

Meeting Date: Tuesday 10 November 2015
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.00pm

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1 CONFIRMATION OF MINUTES - Meeting held on 15 September 2015

Report prepared by: Section Manager - Governance**File No.:** CLM/15/1/3/2 - BP15/1474

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 14/15, held on 15 September 2015, be confirmed.

ATTACHMENTS

- 1 MINUTES - Planning and Environment Committee Meeting - 15 September 2015

ITEM 1 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 14/15**

Meeting Date: Tuesday 15 September 2015

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

Time: 5.00pm

Councillors Present: The Mayor, Councillor Laxale and Councillors Simon (Chairperson), Etmekdjian, Pendleton and Yedelian OAM.

Apologies: Nil.

Leave of Absence: Councillors Chung and Pickering.

Staff Present: General Manager, Group Manager – Corporate Services, Acting Group Manager – Environment and Planning, Service Unit Manager – Assessment, Service Unit Manager – Media and Communications, Team Leader – Assessment, Assessment Officer – Town Planner, Business Support Coordinator – Environment and Planning and Section Manager – Governance.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON

The General Manager's delegate, as Returning Officer, gave an overview of the election process in relation to the election of the Chairperson and Deputy Chairperson.

METHOD OF VOTING FOR CHAIRPERSON AND DEPUTY CHAIRPERSON

The Returning Officer presented the options on the method of voting for Chairperson and Deputy Chairperson.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pendleton)

- (a) That the method of voting for the election of the Chairperson and Deputy Chairperson be open voting by show of hands.
- (b) That the General Manager's delegate, as Returning Officer, undertake the election of the Chairperson and Deputy Chairperson for the ensuing twelve (12) months by announcing the nominations and then conducting the election.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

ELECTION OF CHAIRPERSON

The Returning Officer called for nominations for the position of Chairperson of the Committee and received one nomination being for Councillor Simon.

The Returning Officer called for any further nominations. As there were none, nominations were closed.

The Returning Officer confirmed with Councillor Simon that he accepted the nomination.

As there was only one nomination, **COUNCILLOR SIMON WAS DULY ELECTED CHAIRPERSON FOR THE ENSUING YEAR.**

Councillor Simon assumed the Chair.

ELECTION OF DEPUTY CHAIRPERSON

The Returning Officer called for nominations for the position of Deputy Chairperson of the Committee and received one nomination being for Councillor Pendleton.

The Returning Officer called for any further nominations. As there were none, nominations were closed.

The Returning Officer confirmed with Councillor Pendleton that she accepted the nomination.

As there was only one nomination, **COUNCILLOR PENDLETON WAS DULY ELECTED DEPUTY CHAIRPERSON FOR THE ENSUING YEAR.**

Note: The Mayor, Councillor Laxale left the meeting at 5.02pm.

2 CONFIRMATION OF MINUTES – Meeting held on 1 September 2015

Note: This Item was dealt with later in the meeting as detailed in these Minutes.

Note: The Mayor, Councillor Laxale returned to the meeting at 5.07pm.

ITEM 1 (continued)

ATTACHMENT 1

2 CONFIRMATION OF MINUTES - Meeting held on 1 September 2015

RESOLUTION: (Moved by The Mayor, Councillor Laxale and Yedelian OAM)

That the Minutes of the Planning and Environment Committee 13/15, held on 1 September 2015, 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.

Note: The Mayor, Councillor Laxale left the meeting at 5.09pm.

3 7 BRABYN STREET, DENISTONE EAST. LOT 12 DP 13432. Application pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979 to modify an approved Demolition, new two storey dwelling, pool, and front fence. LDA2014/0340. Section 96 No MOD2015/0111.

Note: The Mayor, Councillor Laxale was not present for consideration or voting on this Item.

Note: Katherine Grudzinskas (objector) and Anthony Taffa (applicant) addressed the meeting in relation to this Item.

Note: Documentation was tabled by Katherine Grudzinskas in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

(a) That the Section 96 application to modify Local Development Application No. MOD2015/0111 at 7 Brabyn Street, Denistone East being LOT 12 DP 13432 be approved subject to the following amended conditions:

- 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:

ITEM 1 (continued)

ATTACHMENT 1

| Document Description | Date | Plan No/Reference |
|-----------------------------|-------------|--------------------------|
| Site Plan | 28.6.2015 | 01.2.1 |
| Ground Floor | 28.6.2015 | 01.2.2 |
| Ground Floor Rear | 28.6.2015 | 01.2.3 |
| First Floor | 28.6.2015 | 01.2.4 |
| Roof Plan | 28.6.2015 | 01.2.5 |
| North/South Elevation | 28.6.2015 | 01.3.1 |
| West Elevation | 28.6.2015 | 01.3.2 |
| East Elevation | 28.6.2015 | 01.3.3 |
| Section 1 | 28.6.2015 | 01.4.1 |
| Section 2 | 28.6.2015 | 01.4.2 |
| Section 3 | 28.6.2015 | 01.4.3 |
| Landscape Concept Plan | 06.08.2014 | 001 Revision B |
| Windows and Doors Schedule | 28.6.2015 | 01.4.4.2 |

(b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

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

The meeting closed at 5.20pm.

CONFIRMED THIS 10TH DAY OF NOVEMBER 2015.

Chairperson

-
- 2 490 VICTORIA ROAD, RYDE. LOT B DP 319817. Applications pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, 1979 to amend two (2) approved applications in relation to introduction of fill into the rear yard area, various retaining wall works, and increased height of approved shed.**
-

Report prepared by: Assessment Officer - Town Planner; Team Leader - Assessment

Report approved by: Manager - Assessment; Acting Group Manager - Environment and Planning

Report dated: 19/10/2015 **File Number:** GRP/09/5/6/2 - BP15/1563

1. Report Summary

Applicant: K A Moody, H Knezovic.

Owners: Colin R Moody, Kerri A Moody, Hayley J Knezovic, Ivan Knezovic.

Date lodged: 28 May 2015

This report considers two (2) Section 96(1A) applications to regularise the introduction of fill into the rear yard, replace and relocate existing retaining walls in the rear yard, establish screen planting and a trellis screen to the rear of the metal shed and legitimise a constructed slab level of RL49.45 for the approved metal shed.

There have been two (2) development applications approved by Council for this property – one for the erection of a dual occupancy development (LDA2011/346), and another for a new shed in the rear yard (LDA2012/255). Given that both of these applications approved associated works in the rear yard (including retaining walls, landscaping and erection of a structure), two (2) Section 96 applications have been lodged in relation to the works that have already been undertaken. This single report has been prepared to enable Council's consideration of the applications that are interrelated.

The Section 96 applications have been notified to neighbours in accordance with Ryde DCP 2014 and three (3) submissions were received from / on behalf of the adjoining owner to the rear (No. 7A Searle St) raising the following key issues:

- Privacy
- Visual bulk from outbuilding
- Noise
- Solar access
- Replacement of boundary fencing
- Stormwater runoff
- Outstanding documentation
- Classification of applications as Section 96(1A)

ITEM 2 (continued)

The proposal has been assessed against the controls appearing within Part 3.3 of Ryde DCP 2014 with the modifications resulting in one (1) non-compliance in relation fill outside the building footprint. Clause 2.6(c) stipulates that a maximum 500mm is permissible however; the proposal results in 840mm fill under the shed footprint.

The proposed modifications are considered to be substantially the same development in terms of the relevant provisions of the Environmental Planning and Assessment Act, 1979 and classed as having 'minimal environmental impact' which enables assessment of the proposals as Section 96(1A) applications.

Pursuant to the imposition of conditions to mitigate against privacy concerns which arise as a consequence of the modifications, the proposal can be supported.

Reason for Referral to Planning and Environment Committee: Requested by Councillor Chung

Public Submissions: Three (3) submissions from one (1) adjoining property were received objecting to the development. Two (2) of these are detailed submissions from planning consultants on behalf of the adjoining owner, and is attached to this report.

