pedestrian laneway which is 4.5m in width. Therefore, there will be a minimum 8.5m setback between habitable rooms.</p> <p>Development to the north and west is separated by Victoria Road and Stansell Street and exceeds the minimum separation distances.</p>	Yes
<p>Front, Rear & Side Setbacks See discussion under the relevant Development Control Plan.</p>	The Ryde DCP permits a nil setback for 20m to the rear then minimum 12m for the remainder. The proposed rear setback is nil for 18m then steps back to 12m.	Yes
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>The submitted site analysis is responsive to the context of the site and is considered to be satisfactory.</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 for an L-shaped built form which addresses Victoria Road and Stansell Street. This design optimises solar access and does not result in any unreasonable overshadowing of adjoining properties in winter.</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>There are two pedestrian entry points on the Victoria Road frontage which are considered satisfactory in relation to safety and security. The amenity of the public domain will be retained and enhanced.</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>Provide communal open space (COS) with an area equal to 25% of site;</p> <p>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>25% of the site equates to 521.75m². It is proposed that 1443m² of the site will comprise COS split between the rooftop and ground level.</p> <p>The entire rooftop COS will receive direct solar access between 9am and 3pm on 21 June (being a total area of 987m²).</p>	<p>Yes</p>
<p>3E Deep Soil Zone</p> <p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p><u>Design criteria</u></p> <p>1. Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 3m – 6m.</p>	<p>The proposed deep soil area is a total of 147m², which equates to 7% of the site area.</p>	<p>Yes</p>
<p>3F Visual Privacy</p>	<p>East – Ranges from nil setback to 12m which is consistent with RDCP control. It is</p>	<p>Yes</p>

<p>Building separation distances to be shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <p>Design Criteria</p> <p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="209 600 659 974"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms & balconies</th> <th>Non habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m(4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m(4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>noted that where a nil setback is proposed, it will be two blank walls abutting each other.</p> <p>South – There is a 4m setback from the southern boundary, plus the pedestrian laneway which allows for a 12m separation between habitable rooms for future development.</p> <p>Development to the north and west is separated by Victoria Road and Stansell Street.</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>Note:</p> <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>3G Pedestrian Access & entries</p> <p>Pedestrian Access, entries and pathways are accessible and easy to identify.</p>	<p>The proposed pedestrian entries are located on the Victoria Road frontage and are accessible and readily identifiable.</p>	<p>Yes</p>												
<p>3H Vehicle Access.</p> <p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>The vehicle access point is proposed on the Stansell Street frontage and is suitably located to minimise vehicle and pedestrian conflicts.</p>	<p>Yes</p>												
<p>3J Parking Provisions.</p> <p>Car parking:</p> <p>For development in the following locations:</p> <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station; or within 400 metres of land zoned, B3 Commercial Core, B4 Mixed 	<p>The site is not within 800m of a railway station. The car parking rate is determined by Council's DCP.</p> <p>Under the DCP rates, the minimum parking required is 86 spaces and maximum is 107 spaces based on the proposed unit mix. There are a total of 97 spaces proposed, which complies with Council's DCP.</p>	<p>Yes</p>												

Use or equivalent in a nominated regional centre, 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.	The 97 spaces are suitably allocated to residents, visitors and retail/commercial as per the DCP controls.	
Bicycle Parking: Provide adequate motorbike, scooter and bicycle parking space (undercover). 10% of carspaces	16 bicycle parking spaces are proposed in the basement which equates to 16% of car spaces.	Yes
Part 4 Designing the building		
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 between 9 am and 3 pm at mid-winter.	71% (46 units) of the proposed apartments achieve compliance.	Yes
No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	15% (10 units) will receive no solar access between 9am and 3pm on 21 June.	Yes
Design should incorporate shading and glare control, particularly for warmer months.	Suitable features proposed for shading and glare control.	Yes
4B Natural Ventilation All habitable rooms are naturally ventilated.	All habitable rooms are naturally ventilated (have access to a window).	Yes
Design layout of single aspect apartments to maximises natural ventilation and airflow (See Figure 4D.3)	The single aspect apartments allow natural ventilation and airflow.	Yes
<u>Design criteria for natural cross ventilation:</u> 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 ventilation and cannot be fully enclosed.	60% of the apartments are proposed to be naturally cross ventilated.	Yes
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	None of the cross through apartments exceed 18m from glass line to glass line.	Yes

4C Ceiling Heights

Ceiling height achieves sufficient natural ventilation and daylight access. The following is required as a minimum:

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.

