

Meeting Date: Tuesday 5 June 2012
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 4.00pm

NOTICE OF BUSINESS

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2 252 MORRISON ROAD, PUTNEY. LOT 97 DP 8902. Local Development Application for demolition, construction of new dual occupancy (attached). LDA2012/0069. <i>INSPECTION 4.20PM / INTERVIEW 4.40PM</i>	6
3 2-4 PORTER STREET AND 80 BELMORE STREET, RYDE. LOT 1 DP 776768 & LOT 12 DP 4481. Section 96(1A) Application to amend the development consent 2010/0331 for a mixed use development. MOD2011/0185. <i>INTERVIEW 4.55PM</i>	51

1 CONFIRMATION OF MINUTES - Meeting held on 15 May 2012

Report prepared by: Meeting Support Coordinator**Report dated:** 15/05/2012**File No.:** CLM/12/1/3/2 - BP12/581

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Planning and Environment Committee 6/12, held on Tuesday 15 May 2012, be confirmed.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 15 May 2012

ITEM 1 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 6/12

Meeting Date: Tuesday 15 May 2012

Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde

Time: 4.05pm

Councillors Present: Councillors Pickering (Chairperson), O'Donnell and Yedelian OAM.

Apologies: Councillors Butterworth and Salvestro-Martin.

Staff Present: Group Manager – Environment & Planning, Service Unit Manager Assessment, Service Unit Manager Environmental Health & Building, General Counsel, Business Support Coordinator – Environment & Planning, Assessment Officer, Team Leader – Fast Track Team, Senior Town Planner, Team Leader – Development Engineers and Meeting Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 1 May 2012

RESOLUTION: (Moved by Councillors O'Donnell and Yedelian OAM)

That the Minutes of the Planning and Environment Committee 5/12, held on Tuesday 1 May 2012, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

2 62 HIGGINBOTHAM ROAD, GLADESVILLE. LOT 4 DP 814502. Local Development Application to erect a front and side boundary fence 1.2m & 1.8m high. LDA2011/0665.

Report: The Committee inspected the property at 62 Higginbotham Road, Gladesville.

Note: A letter from Schrader Legal (on behalf of applicant) dated 11 May 2012 was tabled in relation to this Item and a copy is ON FILE.

ITEM 1 (continued)

ATTACHMENT 1

Note: A letter from Julian and Catriona Brown (objectors) dated 13 February 2012 was tabled in relation to this Item and a copy is ON FILE.

Note: Mr Julian Brown and Mrs Catriona Brown (objectors) and Mrs Kate Curtis and Mr Steve Curtis (objectors representing the owners of 60 and 60A Higginbotham Road) and Mr Jim Saunders (applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and O'Donnell)

- (a) That consideration of Local Development Application No. LDA 2011/665 at 62 Higginbotham Road, Gladesville be deferred until the Planning and Environment Committee Meeting on 5 June 2012 to allow the applicant's legal representatives time to review the report and make representations to Council prior to the application being determined.
- (b) That Council's General Counsel and Service Unit Manager – Assessment undertake discussions with the Group Manager – Public Works to cost the rectification works to reconstruct the driveway and General Counsel also investigate options of compulsory acquisition and provide further information to Councillors.
- (c) That all interested residents be notified in writing of the recommendations of Council staff before going to the Planning and Environment Committee and be individually contacted by phone or email to be advised of the Committee Meeting.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **22 MAY 2012** as substantive changes were made to the published recommendation.

3 40 SHEPHERD STREET, RYDE. LOT 79 DP 5887. Local Development Application for demolition and construction of six dwellings under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. LDA2011/0625.

Report: The Committee inspected the property at 40 Shepherd Street, Ryde.

Note: A letter from D To and V Phan (objectors) dated 21 February 2012, together with an undated document including photographs and plans was tabled in relation to this Item and a copy is ON FILE.

ITEM 1 (continued)

ATTACHMENT 1

Note: Mr Alex Koussas (objector), Mr Darby To (objector representing the owners of 36, 37, 37A, 38, 39 and 41 Shepherd Street and the owners of 27, 29 and 31 Addington Avenue), Mr Glen Macabenta (objector) and Ms Ann Biddle (objector) and Mr Ian Glendinning (representing the applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Pickering)

- (a) That Local Development Application No. LDA 2011/625 at 40 Shepherd Street, Ryde being LOT 79 in DP 5887 be refused for the following reasons:-
1. The development as proposed will be detrimental to the character of the area having 4 x two storey dwellings resulting in unacceptable bulk, scale and massing.
 2. The development as proposed will have an adverse impact on the amenity of adjoining dwellings in regards to privacy, overlooking and overshadowing.
 3. The development is an overdevelopment of the site and provides insufficient parking.
 4. The proposal does not comply with Council's DCP 2010 – Part 8.2 Stormwater Management in relation to on-site detention volumes and insufficient freeboard between the finished floor and ground levels.
 5. The development is not in the public interest as evident by the submissions made.
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors Pickering and Yedelian OAM

Against the Motion: Councillor O'Donnell

Note: This matter will be dealt with at the Council Meeting to be held on **22 MAY 2012** as dissenting votes were recorded and substantive changes were made to the published recommendation.

The meeting closed at 6.10pm.

CONFIRMED THIS 5TH DAY OF JUNE 2012.

Chairperson

- 2 252 MORRISON ROAD, PUTNEY. LOT 97 DP 8902. Local Development Application for demolition, construction of new dual occupancy (attached). LDA2012/0069.**

INSPECTION: 4.20pm

INTERVIEW: 4.40pm

Report prepared by: Town Planner; Team Leader - Assessment

Report approved by: Manager Assessment; Group Manager - Environment & Planning

Report dated: 18 May 2012

File Number: GRP/12/5/5/3 - BP12/605

1. Report Summary

Applicant: Quektrum Pty Ltd.

Owner: Quektrum Pty Ltd.

Date lodged: 1 March 2012.

This report considers a proposal to demolish the existing structures on site and construct a new two storey dual occupancy development (attached).

The proposal fully complies with Part 3.3 of Council's Development Control Plan 2010 (Dwelling Houses and Dual Occupancy (Attached)).

The proposal was notified to neighbours in accordance with Part 2.1 of Council's Development Control Plan 2010 (Notification of Development Applications) and **two submissions** were received from the owners of No. 256 Morrison Road, the site directly adjacent to the subject site to the northwest. The main issues of concern raised were that the proposal will cause significant elimination of daylight and sunlight to the dwelling at No. 256 Morrison Road, the proposal will impact on privacy, impacts arising from the lack of a boundary retaining wall and the impacts of the proposed tree at the front boundary adjacent to the dwelling at No. 256 Morrison Road.

The objector's concerns regarding overshadowing from the development are not considered to be valid. The subject site is to the south of the objector's property and therefore the development has no overshadowing impact on the objector's property between 9am and 3pm mid-winter. All the shadows from the development will fall either on the subject site or onto Douglas Street to the southeast.

In making amendments to the original proposal, the applicant has been mindful of the impact of the development on the dwelling at No. 256 Morrison Road and has provided appropriate setbacks, building articulation and windows with external shutters and frosted highlight windows to the side of the dwelling adjacent to No. 256 Morrison Road in order to preserve privacy. Also, the applicant has responded to concerns about retaining walls by setting these back 500mm from the boundary.

ITEM 2 (continued)

The proposal is recommended for approval.

Reason for Referral to Planning and Environment Committee: Requested by Councillor Maggio and Councillor Petch.

Public Submissions: **Two submissions** were received objecting to the original development.

(**One submission** was received as part of the original notification of the application and **one submission** was received from the original objector following re-notification of the amended plans).

SEPP 1 (or clause 4.6 RLEP 2010) objection required? Not required.

Value of works? \$600,000

A full set of the plans is **CIRCULATED UNDER SEPARATE COVER** as additional information provided to Councillors - subject to copyright provisions.

RECOMMENDATION:

- (a) That Local Development Application No. 2012/69 at No. 252 Morrison Road, Putney being LOT 97 DP 8902 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Proposed Conditions
- 2 Map
- 3 A4 Plans
- 4 A3 Plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**

Report Prepared By:

Mary Zeaiter
Town Planner

Chris Young
Team Leader - Assessment

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 2 (continued)**2. Site** (*Refer to attached map.*)

Address	: 252 Morrison Rd Putney
Site Area	: Land Size: 682.9m ² Frontage to Morrison Road: 11.445 metres Frontage to Douglas Street: 45.6 metres
Topography and Vegetation	<p>The topography of Morrison Road slopes from northwest to northeast. The site follows this slope with a gradient of approximately 4%</p> <p>One tree is proposed to be removed as part of the development. An arborist's report submitted with the application describes the tree as '<i>a relatively small exotic tree that provides minimal habitat value and is not visually significant</i>'. The submitted Landscape Plan proposes replacement species in accordance with Council's controls.</p>
Existing Buildings	: Dwelling house and concrete slabs/pathways – to be demolished.
Planning Controls Zoning	: R2 – Low Density Residential Zone pursuant to the Ryde Local Environmental Plan 2010
Other	: Ryde Development Control Plan 2010

ITEM 2 (continued)



Figure 1: Locality Map.

ITEM 2 (continued)

3. Councillor Representations

Name of Councillor: Councillor Maggio

Nature of the representation: Call-up to Planning and Environment Committee

Date: 23 March 2012

Form of the representation (e.g. via email, meeting, phone call): Email

On behalf of applicant or objectors? Objector

Any other persons (e.g. consultants) involved in or part of the representation: No

Name of Councillor: Councillor Petch

Nature of the representation: Call-up to Planning and Environment Committee

Date: 23 March 2012

Form of the representation (e.g. via email, meeting, phone call): Telephone Call

On behalf of applicant or objectors? Objector

Any other persons (e.g. consultants) involved in or part of the representation: No

4. Political Donations or Gifts

Any political donations or gifts disclosed? No

5. Proposal

The application proposes the demolition of the existing dwelling, concrete slabs and pathways on the site and construction of a new two storey dual occupancy development (attached) and 1.2m high front fencing to the Morrison Road and Douglas Street frontages. The front elevations showing the dwelling's appearance from both Morrison Road and Douglas Street are reproduced below:

ITEM 2 (continued)

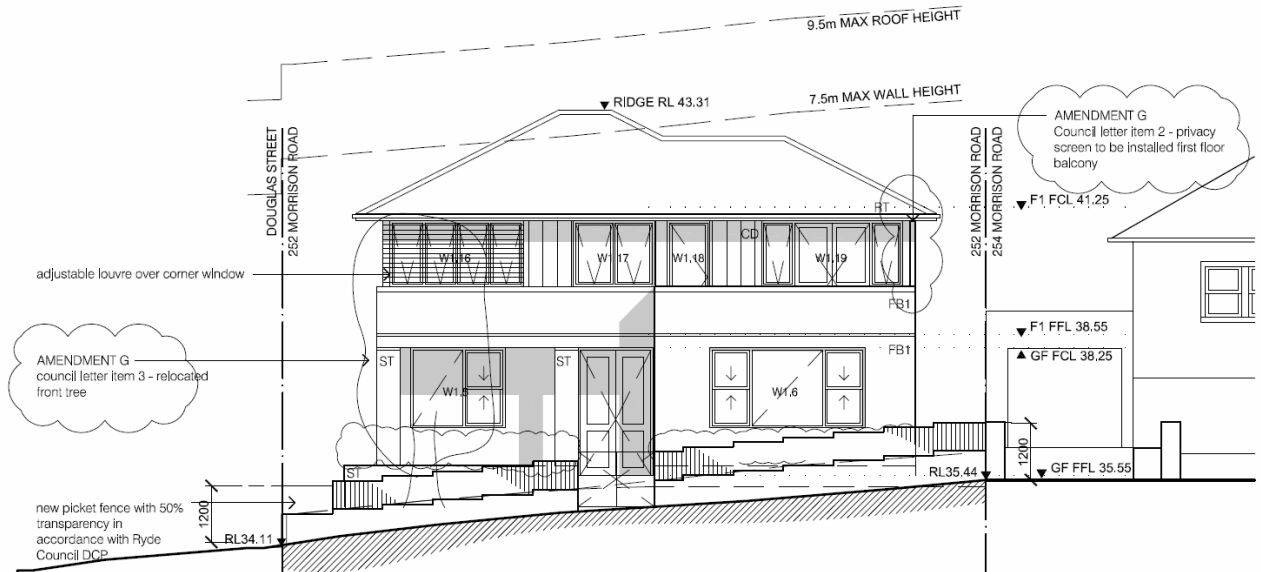


Figure 2: Morrison Road Elevation.



Figure 3: Douglas Street Elevation.

6. Background

The application was lodged on 1 March 2012. Shortly after, it underwent a preliminary assessment, referral to Council's Development Engineers and the relevant officer at the Shell Company of Australia (due to the site's proximity to a Shell Pipeline), neighbour notification and allocation to the Assessment Officer.

On 7 March 2012, neighbour notification commenced (closing date for submissions 22 March 2012).

On 10 March 2012, Council received a submission from the owners of No. 256 Morrison Road objecting to the development. The issues raised in the submission are discussed in Section 7 of this report below.

ITEM 2 (continued)

On 23 March, two requests from Councillor Maggio and Councillor Petch were received for the application to be considered at the Planning and Environment Committee (see Councillor Representations).

On 27 March, following a more detailed assessment of the application against the development controls contained within the Ryde Local Environmental Plan and Part 3.3 of the Ryde Development Control Plan (Dwelling Houses and Dual Occupancy (Attached)), Council wrote to the applicant to request additional information namely;

- Details, including maximum height, of the proposed retaining wall along the northern boundary.
- Provision of a privacy screen along the northern side of the proposed first floor balcony to dwelling 1.
- Relocation of the proposed Snow Pear tree to the corner of the site adjacent Douglas Street and Morrison Road.
- Reduction in the height of all proposed boundary landscaping to a maximum of 2.7 metres.
- Relocation of the proposed on-site stormwater detention systems to underneath the proposed driveways.

On 10 April 2012, amended plans and documentation were received from the applicant following Council's request on 27 March 2012. The package included:

- A cover letter with a response to all of Council's concerns.
- Amended plans showing:
 - Relocation of the proposed retaining wall 500mm from the boundary and at a maximum height of 900mm
 - A privacy screen provided to the northern side of the proposed first floor balcony to dwelling 1.
 - Relocation of the proposed Snow Pear tree to the corner of the site adjacent to Douglas Street and Morrison Road.
 - A reduction in the height of all proposed boundary landscaping to a maximum of 2.7 metres.
 - The relocation of the proposed on-site stormwater detention systems to underneath the proposed driveways.

On 11 April 2012, the Assessing Officer and Team Leader – Assessment met with the objectors on site to discuss issues raised in the objection letter dated 10 March 2012 and to informally show the proposed amendments.

ITEM 2 (continued)

On the same day, and as a result with the meeting with the objectors, Council requested further amendments to the plans including:

- Offsetting all first floor windows on the northern elevation from the neighbour's windows at No. 256 Morrison Road.
- Changing the master bedroom windows for dwelling 1 to highlight windows.
- Frosting of first floor windows along the northern elevation.

On 13 April 2012, amended plans were received from the applicant following Council's request on 11 April 2012. The amended plans showed:

- The provision of external shutters to the master bedroom windows of dwelling 1.
- Frosting of all highlight windows along the northern elevation.

On 17 April 2012, neighbour re-notification commenced (closing date for submissions 26 April 2012).

On 24 April 2012, a further submission was received from the owners of No. 256 Morrison Road objecting to the development. The issues raised in the submission are discussed below.

On 9 May 2012, Development Engineer comments were received raising issues that could be dealt with subject to 21 conditions of development consent.

7. Submissions

The proposal was notified in accordance with Development Control Plan 2010 – Part 2.1 (Notification of Development Applications). The original notification of the proposal was from 7 March 2012 until 22 March 2012. The re-notification of the amended proposal commenced on 17 April 2012 until 26 April 2012.

In response to the notification process, **two submissions** were received from the owners of No. 256 Morrison Road. One submission was received in relation to the original notification, and one further submission was received in response to the amended plan notification. The issues raised in the submissions were;

1. Light and sunlight elimination

The objectors believe that due to the new structure's height and proximity to the living area windows of the dwelling at No. 256 Morrison Road, it will eliminate all sunlight as well as reduce daylight to the lounge, living, dining and office areas of the dwelling.

ITEM 2 (continued)

Comment: The objectors are concerned over daylight access to southern facing windows. As a result of the proposed development, there will be a structure built 1.5 metres from the northern boundary of the subject site (at No. 252 Morrison Road); which is in compliance with Council's setback controls. The structure will be a maximum of two storeys high and have a wall plate height of 6.25 metres and a maximum building height of 8.51 metres which are all well within Council's maximum height controls of 7.5 metres to the wall plate and 9.5 metres maximum height.

Due to the orientation and slope of the site, the shadows from the proposed development would fall onto either the subject property or onto Douglas Street to the southeast, without any impact on the objector's property, which is on the northern side of the subject site.

Furthermore, Clause 2.13.1 (Daylight and Sunlight Access) of the Ryde Development Control Plan 2010 states that:

- e. For neighbouring properties ensure:*
 - i. sunlight to at least 50% of the principal area of **ground level** private open space of adjacent properties is not reduced to less than two hours between 9am and 3pm on June 21, and*
 - ii. **windows to north-facing living areas** of neighbouring dwellings receive at least 3 hours of sunlight between 9am and 3pm on 21 June over a portion of their surface, where this can be reasonably maintained given the orientation topography of the subject and neighbouring sites.*

The development fully complies with the requirements for overshadowing of neighbouring properties. The subject site is located considerably lower in level than the objector's site at No. 256 Morrison Road as well as being located to the south of the objector's site and therefore the proposed structure will have no overshadowing impacts on No. 256 Morrison Road on June 21 but rather cast a shadow over Douglas Street.