Clause 4.6 RLEP 2014 objection required? No

Value of works? \$9,000.00

RECOMMENDATION:

- (a) That the Section 96 applications to modify Local Development Application No. MOD2015/0083 and MOD2015/0084 at 490 Victoria Road, Ryde being LOT B DP 319817 be approved subject to the amendment of the conditions in **Attachments 1 and 2.**
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Draft Conditions for MOD2015/0083
- 2 Draft Conditions for MOD2015/0084
- 3 MB Town Planning submission dated 18 June 2015
- 4 MB Town Planning submission dated 11 September 2015
- 5 Map
- 6 A4 Plans
- 7 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

ITEM 2 (continued)

Report Prepared By:

Lauren Franks
Assessment Officer - Town Planner

Chris Young
Team Leader - Assessment

Report Approved By:

Liz Coad
Manager - Assessment

Sam Cappelli
Acting Group Manager - Environment and Planning

ITEM 2 (continued)

2. Site (Refer to attached map)

- Address** : 490 Victoria Road, Ryde
(LOT B in DP 319817)
- Site Area** : 826.8m² (by applicant survey)
Frontage: 15.24m
South-eastern side boundary: 54.255m
North-western side boundary: 54.255m
South-western rear boundary: 15.24m
- Topography and Vegetation** : Cross-fall of approximately 1.53m towards the south-western rear corner. Turfed rear yard with no trees or form of planting.
- Existing Buildings** : Two (2) storey attached dual occupancy and outbuilding.
- Planning Controls** : Ryde LEP 2014
- Zoning** : R2 Low Density Residential
- Other** : Ryde DCP 2014



Aerial photo of subject site and surrounds.

ITEM 2 (continued)**3. Councillor Representations:**

Name of Councillor: Councillor Chung

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

Date: 11 August 2015

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

On behalf of applicant or objectors? Objectors

Any other persons (e.g. consultants) involved in or part of the representation: None

4. Political Donations or Gifts

None disclosed in applicant's DA submission or in any submission received.

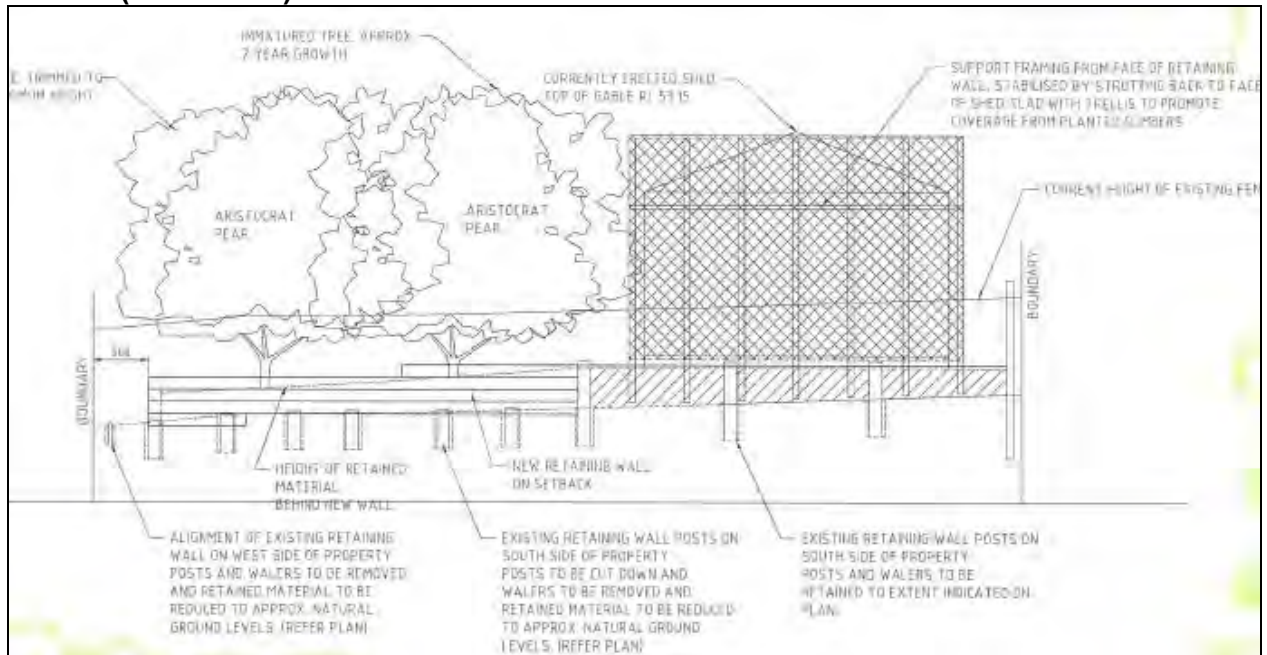
5. Proposal

There have been two (2) development applications approved by Council for this property – one for the erection of a dual occupancy development (LDA2011/346), and another for a new shed in the rear yard (LDA2012/255). Given that both of these applications approved associated works in the rear yard (including retaining walls, landscaping and erection of a structure), two Section 96 applications have been lodged in relation to the works that have already been undertaken. This single report has been prepared to enable Council's consideration of the applications that are interrelated.

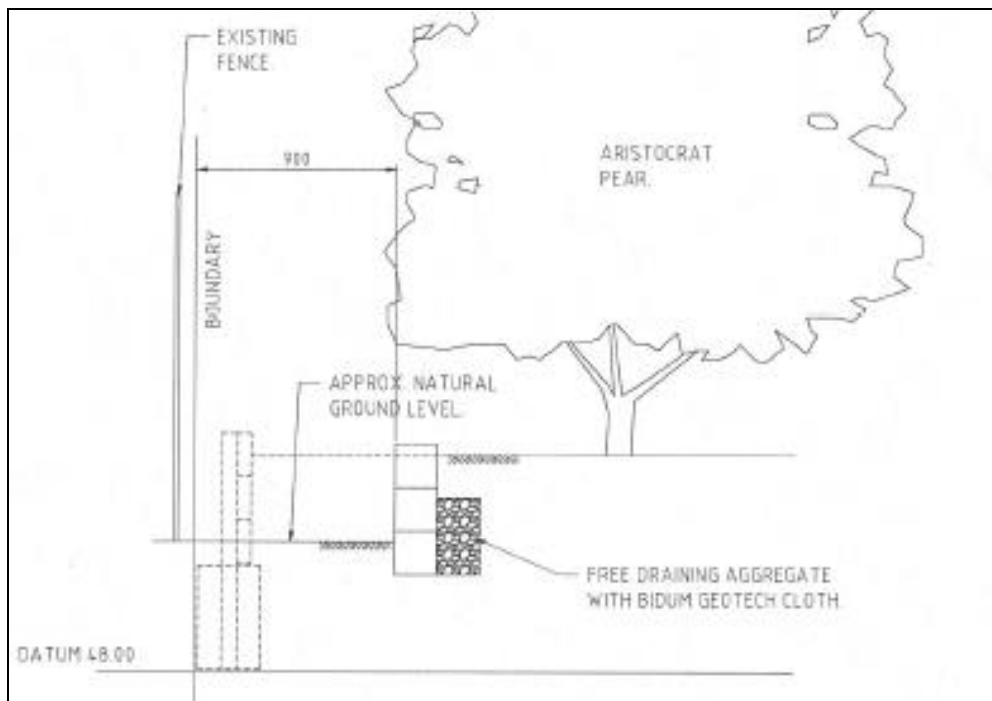
In summary, the two (2) Section 96 applications propose the following:

- Legitimising the introduction of fill in the rear yard up to a height of 550mm in the rear south-western corner;
- Removal of retaining wall along the rear south-western boundary between the metal shed and the north-western side boundary;
- Removal of retaining wall along north-western side boundary;
- Retention of retaining wall to the rear of the metal shed;
- Construction of a new retaining wall a distance of 900mm from the south-western rear boundary of the site and the north-western side boundary;
- Provision of screen planting in the rear yard including a trellis screen to the rear of the metal shed; and
- Legitimising the constructed slab level of RL49.45 for the approved metal shed. This is up to 840mm higher than the original approval.

ITEM 2 (continued)



Southern elevation at rear boundary



Section of retaining wall

ITEM 2 (continued)**6. Background**

LDA2011/0346: Consent was issued on 10 October 2011 for this initial development application (DA) for the construction of a new two (2) storey dual occupancy.

LDA2012/0255: Consent was issued on 22 August 2012 for the construction of an outbuilding at the rear of the approved dual occupancy.

In the period from January to November 2014, complaints were received during the construction phase from the adjoining owner at the rear (No. 7A Searle St) regarding various issues, including non-conformity with the approved DA and CC plans, the importation of fill into the rear yard area, and resulting impacts on the objectors property i.e. increased height of the approved shed, privacy impacts from the fill, and drainage issues.

The initial complaint received in January 2014 was referred to the Principal Certifying Authority (PCA) who was appointed for the certification of the development for follow-up action. The matter was investigated by the PCA and a Notice of Proposed Order was served on 1 April 2014 requiring the owners to comply with the development approval.

The owners were unable to resolve the matter with the Private Certifier. Subsequently, Council Officers undertook their own inspection of No. 7A Searle St and the subject site and served a Notice of Proposed Order in November 2014 to demolish the unauthorised retaining wall constructed on the rear boundary, remove fill material and comply with their development approval in relation to the shed construction.