The submitted plans nominate a habitable room height of 2.7m and minimum floor to floor heights of 3.1m.

Yes

4D Apartment size and layout

Apartments are required to have the following minimum internal areas with one bathroom:

- Studio = 35m²;
- 1 bedroom = 50m²;
- 2 bedroom = 70m²;
- 3 bedroom = 90m²;
- 4 bedroom = 102m².

Note:

- Additional bathrooms increase the minimum internal area by 5m²;

Apartment type

Studio
1 bedroom
2 bedroom
3 bedroom

Proposed

N/A
50m² to 58m²
75m² to 80m²
95m² to 104m²

Proposal

N/A
55m²
N/A
119-124m²

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.

All habitable rooms have direct access to a window opening that achieves light and ventilation. No borrowed daylight or air is proposed.

Yes

Habitable room depths are limited to a maximum of 2.5 x the ceiling height.

In open plan layouts – habitable room (where the living, dining and kitchen are combined) be maximum depth of 8m from a window.

All units comply with this requirement.

Yes

Bedroom - minimum dimension of 3m (excluding wardrobe space)

All bedrooms have minimum dimension of 3m.

Yes

Living rooms or combined living/dining rooms have a minimum width of:

- 3.6m for studio and 1 bedroom apartments;

All units comply with the minimum living room widths.

Yes

<ul style="list-style-type: none"> • 4m for 2 & 3 bedroom apt 																	
<p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</p>	<p>The cross over apartments have widths of 4m.</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. <u>Design criteria</u> 1.All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="204 741 667 992"> <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>All apartments comply with the minimum areas and depths required.</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>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	<p>All ground floor units comply with the required area but for Units G.01, G.02 and G.03, the depths are under 3m. All units fronting the Level 3 podium have an area of 21m² to 43m² and depths of 3m.</p>	<p>No – Three ground floor apartments do not comply with the required depth of 3m.</p>															
<p>4F Common circulation and spaces. <u>Design criteria</u> 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>There are nine apartments proposed off the northern-most circulation core for levels 1 and 2. Given that this only occurs for two levels, it is considered satisfactory.</p>	<p>No – Levels 1 and 2 do not comply with the design criteria.</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>															
<p>4G Storage Adequate, well designed storage is to be provided for each apartment. <u>Design criteria</u></p>	<p>All units have sufficient storage spaces within the units and in 4m³ storage cages in the basement levels.</p>	<p>Yes</p>															

<p>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p>												
<table border="1"> <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>	Dwelling type	Storage size volume	Studio	4m ³	1 bedroom apt	6m ³	2 bedroom apt	8m ³	3 + bedroom apt	10m ³		
Dwelling type	Storage size volume											
Studio	4m ³											
1 bedroom apt	6m ³											
2 bedroom apt	8m ³											
3 + bedroom apt	10m ³											
<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>												
<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 satisfactorily designed to minimise noise transmission.</p> <p>The GF plant rooms are located well away from the residential units.</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>The proposed apartment mix is:</p> <p>24 x 1 bedroom 35 x 2 bedroom 6 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>Where the ground floor apartments front Stansell Street, a stepped design is proposed for the private open space areas which incorporates landscaped areas to screen the private spaces. This provides suitable visual interest and amenity/safety for residents.</p>	<p>Yes</p>										
<p>Building functions are expressed by the façade.</p>	<p>Satisfactory.</p>	<p>Yes</p>										
<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>										