Overall, the proposed development is considered acceptable in terms of daylight and sunlight access to the neighbouring property at No. 256 Morrison Road. The following are the shadow diagrams for the proposal:

ITEM 2 (continued)

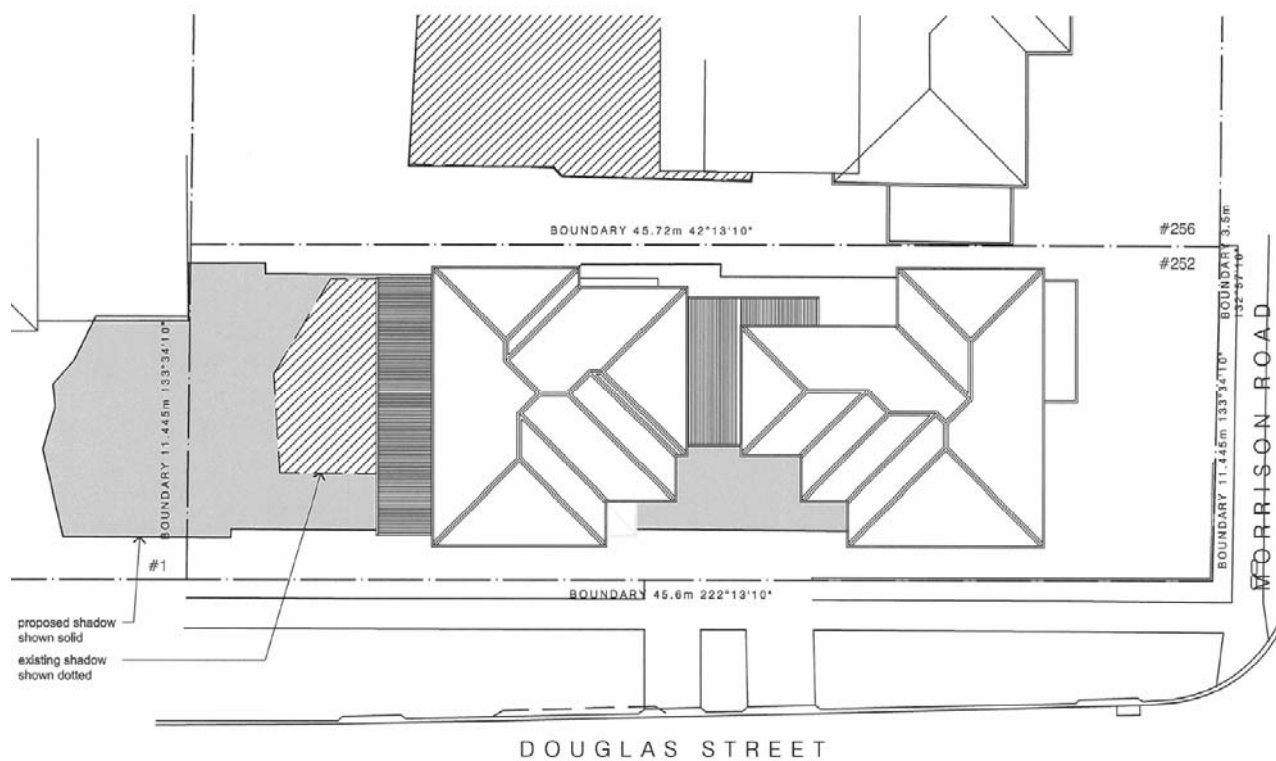


Figure 4: Shadows at 9am on June 21.

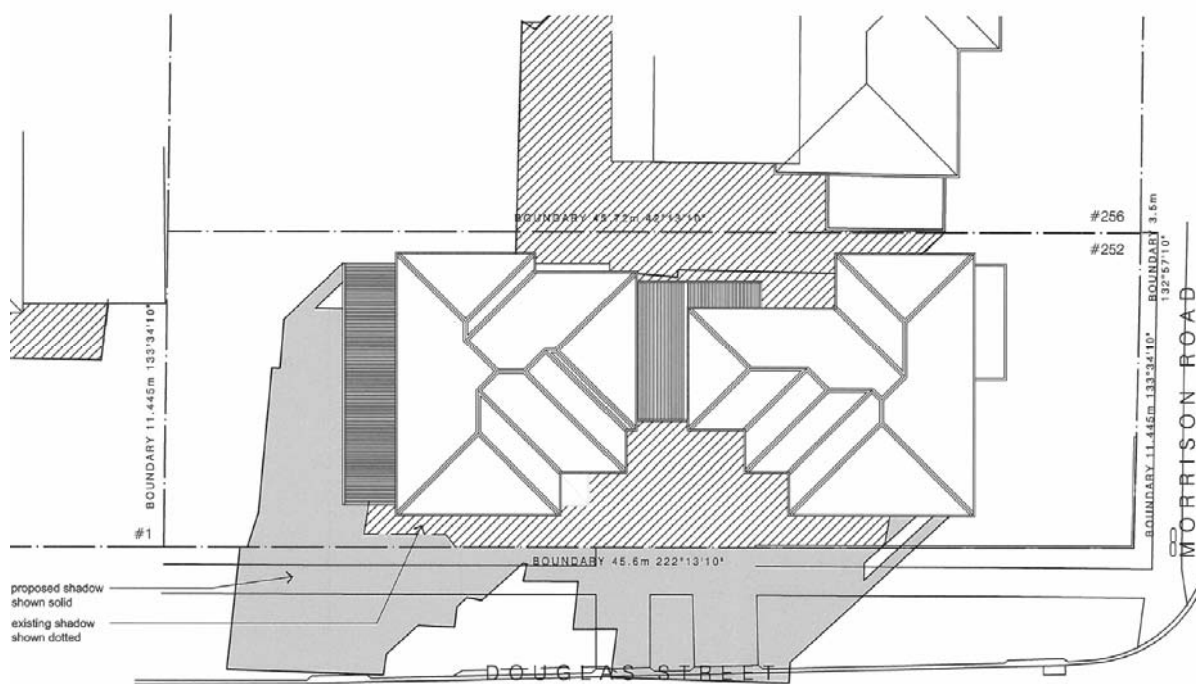


Figure 5: Shadows at 12pm on June 21.

ITEM 2 (continued)

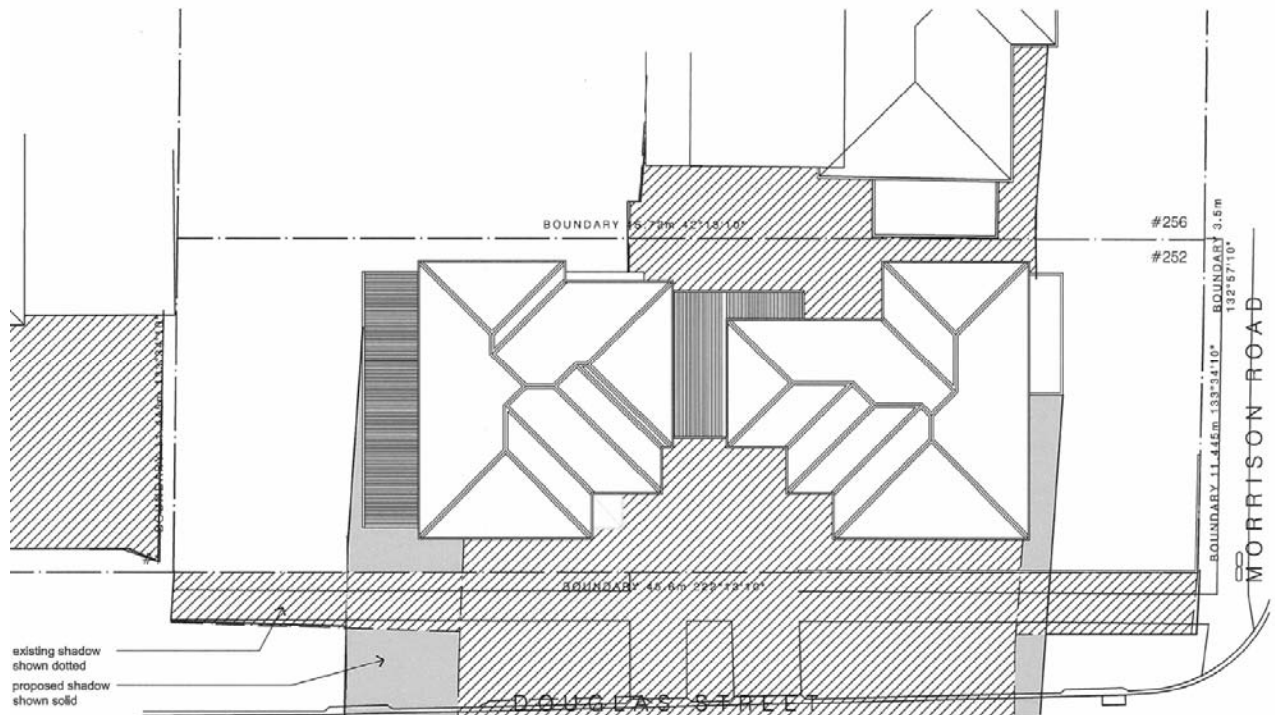


Figure 6: Shadows at 3pm on June 21.

2. Northern boundary retaining wall

The objectors have raised concern over the lack of a retaining wall along the northern boundary and have stated that the following structures will be at risk:

- The front single brick garage (attached to the house);
- The back garage brick boundary wall;
- The front driveway;
- The stability of the colorbond boundary fence; and
- The existing lemon tree and established boundary screening shrubs.

Comment: The applicant has submitted amended plans showing that the proposed cut and retaining wall will now be located 500mm from the northern boundary. The maximum amount (depth) of cut will be 890mm which is only proposed at the northwestern frontage of the site and reduces as the slope of the land increases towards the rear of the site and is compliant with Council's controls. Furthermore, a 900mm maximum high concrete block retaining wall is proposed to contain the amount of cut which is also compliant with Council's controls for maximum heights of retaining walls (900mm).

ITEM 2 (continued)

A cross-section of the proposed development showing the height and position of the proposed retaining wall appears below:

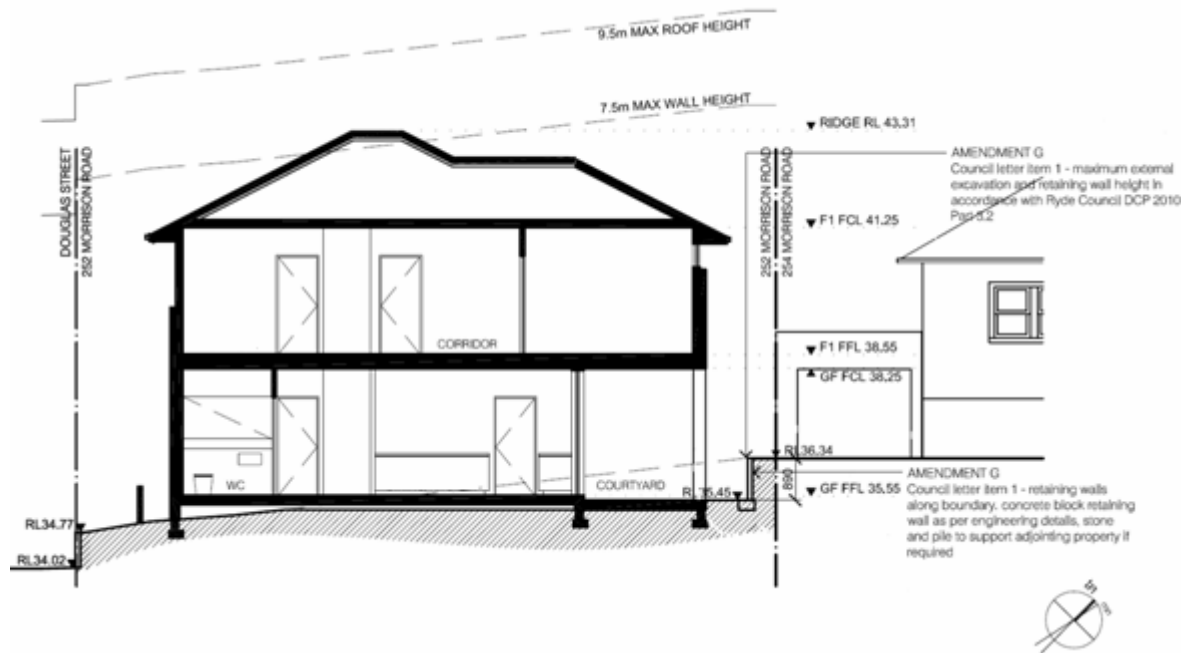


Figure 7: Cross-section of the proposed development showing amount of cut at the boundary.

It is considered that as the subject site and the objector's site are not located within a slope instability zone and due to the compliant amount of cut and the relocation off the northern boundary, all structures on the site at No. 256 Morrison Road will be unaffected by the proposed development provided the development is constructed in accordance with standard construction practices.

Finally, to further alleviate the concerns of the neighbours at No. 256 Morrison Road, two conditions of development consent have been imposed requiring a pre-construction dilapidation report and a post-dilapidation report to be undertaken to ensure no impacts on the neighbouring property have occurred as a result of the proposed development (see Condition Nos. 36 and 54).

3. More cut-in for the proposed dwelling is required

The objectors believe that the proposed development should be cut-in to the site further to lower the maximum height of the building and therefore allow daylight into their home.

ITEM 2 (continued)

Comment: The application proposes approximately 800mm of cut within the building footprint which complies with Council's controls. Although the control allows for a maximum cut of 1.2 metres within the building footprint, this is not a desired outcome as the proposed development is well under council's maximum height of 9.5 metres (a maximum height of 8.51 metres is proposed).

Additionally, the application proposes a maximum cut of 890mm outside the building envelope to cater for the cut proposed within the building envelope. Council's controls allow for a maximum of 900mm cut outside the building envelope.

The proposed cut outside the building envelope requires a retaining wall of 900mm to be proposed adjacent the areas of cut. Council has a maximum retaining wall height of 900mm and therefore the application complies with Council's control.

If the applicant was required to cut further into the land, this would result in numerous non-compliances with Council's controls. As stated above, this is not a desirable outcome, considering the development is 1 metre below the maximum building height allowable on the site.

The amount of cut proposed in the development would also result in finished floor levels only marginally higher than the floor level of the objector's property (see **Figure 7** on the previous page).

4. Privacy concerns

The objectors believe that the lounge, dining, office and living areas are directly opposite and in alignment with the proposed first floor northern windows giving vision into the dwelling at No. 256 Morrison Road.

Comment: The southern facing windows of the dwelling at No. 256 Morrison Road are highlight windows, located 1.5 metres above the floor level of the dwelling. The north facing first floor windows of the proposed development are also proposed to be highlight windows except for the two windows to the master bedroom of dwelling 1 which are required to be maintained due to BASIX requirements. Furthermore, all proposed north facing first floor windows are for bedrooms; areas to which it is not considered by Council to be 'living areas' where occupants of the dwelling will spend most of their recreational time and therefore opportunities for overlooking are further minimised.

Finally, the applicant has amended all north facing windows on the first floor to be frosted or in the case of the two windows proposed for the master bedroom in dwelling one, have external shutters to prevent overlooking into the dwelling at No. 256 Morrison Road. A privacy screen has also been added to the northern side of the first floor balcony of dwelling 1 to minimise any overlooking impacts (see **Figure 8** below).

ITEM 2 (continued)

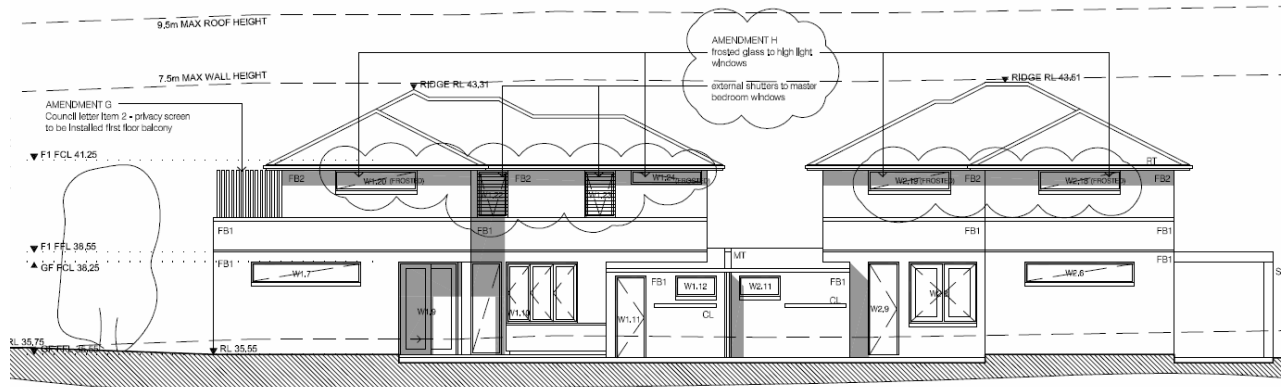


Figure 8: Frosted highlight windows, privacy screen & external shutters to northern elevation.

It is therefore considered that the proposed development is acceptable in terms of overlooking into the dwelling and rear yard of the dwelling at No. 256 Morrison Road.

5. Proposed tree at front elevation

The objectors raised concern for the potential overshadowing caused by the proposed tree to be located on the northwestern corner of the Morrison Road frontage. Furthermore, the objectors have asked for the reconsideration of the height of the proposed trees in the front and rear yards of the proposed development.

Comment: The applicant has amended the location of the proposed Snow Pear Tree to the northeastern corner of the Morrison Road frontage (see **Figure 9** on the following page).

Furthermore, the proposed trees for the front and rear yards are of a height that is required by Council's controls. The Snow Pear Tree proposed within the front setback will grow to a maximum height of 10 metres and the Coast Banksia proposed for the rear yard will grow to a maximum height of 20 metres. The proposed trees are also located three metres from the boundary of the site and will therefore have minimal effects of adjoining properties/public land.

The remainder of site landscaping proposed are Buxus (*Microphylla*) which are proposed along the boundaries of the site and will grow to a maximum height of one metre.

ITEM 2 (continued)

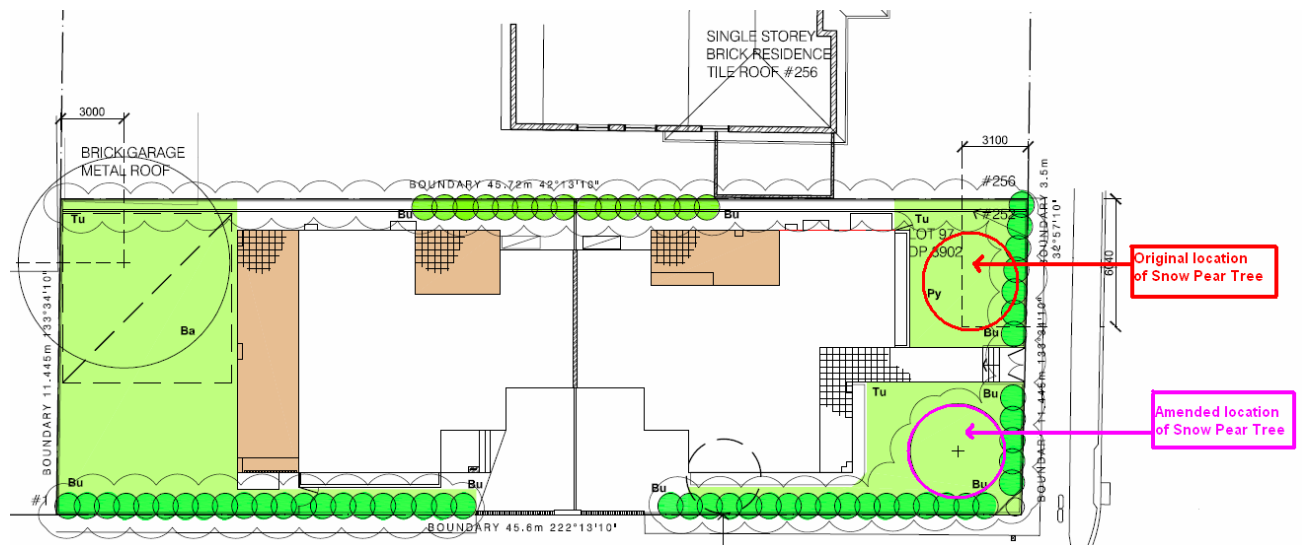


Figure 9: Original location and proposed relocation of the Snow Pear Tree.

8. SEPP1 (or clause 4.6 RLEP 2010) objection required?

This application does not require the submission of a SEPP 1 objection.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2010

Zoning

The subject site is zoned R2 – Low Density Residential under the provisions of the Ryde LEP 2010 and dual occupancy (attached) development is permissible with Council's consent.

The aims and objectives of the R2 Zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood.