Upon receiving the Council issued Notice of Proposed Order, the owners advised that they were preparing plans to lodge Section 96 applications to modify the original DA consents. By April 2015, no Section 96 applications had been submitted so Council Officers begun revising the Notice and Draft Order in April 2015. The owners lodged the Section 96 applications in May 2015 before the Order was served.

MOD2015/0083 and MOD2015/0084 to amend LDA2011/0346 and LDA2012/0255 were lodged on 28 May 2015 and placed on public notification from 3 June to 18 June 2015.

It is noted that this application involves work that has already been undertaken without approval. In this regard, it is noted that the Land and Environment has given consideration to applications under Section 96 of the Environmental Planning & Assessment Act 1979 where work has already been undertaken. In *Windy Dropdown v Warringah Council [2000] NSWLEC 240*, Justice Talbot considered such an application and made the following comments:

ITEM 2 (continued)

“...the broad construction of s 96 leads to a practical result that enables a consent authority to deal with unexpected contingencies as they arise during the course of construction of development or even subsequently, provided of course that the development to which the consent as modified relates is substantially the same development.

It follows from the foregoing analysis and reasoning that in my view an application that relates to development which has been already carried out can be made pursuant to s 96. The Court is therefore in a position to consider the subject application on the merits.”

Council is therefore able to consider and determine the current application despite the fact that it involves unauthorised work. Council is required to consider the usual planning merits of such an application (eg impacts on neighbours, compliance with planning controls etc), and may approve such an application if the impacts are acceptable, notwithstanding that the work has already been undertaken.

7. Submissions

As aforementioned, the Section 96 applications were notified in accordance with Development Control Plan 2014 - Part 2.1, Notification of Development Applications from 3 June until 18 June 2015. In response, three (3) submissions were received from one (1) adjoining property at No. 7a Searle Street. Two (2) of these are detailed submissions from a planning consultant on behalf of the adjoining owner, and these are attached to this report.

The submissions raised the following issues:

- A. Privacy.** *Concerns are raised that the additional fill added to level the subject site's rear yard allows occupants of No. 490 Victoria Road to directly look into the principal private open space and internal living areas of No. 7a Searle Street. Whilst this issue is prevalent during the day, this issue continues at night with concern that occupants of No. 490 Victoria Road can view through the hedge to the living area of No. 7a Searle Street when the lights are on. Request is made for the proposed retaining wall to be relocated 2.5m from the shared boundary.*

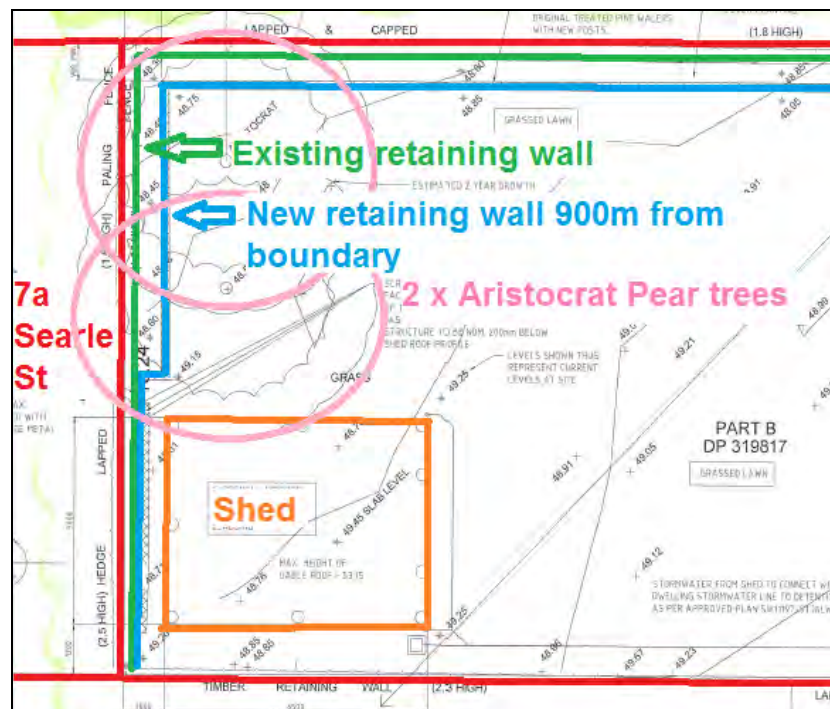
Comment: It is agreed that the incorporation of additional fill in excess of approved levels has resulted in the potential for occupants of the subject site to view into the rear private open space of No. 7a Searle St.

However, it is noted that the objectors property has a very high (approx. 2.4m) hedge running along the entire rear boundary with the subject site, which at present forms a very effective privacy screen between the properties (see photo below).

ITEM 2 (continued)



To address this issue, the portion of the retaining wall extending between the metal shed and north-western boundary will be re-positioned 900mm from the rear boundary. Further, two (2) Aristocrat Pear trees are proposed close to the rear boundary. This is shown on the following plan extract:



ITEM 2 (continued)

It is recognised that landscaping alone is not sufficient to preserve privacy between the two (2) properties, and that these matters are not enough to satisfactorily alleviate the potential for overlooking. Subsequently, discussions with the Applicant resolved for the following privacy measures to be addressed via a condition of consent.

1(a) A 1.5m high timber slat privacy screen is to be fitted to the top of the retaining wall extending along the rear boundary between the metal shed and the north-western side boundary.

1(b) The two (2) Aristocrat Pear trees proposed in the rear yard are to be removed. In their place, Murraya Paniculata (Orange Jessamine) are to be planted at 1m spacing's and at a minimum 300mm pot / container size between the rear boundary and privacy screen.

In relation to privacy at night, the following photo shows a standing view towards the shared rear boundary from the living area of No. 7a Searle Street:



The inclusion of a roof partially extending from the rear wall of the living area over the paved outdoor terrace of No.7a Searle Street limits the potential for occupants of No. 490 Victoria Road to view into the internal living area. This is because from a standing position, the roofline adjoins with the top of the fence line. Some minimal light overspill may occur onto No. 490 Victoria Road however, through the provision of a 1.5m privacy screen to the top of the new retaining wall, privacy will be improved during the day and night.

ITEM 2 (continued)

The objector's request indicated in the second submission from MB Town Planning to relocate the retaining wall 2.5m from the rear boundary is not considered necessary and is excessive in the circumstances. Under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, a retaining wall can be constructed up to a height of 600mm and located 1m from a lot boundary as exempt development. The proposal only marginally exceeds this control with fill under the shed achieving 840mm at its highest point. It is considered that the requirement to provide a 1.5m high timber slat privacy screen and landscape screening (as recommended above) will satisfactorily resolve privacy issues between the two (2) properties, without requiring relocation and reconstruction of the existing retaining wall.

- B. Visual Bulk from Outbuilding.** *Concerns are raised that the rear metal shed's height, raised floor level and proximity to the rear boundary shared with No. 7a Searle Street is visually displeasing from this adjoining property. Request is made for the shed to be relocated 1m forward from its current position to minimise its bulk.*

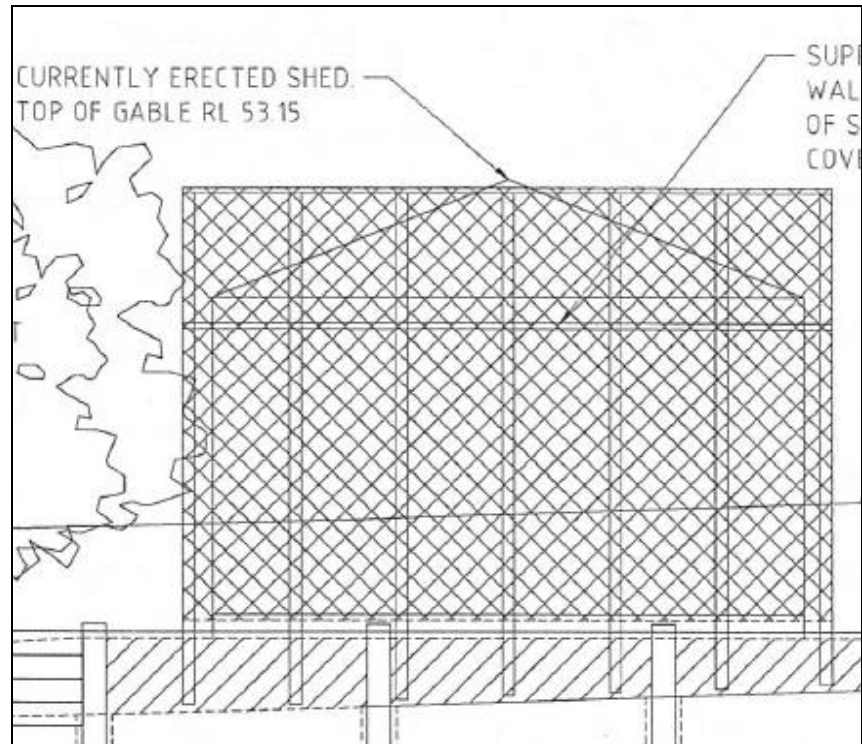
Comment: The following photo demonstrates the view of the metal shed from the rear private open space area of No. 7a Searle Street. It is evident that the existing landscaping effectively screens the visual impact of the shed, with only the top being visible. The shed contains no windows to cause overlooking, and has the appearance of an outbuilding typically found in a residential environment.