Opportunities to use roof space for residential accommodation and open space are maximised.	A rooftop communal open space area is proposed in the south-eastern corner.	Yes
Roof design incorporates sustainability features.	The roof contains a communal open space area and the non-trafficable component includes stacked ventilation shafts to the units below.	Yes
4O Landscape design Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable	The proposed landscape design will contribute positively to the streetscape and amenity. The design is viable and sustainable.	Yes
4P Planting on structures Appropriate soil profiles are provided.	The landscape plans provide suitable details in relation to soil profiles where planting on structures is proposed.	Yes
4Q Universal design Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to provided.	The proposal provides 7 adaptable units (or 10%) and 14 liveable housing units (silver level) or 21%.	Yes
4T Awnings and signage Awnings are well located and complement and integrate with the building design.	An awning is proposed on the Victoria Road frontage and on the return into the Stansell Street frontage. The awning is well located and integrates with the building design.	Yes
4U Energy efficiency Development incorporates passive environmental design measures – solar design, natural ventilation etc.	The proposal provides a rooftop COS area which achieves excellent solar access and all units achieve suitable ventilation.	Yes



lighthouse planning
urban planning consultants

REVISED CLAUSE 4.6
VARIATION TO HEIGHT OF BUILDING

287-295 VICTORIA ROAD
GLADESVILLE

PREPARED FOR
TENTH HOUSE PTY LTD

PREPARED BY



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TABLE OF CONTENTS

1	INTRODUCTION _____	1
1.1	PURPOSE _____	1
1.2	THE PROPOSAL _____	1
1.3	VARYING A DEVELOPMENT STANDARD _____	1
2	NATURE OF THE VARIATION _____	2
2.1	WHAT IS THE APPLICABLE PLANNING INSTRUMENT AND ZONING? ____	2
2.2	WHAT ARE THE ZONE OBJECTIVES? _____	2
2.3	WHAT IS THE STANDARD BEING VARIED? _____	2
2.4	IS THE STANDARD TO BE VARIED A DEVELOPMENT STANDARD? _____	2
2.5	IS THE DEVELOPMENT STANDARD A PERFORMANCE BASED CONTROL? _	2
2.6	WHAT IS THE UNDERLYING OBJECT OR PURPOSE OF THE STANDARD? _	2
2.7	WHAT IS THE NUMERIC VALUE OF THE DEVELOPMENT STANDARD IN THE ENVIRONMENTAL PLANNING INSTRUMENT? _____	3
2.8	WHAT IS THE PROPOSED NUMERIC VALUE OF THE VARIATION IN THE DEVELOPMENT APPLICATION? _____	3
2.9	WHAT IS THE CONTEXT OF THE VARIATION? _____	4
3	ASSESSMENT OF VARIATION _____	6
3.1	OVERVIEW _____	6
3.2	IS STRICT COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE? _____	8
3.3	ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS? ____	9
3.4	PUBLIC INTEREST _____	10
3.1	WOULD STRICT COMPLIANCE HINDER THE ATTAINMENT OF THE OBJECTS SPECIFIED IN SECTION 1.3 OF THE ACT? _____	12
4	CONCLUSION _____	14

1 INTRODUCTION

1.1 PURPOSE

This submission has been prepared for Tenth House Pty Ltd to accompany a Development Application (DA) to City of Ryde Council relating to the property known as 287-295 Victoria Road, Gladesville (the Site). It seeks a variation to the building height development standard contained at Clause 4.3 of the Ryde Local Environmental Plan 2014 (RLEP 2014).

1.2 THE PROPOSAL

The application generally proposed the construction of a six-storey mixed development comprising:

- 65 residential units consisting of:
 - 24 x 1-bedroom units
 - 35 x 2-bedroom units
 - 6 x 3-bedroom units
- Four (4) x commercial tenancies
- Two (2) x basement levels
- Rooftop Communal Open Space

1.3 VARYING A DEVELOPMENT STANDARD

The NSW Department of Planning and Environment's publication "Varying Development Standards: A Guide" (August 2011), states that:

The NSW planning system currently has two mechanisms that provide the ability to vary development standards contained within environmental planning instruments:

- Clause 4.6 of the Standard Instrument Local Environment Plan (SI LEP).
- State Environment Planning Policy No 1 – Development Standards (SEPP1).