ITEM 2 (continued)

- *To ensure that new development complements or enhances the local streetscape.*
- *To maintain on sites with varying topography the two storey pitched roof form character of dwelling houses and dual occupancy (attached) developments.*
- *To ensure that land uses are compatible with the character of the area and responsive to community needs.*

This locality displays a range of architectural styles and the proposal is considered to be compatible with the character of the streetscape and the desired future character as identified in the general controls contained in the DCP 2010 for the R2 – Low Density Residential Zone.

The proposed development is considered to satisfy the objectives for residential developments. The proposed dwellings are two storeys and comply with Council's maximum height limits. The proposal is not considered to be inconsistent with the low density character of the zone which includes many two storey dwellings within the streetscape.

The proposed development is considered to enhance the streetscape and respond to the orientation of the site by providing building entries from both street frontages.

Mandatory RequirementsClause 4.3 – Height of buildings

The height of a building on the subject site must not exceed 9.5 metres. Building height as defined by the RLEP 2010 means:

... the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

According to the definition above, the proposed dwelling has a maximum building height of 8.51 metres.

Clause 4.4 – Floor space ratio

The maximum floor space ratio allowable of the site is 0.5:1; the development proposes a maximum floor space ratio of 0.5:1. See compliance table below (i.e. Assessment under DCP 2010) for a more detailed break down of the proposed floor areas.

ITEM 2 (continued)

(b) Relevant SEPPs

SEPP BASIX:

A compliant BASIX Certificate has been submitted with the application. A standard condition has been included in the Draft Consent requiring compliance with this BASIX certificate (Condition No. 4).

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

(c) Relevant REPs

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above SREP however, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.

The objective of improved water quality is satisfied through compliance with the provisions of Council's Development Control Plan 2010. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the SREP.

(d) Any draft LEPs

At the time of drafting this report, there were no relevant draft LEPs applicable to the subject site.

(e) Any DCP (e.g. dwelling house, villa)

DCP 2010 was adopted by Council on 15 June 2009 and became effective on 30 June 2010 (i.e. upon commencement of Ryde LEP 2010). The development's compliance with the relevant clauses of the DCP is illustrated in the following table:

ITEM 2 (continued)

Table 1: Compliance with the Ryde Development Control Plan 2010

DCP 2010	Proposed	Compliance
Part 3.3 - Dwelling Houses and Dual Occupancy (attached)		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Y
Dwelling Houses		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Front and rear gardens proposed.	Y
- Maximum 2 storeys.	Two storeys	Y
- Dwellings to address street	Dwellings present to both Douglas Street and Morrison Road	Y
- Garage/carports not visually prominent features.	Garage not prominent feature as setback in front elevation of building.	Y
Dual Occupancy – Linear Separation		
- Any urban housing, multi dwelling (attached), villa homes, duplex, dual occupancy (attached) within double the main frontage of the subject site or existing villa/dual occupancy site?	None within double frontage.	N/A
Public Domain Amenity		
Streetscape		
- Front doors and windows are to face the street. Side entries to be clearly apparent.	Front doors and windows face street.	Y
- Single storey entrance porticos.		Y
- Articulated street facades.	Single entrance portico. Articulated street façade.	Y
Public Views and Vistas		
- A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street.	No significant views to/from the site.	N/A

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
Pedestrian & Vehicle Safety <ul style="list-style-type: none"> - Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard. - Fencing that blocks sight lines is to be splayed. 	Council's Development Engineer has raised no objection to the proposed development in regards to sightlines.	Y
Site Configuration		
Deep Soil Areas <ul style="list-style-type: none"> - 35% of site area min. - Min 8 x 8m deep soil area (DSA) in backyard. Dual occupancy developments only need to have one 8 x 8m area (doesn't have to be shared equally). - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls). 	Permeable (deep soil) area: 295.8m ² approx (43% of site area). Rear DSA dimensions: 8m x 8m provided. Front DSA: 100% permeable area in front yard= 49.71m ² . Hard surface areas have been kept to a minimum in the front yard.	Y Y Y
Topography & Excavation <p>Within building footprint (BF):</p> <ul style="list-style-type: none"> - Max cut: 1.2m - Max fill: 900mm <p>Outside building footprint:</p> <ul style="list-style-type: none"> - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - Max ht retaining wall 900mm 	<p>Within BF</p> <p>Max cut: 800mm Max fill: 550mm</p> <p>Outside BF</p> <p>Max cut: 890mm Max fill: nil None proposed.</p> <p>Complies. 900mm maximum</p>	Y Y Y N/A N/A Y
Floor Space Ratio		
Ground floor	196.53m ²	
First floor	182.93m ²	
Total (Gross Floor Area)	379.46m ²	
Less 36m ² (double) or 18m ² (single) allowance for parking	343.46m ²	

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
FSR (max 0.5:1) Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	0.50:1	Y
Height		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	Maximum two storeys.	Y
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	Complies.	Y
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet <i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i>	TOW RL: 41.25 EGL blw (lowest point) RL: 35 TOW Height (max)= 6.25m	Y
- 9.5m Overall Height <i>NB:</i> <i>EGL = Existing Ground Level</i>	Max point of dwlng RL: 43.51 EGL blw (lowest point) RL: 35 Overall Hgt (max)= 8.51m	Y
- Habitable rooms to have 2.4m floor to ceiling height (min).	2.7m min room height.	Y
Setbacks		
SIDE Single storey dwelling - 900mm to wall - Includes balconies etc	1500mm to wall min	Y
SIDE Two storey dwelling - 1500mm to wall - Includes balconies etc	1500mm to wall min	Y
Side setback to secondary frontage (cnr allotments): 2m to façade and garage/carports	Complies at 2m	Y

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
Front <ul style="list-style-type: none"> - 6m to façade (generally) - Garage set back 1m from the dwelling façade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements eg RWT, A/C 	Complies. Setback >1m Complies for dwelling 1. Not applicable for dwelling 2. Complies.	Y Y Y N/A Y
Sites wider than they are long <ul style="list-style-type: none"> - One side setback of 8m or 20% of allotment width, whichever is greater (9.15m). - Rear setback 4m min (in addition to 8m side setback). <p>NB: Side setback on irregular allotments can be measured at the centre line of the site. (must have 8x8m DSA)</p>	Not applicable in this instance as site is not wider than it is long.	N/A N/A
Car Parking & Access		
General <ul style="list-style-type: none"> - Dual Occupancy (attached): 1 space max per dwelling. - Where possible access off secondary street frontages or laneways is preferable. - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade. 	One space per dwelling in an enclosed attached garage. Access from: Douglas Street. Complies. Complies.	Y Y Y Y
Garages <ul style="list-style-type: none"> - Garages set back 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be set back not more than 300mm behind the outside face of the building element immediately above. - Garage windows are to be at least 900mm away from boundary. - Free standing garages are to have a max GFA of 36m² 	Setback >1m from dwelling facades. Complies. Door setback: 300mm No garage windows. Not free-standing.	Y Y Y N/A N/A

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
- Materials in keeping or complimentary to dwelling.	Materials: consistent with new dwelling.	Y
Parking Space Sizes (AS) <ul style="list-style-type: none"> - Single garage: 3m w(min) - Internal length: 5.4m (min) 	Internal measurements: 3.2m x 6m	Y
Driveways <ul style="list-style-type: none"> - Extent of driveways minimised 	Complies.	Y
Landscaping		
Trees & Landscaping <ul style="list-style-type: none"> - Major trees retained where practicable - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access) - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. - Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy. - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. - OSD generally not to be located in front setback unless under driveway. 	The site is free of any significant vegetation. Complies. Complies. Complies. Complies. Complies.	Y Y Y Y Y Y Y
- Landscaped front garden, with max 40% hard paving	Hard Paving: 21%	Y
Dwelling Amenity		
Daylight and Sunlight Access <ul style="list-style-type: none"> - Living areas to face north where orientation makes this possible. 	Living areas face north.	Y
<u>Subject Dwelling:</u> <ul style="list-style-type: none"> - Subject dwelling north facing windows are to receive at least 	Subject dwelling north facing windows receive at least 3hrs of	Y

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
<p>3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <ul style="list-style-type: none"> - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <p>Private Open space of subject dwelling receives at least 2 hours sunlight between 9am and 3pm on June 21.</p> <p>More than 2 hours of sunlight is achieved to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. The proposal mainly overshadows Douglas Street.</p> <p>More than 3 hours of sunlight is achieved to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. The proposal mainly overshadows Douglas Street.</p>	<p>Y</p> <p>Y</p> <p>Y</p>
<p>Visual Privacy</p> <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space. - Side windows offset from adjoining windows. - Terraces, balconies etc are not to overlook neighbouring dwellings/private open space. 	<p>Complies.</p> <p>Complies.</p> <p>Complies. The use of frosted highlight windows prevents overlooking.</p> <p>Complies. A privacy screen has been provided on the northern side of the first floor balcony of dwelling 1.</p>	<p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p>
<p>Acoustic Privacy</p> <ul style="list-style-type: none"> - Layout of rooms in dual occupancies (attached) are to 	<p>Complies.</p>	<p>Y</p>

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
minimise noise impacts between dwellings eg: place adjoining living areas near each other and adjoining bedrooms near each other.		
View Sharing - The siting of development is to provide for view sharing.	There are no significant views to/from the site.	N/A
Cross Ventilation - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.	Complies.	Y
External Building Elements		
Roof - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights.	Complies. Complies. Complies. Not proposed. None proposed.	Y Y Y N/A N/A
Attic Dormer Windows	Not proposed.	N/A
Fencing		
Front/return: - To reflect design of dwelling. - To reflect character & height of neighbouring fences. - Max 900mm high for solid (picket can be 1m). - Max 1.8m high if 50% open (any solid base max 900mm). - Retaining walls on front bndry max 900mm. - No colorbond or paling - Max width of piers 350mm.	Complies. Complies. See Condition No. 2 See Condition No. 2 Complies. Not proposed. See Condition No. 2	Y Y Y Y Y N/A Y
Side/rear fencing: - 1.8m max o/a height.	Existing side fencing.	Y
Part 7.1 - Energy Smart, Water Wise		
As per submitted BASIX Certificate		Y

ITEM 2 (continued)

DCP 2010	Proposed	Compliance
External Clothes Drying Area		
External yard space or sheltered ventilated space for clothes drying	Complies.	Y
Part 7.2- Waste Minimisation & Management		
Submission of a Waste Management Plan in accordance with Part 7.2	The applicant has submitted a Waste Management Plan in accordance with Part 7.2	Y
Part 8.2 - Stormwater Management		
Stormwater		
Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.	Council's Development Engineer has raised no objection to the proposed development subject to 21 conditions of development consent.	Y
Part 9.4 – Fencing		
Front & return fences		
Front and return fences that exceed 1m in height are to be 50% open	Complies. See Condition No. 2	Y
Part 9.6 – Tree Preservation		
Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.	The site is free of any significant vegetation.	N/A

City of Ryde Section 94 Development Contribution Plan 2007. The development for an attached dual occupancy will require Section 94 contributions in accordance with Council's current Section 94 Contributions Plan. The proposal comprises of:

- Demolition of the existing dwelling (which is a "credit" when calculating Section 94 rates);
- Dwelling 1 with 4 bedrooms; and
- Dwelling 2 with 4 bedrooms:

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A	B
Community & Cultural Facilities	\$3,991.39
Open Space & Recreation Facilities	\$9,825.97
Civic & Urban Improvements	\$3,341.90
Roads & Traffic Management Facilities	\$455.76
Cycleways	\$284.75
Stormwater Management Facilities	\$904.74
Plan Administration	\$76.78
The total contribution is	\$18,881.29

Condition No. 18 has been imposed in the Draft Consent requiring payment of a Section 94 contribution of \$18,881.29. The calculation sheet showing how this amount was calculated has been certified by two Council Officers and is held on Council's file.

10. Likely impacts of the Development

All relevant issues regarding the likely impacts of the development have been discussed throughout this report. It is considered that the development is acceptable and suitable for approval subject to the conditions listed in **ATTACHMENT 1**.

(a) Built Environment

The proposed development involves the construction of a new two storey dual occupancy (attached) development and is not considered to have any adverse impacts on the existing built environment or the amenity of the surrounding area. Given the frontage to both Morrison Road and Douglas Street, the proposed development will appear as a two storey dwelling which is consistent with other developments of a similar nature.

(b) Natural Environment

The proposed development will have no significant impacts on the natural environment.

The proposed use is permitted in the zoning and is compatible with the other surrounding uses; therefore the development is considered satisfactory in terms of environmental impacts.

ITEM 2 (continued)**11. Suitability of the site for the development**

The site is not classified as a heritage item or subject to any natural constraints such as urban bushland or flooding. The proposed development is therefore considered to be suitable for the site in terms of impact on existing natural and built form environments.

12. The Public Interest

The development generally complies or is justifiably inconsistent with the provisions of Council's DCP for Dwelling Houses. It is considered that approval of the application is in the public interest.

13. Consultation – Internal and ExternalInternal Referrals

Development Engineer (16 August 2011): raised issues that could be dealt with subject to 21 conditions of development consent:

Access to the site is located sufficient distance away from the intersection; accordingly adequate sightlines and stopping distance have been achieved in accordance with AS 2890. However a condition will be placed to ensure all vegetation forward of the building alignment to Morrison Road shall not have a matured height greater than 900MM, additionally, garage floor level is to be lowered to RL 35.00 Maximum.

External Referrals

NSW Shell Pipelines Coordinator (29 March 2012): has raised no objection to the proposed development as the identified Shell Pipeline is located across the road from the proposed development.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

Adoption of the option outlined in this report will have no financial impact.

16. Other Options

None applicable.

ITEM 2 (continued)**17. Conclusion**

This report has considered a proposal to demolish the existing structures on site and construct a new two storey dual occupancy development (attached). The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning and Assessment Act 1979 and is generally considered satisfactory.

The proposal fully complies with Council's DCP 2010 (Dwelling Houses and Dual Occupancy (Attached)).

Two submissions have been received from the owners of No. 256 Morrison Road (the neighbour directly to the northwest of the subject site), raising concerns about the elimination of daylight and sunlight, privacy impacts, impacts arising from the lack of a boundary retaining wall and the impacts of the proposed tree at the front boundary adjacent to the dwelling at No. 256 Morrison Road.

The objector's concerns regarding overshadowing from the development are not considered to be valid. The subject site is to the south of the objector's property and therefore the development has no overshadowing impact on the objector's property between 9am and 3pm mid-winter. All the shadows from the development will fall either on the subject site or onto Douglas Street to the southeast.

In making amendments to the original proposal, the applicant has been mindful of the impact of the development on the dwelling at No. 256 Morrison Road and has provided appropriate setbacks, building articulation and windows with external shutters and frosted highlight windows to the side of the dwelling adjacent to No. 256 Morrison Road in order to alleviate the neighbours' concerns.

It is not considered that the issues of concern raised by the neighbours are sufficient to warrant further design modifications or refusal of the development application and therefore the proposal is considered satisfactory and is recommended for approval.

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ATTACHMENT 1

GENERAL

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

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

Document Description	Date	Plan No/Reference
Site/Analysis Plan	28.03.12	0172/DA 01 G
Ground Floor Plan	28.03.12	0172/DA 02 G
First Floor Plan	13.04.12	0172/DA 03 H
East and West Elevations	28.03.12	0172/DA 04 G
South Elevation	28.03.12	0172/DA 05 G
North Elevation	13.04.12	0172/DA 06 H
Section AA and Section BB	28.03.12	0172/DA 07 G
Landscape Plan	28.03.12	0172/DA 08 G
Ground Floor Plan – Approximate Excavation Depths	28.03.12	0172/DA 09 G

2. **Front Fencing.**
 - The maximum height of any solid structure is not to exceed 900mm;
 - The maximum width of any piers is not to exceed 350mm
 - Any element of the fence that exceeds 900mm is to be 50% transparent.
 - The maximum height of fencing (including solid structures and 50% transparency) is not to exceed 1.8m.

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

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.
4. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 416647M, dated 22 February 2012.

Protection of Adjoining and Public Land

5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
6. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.

ITEM 2 (continued)

ATTACHMENT 1

- (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.
7. **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.

General Engineering Conditions

8. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
9. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
10. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
11. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

12. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and

ITEM 2 (continued)

ATTACHMENT 1

- (ii) The date the work is due to commence and the expected completion date
 - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
13. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
14. **Excavation**
- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
 - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
15. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
16. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
17. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
18. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

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.

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ATTACHMENT 1

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

19. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$3,991.39
Open Space & Recreation Facilities	\$9,825.97
Civic & Urban Improvements	\$3,341.90
Roads & Traffic Management Facilities	\$455.76
Cycleways	\$284.75
Stormwater Management Facilities	\$904.74
Plan Administration	\$76.78
The total contribution is	\$18,881.29

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

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.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

20. **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**.
21. **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**.

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22. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
23. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
- (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
24. **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**.

Engineering Conditions to be complied with Prior To Construction Certificate

25. **Council Inspections.** A Council engineer must inspect the stormwater connection to the existing Council stormwater pipeline. Council shall be notified when the collar connection has been made to the pipe and an inspection must be made **before** the property service line is connected to the collar. The property service line must not be connected directly to Council's pipeline. An inspection fee of \$160.00 shall be paid to Council prior to the issue of the Construction Certificate
26. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.
27. **Car Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890. Accordingly, the proposed garage finished floor levels must be lowered to a maximum of RL 35.00.

Revised plans indicating compliance shall be submitted with The Construction Certificate.

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28. **Safe sight distances.** To facilitate safe sight and stopping distances, all proposed vegetation planting forward of the building alignment to Morrison Road shall have a maximum matured height of 900MM.
29. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The minimum capacity of the piped drainage system shall be equivalent to the collected runoff from a 20 year average recurrence interval storm event. Overland flow paths are to be provided to convey runoff when the capacity of the piped drainage system is exceeded up to the 100 year average recurrence interval and direct this to the on-site detention system. Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties.

Plans including engineering certification indicating compliance with this condition are to be submitted with the Construction certificate.

30. **On site stormwater detention Tank.** All access grates to the on site stormwater detention tank are to be hinged and fitted with a locking bolt. Any tank greater than 1.2 metres in depth must be fitted with step irons and child proof “j” bolt.
31. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.
32. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual “*Managing Urban Stormwater, Soils and Construction*” prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*

- (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.

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ATTACHMENT 1

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.

33. 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.

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

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

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

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

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ATTACHMENT 1

36. **Pre-commencement dilapidation report.** The submission of a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties namely No. 256 Morrison Road, and public infrastructure (including roads, gutters, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining private properties, prior to the commencement of construction.
37. **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.

Engineering Conditions to be complied with Prior to Commencement of Construction

38. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
39. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities
40. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

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.

ITEM 2 (continued)

ATTACHMENT 1

41. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
42. **Noise and vibration.** The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.
43. **Construction noise.** The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
44. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
45. **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.
46. **Construction materials.** All materials associated with construction must be retained within the site.
47. **Site Facilities**

The following facilities must be provided on the site:

 - (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
48. **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.
49. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

ITEM 2 (continued)

ATTACHMENT 1

50. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

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.

51. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate 416647M, dated 22 February 2012
52. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
53. **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 Interim/Final Occupation Certificate.

54. **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 the **Occupation Certificate**.

ITEM 2 (continued)

ATTACHMENT 1

55. **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.