View directly behind shed from rear yard of No. 7a Searle Street

ITEM 2 (continued)

The Applicant has proposed the erection of a trellis screen behind the metal shed to improve the view of the shed from No. 7a Searle Street. This can be seen in the following plan extract:



The trellis screen can be seen to extend above the roof line of the metal shed which in turn creates additional shadow and bulk. The metal shed is light in colour which prevents attention being drawn to it as it blends with the skyline quite well in contrast to a dark colour. As such, a trellis screen would not resolve concerns relating to bulk and may in fact, contribute to any bulk caused by the shed. Subsequently, the following condition is recommended:

1(c) The trellis screen and planting of 'Star Jasmine' / "Mandevilla white" are to be removed and do not form part of this approval.

The second submission from MB Town Planning contains a request to relocate the shed 1m forward from its current position, in order to reduce the perceived impacts of bulk and scale from the objector's property. This is considered to be an unreasonable request because even with the increase in height, the 4.3m high shed fully complies with Council's height controls for outbuildings (4.5m). Therefore any relocation of the shed would bring additional costs and construction issues that would not be supported in the circumstances.

ITEM 2 (continued)

C. Noise. *Concerns are raised that since the erection of the shed and the high level of fill without suitably high fencing and screening, higher levels of noise from the rear, including much louder noise from Victoria Road is heard at No. 7a Searle Street. Request is made that if any consideration has been given to the environmental acoustics occurring as a consequence of LDA2011/0346 and / or LDA2012/0255, that this be retained as part of these Section 96 applications. Also, request is made for acoustic material to be installed within the shed to mitigate reverberation of noise from traffic on Victoria Rd.*

Comment: Conditions of consent imposed on LDA2011/0346 and LDA2012/0255 to restrict noise relate to the construction phase only. No conditions of consent have been imposed relating to the use of the dual occupancy or metal shed as these buildings are considered low density in nature and generate noise associated with day to day activities undertaken in a residential environment.

It is not considered that the changes to the height of the shed or increased ground levels in the rear yard would contribute to any significant increase in background noise levels or increased traffic noise from Victoria Rd to the objector's property. The use of the shed and the rear yard is expected to continue to be for domestic use only as the shed is necessary for the storage of motorbikes and tools. No business operations are undertaken from the shed and the following condition of consent has been imposed to ensure this continues:

- *The metal shed is to be for residential use only. No business operations are to undertaken from the metal shed at any time.*

The second submission from MB Town Planning contains a request to install acoustic material in the shed. This matter has been discussed with Council's Environmental Health Officer who has advised that it is unlikely that the shed would "amplify" the noise from Victoria Rd. This is because in particular there are no openings at the rear of the shed facing the objector's property to convey additional noise; and also the shed is located a sufficient distance from Victoria Rd for any traffic noise to disperse. The shed's location, dimensions and size have been approved as part of LDA2012/0255.

Therefore, there is no need to require the applicant to obtain a specific acoustic assessment or install acoustic material to the shed for this type of application.

D. Solar Access. *Concerns are raised that the increase in the shed height and addition of a trellis screen will take away morning sunlight gained to the rear yard of No. 7a Searle Street.*

ITEM 2 (continued)

Comment: The shed height will increase by 590mm. It is accepted that a minor increase in shadow cast to No. 7a Searle Street will be experienced during morning hours. However, this increase will not lead to an unreasonable level of shadow to No. 7a Searle Street.

The photo and aerial image below shows the location of the paved outdoor terrace in relation to the shed. Shadow diagrams were not submitted with the original DA, or with the current Section 96 applications, as these are not normally required for outbuilding structures, such as the shed in question. However, based on knowledge of the site's orientation it is considered that whilst there may be some additional overshadowing during morning hours, the majority of the private open space at the objector's property will receive adequate solar access after 12noon.



ITEM 2 (continued)



View of paved outdoor terrace

As mentioned earlier in this section of the report, whilst the applicant has proposed a trellis screen at the back of the shed to improve the appearance for the neighbor, it is considered that the proposed trellis screen will not alleviate bulk and may in fact increase overshadowing due to the screen extending above the metal shed roof ridgeline. A condition of consent has been imposed requiring the removal of the trellis screen from the approved plans.

- E. Replacement Boundary Fencing.** Request is made for the owners of No. 490 Victoria Rd to cover the cost to erect a new 2.4m high lap and cap / solid boundary fence shared with No. 7a Searle St.

Comment: A site inspection identified the existing boundary fence to be in fair condition. At no point has any part of the retaining wall has collapsed. The retaining wall does not lean on the boundary fencing for support and does not appear to have been damaged or destroyed due to the construction of the outbuilding or retaining wall. The boundary fencing achieves the standard 1.8m height and the need for additional height to the provided to restrict overlooking has been addressed via the following conditions as discussed earlier in this report:

1(a) A 1.5m high timber slat privacy screen is to be fitted to the top of the retaining wall extending along the rear boundary between the metal shed and the north-western side boundary.

ITEM 2 (continued)

*1(b) The two (2) Aristocrat Pear trees proposed in the rear yard are to be removed. In their place, *Murraya Paniculata* (Orange Jessamine) are to be planted at 1m spacing's and at a minimum 300mm pot / container size between the rear boundary and privacy screen.*

It is considered that these requirements will ensure sufficient privacy between the two (2) properties, and subsequently, there is no need for a new 2.4m high boundary fencing to be imposed as a condition of consent.

- F. *Stormwater Runoff.*** *Concerns are raised that since the unauthorized works, stormwater runs into the rear yard of No. 7a Searle Street. What assurance can be given that the proposed works meet required needs for drainage?*

Comment: Council's Senior Development Engineer has inspected the existing drainage arrangements in the subject site's rear yard and assessed the drainage measures proposed. Council's Senior Development Engineer is satisfied that the stormwater from the metal shed is (and will continue to be) directed to the OSD system as approved. However, upon inspection, it was not clear how seepage runoff from retaining walls and the fill was being drained. To rectify this, Council's Senior Development Engineer has imposed the following condition requiring seepage runoff from all retaining walls and fill to be intercepted and connected to a suitably sized pump out system to pump into the OSD tank at the front of the property:

- *All seepage runoff generated from all retaining walls shall be intercepted and piped to a suitably sized pump-out system and connected to the drainage system to the street. The pump-out and sub-surface drainage system shall be designed in accordance with relevant sections of AS 3500. Engineering certification indicating compliance is to be submitted to the Principal Certifying Authority."*

- G. *Outstanding Documentation.*** Request is made for engineering plans to be provided by a structural engineer demonstrating the structural adequacy of the retaining wall. Also, hydraulic engineering plans accompanied by a hydraulic engineer's signed statement confirming that drainage from the shed satisfies Ryde DCP 2014 is requested.

Comment: A condition appears on LDA2012/255 which relates to the construction of the metal shed requiring certification of engineering components. This condition reads:

5. ***Structural Certification.*** *The applicant must engage a qualified practicing structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate.***

ITEM 2 (continued)

Council's Senior Development Engineer has also noted that:

“Notwithstanding this condition, the proposed retaining wall support’s the applicant’s property and, in an extreme case where it were to fail – the height, scope and revised setback of the wall would not pose a threat to the neighbouring property.”