SEPP 1 no longer applies and RLEP 2014 is a Standard Instrument LEP.

This proposal seeks to vary the Height of Building development standard applicable to the Site and not introduce new controls across an area. Subclause 4.6 (8) of RLEP 2014 also states specifically when this clause is not to be used. Neither the Site, nor the proposal, satisfy these criteria and therefore, the use of Clause 4.6 to vary the Height of Building is appropriate in this instance.

2 NATURE OF THE VARIATION

2.1 WHAT IS THE APPLICABLE PLANNING INSTRUMENT AND ZONING?

The RLEP 2014 is the environmental planning instrument that applies to the Site. The Site is zoned B4 Mixed Use under RLEP 2014, in accordance with the Land Zoning Map.

2.2 WHAT ARE THE ZONE OBJECTIVES?

The relevant objectives of the B4 Mixed Use Zone are:

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

2.3 WHAT IS THE STANDARD BEING VARIED?

The standard being varied is the Height of Buildings development standard contained in Clause 4.3(2) of RLEP 2014.

2.4 IS THE STANDARD TO BE VARIED A DEVELOPMENT STANDARD?

Yes, the Height of Building standard is a development standard in accordance with the definition contained in Section 1.4 of the Environmental Planning and Assessment Act 1979 (as amended) (EP&A Act).

2.5 IS THE DEVELOPMENT STANDARD A PERFORMANCE BASED CONTROL?

No, the development standard is a numeric control.

2.6 WHAT IS THE UNDERLYING OBJECT OR PURPOSE OF THE STANDARD?

The objectives of Clause 4.3 of RLEP 2014 are as follows:

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

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

In summary, the underlying purpose of the development standard is to manage the height and scale of any future built form, in order to mitigate any adverse impacts and ensure compatibility with the character of the streetscape and amenity of the surrounding area.

2.7 WHAT IS THE NUMERIC VALUE OF THE DEVELOPMENT STANDARD IN THE ENVIRONMENTAL PLANNING INSTRUMENT?

Subclause 4.3 (2), in association with the Height of Buildings Map of the RLEP 2014, establishes a maximum building height of 19 metres for the Site.

FIGURE 1: EXCERPT FROM THE HEIGHT OF BUILDINGS MAP



SOURCE: NSW PLANNING PORTAL

2.8 WHAT IS THE PROPOSED NUMERIC VALUE OF THE VARIATION IN THE DEVELOPMENT APPLICATION?

The proposed maximum building height is 21.89m metres at the central lift overrun. This equates to a maximum variation of 2.89m (15.2%) from the numeric development standard.