Engineering Conditions to be complied with Prior to Occupation Certificate

56. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**
- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4*.
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.
 - Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
 - Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the 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.
 - Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 1990 (National Plumbing and Drainage Code).
57. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
58. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA. If there are proposed interallotment drainage easements on the subject property, **a Certificate from a Registered Surveyor is to be submitted to the PCA** certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.

ITEM 2 (continued)

ATTACHMENT 1

59. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
60. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.
61. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Plan No. SW12021 – S1 & S2 issue D dated 7/5/12 prepared by Alw Design.

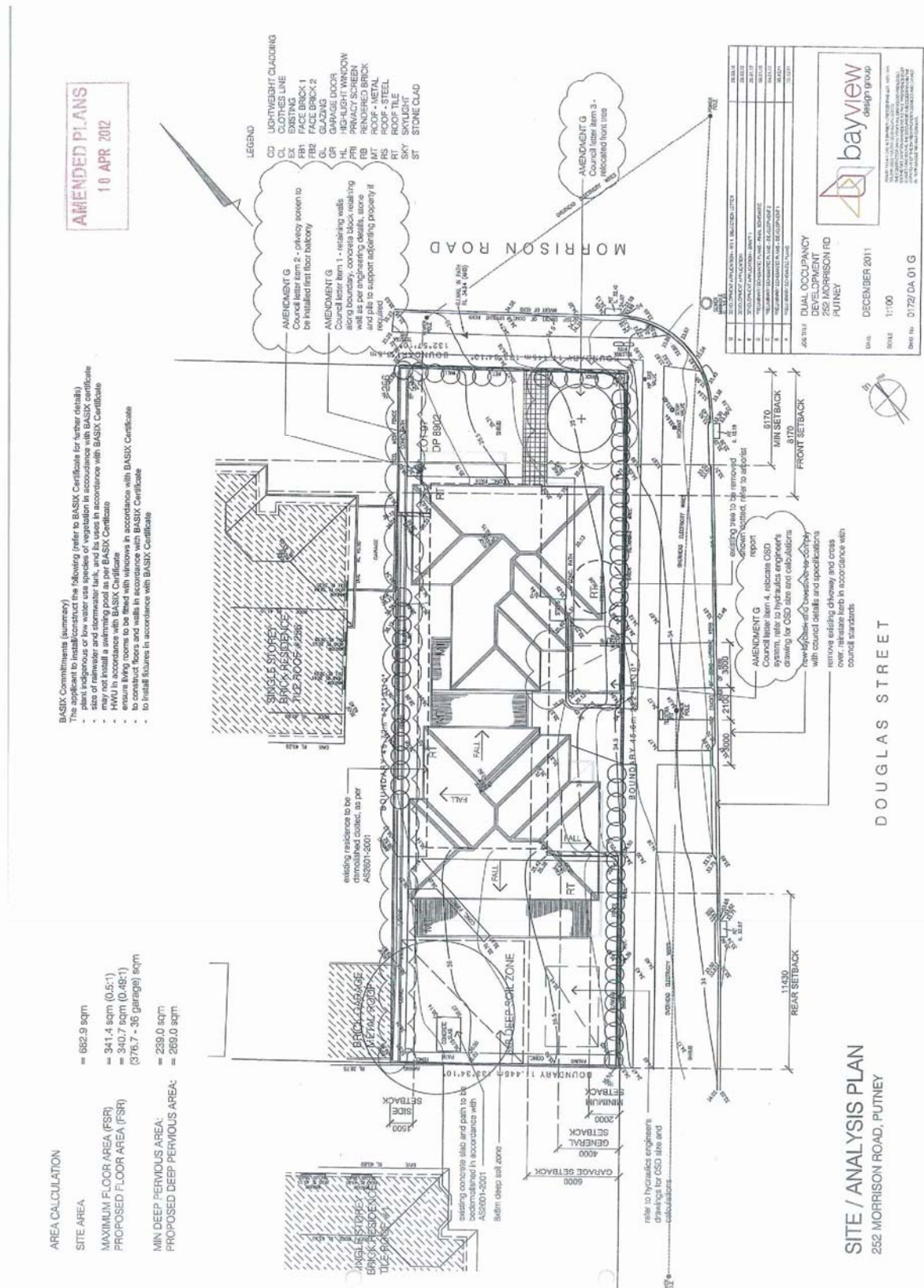
ITEM 2 (continued)

ATTACHMENT 2



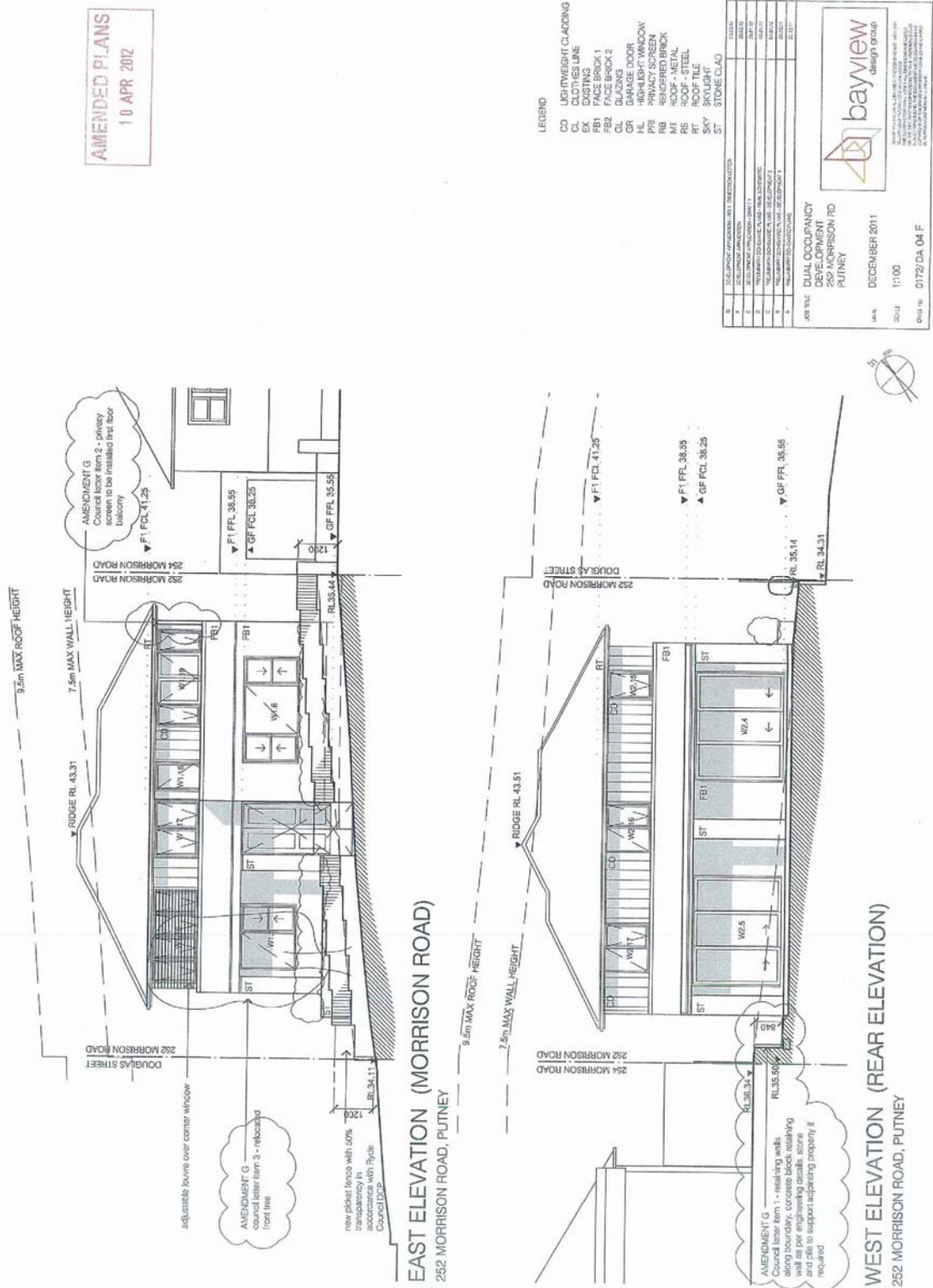
ITEM 2 (continued)

ATTACHMENT 3



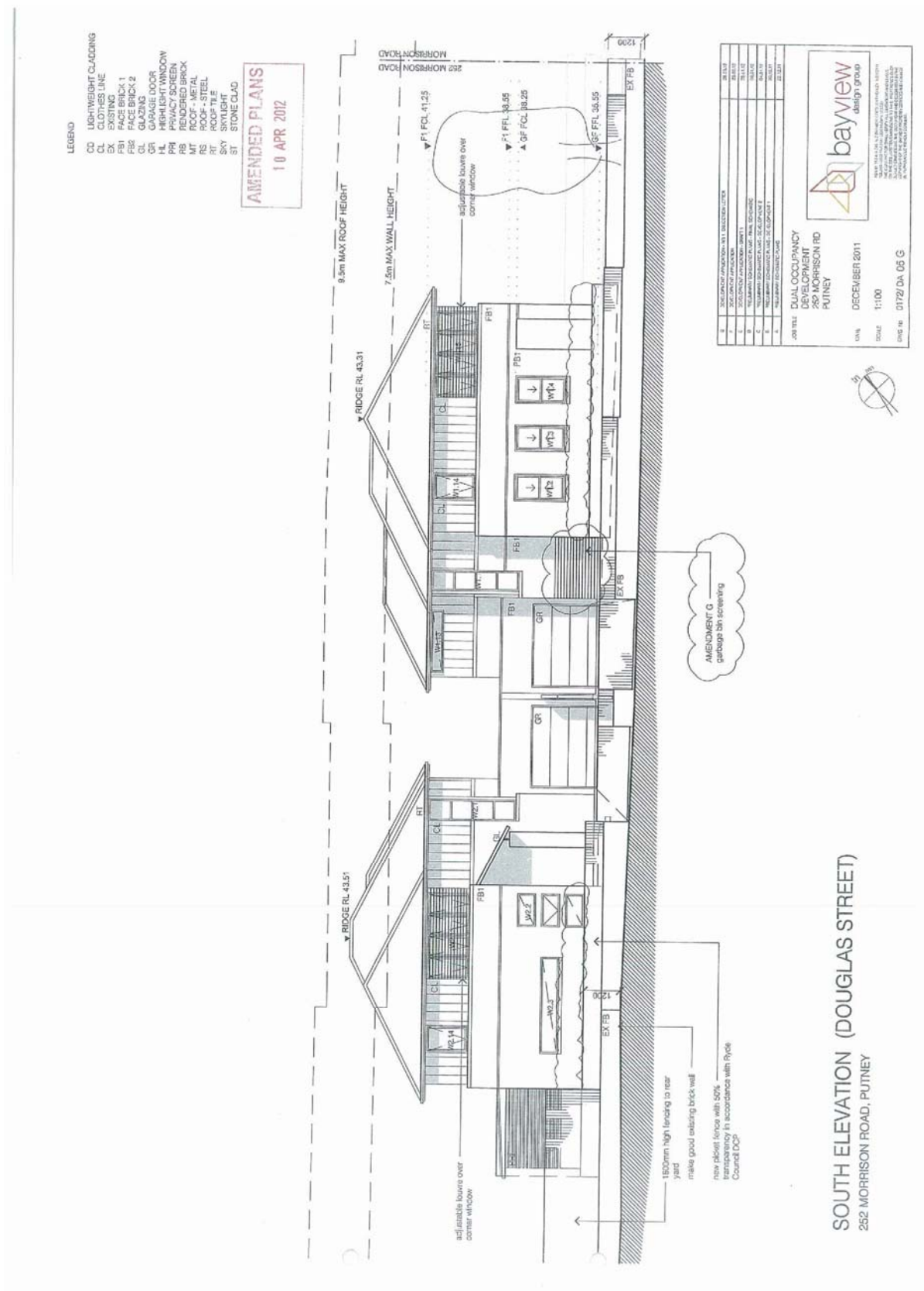
ITEM 2 (continued)

ATTACHMENT 3



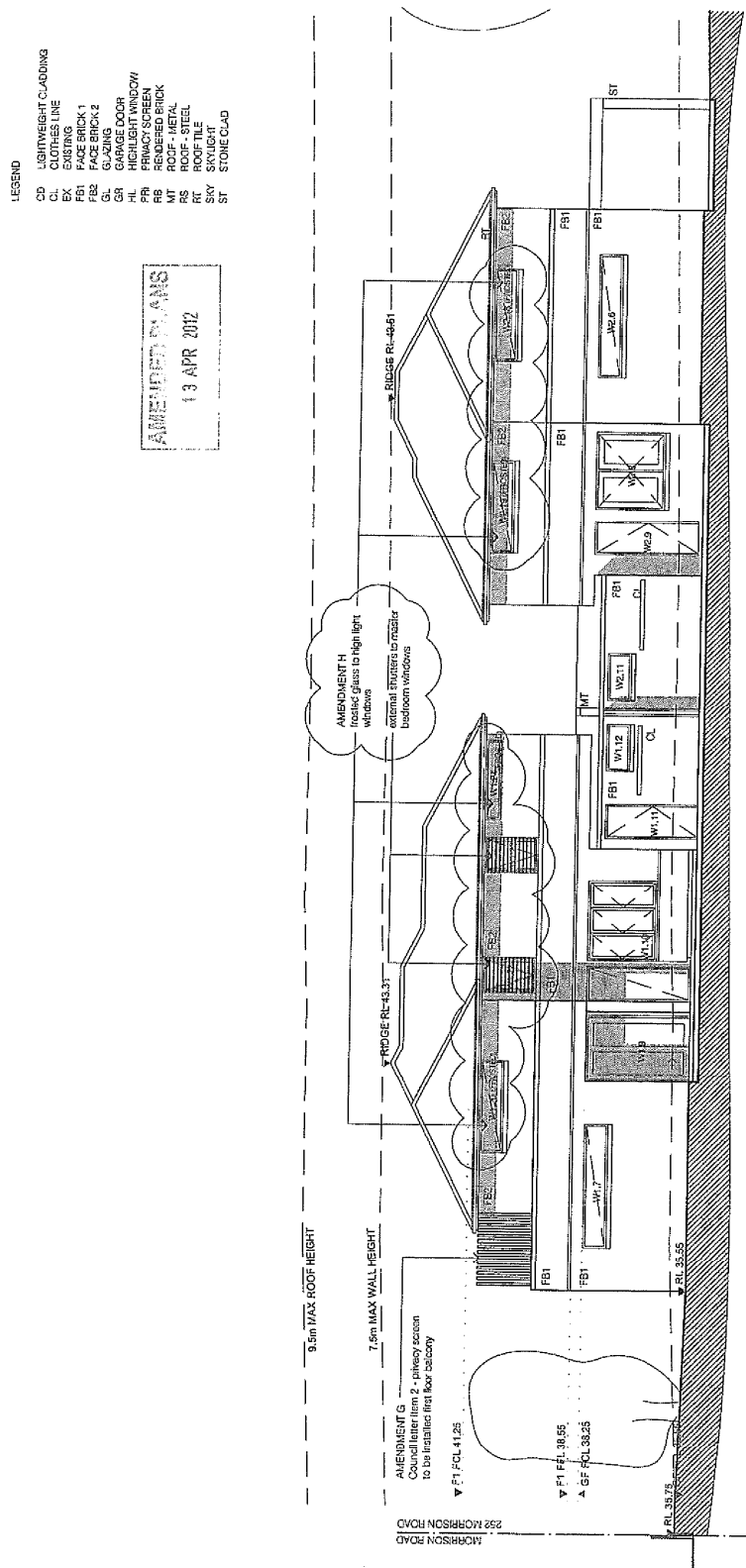
ITEM 2 (continued)

ATTACHMENT 3



ITEM 2 (continued)

ATTACHMENT 3



NORTH ELEVATION
252 MORRISON ROAD, PUTNEY

[illegible]

- 3 2-4 PORTER STREET AND 80 BELMORE STREET, RYDE. LOT 1 DP 776768 & LOT 12 DP 4481. Section 96(1A) Application to amend the development consent 2010/0331 for a mixed use development. MOD2011/0185.**

INTERVIEW: 4.55pm

Report prepared by: Team Leader - Major Development Team

Report approved by: Manager Assessment; Group Manager - Environment & Planning

Report dated: 18/05/2012

File Number: GRP/12/5/5/3 - BP12/604

1. Report Summary

Applicant: Brooks Projects Architects.

Owner: Ryde Developments Pty Ltd.

Date lodged: 15 December 2011.

This report considers a proposed Section 96 Application to an approved development at 2-4 Porter Street and 80 Belmore Street, Ryde. The approved development consists of the demolition of all existing buildings and the construction of 2 x 6 storey mixed use residential and commercial buildings and the strata subdivision of the development. This application was approved by the Joint Regional Planning Panel (JRPP) on 15 April 2011. As part of this development, a Voluntary Planning Agreement (VPA) was also endorsed by Council and has now been executed. As the development proposes amendments under Section 96(1A) of the Environmental Planning and Assessment Act, 1979, Council is the consent authority rather than the JRPP.

The Section 96 Application proposes to convert part of the commercial floor space on the ground floor to home/office residential apartments. It also proposes a minor change to the layout of some of the residential apartments in the upper levels of the Porter Street Building and a change to the garbage area in the Belmore Street Building. A Deed has been submitted to amend the monetary contribution required to be paid as part of the VPA. The Deed has increased the cash contribution from \$600,000 to \$685,000.

The amended development complies with the relevant planning requirements and satisfies the requirements for a Section 96(1A) Application.

During the notification period Council received a total of 19 objections. These objections were all pro forma letters. The concerns raised in the objections included concerns with the increased traffic in Porter Street, concerns in respect to the location of the garbage rooms, height of the building and building separation issues and concerns that people who had purchased of the plan was not notified of the development. The Section 96 Application does not alter these issues from the original approved development.

The Section 96 Application is recommended for approval.

ITEM 3 (continued)

Reason for Referral to Development Committee: The application is referred to Council due to the submission of the Deed to amend the VPA.

Value of works? Not stated.

A full set of the plans is **CIRCULATED UNDER SEPARATE COVER** as additional information provided to Councillors - subject to copyright provisions.