In regards to drainage compliance with Ryde DCP 2014, Council's Senior Development Engineer has noted that the appropriateness of stormwater discharge from the property has been addressed by the following condition appearing on the consent for LDA2011/346:

24. 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.*

Accordingly, revised engineering plans prepared by a qualified engineer shall be submitted with the construction certificate application, addressing, but not be limited to the following:

- a. Direct the surface drainage from the central court yard area between unit 1 & 2 to pit P1 bypassing the water tank.*
- b. Design the outlet pipe from the central court yard area for 100 year ARI 5 minutes storm duration.*
- c. Design all gutters, down pipes and pipes from the roof to carry the 100 year ARI 5 minutes storm runoff to the detention tank.*

Further, condition 11 of LDA2012/255 relating to the construction of the dual occupancy appears as follows:

11. 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 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.*

H. Classification of applications as Section 96(1A). *Concerns are raised that the modifications are not of a minimal environment impact and therefore does not satisfy Section 96(1A)a. of the Environment Planning and Assessment Act, 1979.*

ITEM 2 (continued)

Comment: This concern is subjective and the Applicant's Statement of Environmental Effects lodged with each Section 96 application has satisfactorily demonstrated why their proposals are classified as Section 96(1A) applications.

The proposal is considered to be of '*minimal environmental impact*' for the following reasons:

- The existing erected retaining wall around the perimeter of the subject site's rear yard has not collapsed, is free-standing and does not lean on boundary fencing; and
- To accommodate the metal shed, fill has been approved in the rear yard under LDA2012/0255; and
- The metal shed has been constructed in its approved location and to its approved width and length.

8. Clause 4.6 RLEP objection required?

None required.

9. Policy Implications**Relevant Provisions of Environmental Planning Instruments etc:****Ryde Local Environmental Plan 2014****Zoning**

The subject site is zoned R2 Low Density Residential under the provisions of the Ryde Local Environmental Plan 2014. Regulatory works to the rear yard and surrounds of the metal shed (a form of outbuilding) and ancillary to a dual occupancy are permitted within the R2 Low Density Residential zone with development consent.

The objectives of the R2 Low Density Residential 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 provide for a variety of housing types.

Comment: The minor modifications do not compromise the ability of the dual occupancy to achieve the objectives of the zone. The measures imposed will ensure the privacy to the adjoining property at No. 7a Searle Street is maintained.

ITEM 2 (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 of minimal environmental impact.
- (b) The development to which the consent as modified relates is substantially the same development.
- (c) The application has been notified in accordance with the regulations or development control plan.
- (d) Submissions made during the prescribed notification period have been considered.

Under Section 96(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 approvals** provide for a new two storey dual occupancy (LDA2011/0346) and an outbuilding at the rear of the dual occupancy (LDA2012/0255).

The **proposed modifications** relate to legitimising the raised finished floor level of the metal shed, replacement and relocation of retaining walls in the rear yard and imposition of privacy measures to alleviate adverse impact to adjoining properties as a consequence of additional fill in the rear yard.

It is the opinion of Council's assessing officer that the modified development is substantially the same as the original DAs and therefore the applications can be considered on their merits.

Relevant State Environmental Planning Policies (SEPPs)

There are none that affect this application.

Relevant Regional Environmental Planning Policies (REPs)

There are none that affect this application.

ITEM 2 (continued)
Any draft Local Environmental Plans (LEPs)

There are no relevant Draft Environmental Planning Instruments for the subject site.

Any Development Control Plan

Ryde Development Control Plan (DCP) 2014

Assessment of the key DCP 2014 controls is illustrated in the compliance table below:

| DCP 2014 | Proposed | Compliance |
|--|--|--|
| <i>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</i> | | |
| Topography & Excavation Outside building footprint: - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - Max ht retaining wall 900mm | Outside BF Max cut: Nil Max fill: Approx. 550mm for turfed yard & 840mm for shed (adjacent to metal shed in rear yard) Fill close to rear boundary removed to ensure 900mm separation achieved. Retaining walls to be 900mm along rear boundary. | Y N (variation supported) Y Y |

ITEM 2 (continued)

| Outbuildings | | |
|--|--|---|
| <ul style="list-style-type: none"> - Not within front setback. - Max area – 20m² - Max wall plate (ceiling) height 2.7m - Max O/A height 4.5m – Ridge to EGL - To be single storey. - Windows not less than 900mm from boundary. - Concrete dish drain if setback less than 900mm. - Design to complement new dwelling. | <p>Approved location of metal shed will not change – in rear yard.</p> <p>Approved area of metal shed (31.5m²) will not change. This is an existing non-compliance that was considered in the original assessment and found to be acceptable.</p> <p>2.7m from top of wall the finished ground level below.</p> <p>Overall height of the metal shed will be increased to 4.3m.</p> <p>Shed will remain single storey.</p> <p>No windows within shed.</p> <p>900mm setbacks achieved.</p> <p>Amendments will not alter approved shed materiality or colour which is complementary to the dual occupancy.</p> | <p style="text-align: center;">Y</p> <p style="text-align: center;">Y (existing non-compliance)</p> <p style="text-align: center;">Y</p> <p style="text-align: center;">Y</p> <p style="text-align: center;">Y</p> <p style="text-align: center;">Y</p> <p style="text-align: center;">Y</p> <p style="text-align: center;">Y</p> |
| Dwelling Amenity | | |
| <p>Daylight & Sunlight Access</p> <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 | <p>The increase in the metal shed height by 590mm will result in a minor increase in shadow cast to the adjoining property to the south (No.7a Searle St). It is not anticipated that this minor increase will be noticeable or cause adjoining properties to become non-compliant with the level of sunlight obtained</p> | <p style="text-align: center;">Y</p> <p style="text-align: center;">Y</p> |

ITEM 2 (continued)

| | | |
|---|--|---|
| north facing adjoining living area windows between 9am and 3pm on June 21. | to adjoining property's principal private open space and north facing living room windows. | |
| Visual Privacy - Terraces, balconies etc are not to overlook neighbouring dwellings/private open space. | No windows proposed within shed and | Y |
| Fencing | | |
| Side/rear fencing: - 1.8m max o/a height. - | Side & rear fencing to be 1.8m in height. | Y |
| Part 8.2 - Stormwater Management | | |
| Stormwater | | |
| Drainage is to be piped in accordance with Part 8.2 - Stormwater Management. | Senior Development Engineer satisfied with proposed drainage arrangements. | Y |

Justification for non-compliances:

1. Topography & Excavation: Section 2.6(c) states the following:

"Areas outside the dwelling footprint may be excavated and / or filled so long as:

iii. the height of fill is not more than 500mm."

Comment: At its highest, fill within the rear yard reaches 840mm under the shed and 550mm to level the turfed yard. This represents a non-compliance of up to 340mm over the maximum 500mm height of fill permitted.

ITEM 2 (continued)

A key intent of this control is to ensure that privacy is maintained to adjoining properties. The level of fill seeking approval has been undertaken without consent. In its present form without any privacy measures imposed to mitigate against the potential for overlooking, the non-compliance could not be justifiable. However, as discussed in the comments to submission concerns, mitigation measures including the provision of a 1.5m privacy screen on top of the retaining walls along the rear boundary, relocation of the retaining wall 900mm from the side and rear boundaries and landscaping between the rear retaining wall and rear boundary appropriately control overlooking. Subsequently, the intent of this control has been satisfied.

Further, it is noted that direct access to the rear yard from the front yard is difficult due to the narrow side access to the rear yard being 900mm at most due to side boundary fencing encroaching onto the subject site to allow the adjoining property at No. 492 Victoria Road access to their carport. To require the applicant to reduce fill in the rear yard through excavation would be difficult and to decommission the shed would be excessive as it is seen that the adverse impacts can be addressed by conditions of consent.

10. Likely impacts of the Development**(a) Built Environment**

Issues regarding impacts on the built environment are discussed throughout this report (in particular compliance with 'The Act') and are considered satisfactory for approval in terms of its impacts on the built environment.

(b) Natural Environment

The proposed modifications will improve the existing rear yard through introducing planting and rectifying unauthorised retaining walls to prevent impacts relating to drainage. Therefore, the proposal is considered to have a positive impact on the natural environment.

11. Suitability of the site for the development

A review of Council's Map of Environmentally Sensitive Areas (held on file) revealed that no environmental constraints affect the subject site.

ITEM 2 (continued)**12. The Public Interest**

It is considered that approval of the Section 96 applications would be in the public interest as the adverse impacts arising from the unauthorised fill have been addressed via conditions of consent. Specifically, the conditions require the erection of 1.5m high privacy screening inset 900mm from the rear boundary and screen planting. These measures will restrict the potential for overlooking into No. 7A Searle St and improve the level of privacy between this property and the subject site.

The development substantially complies and achieves the objectives of the R2 Low Density Residential zone.

13. Consultation – Internal and ExternalInternal Referrals

Senior Development Engineer: Council's Senior Development Engineer is supportive of the proposal pursuant to one (1) condition of consent. The following comments have been provided:

"The amended plans submitted with the Sec 96 applications indicate that the site has been filled about 300-550mm and under the shed about 800mm.