FIGURE 2 | BUILDING HEIGHT PLANE



SOURCE: URBAN LINK 2022

2.9 WHAT IS THE CONTEXT OF THE VARIATION?

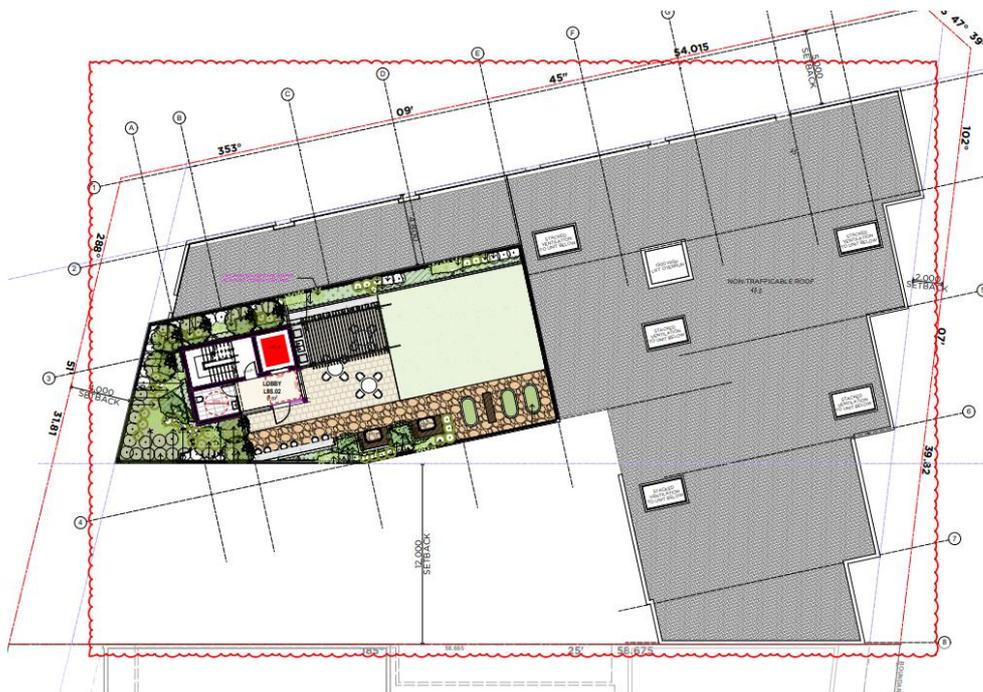
The variation to the prescribed maximum height of building occurs primarily to the two lift overruns, located centrally within the building floorplate. One lift core provides required and beneficial access to the communal open space (COS) area at the roof level (see Figure 3). The location of the lift cores and COS balustrade on the building and site mean they will not be perceived from the public domain at street level.

Figures 2 & 3 demonstrate the location of the common open space, which is appropriately located to reduce overall height variation. The landscaping will serve to soften and 'green' the visual impact of the upper most portion of the building and further obscure opportunity to view the lift overrun.

Minor elements of the street-facing elevations also result in a variation to the prescribed maximum building height. This occurs in line with a gradual fall in topography towards the southwest corner, resulting in a maximum variation to the height limit of approximately 1.4m (7%) at the uppermost level near the corner of Victoria Road and Stansell Street. The street facing elevations are a lesser variation to the height standard than the central lift overrun and do not result in unreasonable adverse impacts (e.g. overshadowing, view loss).

Equally, the minor nature of the variation is not easily discernible from the public domain in terms of visual impact and the areas of variation are setback 5m from the lower podium levels to Victoria Road. They are compatible with the surrounding locality and envisioned future character of this prominent streetscape.

FIGURE 3 | PROPOSED ROOFTOP LANDSCAPING AND LOCATION OF LIFT CORES



SOURCE: URBAN LINK 2022

FIGURE 4 | PERSPECTIVE FROM CORNER OF STANSELL STREET AND VICTORIA ROAD



SOURCE: URBAN LINK 2022

3 ASSESSMENT OF VARIATION

3.1 OVERVIEW

Clause 4.6 of RLEP 2014 establishes the framework for varying development standards applying under the instrument. Council must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating:

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

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

Subclause 4.6(4)(a) mandates that development consent must not be granted for a development that contravenes a development standard unless Council is satisfied:

(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....'*

Relevant case law to Clause 4.6 Variation Requests

This request has been prepared having regard to the principles established by the Court when considering the assessment of Clause 4.6 requests (including applicable principles adopted from consideration of SEPP 1 requests), contained in the following guideline judgments:

- *Wehbe v Pittwater Council* [2007] NSWLEC 827
- *Initial Action Pty Ltd v Woollahra Municipal Council* (2018) 236 LGERA 256; [2018] NSWLEC 118
- *RebelMH Neutral Bay Pty Ltd v North Sydney Council* [2019] NSWCA 130

In summary, the principles adopted and applied in this clause 4.6 request include:

- In *Wehbe V Pittwater Council* (2007) NSWLEC 827 Preston CJ held that, it can be demonstrated that the objectives of the development standard are achieved notwithstanding non-compliance with the standard, as below (emphasis added):