RECOMMENDATION:

- (a) That Council enter into the Deed made by Ryde Developments Pty Limited as part of the Section 96 Application MOD2011/0185 to Development Consent 2010/331 at 2-4 Porter Street and 80 Belmore Street, Ryde.
- (b) That the Section 96 application to modify Local Development Application No. MOD2011/0185 at 2 Porter Street, Ryde being LOT 1 DP 776768 be approved subject to conditions 1, 2, 5 and 133 being amended to read as follows:
 1. **Approved Plans** - Development is to be carried out in accordance with the following plans and supporting documentation as submitted to Council, except where amended by these conditions of consent:

Document	Author	Date and Revision
Site Plan	Brooks Projects Architects	Sk1g dated 28/11/11
Basement Plans	Brooks Projects Architects	Sk2i dated 25/10/11
Building A Porter Street Level 1	Brooks Projects Architects	Sk3k dated 13/12/11
Building A Porter Street levels 2 and 3	Brooks Projects Architects	Sk4h dated 25/10/11
Building A porter Street Levels 4 and 5	Brooks Projects Architects	Sk5h dated 25/10/11
Building A Porter Street Level 6	Brooks Projects Architects	Sk6g dated 17/9/10
Building B Belmore Street Level 1	Brooks Projects Architects	Sk7i dated 12/12/11
Building B Belmore Street Levels 2-5	Brooks Projects Architects	Sk8f dated 5/5/10
Building B Belmore Street Level 6	Brooks Projects Architects	Sk9g dated 8/9/10
Elevations	Brooks Projects Architects	Sk10h dated 25/10/11
Sections	Brooks Projects Architects	Sk11f dated 15/3/10

ITEM 3 (continued)

Belmore Street elevations	Brooks Projects Architects	Sk12f dated 28/6/10
Section through unit terraces	Brooks Projects Architects	Sk14 dated 21/10/10
Section through walkway	Brooks Projects Architects	Sk13 dated 21/10/10
Landscape plan	Jocelyn Ramsay and Associates Pty Ltd	10-008/R May 05

- 2a. **Voluntary Planning Agreement** - Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, the Voluntary Planning Agreement between the City of Ryde and Hayes (Holdings) Pty Limited that relates to the development application the subject of this consent, must be registered on the title of the property prior to the lodgement of any application for a certificate under section 109C of the Environmental Planning and Assessment Act 1979.
- 2b. **Deed.** Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, the Deed between the City of Ryde and Ryde Developments Pty Ltd that relates to the Section 96 Application MOD2011/0185, must be registered on the title of the property prior to the lodgement of any application for a certificate under section 109C of the Environmental Planning and Assessment Act 1979.
5. **Compliance with BASIX** - The development is to be carried out in compliance with BASIX Certificate No. 421488M dated 28 April 2012.
133. **Allocation of Car Parking** - Car parking is to be provided in accordance with the following:
- 88 resident spaces (Note: for the purposes of car parking, the home/office units have been assessed as residential).
 - 17 residential visitor spaces
 - 5 commercial spaces
 - The remaining 4 car parking spaces are to be allocated to the home/offices units on the ground floor.
- (c) That the persons who made submissions be advised of Council's decision.
- (d) That the letters of objection in respect of Porter Street be referred to Ryde's Traffic Committee for review.

ITEM 3 (continued)**ATTACHMENTS**

- 1 Map
- 2 A4 plans
- 3 Submission pro forma examples
- 4 Original Consent - LDA2010/0331
- 5 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Sandra Bailey
Team Leader - Major Development Team

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 3 (continued)**2. Site** (*Refer to attached map - ATTACHMENT 1.*)

Address	: 2-4 Porter Street and 80 Belmore Street, Ryde
Site Area	: 2863m ² Frontage 40.235m to Porter Street 20.115m to Belmore Street
Topography and Vegetation	: The site contains no significant vegetation and the site is relatively level.
Existing Buildings	: The site contains two post World War Two industrial buildings. The building on 2-4 Porter Street is a single storey brick and fibro factory unit complex which contains 7 factory units. A part single and part two storey industrial building exists on 80 Belmore Street.
Planning Controls	
Zoning	: B4 Mixed Use.
Other	: Environmental Planning and Assessment Act, 1979 State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development State Environmental Planning Policy (Building Sustainability Index: BASIX) Ryde Local Environmental Plan 2010 Ryde Development Control Plan 2010

3. Councillor Representations:

Nil.

4. Political Donations or Gifts

Any political donations or gifts disclosed? No.

5. Proposal

Council has received a Section 96 application to amend the development consent for the construction of 2 x 6 storey mixed use residential and commercial buildings at the above site. The amendments include the following:

ITEM 3 (continued)

Porter Street Building

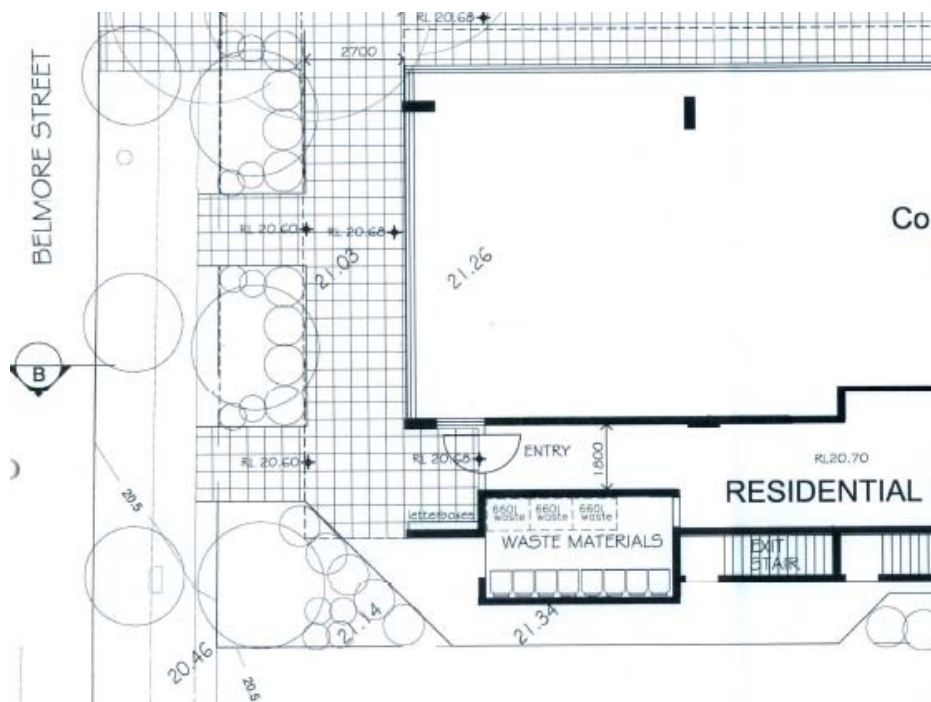
- The approved ground floor (referred to as first floor on the plans) of the building facing Porter Street proposed three residential apartments and 347m² of commercial floor space. It is proposed to reduce the commercial floor space to 98m² and convert the remaining commercial floor space to four home office apartments consisting of 3x1 bedroom apartments and 1x2 bedroom apartments.
- The approved layout of the second to fifth floors was 4x1 bedroom apartments and 4x2 bedroom apartments. It is proposed to amend the building envelope by enclosing part of a previous approved balcony on each floor. This will result in the floor space on levels 2 to 5 being extended 2.5 metres by 3.6 metres in the northwest corner. The layout of 3 apartments will be amended to propose 3x1 bedroom apartments and 5x2 bedroom apartments on each level. This is demonstrated in the following diagram. The green identifies the area of the floor where there are amendments to the floor plan.



ITEM 3 (continued)

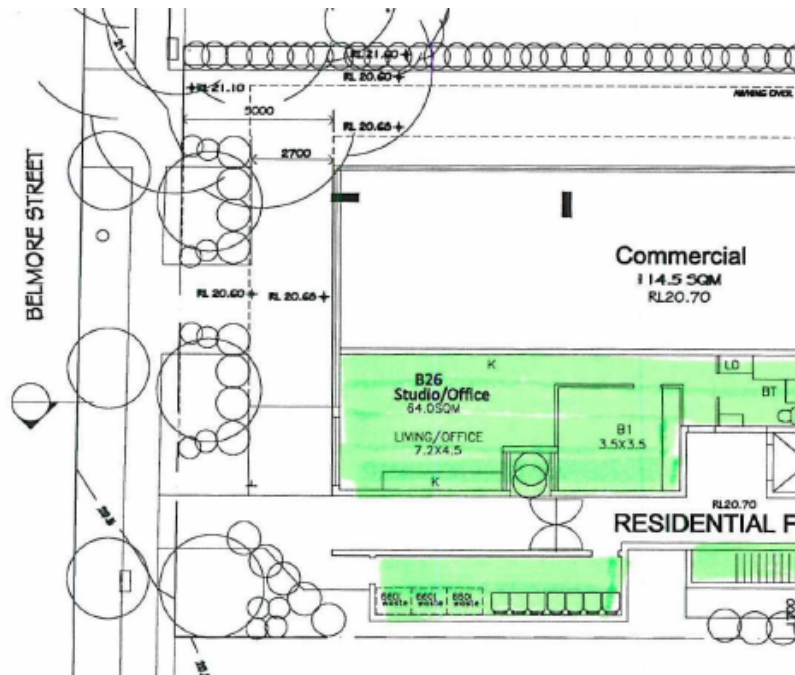
Belmore Street Building

- The approved ground floor of the building included 300m² of commercial floor space and 1x2 bedroom unit. The Section 96 proposes to reduce the commercial floor space to 114.5m². The remaining commercial floor space will be converted to three home office apartments consisting of 2x1 bedroom apartments and 1x2 bedroom apartment.
- The waste room on the ground floor is proposed to be amended. The approved plans proposed an area of 3.2m by 5.5m which was set back from the boundary by 1.1m. The Section 96 now proposes an area 2.2m by 8.5m which is set back 0.55m from the side boundary. This is demonstrated by the following diagrams. The first diagram shows the location of the garbage room on the approved plan and the second diagram shows the location on the Section 96 plans.



Plan of the approved bin storage area for the building located adjacent to Belmore Street.

ITEM 3 (continued)



Plan showing the proposed amendment to the bin storage area.

The following table demonstrates the approved and proposed modified composition of the building.

	Approved Development	Modified Development
1 bedroom apartment	21	17
2 bedroom apartment	35	39
3 bedroom apartment	5	5
1 bedroom home office apartment	0	5
2 bedroom home office apartment	0	2
Commercial floor space	647m ²	212.5m ²

As part of the Section 96 the applicant has also submitted a Deed to amend the Voluntary Planning Agreement that has already been entered into by Council and the applicant. The purpose of the Deed is to increase the cash contribution from \$600,000 to \$685,000.

6. Background

The original DA including a VPA was submitted to Council on 12 July 2010.

ITEM 3 (continued)

The VPA was considered by Council on 1 March 2011 where Council resolved as follows:

- a) That Council support 'in principle' the Voluntary Planning Agreement Offer made by Brooks Projects Pty. Ltd. as part of the Development Application LDA2010/331 at 2-4 Porter Street and 80 Belmore Street, Ryde for the construction and subdivision of two six storey mixed use residential/commercial buildings.
- b) That the above be communicated to the Joint Regional Planning Panel at the time of determination of the application.
- c) That the Group Manager, Environment and Planning be delegated to finalise the Voluntary Planning Agreement with Brooks Projects Pty Ltd in accordance with the Letter of Offer dated 26 October 2010 and the applicable legal requirements under the Environmental Planning and Assessment Act, 1979.

The VPA was executed by Council and the applicant on 12 April 2011.

The development application was required to be determined by the Joint Regional Planning Panel as its capital investment value exceeded \$10 million. Development consent was granted on 15 April 2011.

The current Section 96 application was lodged on 15 December 2011. A letter was sent to the applicant on 19 January 2012 requesting the following information:

- The amended development requires the submission of a new BASIX Certificate.
- Details of compliance with the requirements of the Residential Flat Design Code are to be submitted.
- Further information was requested to demonstrate how privacy would be maintained for those apartments that are located immediately adjacent to the public walkway.
- The amended development will generate Section 94 contributions greater than what was generated by the original development. As the VPA prevents Section 94 being applied to the development, the applicant was advised that the amended development may not be in the public interest. The applicant was requested to provide details of whether it was intended to amend the VPA.

Some of the additional information and a Deed to amend the original VPA was submitted to Council on 21 February 2012. An amended BASIX Certificate was submitted to Council on 30 April 2012.

On 29 February 2012, Council's VPA Panel met to consider the Deed. The Panel resolved that the Deed was the appropriate way to amend the VPA and also supported the revised contribution.

ITEM 3 (continued)**7. Submissions:**

The Section 96 application was advertised and notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. The application was advertised on 14 December 2011. Notification of the proposal was from 13 December 2011 until 11 January 2012.

During this time, Council received a total of 19 submissions. The submissions were either one of two pro forma letters examples of which are attached. The issues raised in the submissions were;

- *Porter Street is ill equipped to deal with the amount of traffic. It can only service 1 lane when both sides of the street are fully parked. Driving along Porter Street is dangerous due to converging cars not having room to pass each other. It is especially dangerous for exiting driveways at Porter Street. Ryde Council should restrict the parking in Porter Street to 1 side of the road only or restrict sections of the road to no parking.*

Comment. The original development application was considered by the Council's Traffic Engineer who advised that the traffic generated from the site is considered minor and would have insignificant operational impacts on the local network. The conversion of some of the commercial floor space to residential home office apartments and the change in residential unit mix will not result in additional traffic being generated. Accordingly, the Section 96 application will not change the original traffic comment. However, the matter has been discussed with Council's Section Manager, Traffic and Governance who has recommended that these submissions be referred to the Traffic Committee to enable greater consideration of the issue. This has been included as part of the recommendation.

- *Not clear from the plans if the waste bins are open. It is important that these bins are in enclosed rooms so that smell, insects and vermin do not negatively affect other residents.*

Comment. Condition 18 of the development consent specifies the construction requirements for the garbage rooms. The walls are required to be constructed of brick, concrete blocks or similar solid material and the ceiling must be constructed of a rigid, smooth-faced, non-absorbent material. In accordance with this condition, the garbage rooms will be enclosed. This aspect of the development is not proposed to be changed as a result of the Section 96 application.

- *The original notification period of the DA is flawed. During the original period, many of the neighbouring apartments had been purchased off the plan but not yet settled. This meant that the notification of the original DA did not meet its intended audience.*

ITEM 3 (continued)

Comment. Information is not provided to Council in respect of people who have purchased off a plan but not yet settled. Council will only receive change of ownership details after the property has been settled. During the notification period Council can only notify those people who are registered as owners. As Council has no details about people who have purchased off a plan it is not possible to notify these future residents. Council does however include an advertisement in the local paper and a sign on the site with the aim of notifying more people about the development. People who have purchased off the plan would be required to undertake their own searches in respect of future development on adjoining sites.

- *The increased height and the building separation will affect many of the north east facing residents on the adjoining site in terms of solar access, ventilation and property values. It is suggested that a 5 storey building on the site is more appropriate and would present as a better compromise for the occupants of the adjoining building.*

Comment. The height and building separation issues and the resultant impacts in terms of solar access and ventilation to the adjoining properties was considered in the assessment of the original DA and were considered acceptable by the Joint Regional Planning Panel. The overall height and building separation will not be changed as a result of this Section 96 application. Accordingly, this is not a relevant matter for the Section 96 application.

- *The waste station is too close to my kitchen window and bedroom window. Concerned that the smell would directly affect my living.*

Comment: As part of the Section 96 application it is proposed to relocate the garbage room adjacent to the Belmore Street building. Whereas this was originally set back 1.1m from the boundary, this will now be set back 0.55m. Condition 18 on the original consent specifies the construction requirements for the garbage room so that issues such as smell and vermin are addressed. No changes are proposed to this condition. These requirements will ensure that there is minimal impact to the adjoining property. As such, no objection is raised to the amended layout of the garbage room adjacent to the Belmore Street building.

Voluntary Planning Agreement

It was also necessary to advertise the Deed which amended the VPA. This occurred from 21 March 2012 until 18 April 2012. During this time, Council received no submissions.

ITEM 3 (continued)

8. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

Ryde Local Environmental Plan 2010

Zoning

The site is zoned B4 Mixed Use under the provisions of RLEP 2010. The amended development is permitted in this zoning.

Mandatory Requirements

The mandatory requirements under RLEP 2010 include the zone objectives and height of buildings. These matters are discussed below:

Clause 2.3 Zone Objectives

The objectives of the zone include the following:

- 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 create vibrant, active and safe communities and economically sound employment centres.
- To create safe and attractive environments for pedestrians.
- To recognise topography, landscape setting and unique location in design and land-use.

The amended development is still consistent with the above zone objectives. The development maintains a mix use building consisting of residential and commercial uses. The Section 96 introduces greater flexibility with many of the apartments on the ground floor having the potential to function as either home/offices or entirely residential. The massing and scale of the development and the public domain improvements are consistent with the approved development.

Clause 4.3 Height of Buildings

The Section 96 does not propose any changes to the height of the approved buildings.

ITEM 3 (continued)**Matters for consideration pursuant to Section 96(1A) EPAA:**

The provisions of Section 96(1A) of the Environmental Planning and Assessment Act, 1979 allow a consent authority to modify the consent where the application meets the following criteria: -

- (a) The development to which the consent as modified relates is substantially the same development.
- (b) The proposed modifications are of minimal environmental impact.
- (c) The application has been notified in accordance with the regulations.
- (d) Submissions made during the prescribed notification period have been considered.

Under s96 (1A) Council must be satisfied that the development as modified is substantially the same as was approved in the original consent. In arriving at this determination there should be no consideration of the merits of the proposal but rather a straight before and after comparison. If it is determined to be substantially the same then the proposed modifications need to be assessed on their merits having regard to submissions received and any relevant council planning controls.

The **current approval** provides for demolition of the existing buildings and the construction of 2x6 storey mixed use residential/commercial buildings. The approved development will contain 61 residential apartments and approximately 647m² of commercial floor space. Parking will be provided for 111 cars. The amended development will result in a reduction in the amount of commercial floor space and the introduction of home/office apartments as well as some minor changes to the layout of some of the residential apartments on the upper floor. There will be minimal changes to the building envelope and no changes to the overall height of the development. The use of the building is still consistent with the approved development being commercial and residential. Following a comparison of the approved and proposed amended plans, it is the opinion of Council's Assessing Officer that the modified development is substantially the same as the original and therefore the application can be considered on its merits.

Council must also be satisfied that the amended development will cause minimal environmental harm. The rest of the report details an assessment of the amended development. The amendments are not substantial changes and are likely to result in minimal environmental harm.

As previously discussed, the amended development application was advertised and notified. This resulted in 19 submissions being received. The issues raised in these submissions have already been addressed earlier in the report.

The amended development satisfies the requirements of Section 96(1A).

ITEM 3 (continued)

Relevant SEPPs

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

This policy aims to improve the design quality of residential flat development in NSW. It recognises that the design quality of residential flat developments is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. There are 10 design quality principles identified within SEPP 65. These design principles were considered in the assessment of the original application. As a result of the Section 96 application some of the design principles need to be reconsidered. The following table provides an assessment of the modified development against those design principles that are required to be changed.

Planning Principle	Comment	Compliance
Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.	The scale of the amended development will not be significantly altered from the approved development. The scale will be altered in respect of the Porter Street building towards the northwestern corner where a balcony has been converted to floor space and the relocation of the garbage room for the Belmore Street building on the ground floor closer to the side boundary. These changes are unlikely to result in any adverse impacts on the overall scale of the development. The scale in terms of height is consistent with the adjoining development to the south and the height controls identified in the Centres and Corridors Study.	Yes
Built Form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the	The approved building design has been modulated and articulated to provide interest in the design and assist in providing a building with acceptable bulk as well as highlighting that it contains residential as well as commercial uses. The proposed amendments will not adversely affect the approved building design with similar	Yes

ITEM 3 (continued)

Planning Principle	Comment	Compliance
public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	modulation and articulation provided.	
Resource, energy and water efficiency Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.	The applicant has provided an amended BASIX Certificate (No.421488M which indicates that the residential component of the building will meet the energy and water use targets set by the BASIX SEPP. The amended design will also comply with the passive solar design principles, soil depth, cross ventilation and reuse of water as provided in the Residential Flat Design Code. The residential units on the ground floor can potentially be reused for other uses should they prove unviable.	Yes
Social Dimensions and Housing Affordability Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community. New developments should address housing affordability by optimising the provision of economic housing choices and	The approved development proposed 61 apartments consisting of the following housing mix: <ul style="list-style-type: none"> • 21 x 1 bedroom apartments; • 35 x 2 bedroom apartments; • 5 x 3 bedroom apartments. As a result of the amended development the mix will become: <ul style="list-style-type: none"> • 22 x 1 bedroom apartments; • 41 x 2 bedroom apartments; • 5 x 3 bedroom apartments The amended development will contain a maximum of 68 apartments. For the purposes of these figures, the home offices have been assessed as entirely residential with the assumption that the home office will be used as a bedroom.	Yes

ITEM 3 (continued)

Planning Principle	Comment	Compliance
providing a mix of housing types to cater for different budgets and housing needs.	This mix will still ensure that the development satisfies the planning principle.	