Drainage from the shed has been directed to the OSD system as approved previously. It is not clear what is happening with the agg lines constructed for the retaining walls/fill and where these are directed to. A site inspection indicated that the rear property, No 7A Searle Street has a dish drain along the rear boundary which appears to be leading into a pit in the rear yard to collect runoff from its north-eastern boundary. However notwithstanding this, seepage runoff from the fill carried out on No 490 Victoria Road should be collected and drained into a suitable drainage system. Therefore the seepage runoff should be intercepted and connected to a suitably sized pump out system to pump into the OSD tank at the front.

From drainage perspective, no objections are raised to the approval subject to the attached condition.

Recommended Condition

25. *All seepage runoff generated from all retaining walls shall be intercepted and piped to a suitably sized pump-out system and connected to the drainage system to the street. The pump-out and sub-surface drainage system shall be designed in accordance with relevant sections of AS 3500. Engineering certification indicating compliance is to be submitted to the Principal Certifying Authority."*

ITEM 2 (continued)External Referrals

None required.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

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

16. Other Options

The Section 96 applications are recommended for approval as the issues of concern raised by the objector can be addressed via conditions of consent.

An alternate option is to refuse the Section 96 applications and proceed with the issuing of Orders. However, it is Council Officers opinion that this action would be excessive in the circumstances.

17. Conclusion

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is generally considered to be satisfactory for approval.

The Section 96(1A) applications are recommended for approval subject to the amendment of one (1) condition and inclusion of three (3) conditions.

ITEM 2 (continued)

ATTACHMENT 1

City of Ryde

ATTACHMENT 1

Proposed Modification to Development Consent No. LDA2011/0346 under Section 96 of the Environmental Planning and Assessment Act, 1979

Section 96 Modification:

- Condition 1 is to be amended to read:
 1. Development is to be carried out in accordance with the following drawings and documentation:
 - The following architectural drawings prepared by *House Plans by Design*:

| Drawing Ref. | Date | Drawing No. |
|---|-----------------|------------------------------|
| Cover Sheet | 16 August 2011 | 01 |
| Site Analysis Plan | 16 August 2011 | 02 |
| Proposed Site Plan | 16 August 2011 | 03 |
| Proposed Ground Floor Plan | 16 August 2011 | 04 |
| First Floor Plan | 16 August 2011 | 05 |
| Elevations (North-East and North-West) | 16 August 2011 | 06 |
| Elevations (South-East and South-West) | 16 August 2011 | 07 |
| Sections | 16 August 2011 | 08 |
| Glazing Schedule and BASIX Tables | 16 August 2011 | 09 |
| Landscape Concept Plan | 16 August 2011 | 10 |
| Landscaping Plan | 22.04.15 | 2015-003 (Rev. C) |
| Landscaping Elevation & Sections | 22.04.15 | 2015-004 (Rev. C) |

- Statement of Environmental Effects prepared by *House Plans by Design* dated 27 June 2011.
- Site Stormwater Management Layout and Details prepared by *alw design*, dated 19 August 2011.

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

1(a) A 1.5m high timber slat privacy screen is to be fitted to the top of the retaining wall extending along the rear boundary between the metal shed and the north-western side boundary.

1(b) The two (2) Aristocrat Pear trees proposed in the rear yard are to be removed. In their place, *Murraya Paniculata* (Orange Jessamine) are to be planted at 1m spacing's and at a minimum 300mm pot / container size between the rear boundary and privacy screen.

1(c) The trellis screen and planting of 'Star Jasmine' / 'Mandevilla white' are to be removed and do not form part of this approval.

ITEM 2 (continued)

ATTACHMENT 1

City of Ryde

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

• Condition 64, 65 and 66 are added to the consent:

64. All seepage runoff generated from all retaining walls shall be intercepted and piped to a suitably sized pump-out system and connected to the drainage system to the street. The pump-out and sub-surface drainage system shall be designed in accordance with relevant sections of AS 3500. Engineering certification indicating compliance is to be submitted to the Principal Certifying Authority.
 65. Condition 1 and 64 must be adhered to within 120 days of the date of this consent. The Principal Certifying Authority must inspect the site to ensure that construction has been undertaken in accordance with all conditions appearing on this consent.
 66. The metal shed is to be for residential use only. No business operations are to undertaken from the metal shed at any time.
- All other conditions remain unaltered.

ITEM 2 (continued)

ATTACHMENT 2

City of Ryde

ATTACHMENT 2

Proposed Modification to Development Consent No. LDA2012/0255 under Section 96 of the Environmental Planning and Assessment Act, 1979

Section 96 Modification:

- Condition 1 is to be amended to read:

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 | Plan No/Reference |
|---|--|
| Architectural Plans | Job No. 79944: Sheet No. 1 (Dated June 2012), Job No. STON7944: Sheet 7/7 (Dated 30/05/2012) |
| Stormwater Drainage Plans | Job No. SW11197: Dwg No. SW11197 – S1, SW11197 – S2 (All issue E, dated 04/07/12) |
| Landscaping Plan | 2015-003 (Rev. C), dated 22.04.15 |
| Landscaping Elevation & Sections | 2015-004 (Rev. C), dated 22.04.15 |

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

1(a) A 1.5m high timber slat privacy screen is to be fitted to the top of the retaining wall extending along the rear boundary between the metal shed and the north-western side boundary.

1(b) The two (2) Aristocrat Pear trees proposed in the rear yard are to be removed. In their place, Murraya Paniculata (Orange Jessamine) are to be planted at 1m spacing's and at a minimum 300mm pot / container size between the rear boundary and privacy screen.

1(c) The trellis screen and planting of 'Star Jasmine' / 'Mandevilla white' are to be removed and do not form part of this approval.

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

- Condition 16, 17 and 18 is added to the consent:

16. All seepage runoff generated from all retaining walls shall be intercepted and piped to a suitably sized pump-out system and connected to the drainage system to the street. The pump-out and sub-surface drainage system shall be designed in accordance with relevant sections of AS 3500. Engineering certification indicating compliance is to be submitted to the Principal Certifying Authority.

ITEM 2 (continued)

ATTACHMENT 2

City of Ryde

17. Condition 1 and 17 must be adhered to within 120 days of the date of this consent. The Principal Certifying Authority must inspect the site to ensure that construction has been undertaken in accordance with all conditions appearing on this consent.
 18. The metal shed is to be for residential use only. No business operations are to undertaken from the metal shed at any time.
- All other conditions remain unaltered.

ITEM 2 (continued)

ATTACHMENT 3



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18 June 2015

Ms Gail Connolly
The General Manager
City of Ryde
1 Devlin Street
RYDE NSW 2069

By email: cityofryde@ryde.nsw.gov.au

Dear Ms Connolly,

**490 Victoria Road, Ryde | Proposed modifications to consent
MOD2015/0083 and MOD2015/0084 | Submission on behalf of owner of 7A
Searle Street, Ryde**

I have been engaged by Mr Mark Christie, who is the registered proprietor of Lot 100, DP860585, being 7A Searle Street, Ryde. The City of Ryde has written to Mr Christie notifying him of two Section 96(1A) applications that have been submitted in relation to 490 Victoria Road, Ryde. I have been requested to provide an independent assessment of the Section 96(1A) applications, with particular regard to the implications for Mr Christie's property.

490 Victoria Road, Ryde has the real property description of Lot B, DP319817, and is immediately to the north of Mr Christie's property (Figure 1). The registered proprietors for that property are Colin Raymond Moody, Kerri Anne Moody, Ivan Knezovic and Hayley Jaye Knezovic.

The site and context with 7A Searle Street

490 Victoria Road is on the southern side of Victoria Road, which is a State classified road carrying high traffic volumes. 490 Victoria Road has no other boundary to a road. The allotment is of regular configuration, being 15.24 metres wide and 60.96 metres deep. The area of the allotment is 923.2 square metres.

7a Searle Street shares its northern boundary with the rear boundary of 490 Victoria Road and has the same width of 15.24 metres. It is a rear battleaxe allotment and has a depth excluding its access handle of 26.985 metres and an area, excluding its access handle, of 411 square metres. It has an access handle extending southwards from the western side of the lot and connecting to Searle Street, which is a local road running parallel to Victoria Road. The total area of the lot including the access handle is 468.8 square metres.