- “43 The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).” *Wehbe V Pittwater Council* (2007) NSWLEC 827 Preston CJ
- *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 held (at paragraph 15) that for there to be power to grant development consent for a development that contravenes a development standard, cl 4.6(4)(a) requires that the Court, in exercising the functions of the consent authority, be satisfied that the written request adequately demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (cl 4.6(3)(a) and cl 4.6(4)(a)(i)) and adequately establishes sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b) and cl 4.6(4)(a)(i)). The Court must also be satisfied that the proposed development will be consistent with the objectives of the zone and with the objectives of the standard in question, which is the measure by which the development is said to be in the public interest (cl 4.6(4)(a)(ii)).
- At paragraphs 23 and 24 in *Initial Action*, Preston CJ held that with respect to “environmental planning” grounds, although not defined, the grounds should relate to the subject matter, scope and purpose of the EP&A Act, including the objects in s. 1.3 of the Act. Further, in order that the environmental planning grounds proffered in the written request are “sufficient”, firstly the focus should be on the aspect or element of the development that contravenes the development standard, rather than the development as a whole and why the contravention is justified and secondly, the environmental planning grounds must justify the contravention of the development standard, not just promote the benefits of carrying out the development as a whole.
- *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 the Court, in exercising the functions of the consent authority, must “in fact” be satisfied of the above matters. The state of satisfaction that compliance is “unreasonable or unnecessary” and that there are “sufficient environmental planning grounds” to justify the contravention must be reached only by reference to the cl 4.6 request. The evidence in the proceedings cannot supplement what is in the request, although the evidence may assist in understanding the request and

in considering its adequacy. On the other hand, the state of satisfaction that the proposed development is consistent with the relevant objectives, and therefore in the public interest, can be reached by considering the evidence before the Court and is not limited to what is contained in the cl 4.6 request.

This variation adopts Method 1 in Wehbe which requires an applicant to demonstrate that the objectives of the relevant development standard will be achieved, despite the non-compliance with the numerical standard.

3.2 IS STRICT COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE?

Yes - in this instance, strict numerical compliance with the development standard for Height of Buildings is unreasonable and unnecessary for the following reasons that are specific to this site and proposal:

- The reasons and context discussed in the section above.
- Despite numerical non-compliance, the proposal remains consistent with the relevant environmental and planning objectives of the B4 Zone and Height of Building development standard. This is explored further in Section 3.4 of this report.
- The variation results in a scale and character that remains compatible with the surrounding locality and envisioned future character of the Gladesville Centre. A development compliant with the building height development standard contained in the RLEP 2014 would not achieve a perceivably different or better planning outcome.
- Strict compliance with the development standard would likely require the loss of several dwellings, currently proposed in an appropriate and accessible location. This outcome would result in no discernible benefit to the site or surrounding locality.
- The proposed design and height variation are primarily the result of providing access to the rooftop communal open space. It is unreasonable to require removal of significant portions of the development, that is within the permissible FSR, when the variations do not result in material adverse impact or discernible visual difference.

3.3 ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS?

Yes. In the circumstances of the case, there are sufficient environmental planning grounds to justify the variation to the development standard, namely:

- The reasons discussed in the sections above.
- Some elements of the street-facing elevations are marginally above the prescribed building height. This is in part due to a gradual fall in topography across the site, sloping down towards the southwest corner. The need to provide a consistent level across the site for the ground floor results in a partial variation to the height limit at the uppermost level of the southwest corner, near the intersection of Victoria Road and Stansell Street. Accordingly, the extent of variation reflects the natural fall relative to the consistent ground level. The street facing elevations are a lesser variation to the height standard than the central lift overrun and do not result in unreasonable adverse impacts.
- The variation to the prescribed maximum building height occurs primarily to the two lift overruns, located centrally within the building floorplate. One lift core provides required and beneficial access to the Common Open Space (COS) area at the roof level.