Residential Flat Design Code

The SEPP also requires the Council to take into consideration the requirements of the Residential Flat Design Code. Again, the Section 96 amendment only results in changes to some areas of the Residential Flat Design Code. These matters are discussed in the following table.

Primary Development Control and Guidelines	Comments	Compliance
Visual Privacy The building separation requirements should be adopted.	<p>Building separation issues were discussed in the original report. This Section 96 does not propose to adjust these dimensions.</p> <p>The amendment does involve the conversion of some of the commercial floor space to residential on the ground floor of both buildings. On the ground floor of the Porter Street building the commercial floor space will be reduced from 347m² to 98m² and 4 home/studio units proposed. The ground floor of the Belmore Street building proposes to reduce the commercial floor space from 300m² to 114.5m² and 3 home/studio units proposed. These units have been designed to contain a room that can function as either an office or a bedroom. If used as an office, direct access will be provided from either the public area of the development or via the public thoroughfare to the north of the site. While this is acceptable for an office use, concerns have been raised if these apartments were used entirely for residential purposes as at least 4 of the apartments would have</p>	Yes

ITEM 3 (continued)

	<p>windows directly onto the public thoroughfare. To ensure some natural light to the rooms adjacent to this space, the applicant has proposed a small terrace area which have been indented into the approved footprint and the provision of a privacy screen adjacent to the built line of the development. The rest of the windows would be covered in an opaque film to prevent the loss of amenity. This is demonstrated by the diagrams at the end of the table.</p> <p>The intent is that the opaque film could be removed if any of these rooms are converted to a home/office which may require greater visual connectivity with the walkway. This is considered acceptable.</p>	
<p>Apartment Layout Single aspect apartments should be limited in depth to 8m from a window. The minimum sizes of the apartments should achieve the following; 1 bedroom – 50m² 2 bedroom – 70m² 3 bedroom – 95m²</p>	<p>The amended development proposes a total of 13 apartments that are single aspect. None of the apartments have a single southerly aspect. The development still complies with the objectives of the RFDC which is to ensure the spatial arrangements of the apartment is functional and well organised and ensuring the apartments provide an acceptable environmental performance.</p> <p>All apartment sizes exceed the minimum sizes.</p>	Yes
<p>Apartment Mix The development should provide a variety of types.</p>	<p>The development has proposed 22x1 bedroom units, 41x2 bedroom units and 5x3 bedroom units (These figures are based on all home/offices being used entirely for residential purposes). This mix will provide a variety of unit sizes within the development. The introduction of the home/offices to the amended</p>	Yes

ITEM 3 (continued)

	development allows for greater variety of the type of units contained in the development.	
Daylight Access Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid winter. In dense urban areas a minimum of two hours may be acceptable.	The amended development has been designed so that approximately 70.6% of the apartments will achieve 3 hours of sunlight. None of the apartments have a single southerly aspect. The development complies with the requirement.	Yes
Natural Ventilation Building depths which support natural ventilation typically range from 10 to 18 metres. 60% of residential units should be naturally cross ventilated. 25% of kitchens should have access to natural ventilation.	The amended development has provided natural cross ventilation to 64.7% of the apartments and 33.8% of the kitchens have access to natural ventilation. The development complies with the requirements of the clause.	Yes
Storage In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: <ul style="list-style-type: none"> • studio apartments - 6.0m³ • one-bedroom apartments - 6.0m³ • two-bedroom apartments - 8.0m³ 50% of the above areas may allocated within each respective apartment while the remaining 50% is to be located within the car parking area.	The amended layout ensures that there is adequate storage within the apartments as well as within the basement.	Yes

ITEM 3 (continued)



Extract from the Porter Street building illustrating the terrace area adjacent to the walkway. The terrace has been added to address visual privacy from the walkway.



Extract from the Belmore Street building illustrating the terrace area adjacent to the walkway. The terrace has been added to address visual privacy from the walkway.

State Environmental Planning Policy (Building Sustainability Index: BASIX)

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, an amended BASIX Certificate has been prepared (No. 421488M dated 28 April 2012) which provides the development with a satisfactory target rating.

Appropriate conditions have already been imposed on the consent in respect of compliance with the BASIX commitments detailed within the Certificate. It is proposed to amend condition 5 to ensure that this includes the reference to the amended BASIX Certificate.

ITEM 3 (continued)

Relevant REPs

There are none that affect this application.

Any draft LEPs

There are none that affect this application.

Any DCP

Development Control Plan 2010

Part 4.2 Meadowbank Employment Area – Master Plan

The amended development has been assessed in accordance with the above DCP.
The following clauses are applicable to the amended development.

Control	Comments	Compliant
3.1 – The Public Domain Interface		
<i>Mixed Use Development</i>		
Mixed-use development will comprise either: <ul style="list-style-type: none"> a combination of medium and high density residential development with compatible employment related activity; or a combination of commercial and light industrial activity.	The amended development includes high density residential development with compatible employment related activities. Compatible employment related activities is defined by the DCP as including either small commercial offices or home offices. The amended development has reduced the size of the commercial floor space, however 1 small commercial office is proposed at the street level of each building. The amended development has also introduced home offices on the ground floor. These home offices have the capability of being used as a office or bedroom. The amended development still maintains a mixed use development.	Yes
Ground floor apartments are to be of flexible design to facilitate change of use and ensure privacy for occupants.	In the assessment of the original DA, Council's Urban Design Review Panel were concerned about the viability of commercial spaces on the ground floor. As a consequence, the original development proposed 4 residential units on the ground floor. The current scheme has increased the amount of residential units on the ground floor however these units retain a commercial function as they incorporate home offices. All	Yes

ITEM 3 (continued)

Control	Comments	Compliant
	of the residential apartments on the ground floor have maintained adequate ceiling heights to allow them to be converted to commercial floor space at some stage in the future.	
3.4 – Car Parking		
Off street parking is to comply with the following: Residential: 1 bedroom unit – 1 space 2 bedroom unit – 1.4 spaces 3 bedroom unit – 1.6 spaces Visitors – 1 space per 4 units Offices: 1 space per 46m ² of NUFS.	<p>The car parking for the amended development has been calculated at the same rate as the original development.</p> <p>The residential component will require 88 resident car parking spaces and 17 visitor car parking spaces. (Note: The home offices have been assessed entirely as residential). The office component will require 5 car parking spaces. In total, the development is required to provide 110 spaces. 114 spaces are proposed. Although this exceeds the control by 4 spaces, this is considered to be appropriate as it will allow for greater flexibility in terms of the home/office apartments and whether these are converted at some stage in the future to an entirely commercial use.</p> <p>Condition 113 has been amended to include reference to the parking required by the amended scheme.</p>	Yes

Voluntary Planning Agreement

As part of LDA2010/331, the applicant entered into a planning agreement with Council. The planning agreement was endorsed by Council on 1 March 2011 and executed on 12 April 2011. The matters identified as part of the approved VPA included the following:

- The provision of a Section 88B right of way for public thoroughfare on foot over a stratum lot approximately 499m² in size for public access purposes to be constructed by the applicant to Council's public domain pedestrian standards. This area will not be under Council ownership but will be provided through a right of way.
- The maintenance by the owner of the finishes and plantings in the area of the stratum lot of the approved development in perpetuity or until the right of way is extinguished through agreement by both parties.

ITEM 3 (continued)

- Upgrade of Council's nature strip opposite the subject site adjoining Hayes Reserve and on both corners of the intersection of Constitution Road and Belmore Street to a similar Council standard.
- The under grounding of existing overhead power lines and the removal of existing power poles to both the Belmore Street and Porter Street frontages of the subject site. It should be noted that the areas of under grounding extended beyond the frontages of the site itself.
- A monetary contribution of \$600,000.00 to Council.
- Exclusion of the provision of Section 94.

On 1 March 2011, when Council considered the VPA, the proposed works and the monetary contribution as proposed as part of the VPA represented \$276,437.58 as additional monetary value above the required section 94 rate.

The current Section 96 results in an increase in the Section 94 that would normally be charged. However, the VPA prevents Section 94 being applied to the development. If the Section 96 was approved, this would in effect result in a decrease in the public benefit that was proposed as part of the original VPA. As such the applicant was advised on 19 January 2012 that the Section 96 may not be in the public interest due to this decrease in the public benefit. The applicant submitted a Deed on 20 February 2012 which would amend the VPA to increase the monetary contribution offered from \$600,000 to \$685,000.

The approved VPA represented \$276,437.58 as additional monetary value above the required Section 94 rate. The Section 96 is not proposing any substantial changes in terms of the compliance with the applicable development controls or the bulk and scale of the amended development when compared to the approved development. In these circumstances it would be reasonable to expect that the Deed to amend the VPA would at a minimum represent the same monetary value in terms of public benefit as the original VPA. Given the time since the original determination, consideration should be given to CPI increases.

As previously stated, the original VPA proposed \$276,437.58 as additional public benefit above the required Section 94 rate. Applying CPI to this figure at the date the matter was considered by Council's VPA Panel resulted in a figure of \$285,016.55.

The following table demonstrates the public benefit as a result of the Section 96. The figures in this table reflects the revised Section 94 contribution that would be required for the amended development, the amended cash contribution under the Deed and CPI being applied to the public work upgrading figure.

ITEM 3 (continued)

Item	Value
Matters included under VPA and Deed	
• Cash contribution	\$685,000
• Public domain upgrading work	\$272,338
	Subtotal \$957,338.00
Contribution under the Council's Section 94 Contribution Plan	\$670,980.88
Offer in excess of Section 94 Contributions	\$286,357.12

The Section 96 and the amended Deed represents \$286,357.12 as additional public benefit. This is slightly greater than the public benefit considered in the original DA. The Deed and the above figures were considered by the Council's VPA Panel on 29 February 2012. The Panel supported the Deed and was of the view that the amended offer still provided adequate public benefit consistent with the original VPA.

Condition 2 of the consent required that the VPA must be registered on the title of the property prior to the issue of any Construction Certificate. The Deed will also be required to be registered on the title of the property. For this reason it is proposed to amend Condition 2 to reflect this requirement.

9. Likely impacts of the Development

The likely impacts of the Section 96 application have already been discussed in the report.

10. Suitability of the site for the development

The amended development is considered suitable for the site.

11. Financial Impact

Adoption of the option outlined in this report will have no financial impact.

12. Other Options

The other option that may be considered by the Council includes the rejection of the Deed. This would result in the original VPA remaining. If Council was of the view to reject the Deed it would be advisable to refuse the Section 96 as this would not be in the public interest.

13. Conclusion:

The Section 96 proposes relatively minor changes to the apartment mix within the development. The development will still incorporate residential development as well as compatible employment related activities such as commercial offices and home/offices.


ITEM 3 (continued)

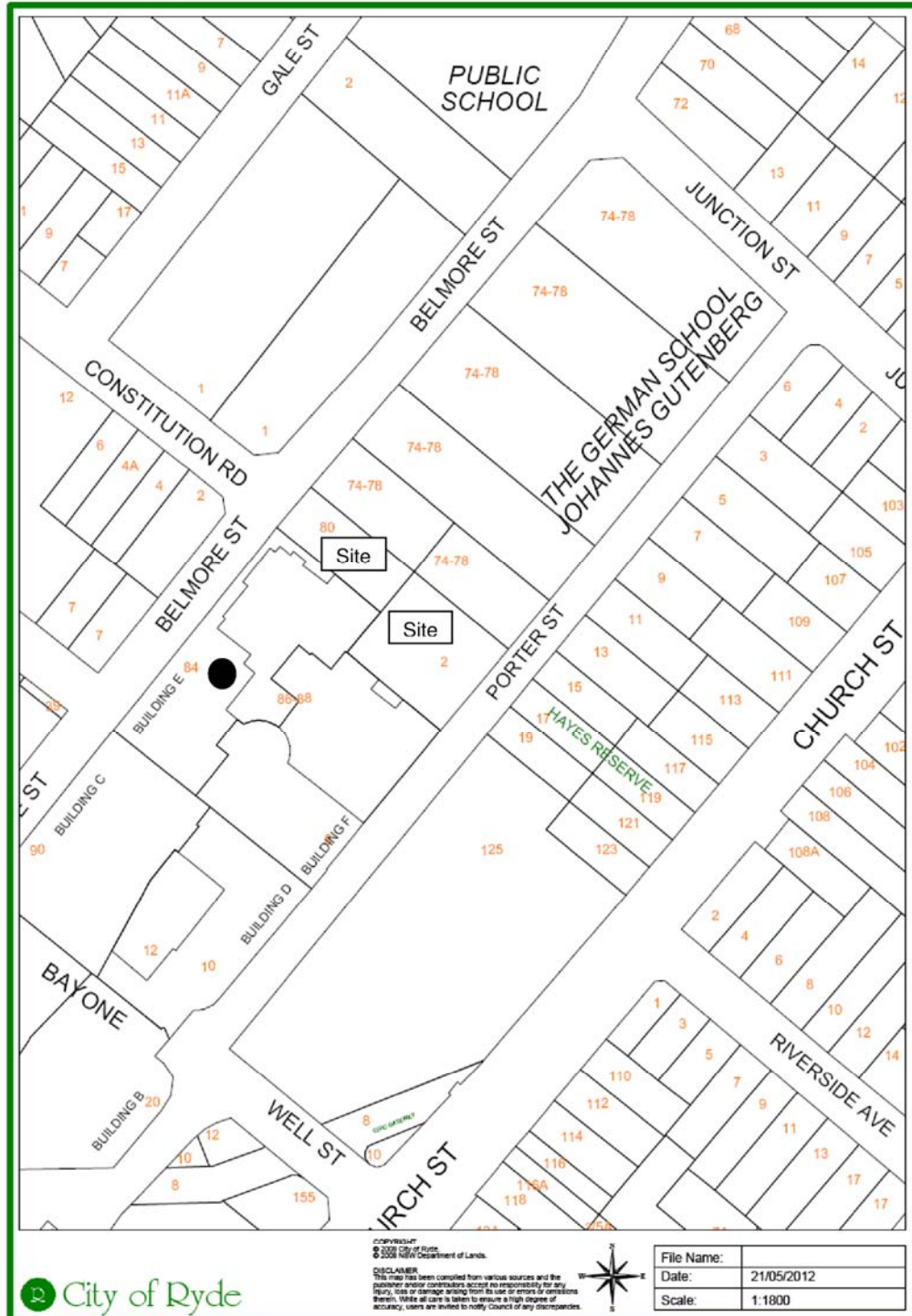
The amended development is consistent with the planning instruments and is recommended for approval.

The Deed ensures that the Section 96 will maintain the same public benefit as what was proposed in the VPA which accompanied the original development. It is also recommended that Council enter into this Deed with the applicant.

ITEM 3 (continued)

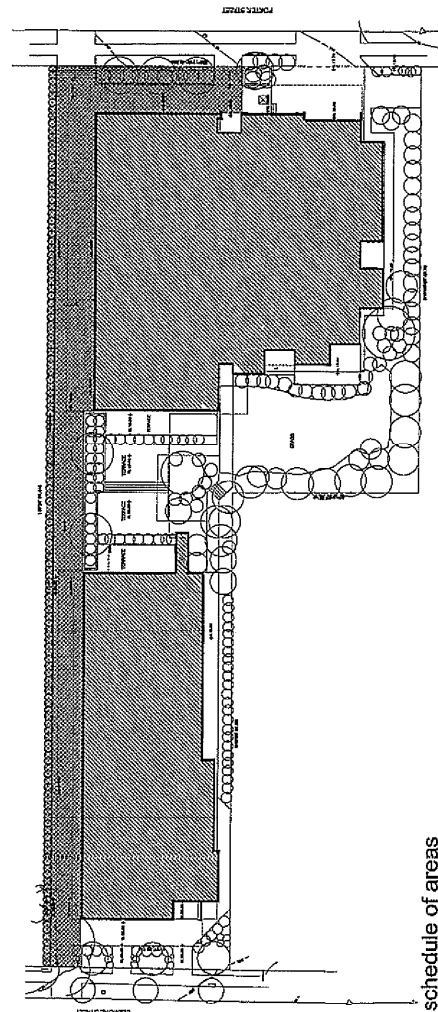
ATTACHMENT 1

 Indicates submissions received (multiple submissions received from various units at same property)



ITEM 3 (continued)

ATTACHMENT 2



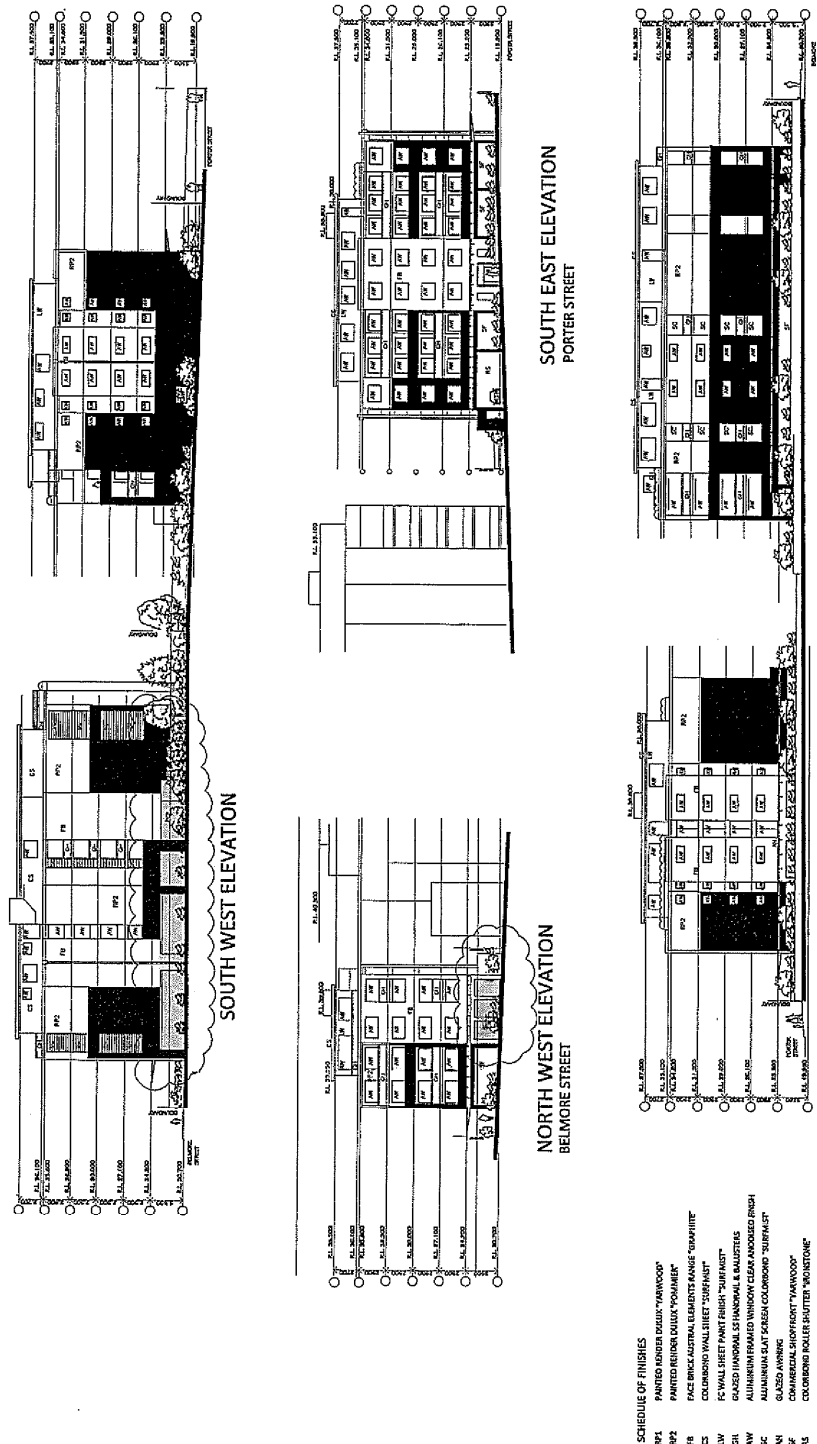
SCOPE OF VOLUNTARY PLANNING AGREEMENT

TRANSFER OF STRATUM LOT (498 SQM) TO COUNCIL OWNERSHIP
FINISHING STRATUM LOT TO COUNCIL'S STANDARD FOR PUBLIC DOMAIN PEDESTRIAN AREAS
MAINTENANCE OF FINISHES AND PLANTINGS IN STRATUM LOT FOR 10YRS