ITEM 2 (continued)

ATTACHMENT 3

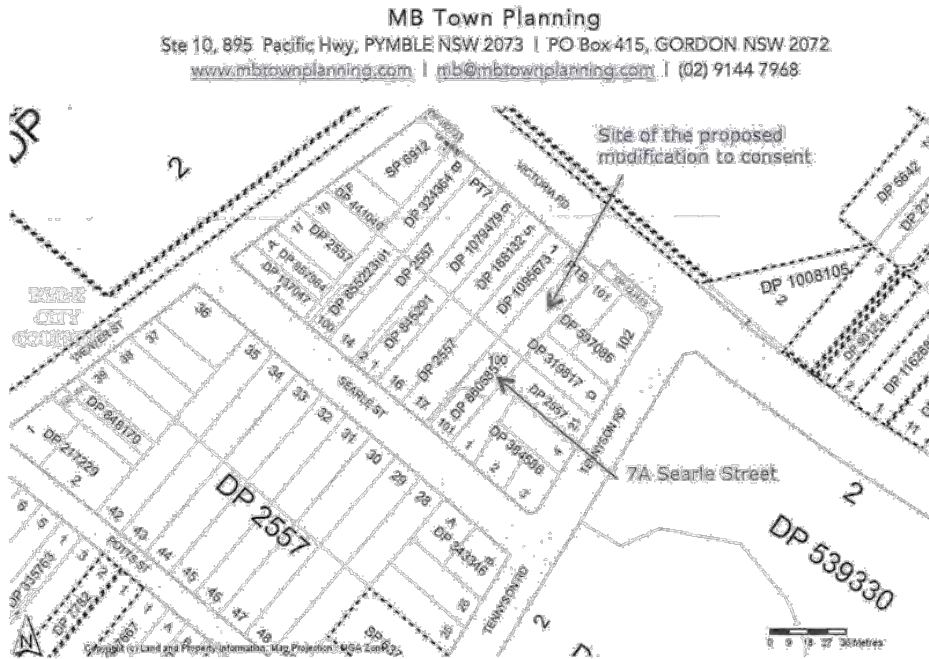


Figure 1: Location of the site of the proposed modification to consent and of 7A Searle Street (Source: NSW Land and Property Information)

I do not know what the change in level is between Victoria Road in front of the subject site and Searle Street where the access handle for 7A Searle Street is located. However, from the submitted plans with the Section 96 application it is evident that there is a fall of around one metre diagonally across the rear part of 490 Victoria Road. I have reviewed levels roughly using Six Maps and I have also carried out an inspection of 7A Searle Street and from those sources of information it is evident that there are no dramatic changes from the rate of fall described above. Therefore, I estimate that the original ground levels are consistent with a fall of around three metres between Victoria Road in front of 490 Victoria Road and Searle Street in front of the access handle for 7A Searle Street.

The title search document for 490 Victoria Road does not indicate the existence of any drainage easement benefitting that property.

The title search document for 7A Searle Street indicates easements and rights of way benefitting and burdening the property in relation to 7 Searle Street, which is the front allotment within the battleaxe-subdivision that created those two properties. 7A Searle Street is not burdened by any easement or the like benefitting 490 Victoria Road.

Existing at 490 Victoria Road is a two storey attached dual occupancy development in a side by side configuration, with each dwelling facing onto Victoria Road (Figure 2). From measurements made using the "Six Maps" website measuring tool, the dual occupancy development appears to be set back around four metres from Victoria Road and extends back to a line around 32 metres from Victoria Road. To the rear are the yard areas of the dwellings, with the dwellings having a rear setback of around 24 metres. I note that that suggest a discrepancy with the abovementioned lot depth figure - however I believe that will be attributed to a widening to Victoria Road that will have occurred since the registered plan was prepared. There is also a shed to the rear south-eastern corner of the property.

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ITEM 2 (continued)

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Figure 2: Google Street View image of the attached dual occupancy development at 490 Victoria Road, Ryde

Existing at 7A Searle Street is the rear dwelling within a detached dual occupancy development that has, following the completion of the detached dual occupancy development, been subdivided into two allotments. The dwelling has a single storey scale (Figure 3).

The plan of subdivision for 7A Searle Street was registered in July 1996, and so it is assumed that the dual occupancy development was undertaken a year or so prior.

Approval context - 490 Victoria Road

From the submitted Statement of Environmental Effects for the proposed modifications I understand that the dual occupancy development at 490 Victoria Road was approved under Development Application 2011/346, with that application being for "a new two storey dual occupancy". I have not viewed the Notice of Determination for that application and I have not confirmed the date of its approval. However, I have confirmed that a Construction Certificate was issued for those works on 13 March 2012 by the Principal Certifying Authority, being Paul Pearce, who is an A2 accredited certifier. An Interim Occupation Certificate was issued for those works on 12 March 2015. 490 Victoria Avenue is being occupied and used as a dual occupancy (Figure 4).

Following from the Development Application for the dual occupancy, a further Development Application was submitted and was approved, being DA2012/0255 and being for "construction of an outbuilding to the rear of the approved dual occupancy". The outbuilding in question relates to the shed to in the rear southeastern corner of the property (Figure 5). A Construction Certificate relating to that Development Application was issued by Paul Pearce on 4 September 2012 - however no Occupation Certificate has been issued.

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ITEM 2 (continued)

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Figure 3: 7A Searle Street as viewed from the top of its access handle. The garage to the right of the picture services that property, and a garage as part of the same structure but out of the picture services the front lot, being 7 Searle Street. (Image source: McGrath Real Estate)



Figure 4: Rear yard area of 490 Victoria Road as viewed from over the rear fence of 7A Searle Street

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ITEM 2 (continued)

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Figure 5: Existing shed (to the right) to the rear of the dual occupancy (to the left) as seen from over the fence from 7A Searle Street

I have reviewed some email correspondence between Mr Christie and Council and Mr Paul Pearce. I summarise that email correspondence as follows:

Monday, 6 January 2014: Email from Mark Christie to the General Manager, Ryde Council. Raises concern that a shed has been constructed close to his boundary. Raises concern about loss of solar access. Raises concern about fill placement at the rear of the site and associated privacy impacts. Raises concern that the shed is higher than it appears on the approved DA plan. Raises concern about noise impacts from amplification of road noise associated with shed. Advises that he received a copy of DA2012/0255 after making enquiries with Council. Advises that he had been out of Australia when notified, and never received a copy of the notification letter. Requests information about whether the shed is in accordance with the approved plans.

Thursday, 13 February 2014: Email from Justin Howe, Environmental Protection and Development Control Officer for Ryde Council, to Mark Christie stating that the matter has been forwarded to the certifier who will investigate the concerns and stating that the certifier will be in contact.

Monday, 24 February 2014: The certifier, Mr Paul Pearce, advises that he will seek confirmation as to whether the shed works were as approved.

Thursday, 27 March 2014: Email from Justin Howe to Mark Christie. Advises that the matter was referred to the certifier. Advises that the matter has been forwarded to Council's Assessment Team and advises that he will ensure that a response is provided from the Ryde Council Assessment Team within 14 days of the email.

On or shortly before Friday, 11 April, 2014: Email from Mark Christie to the General Manager Ryde Council. Raises concern about lack of reply to 6 January email. Confirms he has received a letter from the certifier advising that the certifier will seek confirmation that the works are as per approved plans. Raises continued concern about the impacts of the works.

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ITEM 2 (continued)

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Friday, 11 April 2011: Email from Ryde Council Team Leader Building Compliance. Confirms that the certifier has issued a notice to the owner to comply with the development consent in relation to the ridge height, which is higher than approved. Advises that Council will take follow-up action if that matter is not addressed.

Wednesday, 7 May 2014: Email from Mark Christie to the certifier, Paul Pearce. Confirms a call the previous Monday with the certifier in which the certifier asked for advice about a conversation Mark Christie was to have with one of the owners of 490 Victoria Road, Mr Colin Moody. Mr Christie states that Mr Moody offered to erect a fence of a suitable height and form to address impacts, as well as undefined measures to address noise impacts. Mr Christie states that those measures within an agreed timeline would be seen as a genuine attempt to satisfy the privacy and noise issues but would be seen as a minimum requirement. Mr Christie expresses continued concern about the height and bulk of the shed and the approval processes. Mr Christie asks about the feasibility of moving the shed further away from the boundary. Mr Christie asks the certifier to confirm what steps are proposed; to respond to concerns about the bulk of the shed; and an understanding and clarification of the role of Council and the certifier's role.

Tuesday, 5 August 2014: Email from Mark Christie to Justin Howe. Mr Christie confirms telephone advice that had been received from Mr Howe and Mr Christie provides a copy of the 7 May 2014 email sent to the certifier. Mr Christie confirm that there had been no follow-up since then. Mr Christie confirms a meeting time with Mr Howe for Thursday, 7 August 2014 at 4:30pm.