The provision of COS at rooftop level is necessitated by the orientation and context of the site. The adjoining development at 1 Stansell Street would impact on Ground Floor COS in terms of solar access and visual privacy. This is compounded by the need to provide an active frontage to Victoria Road, which limits the flexibility in locating such a space.

The COS at rooftop level requires the lift access, shading structures and balustrading for safety, equitable access and good amenity. The location of the lift cores and COS balustrade on the building and the site mean they will not be readily perceived from the public domain at street level and do not result in unreasonable impact.

- The public interest is better served by supporting the variation as it allows occupants convenient access to the landscaped rooftop communal open space.
- The proposal satisfies the objectives of the B4 Mixed Use zone and the objectives of the Height of Buildings development standard, having regard to the particular nature of the development and the particular circumstances of the Site.
- The non-compliance with the standard will nevertheless result in a scale of development that is compatible with both the existing and future character of the locality.

- The variation to the building height standard will not have unreasonable visual impact from the public domain. The extent of variation is greatest at the lift overruns, which do not present to the street and are considerably setback from side boundaries.

3.4 PUBLIC INTEREST

The public involvement in the planning process shapes and endorses the objectives that underpin the relevant development standard. The standards are derived as a means of achieving the public interest in delivering development that meets the objectives. Compliance with the Development Standard is accepted as being one method by which the objectives are met. Equally, the public interest can be served if the objectives are met, notwithstanding a variation to the development standard.

Approval of the proposed variation to the building height is in the wider public interest as the underlying objectives are met by virtue of the variation. This is detailed in the below section.

THE PROPOSAL REMAINS CONSISTENT WITH THE OBJECTIVES OF THE HEIGHT OF BUILDINGS DEVELOPMENT STANDARD:

The proposal remains consistent with the relevant objectives of the Height of Buildings development standard outlined in subclause 4.3 (1) of the RLEP 2014, despite the numerical non-compliance with subclause 4.3 (2), as demonstrated below:

(a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,

The proposed variations are not perceptibly different from Victoria Road, with the primary variation being for the lift overruns central to the building. The development provides both vertical and horizontal articulation and delineation, to break up the bulk and scale of the building and ensure the proportions are compatible with the character of the surrounding area and the envisioned future character of the Victoria Road corridor. The setbacks and podium form are consistent with that envisaged by the DCP.

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

The proposal is a high-quality, well considered design despite resulting in minor variation to the height. The variation to the lift overruns does not result in material additional overshadowing as it falls on the rooftop of the proposed development. Similarly, the areas of variation to the façade overshadow Victoria Road briefly before similarly resulting on shadow on the rooftop level of the proposed development. The proposal as a whole is compliant with regard to overshadowing.

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

The proposal provides additional housing stock in close proximity to existing services and public transport routes. The variation supports greater amenity for occupants of the building and the locality, near these decent public transport options.

(d) to minimise the impact of development on the amenity of surrounding properties,

The proposal is within the anticipated level of impact of development in terms of use and built form. The proposal retains a compliant FSR and setbacks. The proposed height variation does not result in material amenity impacts beyond those reasonably anticipated by redevelopment of the site as a whole, in accordance with the envisioned character of the area.

(e) to emphasise road frontages along road corridors.

The development provides commercial tenancies fronting Victoria Road and is appropriately oriented to the street frontage. Variations to the façade primarily occur to the Victoria Road frontage albeit set back from the podium level, and retain a compatible character.

THE PROPOSAL REMAINS CONSISTENT WITH THE OBJECTIVES OF THE B4 MIXED USE ZONE:

The proposal remains consistent with the relevant zone objectives outlined in Clause 2.3 and the Land Use Table of the RLEP 2014, despite the non-compliance, as demonstrated below.

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

The proposal results in a mixed-use development comprising ground level commercial tenancies and residential units with a mix of unit arrangements and number of bedrooms. The uses are compatible and result in activation of the street level while providing additional, housing stock in close proximity to a wide range of services and facilities, including public transport.

- *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.*

The site is located in an accessible area and integrates an appropriate mix of business and residential uses in close proximity to a wide range of services and facilities, including numerous public transport options.