BROOKS PROJECTS architects 8/1111 COURT CHURCH ROAD NEW 228 P.O. BOX 11111111 A.S.N. 83 204 48 111		TITLE SITE PLAN
PROJECT 20/01/2012 20/01/2012		SCALE: 1:500 DATE: 21.11.12 REF: 1.12
CLIENT THE DEVELOPMENT PTY LTD		SK19
DRAWN BY 28.11.12		CHECKED BY 28.11.12
DATE 28.11.12		DATE 28.11.12

ITEM 3 (continued)

ATTACHMENT 2



PROJECT
2-4 PORTER ST - 80 BELMORE ST
RUPHENS BAY

CLIENT
RYDE DEVELOPMENTS PTY LTD

ARCHITECT
BROOKS PROJECTS architects
8 RUTH COURT GLENWATSON NSW 2159
E: info@brooksprojects.com.au
P: 02 9354 1211
A.M. 12/04/12

DATE
25/11/11

ISSUE
ARCHITECT

SK10h
SCALE: 1:1000
DATE: 22/11/11
REF: 1/100

ITEM 3 (continued)

ATTACHMENT 3

Examples of submission pro formas

Unit 84 Belmore Street
Ryde NSW 2112
Email:

City of Ryde

Civic Centre
1 Devlin Street Ryde
Locked Bag 2069
North Ryde NSW 1670
Email: cityofryde@ryde.nsw.gov.au
Fax: 9952 8070



3 January 2012

To whom it may concern,

Re: 2-4 Porter Street and 80 Belmore Street, Ryde Section 96 Application No.
MOD2011/0185

I am living in the next building at 84 Belmore Street. As the development plan shows that the WASTE STATION is too close to my kitchen window and my bedroom window, I may concern the smell from the waste station would directly affect my living.

Yours sincerely

ITEM 3 (continued)

ATTACHMENT 3

From:
Email:

To: The General Manager
Ryde City Council

Development Application no: MOD2011/0185 and **LDA2010/0331**
Property: 80 Belmore St, 2-4 Porter st, Ryde

I am living at **82-84 Belmore st Ryde (known as Block E)**
which adjoins the proposed building development at **80 Belmore st**
Ryde (known as building B).

I object to the proposed development on the following grounds and
make the following recommendations.

- a) **Porter st is ill-equipped to deal with the amount of traffic from the current residents of the BayOne complex, future residents of the 2-4 Porter st complex, visitors and other cars.**

It can only service 1 lane when both sides of the street are fully parked which is currently the case towards the southern half of the street. It is especially heavily parked on non-holiday periods.

Once construction of 80 Belmore st and 2-4 porter st are complete, the northern half of the street will almost certainly be fully parked on both sides.

Driving along Porter st is dangerous due to converging cars not having room to pass each other. Given the long strip nature of the street without access to another side street, once two cars are stuck it is difficult for one to back into an empty space.

It is especially dangerous exiting driveways at Porter st as it is difficult to see past cars parking too close to the driveways.

ITEM 3 (continued)

ATTACHMENT 3

It is suggested that Ryde City Council restricts the parking of Porter st to 1 side only or to restrict sections of the road to no parking.

- b) **It is not clear from the modified plans whether the waste bins are in open air. They are mere metres away from windows of the lower levels of Block E. It is important that waste bins are in enclosed rooms so that smell, insects and vermin do not negatively affect other residents.**

- c) **The notification period of the original development application (Lodged to Council on 01-Jul-2010) to**
- **increase building height**
 - **reduce building separation distances to below minimum requirements as specified in the Residential Flat Design Code between Block E and Building B**

was inappropriately timed.

- 1) **According to the report from JRPP No. 2010SYE039, no submission were received for this application.**

During the period of notification, many of the apartments neighbouring this proposed development have already been purchased off the plan but have not yet settled (Informed by the PIA real estate group)

None of the first owners of Block E surveyed admit to having received such notification.

As such, we believe that the submission process in determining the outcomes of **LDA2010/0331** **is flawed** as the notifications did not reach the intended audience.

ITEM 3 (continued)

ATTACHMENT 3

2) The increased height of Building B (of additional 2 storeys instead of the usually allowed 1) coupled with a narrow building separation of only 5.75 to 7.7m will **adversely impact** on Block E apartments with a **North East facing** in terms of **solar access, ventilation and property value**.

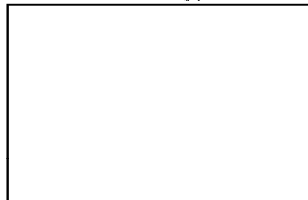
Many owners have purchased these particular apartments with a premium off the plan to have the level of access to sun according to published council planning documents.

Several apartments in Block E have a **single** NE facing directly in view of the proposed Building B. They will be particularly affected under the currently arrangement in terms of lesser ventilation and solar access.

It is suggested that a 5 storey building on 80 Belmore st is more in line with the appearance of the built environment along Belmore st with a lesser negative impact on the adjacent Block E. This would be a better compromise in the interest of providing quality living for all occupants in both buildings.

It is hoped that Ryde City Council reconsiders the conditions of the current building plans at 80 Belmore St and 2-4 Porter St to enable a better outcome for all parties.

Yours sincerely,



ITEM 3 (continued)

ATTACHMENT 4

COPY

City of Ryde
Civic Centre, Devlin Street, Ryde
Locked Bag 2069, North Ryde NSW 1670
DX 8403, Ryde
Facsimile 9952 8070
Telephone 9952 8222



Development Consent

Applicant: Brooks Projects Architects
C/- Peter Brooks
8 Keith Court
CHERRYBROOK NSW 2126

Consent No: LDA2010/0331

Consent Date: 15 April 2011

Valid until: 15 April 2016

The City of Ryde, as the consent authority under the provisions of the Environmental Planning and Assessment Act, 1979 hereby consents to the development as follows:

Property: 2-4 Porter Street and 80 Belmore Lot 1 DP 776768 and Lot 12
Street, Ryde DP4481

Development: Demolition of the existing buildings and construction of 2x6 storey mixed use residential/commercial buildings. The development will contain 61 residential apartments and approximately 647m² of commercial floor space. Parking will be provided for 111 cars.

Subject to the conditions 1 to 143 specified in this consent.

You are advised that failure to observe any condition of approval set out in the consent is an offence and legal proceedings may be instituted by Council.

This Consent does not guarantee compliance with the Disability Discrimination Act and you should, therefore, investigate your liability under the Act.

You are advised of your right of appeal to the Land and Environment Court under Section 97 of the Environmental Planning & Assessment Act and your right to request a review of the determination to Council under Section 82A of the Environmental Planning & Assessment Act within 6 months after you have received the Consent.


Sandra Bailey
Team Leader Major Developments

The fees quoted at the time of issue of this Consent may be subject to variation. Council's annual fees and charges are published in the Management Plan. To confirm fees please contact Customer Service on 9952-8222.

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

GENERAL CONDITIONS OF CONSENT

1. **Approved Plans** - Development is to be carried out in accordance with the following plans and supporting documentation as submitted to Council, except where amended by these conditions of consent:

Document	Author	Date and Revision
Site Plan	Brooks Projects Architects	Sk1f dated 27/5/10
Basement Plans	Brooks Projects Architects	Sk2g dated 19/9/10
Building A Porter Street Level 1	Brooks Projects Architects	Sk3h dated 22/9/10
Building A Porter Street levels 2 and 3	Brooks Projects Architects	Sk4f dated 6/5/10
Building A Porter Street Levels 4 and 5	Brooks Projects Architects	Sk5f dated 13/5/10
Building A Porter Street Level 6	Brooks Projects Architects	Sk6g dated 17/9/10
Building B Belmore Street Level 1	Brooks Projects Architects	Sk7g dated 22/9/10
Building B Belmore Street Levels 2-5	Brooks Projects Architects	Sk8f dated 5/5/10
Building B Belmore Street Level 6	Brooks Projects Architects	Sk9g dated 8/9/10
Elevations	Brooks Projects Architects	Sk10f dated 13/5/10
Sections	Brooks Projects Architects	Sk11f dated 15/3/10
Belmore Street elevations	Brooks Projects Architects	Sk12f dated 28/6/10
Section through unit terraces	Brooks Projects Architects	Sk14 dated 21/10/10
Section through walkway	Brooks Projects Architects	Sk13 dated 21/10/10
Landscape plan.	Jocelyn Ramsay and Associates Pty Ltd	10-008/R May 05

2. **Voluntary Planning Agreement** - Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, the Voluntary Planning Agreement between the City of Ryde and Hayes (Holdings) Pty Limited that relates to the development application the subject of this consent, must be registered on the title of the property prior to the lodgement of any application for a certificate under section 109C of the Environmental Planning and Assessment Act 1979.
3. **Building Code of Australia** - All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
4. **Construction Certificate Required** - Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Amendment Act, 1997 are to be complied with:
 - a) A **Construction Certificate** is to be obtained in accordance with Section 81A (2)(a) of the Act.

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

- b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A (2)(b) of the Act and Form 7 of Schedule 1 to the Regulations.
 - c) Council is to be notified at least two (2) days prior to the intention to commence building works, in accordance with Section 81A (2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.
5. **Compliance with BASIX** - The development is to be carried out in compliance with BASIX Certificate No. 341746M dated 18 October 2010.
6. **Changes That Require a New BASIX Certificate** Any architectural and/or fixture changes to the development will require the submission of a new BASIX certificate. Please note that modifications may require the submission of a Section 96 application in accordance with the Environmental Planning & Assessment Act.
7. **Excavations and Backfilling** -
- a) All excavations and backfill associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
 - b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
8. **Retaining Walls and Drainage** - If the soil conditions require it:
- a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided.
 - b) adequate provision must be made for drainage.
9. **Support for Neighbouring Buildings** - If the soil conditions require it:
- a) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - i) must preserve and protect the building from damage, and
 - ii) if necessary, must underpin and support the building in an approved manner, and
 - iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - b) The 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 clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.
 - c) In this clause, "allotment of land" includes a public road and any other public place.

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

10. Protection of Public Places -

- a) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d) Any such hoarding, fence or awning is to be removed when the work has been completed.

11. Security Grilles - The commercial/shop fronts may incorporate only see-through security grilles or translucent barriers to ensure maximum light is transmitted to footpath areas. Metal or roller shutter doors are not permitted. Development consent is required for any security grilles or translucent barriers.

12. Telephone Installations - Advice should be obtained from your local telecommunications office regarding any telephone lines required to be installed in concrete floors.

13. Australia Post - Approval for the site and size of proposed household mailboxes must be obtained from Australia Post.

14. Waste Management Plan - Should you wish to vary the information provided in the Waste Management Plan you submitted to Council with your Development Application involving demolition and construction works, you are required to give written advice to Council of any changes.

Council's DCP 2006, Part 7.2 – Waste Minimisation and Management, sets out your obligations for waste management.

15. Signage - No approval has been granted for any signage or signage zones on the external elevations of the building. Any signage will require the submission of a new development application and must demonstrate how the signs are of a size and proportion which will complement the scale of the existing façade.

16. Materials, Colours and Finishes Schedule - The development materials, colours and finishes must be in accordance with the sample board prepared by Brooks Project Architects and stamped as approved by City of Ryde.

17. Acoustical Assessment Report - The development is to incorporate all of the recommendations in the Acoustic Report prepared by Day Design Pty Ltd and dated 1 November 2010. To ensure acceptable acoustic amenity within the development, the development is to be constructed in accordance with AS3674-1989 and AS3671-1987.

18. Provision of Garbage Room - A garbage room must be provided in a convenient location on the premises for the storage of garbage and recyclable materials.

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

- 19. Construction of Garbage Rooms** - All garbage rooms must be constructed in accordance with the following requirements:
- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
 - (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
 - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
 - (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
 - (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
 - (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
 - (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
 - (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
 - (i) The room must be provided with adequate artificial lighting; and
 - (j) A hose cock must be provided in or adjacent to the room to facilitate cleaning.
- 20. Paving to Collection Point** - The paving from the garbage room or waste storage area must be moderately graded so that the waste containers can be safely and easily manoeuvred to the collection point.
- 21. Access for Waste Collection Vehicles** - Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and manoeuvring areas must be designed for maximum legal dimensions and weights and allow collection vehicles to enter and leave the premises in a forward direction. Additional clearances must be provided for overhead and side loading where appropriate.
- 22. Ventilation of Rooms** - Every habitable room, sanitary compartment or other room occupied by a person for any purpose must be provided with adequate natural ventilation or an approved system of mechanical ventilation.
- 23. Ventilation of Carpark** - The basement carpark must be provided with an adequate system of permanent natural ventilation or an approved system of mechanical ventilation.

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

24. **Provision for Installation of Kitchen Exhaust Systems** - Adequate provision must be made for the installation of kitchen exhaust systems to the commercial premises.
25. **Fresh Air Intake Vents** - All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
26. **Exhaust Air Discharge Vents** - All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.
27. **Carpark Exhaust Vent** - The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and at least 6 metres from any fresh air intake vent, natural ventilation opening or neighbouring property boundary.
28. **Plumbing and Drainage Work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.
29. **Installation of Grease Trap** - A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a specially constructed grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.
30. **Noise and Vibration From Plant and 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.
31. **Drainage of Carwash Bay** - The floor of the carwash bay must be graded and drained to a grated drain or collection sump located within the wash bay and connected to a wastewater treatment and disposal system approved by Sydney Water Corporation.
32. **Notice of Remediation Work** - Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of *State Environmental Planning Policy No. 55 - Remediation of Land*.
33. **Remediation Work** - All remediation work must be carried out in accordance with the requirements of:
 - (a) *State Environmental Planning Policy No. 55 - Remediation of Land*;

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

- (b) any relevant guidelines published by the NSW Environment Protection Authority;
and
- (c) any council policy or development control plan relating to the remediation of land.

34. Design and Construction Standards. All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria* and relevant Development Control Plans except as amended by other conditions.

35. Service Alterations. All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.

36. Restoration. Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

37. Engineering Compliance Certificates. Engineering Compliance Certificates must be obtained for the following works at the specified stage (If Council is appointed the PCA then the appropriate inspection fee is to be paid to Council) and **submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate:**

- Prior to backfilling of pipelines in which Council has an interest.
- Prior to backfilling of drainage connections to pipelines or channels in which Council has an interest.
- Prior to casting of pits and other concrete structures in which Council has an interest including kerb & gutter, access ways, aprons, pathways, vehicular crossings, dish crossings and pathway steps.

NOTE: Council has an interest in all pipelines which drain public reserves and public road reserves, and in all structures located within public road reserves.

All Engineering Compliance certificates are to contain the following declarations:

- a) *This certificate is supplied in relation to <<address of property>>.*
- b) *<<name of engineer and company >> have been responsible for the supervision of all the work nominated in (a) above.*
- c) *I have carried out all tests and inspections necessary to declare that the work nominated in (a) above has been carried out in accordance with the approved plans, specifications, and the conditions of the development consent.*
- d) *I have kept a signed record of all inspections and tests undertaken during the works, and can supply the Principal Certifying Authority [PCA] with a copy of such records and test results if and when required.*

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Conditions of Consent for LDA2010/0331 :-

38. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.
39. **Drainage Security Deposit.** The applicant shall lodge with Council a security deposit of \$1,000 prior to the issue of the Construction Certificate to ensure the Positive Covenant has been prepared, lodged and registered and that the onsite stormwater detention system is constructed in accordance with the approval plans; this includes the correct sediment sump construction and fitting of the orifice plate and debris screen in the outlet control pit. Refund of this security deposit will be made on satisfactory completion of the works and notification to Council of lodgement of the Positive Covenant with the Department of Lands.
40. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.

PRIOR TO CONSTRUCTION CERTIFICATE

41. **Security Deposit** - A security deposit (category: other buildings with delivery of bricks or concrete or machine excavation) is to be paid to Council (Public Works and Services Group) as well as the Infrastructure Restoration and Administration Fee. Please refer to Council's Management Plan for the current fee amounts.
42. **Security Deposit for Demolition** - A security deposit (Category: demolition) is to be paid to Council (Public Works and Services Group) prior to the commencement of any demolition works. Please refer to Council's Management Plan for the applicable fee amount.
43. **Enforcement Levy** - An Enforcement levy is to be paid to Council on lodgement of the Construction Certificate application in accordance with the requirements of Council's Management Plan (scheduled fees).
44. **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 received prior to the issuing of the **Construction Certificate**.
45. **Street Alignment Levels** - The applicant is to apply to Council, pay the required fee, and have issued street alignment levels by Council prior to the issue of the **Construction Certificate**.
46. **Payment of Council Fees and Charges** - Documentary evidence of compliance with Conditions 41 to 45 to the satisfaction of Council or an accredited certifier is to be submitted to the Council prior to the issuing of the Construction Certificate.

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

47. **Section 73 Certificate** - 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 Coordinator. Please refer to the Building, Development and Plumbing section of the website at 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 Coordinator, as it may take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the **Construction Certificate** being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development / release of the plan of subdivision.

48. **Design Verification in Respect of SEPP 65** - Prior to a Construction Certificate being issued with respect to this development, the Principal Certifying Authority (PCA) is to be provided with a written Design Verification from a qualified designer. The statement must include verification from the designer that the plans and specifications 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 143A of the Environmental Planning and Assessment Regulation 2000.

49. **Fire Safety Schedule** - A "Fire Safety Schedule" must be provided prior to issue of the Construction Certificate; specifying the fire safety measures (both current and proposed) to be implemented in the building premises. The fire safety schedule must deal with the whole of the building (not merely part of the building to which this development consent relates), in accordance with Clause 168 - Environmental Planning & Assessment Regulation 2000.

50. **Site Works Plan** - A site works plan indicating compliance with Council's DCP 2010, Part 8.1 – Construction Activities, in relation to:

- a) sedimentation and pollution controls;
- b) tree preservation and protection measures;
- c) security fencing;
- d) builder's identification signage and demolition in progress signage; and
- e) provision of site toilets

to the satisfaction of Council or an accredited certifier is to be submitted to Council with the Construction Certificate.

51. **Details of BASIX Commitments** - The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

52. Energy Efficiency - The commercial component of the building must be in accordance with the City of Ryde's DCP in terms of energy efficiency and the following:

- (a) Where a hot water system is of domestic / residential scale it must achieve a minimum 3.5 Star Greenhouse Score. The energy rating of the hot water system should be visible on the product at the place of purchase.
- (b) The total anticipated energy consumption for the base building is no greater than 450 Mega Joules / annum / metre square for commercial uses and 900MJ/am² for retail uses.
- (c) The use of electrical appliances such as dishwashers, refrigerators, freezers and washing machines are to be provided with a minimum star of 3.5.
- (d) The development is to incorporate energy-efficient lighting, motion detectors and dimmers.
- (e) AAA or AAAA rated fittings and fixtures are to be used to ensure high levels of water efficiency. Where fittings cannot be AAA or AAAA, self-regulating flow restrictors will be provided on the supplies to limit the discharges to levels equivalent to AAA ratings.

The Construction Certificate plans are to demonstrate compliance with the above.

53. Visual Privacy - To ensure adequate visual privacy, obscure glazing is to be provided in the bathroom and ensuite windows along the south western elevation. This is to be demonstrated on the Construction Certificate plans.

54. Arts and Cultural Plan - Prior to the issue of a Construction Certificate, a site specific Arts and Cultural Plan is to be submitted for approval by Council. This Plan is to be prepared by an arts and cultural planner and will be required to address the following:

- a) Identify opportunities for the integration of public art in the development.
- b) Identify themes for public art.
- c) Durability, robustness and longevity.
- d) Demonstrate how public art is incorporated in the site and build form design.

55. Location of Service Infrastructure / Utilities - All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. No service ducts or pipes are to be visible from the street. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to issue of the Construction Certificate.

56. Planting Within Front Setback Areas to Porter and Belmore Street - To ensure that the pedestrian pathway along the northern boundary of the site is well identified, the planting proposed within the Porter Street and Belmore Street setback is not to exceed a maximum of 1 metre in height. To demonstrate compliance, a revised landscaping plan is to be submitted with the Construction Certificate.

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

57. **Soil Depth over Structures** – Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision as contained in the Residential Flat Design Code. Information verifying that the development complies with these requirements is to be provided on the Construction Certificate plans.
58. **Disabled Access** - Prior to the issue of the Construction Certificate, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate drawings fully comply with Development Control Plan 2006 Part 9.2 Access for People with Disabilities. This report is to be provided to the PCA and Council (if Council is not the PCA).
59. **Door Openings** - To ensure compliance with DCP 2010 Part 9.2 Access for People with Disabilities, clear door openings of at least 960mm width is to be provided to the main residential entry doors into the building, the outdoor areas and the adaptable units. Details demonstrating compliance are to be submitted on the Construction Certificate drawings.
60. **Access to the Communal Open Space** -To ensure compliance with DCP 2010 Part 9.2 Access for People with Disabilities, details are to be submitted on the Construction Certificate drawings to confirm that the communal open space area will be accessible from the adjoining paved terrace.
61. **Adaptable Units** - Adaptable units are to comply with the provisions of a Class A adaptable unit as specified in AS 4299.
62. **Disabled Car Parking** - A total of 4 parking spaces in both the commercial parking area and the residential parking area are to be wide-bay spaces for people with a disability. The width of these spaces is to be a minimum of 3.6 metres and a vertical clearance of 2.55 metres. The Construction Certificate plans are to demonstrate the location of the disabled car parking spaces.
63. **Landscaping and Public Domain.** A detailed landscape plan for the site, the area identified in the VPA and the required area of the public domain is to be submitted and approved by Council prior to the construction of the development. The landscape plan is to include details of plant selections as well as details of all hard surfaces. The design and documentation of the landscape plan is to be completed by a qualified landscape architect. All of the landscaping is to be compatible with the Council's Town Centres Public Domain Technical Manual.
64. **Town Centres Public Domain Technical Manual** - All hard landscaping, paving, soft landscaping including species selection, street furniture and the like shall be in accordance with the Town Centres Public Domain Technical Manual. Full details, including samples, schedules and plans are to be submitted and approved by Council prior to the construction of the development.

Where soft landscaping is proposed, including species selection, the applicant must ensure that species health is guaranteed for a minimum of 2 years to ensure the character and appearance of the streetscape is established and maintained. Any

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

species that die within two years of planting must be replaced by the applicant with a specimen of a similar size and maturity.

65. Privacy of Balconies - Balcony dividers between the dwellings are to be provided from floor to ceiling and be of a design that protects the visual and aural privacy of adjacent residents. Details are to be submitted on the Construction Certificate plans.

66. Remediation of Land - The land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

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

67. Council may Require Site Audit of Validation Report - If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the site validation report.

68. Garbage Room Details - Details of the proposed garbage room(s) must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:

- (a) the specifications and layout of all proposed waste containers and equipment for both the residential and commercial components; and
- (b) the access to the collection point.

69. Access Details for Waste Collection Vehicles - Details of all driveways and manoeuvring areas for waste collection vehicles must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:

- (a) vehicle turning circles and swept paths; and
- (b) overhead and side clearances (where appropriate).

70. Carpark Ventilation Details - Details of the proposed method of ventilating the basement carpark must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate.

71. Details of Provisions for Kitchen Exhaust Systems - Details of the provisions made for the installation of kitchen exhaust systems to the commercial premises must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate.

72. Mechanical Ventilation Details - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate. Such details must include:

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ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

- (a) Certified plans of the proposed work, with any alterations coloured to distinguish between new and existing work;
- (b) A site survey plan showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;
- (c) A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and
- (d) Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.

73. Drainage Plans. The plans and supporting calculations of the proposed drainage system, including the on-site detention system and details addressing any overland flow from upslope properties are to be submitted with the Construction Certificate application.

A positive covenant shall be executed and registered against the title of any lot containing an on site detention system to require maintenance of the system in accordance with Council's standard terms.

Any drainage pit within a road reserve, a Council easement, or that may be placed under Councils' control in the future, shall be constructed of cast in-situ concrete. Details shall be submitted with the Construction Certificate application.

74. Stormwater Pipes. The outlet pipes from the interception drain along the northern boundary of the site shall be constructed with RHS to minimise the risk of blockage and crushing under the footpath.

75. Stormwater Control. The gravel filter shown adjacent to the outlet control pit may be deleted in this case as no sediment should reach this point due to the settling that will occur in the detention/ irrigation tank.

76. Soil and Water Management Plan. A *Soil and Water Management Plan (SWMP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Department of Housing. **This is to be submitted to and approved by the Consent Authority prior to the release of the Construction Certificate.** These devices shall be maintained during the construction works and replaced where considered necessary. Suitable erosion control management procedures are to be practiced during the construction period.

The following details are to be included in drawings accompanying the *Soil and Water Management Plan*:

- (a) Existing and final contours
- (b) The location of all earthworks, including roads, areas of cut and fill, and regrading.
- (c) Location of all impervious areas
- (d) **Location and design criteria of erosion and sediment control structures including sediment collection basins**
- (e) Location and description of existing vegetation

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

- (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) Proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground.
- (l) Procedures for maintenance of erosion and sediment controls
- (m) Details for any staging of works
- (n) Details and procedures for dust control.

PRIOR TO COMMENCEMENT

77. **Dial 1100 Before You Dig** - Underground pipes and cables may exist in the area. In your own interest and for safety, telephone 1100 before excavating or erecting structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website www.dialbeforeyoudig.com.au.

If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the Development Consent (or a new development application) may be necessary. Council's Assessment Officer should be consulted prior to the lodgment of an application for a **Construction Certificate** if this is the case.

78. **Signage** - Signage is to be provided on the site as follows:

- a) During the demolition process notices lettered in accordance with AS1319 displaying the words "**DANGER - DEMOLITION IN PROGRESS**" or a similar message shall be fixed to the security fencing at appropriate places to warn the public.
- b) During the entire construction phase signage shall be fixed on site identifying the PCA and principal contractor (the coordinator of the building work), and providing phone numbers.

79. **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 1985 and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities. A plan of traffic management is to be submitted to and approved by the Consent Authority.

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

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

81. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
82. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities

DURING DEMOLITION

83. **Demolition Work** - In relation to demolition, all work is to be carried out in accordance with the requirements of AS 2601 (*The Demolition of Structures*).
84. **Security Fencing** - Security fencing shall be provided around the perimeter of the building/demolition site and precautionary measures taken to prevent unauthorized entries of the site at all times during demolition and construction.
85. **Demolition and Construction Hours** - All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.
86. **Dust Control** - Adequate precautions must be taken to control the emission of dust from the site during demolition and construction work. These precautions could include minimizing soil disturbance, use of water sprays, erecting screens and not carrying out dusty work during windy conditions.
87. **Demolition and Building Wastes** - Adequate arrangements must be made for the storage and disposal of demolition and building waste generated on the premises. In this regard the demolishers and builders are encouraged to maximize the re-use and recycling of materials (e.g. Concrete, bricks, roof tiles, timber, doors, windows, fittings, etc.) by separating these materials from other wastes.
88. **Asbestos Work** - All work involving asbestos products and materials, including asbestos-cement sheeting (ie. fibro), must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
89. **Storage of Asbestos Wastes** - All asbestos wastes must be segregated from other wastes and stored in a secure area in accordance with the requirements of the *Protection of the Environment Operations (Waste) Regulation 2005*.

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

90. **Disposal of Asbestos Wastes** - All asbestos wastes including used asbestos-cement sheeting (i.e. fibro), must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.

91. **Concrete Wastes** - Concrete wastes must be collected, stored and treated in accordance with the *Concrete Wastes* guide published by the Environment Protection Authority.

DURING CONSTRUCTION

92. **Inspections of Construction** - The occasions on which building work must be inspected are:

- a) after excavation for, and before the placement of, any footings.
- b) prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
- c) prior to covering any stormwater drainage connections, and
- d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the Principal Certifying Authority and be made available to Council officers upon request.

Prior to occupation of the building, an occupation certificate must be obtained. Prior to the issue of the occupation certificate, **the critical stage inspections must be carried out.**

93. **Construction Activities** - In addition to the abovementioned inspections, the Principal Certifying Authority is required to ensure that adequate provisions are made for the following measures at each stage of construction, to ensure compliance with the approval and City of Ryde's DCP 2010, Part 8.1 - "Construction Activities":

- a) Sediment control measures.
- b) Tree Preservation and protection measures.
- c) Security fencing.
- d) Materials or waste containers upon the footway or road.
- e) PCA and principal contractor (the coordinator of the building work) signage and site toilets.

94. **Surveyor's Check** - Council recommends that a Registered Surveyors check survey certificate be submitted to the Principal Certifying Authority (*and Council, if Council is not the PCA*) detailing compliance with Council's approval at the following stages:

- a) Prior to construction of the first completed floor/floor slab showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

- b) Prior to construction of each floor level showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
 - c) On completion of the proposed building showing the area of the land, completed building and the boundary setbacks.
95. **Contaminated Soil** - All potentially contaminated soil excavated during demolition work must be stockpiled in a secure area and be assessed and classified in accordance with the *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes* (EPA, 1999) before being transported from the site.
96. **Water into Council's Stormwater Drainage System** - Only unpolluted water is to be discharged to Council's stormwater drainage system.
97. **Demolition and Construction Noise** - The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
98. **Removal of Excavated Material** - All excavated material must be removed from the site. No fill is to be placed above the natural ground level.
99. **Demolition and Construction Hours** - All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.
100. **Council Owned Land** - No spoil, stockpiles, building or demolition material is to be placed on any public road, footpath, park or Council owned land.
101. **Toilet Facilities** - Site toilets shall be provided in accordance with the WorkCover Code of Practice entitled "Amenities for Construction Work".
102. **Essential Services** - essential services must be provided within the development to the requirements of the Building Code of Australia, the Environmental Planning and Assessment Act 1979 (as amended) and Regulations.
103. **Intercom facilities** - Intercom facilities are to be incorporated into the pedestrian entry / exit points to the residential component of the development as well as the driveway access, to enable residents to communicate and identify with people prior to admitting them to the development. An auxiliary lock should be incorporated into the design of each of the pedestrian entry / exit points to enable emergency services to access the development.
104. **Vehicular Entry** - The vehicular entry to Porter Street is to have high quality finishes to the walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.
105. **Roof Material** - The roof material is to be non-reflective.

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

106. **External Glazing** - All external glazing is to have a minimum reflectivity of 18%.
107. **Undergrounding of Transmission and Telecommunication Lines** - All telecommunications and utility services are to be undergrounded. This work is to be completed by the applicant to Council's satisfaction.
108. **Lighting** - Australia / New Zealand Lighting Standard 1158 – Carparks must be used throughout the development. Lighting for all other internal areas is to meet the standards of AS1158 and AS1680. Ground level entrances to upper level dwellings should be unobstructed and well lit.
109. **Car Park Painting** - The walls and ceilings of the car park areas should be painted in a light colour.
110. **Lighting of Pedestrian Pathways** - The lighting of pedestrian pathways within the development shall be designed, installed and maintained to Australian Standard AS1158.3.1 – 1999: Road Lighting Pedestrian Area (Category P4) Performance and Installation Design Requirements. Areas besides thoroughfares should be evenly lit to avoid concealment or entrapment opportunities. The same is applicable to public clotheslines, communal courtyards and letterbox areas.
111. **Security Lighting** - Where security lighting is provided within the development, it should not illuminate observers or vantage points. Light should be projected outwards towards pathways and gates, not towards windows and doors. Passing motorists, police and pedestrians will be the likely observers.
112. **Surveillance Equipment** - Any surveillance equipment installed is to utilise digital or video technology to record images from the cameras. Cameras are to be installed in and around the business to maximise surveillance opportunities. Any surveillance system should be manufactured and installed by a qualified/reputable installer and regularly function tested. If surveillance equipment is installed, it should meet the requirements of the Privacy legislation.
113. **Graffiti Control** - All ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed immediately.
114. **Garbage Services** - Arrangements must be made with Council for the provision of garbage services to the premises before occupation commences.
115. **Doors and Windows** - Doors and windows within the development are to comply with Australia / New Zealand Standard – Locksets to restrict unauthorised access:
- The main / entry exit points for this development should be fitted with single-cylinder locksets and are to be in compliance with the Building Code of Australia.
 - Fire exit doors to the development should be fitted with single-cylinder locksets to restrict unauthorised access to the development.
 - The main entry / exit doors to individual units should be fitted with single-cylinder locksets to restrict unauthorised access to the unit.

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

- The balcony doors to individual units should be fitted with single-cylinder locksets to restrict unauthorised access to the unit.
- The windows to individual units should be fitted with key operated locksets to restrict unauthorised access to the unit.

BEFORE ISSUE OF OCCUPATION CERTIFICATE

116. **Occupation Certificate** - An **Occupation Certificate** must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.
117. **Fire Safety Certificate** - A Fire Safety Certificate/s from a suitably qualified person/s is to be submitted to Council or an accredited certifier (*and Council, if Council is not the PCA or an accredited certifier*) for all the essential services installed in the building in accordance with Clauses 170 and 171 of the Environmental Planning and Assessment Regulation 2000.
118. **BASIX** - Prior to the issue of the Occupation Certificate, the Principal Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the approved BASIX Certificate. **NOTE:** Certificates from suitably qualified persons are to be submitted to the Principal Certifying Authority (*if Council is the PCA*) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.
119. **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 design verification from a qualified designer. The statement must include verification from the qualified designer that the residential flat development achieves the design quality of the development as shown on plans and specifications in respect of any Construction Certificate issued, 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 154A of the Environmental Planning and Assessment Regulation 2000.
120. **Undergrounding of Telecommunication Services** - The developer shall submit to Council a letter from Telstra and Optus confirming that satisfactory arrangements have been made for the provision of underground telephone service, prior to the release of the Subdivision Certificate or Occupation.
121. **Site Consolidation** - All land titles within the site must be consolidated into one allotment. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

122. **Disabled Access** - Prior to the issue of an Occupation Certificate a report is to be provided from a suitably qualified access consultant to confirm that the development complies with DCP 2010 Part 9.2 Access for People with Disabilities, the Building Code of Australia and AS1428.
123. **Connection to Sewer** - The premises must be connected to the sewerage system by gravity flow and documentary evidence of compliance must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
124. **Certification of Mechanical Ventilation Work** - A Mechanical Services Completion and Performance Certificate (Form M2) must be submitted to the Principal Certifying Authority on completion and commissioning of all mechanical ventilation work approved under this consent and before the issue of an Occupation Certificate.
125. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**
- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.3; Driveways
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and City of Ryde, and Development Control Plan 2010: - Part 8.3; Driveways
 - Confirming that the constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.3; Driveways.
 - Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
 - Confirming that the on-site detention system will function hydraulically in accordance with the approved design.
 - Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the 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.
 - Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 1990 (National Plumbing and Drainage Code).
 - Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's *Environmental Standards Development Criteria*
126. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property. Levels of the footpath paving shall conform with levels issued by Council's Engineering Services Division.

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

127. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.
128. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
129. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
130. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.
131. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of DA02 prepared by Ryan Consulting Group.
132. **Documentary Evidence VPA.** Documentary evidence of payment of the monetary contribution as identified in the Voluntary Planning Agreement is to be provided to the PCA prior to the issue of any Occupation Certificate or any Subdivision Certificate.

OPERATIONAL REQUIREMENTS

133. **Allocation of Car Parking -** Car parking is to be provided in accordance with the following:
- o 78 resident spaces
 - o 16 residential visitor spaces
 - o 17 commercial spaces.
134. **Graffiti Control -** Graffiti should be removed and cleaned within 48 hours. This is considered the most effective strategy for the reduction and deterrence of graffiti.
135. **Waste Containers -** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
136. **Cleanliness of Garbage Containers -** The occupier of the premises must keep all garbage containers as clean as practicable (having regard to their use).

ITEM 3 (continued)

ATTACHMENT 4

Conditions of Consent for LDA2010/0331 :-

- 137. **Maintenance of Waste Storage Areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
- 138. **Transfer of Waste Containers to Emptying Point** - Staff or contractors must be employed to take the waste containers from garbage room to the container emptying point for servicing and to return the containers to the garbage room after servicing.
- 139. **Car Washing to be Carried out in Carwash Bay** - All car washing must be carried out within the confines of the carwash bay.
- 140. **Offensive Noise** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
- 141. **Hours of Operation** - The hours of operation for any commercial use within the building are to be restricted between the hours of 8.00am and 8.00pm Monday to Sunday.
- 142. The maintenance of the right of public footway as identified in the Voluntary Planning Agreement is to be at all times to Council's requirements.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

- 143. **Issue of Subdivision Certificate** - Council will only issue a Subdivision Certificate pursuant to the Environmental Planning and Assessment Act 1979 Section 109J when this development consent is complied with and Council or an accredited certifier has lodged documentary evidence of completion of a final inspection of any building or engineering works with Council.

End of consent