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

N/A.

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

N/A

3.1 WOULD STRICT COMPLIANCE HINDER THE ATTAINMENT OF THE OBJECTS SPECIFIED IN SECTION 1.3 OF THE ACT?

Relevant objects in Section 1.3 of the Act include the following:

- *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,*
- *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- *to promote the orderly and economic use and development of land,*
- *to promote the delivery and maintenance of affordable housing,*
- *to promote good design and amenity of the built environment,*
- *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*

In this instance, strict compliance would unnecessarily limit the opportunity to readily provide additional housing stock and a generous rooftop communal open space with great amenity, with no discernible reduction in environmental impacts.

The proposed non-compliance with the development standard would support, rather than hinder the attainment of the objects of Section 1.3 of the EP&A Act. These objectives are to encourage social and economic welfare of the community, the proper management of built and natural resources, good design and to promote and coordinate orderly and economic use and development of land. The proposal remains consistent with the design criteria of the ADG and is consistent with the objectives of both the land use zone and the development standard.

In this instance, strict compliance with the development standard would not result in any discernible benefits to the amenity of adjoining sites or the public while compromising housing and amenity outcomes, as well as the architectural quality of the

street-facing elevations should the corner element be less prominent than the compliant portions of the building. It therefore stands that the environmental planning grounds and outcomes that are particular to this development and this Site are such, that a departure from the development standard in that context would promote the proper and orderly development of land.

4 CONCLUSION

This report accompanies a Development Application for a mixed-use development at 287-295 Victoria Road, Gladesville. An exception is sought, pursuant to Clause 4.6 of the Ryde Local Environmental Plan 2014 to the maximum permissible building height prescribed by subclause 4.3(2) of the RLEP 2014.

The proposed variation primarily occurs as a result of central lift overruns accessing the rooftop communal open space, with lesser variation to the street-facing elevations on portions of the building setback considerably from the podium level. Notwithstanding the numeric variation, the proposed development will provide a scale and character that is compatible with the surrounding locality and the envisioned future character.

The variation enables a well-considered development that addresses the prominent streetscape and relevant objectives of both the standards and the zone. The report finds that the variation will not result in unreasonable environmental impacts. Accordingly, a variation of the development standard is justified.



19 April 2021

TfNSW Reference: SYD21/00400/01

Council Reference: CNR-20086 - LDA2021/0089

The General Manager
Ryde City Council
Locked Bag 2069
North Ryde NSW 1670

Attention: **Kimberley Kavwenje**

**CONSTRUCT RESIDENTIAL AND COMMERCIAL DEVELOPMENT - 287-295
VICTORIA ROAD, GLADESVILLE**

Dear Sir/Madam,

Reference is made to Council's correspondence dated 31 March 2021, regarding the abovementioned Application which was referred to Transport for NSW (TfNSW) for comment in accordance with *State Environmental Planning Policy (Infrastructure) 2007*.

TfNSW advises that concurrence is also required for the removal of redundant driveways on Victoria Road in accordance with Section 138 of the *Roads Act, 1993*.

TfNSW has reviewed the development application and would provide concurrence to the removal of the redundant driveways and reinstatement of kerb and gutter on Victoria Road under Section 138 of the *Roads Act 1993*, subject to Council's approval and the following requirements being included in the development consent:

1. 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". Any new building or structures (other than pedestrian footpath awnings), 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.
2. The redundant driveways on the Victoria Road boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Victoria Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email todeveloperworks.sydney@rms.nsw.gov.au.

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.

3. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Victoria Road 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.

4. 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.

5. The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.
6. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
7. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Victoria Road.
8. 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 construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
9. It is noted there is a large electricity pole on Victoria Street boundary of the site. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

If you have any further questions please direct attention to Development Assessment Officer, Shoba Sivasubramaniam, on 0431446623 or email development.sydney@rms.nsw.gov.au. I hope this has been of assistance.

Yours sincerely,



Malgy Coman
Senior Land Use Planner