Friday, 5 September 2014: Email from Mark Christie to Justin Howe asking whether there had been any feedback since Mr Howe had visited (presumably Mr Howe visited the site on 7 August 2014).

Monday, 3 November 2014: Email from Mark Christie to Justin Howe asking what actions are progressing since they had last spoken. Mr Christie reiterates concerns about high fill levels and impacts. Raises concern that it has taken 11 months since the concerns were first raised. Mr Christie raises new concerns about changes to drainage and ground movements. Raises concerns about the lack of progress on any offer to provide fencing or to address noise and privacy issues.

Thursday, 6 November 2014: Email from Justin Howe to Mark Christie providing an update. States that plans have been reviewed and that there are discrepancies between what has been approved and what has been constructed at 490 Victoria Road. States that the ridge of the shed is higher than approved and that this is apparently due to imported fill. States that Council has served a Notice of Proposed Order requiring removal of the fill material, demolition of the retaining wall and compliance with the development consent in relation to the construction of the shed. States that the owner of 490 Victoria Road may have the opportunity to legitimise works on their property and that a Building Certificate would also be required.

Tuesday, 27 January 2015: Email from Mark Christie to Justin Howe seeking an update.

ITEM 2 (continued)

ATTACHMENT 3

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From that correspondence, it is evident that the shed that exists in the southeastern corner of 490 Victoria Road has been built not in accordance with the development consent or construction certificate and that fill and a retaining wall has been placed in the rear yard area without approval. It is also evident that Mr Christie has concerns about impacts of the unauthorised works in the following respects:

- visual impacts of the shed when viewed from Mr Christie's property
- overshadowing from the shed
- acoustic impacts from traffic noise along Victoria Road reverberating within the shed structure
- privacy impacts from the unauthorised fill and retaining wall
- drainage impacts from the shed
- concern about the stability of the fill.

The current modification applications

The current modification applications seek to modify each of the development consents DA2011/0346 (for the dual occupancy development) and DA2012/0255 (for the shed). The applications are made by one of the owners, being Ms Kerri Moody.

The modification applications are described in a single Statement of Environmental Effects prepared by Plansight Pty Ltd (SEE).

The modification applications have been made under Section 96(1A) of the *NSW Environmental Planning and Assessment Act, 1979* (the Act). Section 96(1A) of the Act relates to "modifications involving minimal environmental impact". I make further comment on whether the proposed works are of "minimal environmental impact" further below.

The SEE states that there was unauthorised fill placement associated with the construction of the dual occupancy and shed and that as a consequence the shed is "around 600mm" higher than the approved shed. The SEE states that the Section 96 modifications propose to gain consent for the unauthorised fill and for the departures from the height of the shed and to also gain consent for a new retaining wall and new screen landscaping.

The SEE makes reference to two drawings, being plan of the proposed modifications by IRA Drafting Services Pty Ltd.

The SEE asserts that the proposed development will result in "substantially the same development" as the approved developments and that the proposed development will result in a "negligible difference" in environmental impact.

The SEE provides a more detailed description of the proposed modifications. However, the SEE does not state precisely the manner in which the Notice of Determination would be modified.

In relation to DA2011/0346, the SEE describes the following amendments:

- *Generally regularise introduction of fill into the backyard private open space with some removal;*
- *Remove retaining wall along northwest boundary;*

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ITEM 2 (continued)

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- *Retain part of the retaining wall to the rear of the metal shed;*
- *Construct a new retaining wall set back from the common boundary along the northwestern and southwestern boundaries of the site at the rear;*
- *Establish screen planting and landscaping as per plans including a planted trellis screen to the rear of the metal shed.*

In relation to DA2012/0255, the proposal merely seeks to regularise the constructed slab level of RL49.45.

The SEE does not include a description of what the approved slab level was or of what the approved and proposed/unauthorised ridge levels were.

The submitted plans show the following:

- The plan provides survey levels, which are taken to be the original survey levels prior to the carrying out of the dual occupancy or shed developments;
- The plan does not describe what any approved levels were within the rear yard area. However, the plan does describe the constructed slab level as being RL49.45;
- Based upon the survey levels, the lowest original level within the area where the slab has been constructed is identified as RL48.61. However, based on the contours shown, it would be expected that the lowest point within the slab area would be the southwestern corner of the slab and that level would be lower than RL48.61, but probably not very much lower (say RL48.60). Therefore, the approved slab level is at least 840mm above ground level but not much more than that;
- The plan indicates constructed level using a different level marker symbol to the symbol used to mark existing levels. Based upon those levels, the level of the unauthorised fill is generally RL49.25 but falling to around RL48.75 at the southwest corner. The lowest pre-existing level is at the southwest corner and is RL48.25 - near to which the unauthorised fill is at RL48.75 equating to a 500mm fill height. Further to the east nearer to the shed the unauthorised fill level is at RL49.15 and the nearby original level is RL48.50, equating to a 650mm fill height;
- The plan indicates the unauthorised retaining wall along the rear boundary as being minimally set back from the property boundary. The plan also indicates the shed slab as being 1000mm from the rear boundary, but with the fill and retaining wall being closer to the rear boundary behind that slab. The plan indicates that the present proposal would retain the existing retaining wall behind the slab/shed but that elsewhere along the rear and western side boundary it would be demolished, and the fill removed, and a new retaining wall would be constructed set back 900mm from the rear and western side boundaries, with the current unauthorised fill levels maintained;
- The plan indicates a screen wall of timber trellis planted with a Star Jasmine or Mandevilla White climber, to a height that is nominally 200mm below the shed "roof profile". From the elevational drawings provided, it is evident that the screen would be 200mm below the height of the roof ridge, being RL52.95, which would result in a height above original ground levels of 4.75 metres - set back minimally from the rear property boundary;

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ITEM 2 (continued)

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- The plan indicates the planting of two Aristocrat Pear trees around three metres from the rear boundary, maintained to a maximum height that is not specified but which is intended to reduce overshadowing to 7A Searle Street;
- The plan indicates that the shed drainage is to be collected from the northeast and northwest corners of the shed and taken to the on-site detention system near to the dwellings.

The SEE assesses whether the proposal meets the Section 96(1A) test of being of minimal environmental impact by stating:

Given the low depth of the fill which rises from nil to 500mm, the proposed setback and landscape planting, the modifications are assessed as being of minor environmental impact.

The SEE makes an assessment of the proposal under Section 79C of the Act. The SEE addresses the height of the shed by reference to an approved slab level of the shed as FFL48.85 and the constructed slab level as FFL49.45, equating to a 600mm increase in floor levels. The SEE does not state what the approved ridge or eave levels of the slab were (and that information is not otherwise provided in the exhibition materials). Therefore, the SEE does not clearly present what the proposed (or regularised) increase in ridge height is. However, the SEE does present the proposed ridge height as RL53.25. The SEE asserts that the proposed increase is "around 600mm" higher than the approved shed. The SEE does not comment on whether there has been any unapproved change in eave levels or in the roof pitch.

The SEE seeks to address clause 6.3 of *Ryde Local Environmental Plan 2014* (RLEP2014) which relates to earthworks. It seeks to address the requirement for drainage issues to be addressed by describing the method of construction of the retaining walls and by stating that the shed drainage "will connect to the dual occupancy stormwater line to the detention tank as per the approval". From that it is surmised that the shed is not currently connected to the drainage system. No details or assessment by a qualified civil or hydraulic engineer are referred to in the SEE and are not contained in the exhibition documentation. In that regard it is noted that the submitted Section 96 plans state:

Stormwater from shed to connect with dwelling stormwater line to detention tank as per approved plan SW11197-81.

It is to be assumed that that stormwater plan does not reflect the retaining works that have been carried out.

The SEE makes an assessment of the amenity impacts of the fill. That assessment is limited to an assessment of privacy impacts. That assessment is that the privacy impact is acceptable because of the proposed 900mm setback which is stated to be landscaped and because there is an existing hedge along the boundary within 7A Searle Street, as well as mentioning the proposed planting of two trees around three metres from the rear boundary. (The trellis to the shed is also mentioned but that is not relevant to privacy). In relation to the landscaping of the 900mm setback area, it is noted that the plans only refer to the inhibition of weeds in that area and the use of turf or groundcovers. Therefore, the SEE does not correctly assess the proposed privacy measures.

The SEE makes an assessment of the proposal under *Ryde Development Control Plan 2014* (RDCP2014). The main relevant consideration that is sought to be addressed relates to privacy, in which regard the SEE assesses the impact as being acceptable for the reasons set out above.

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ITEM 2 (continued)

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The SEE does not address, or refer to material addressing, Part 8.2 of RDCP2014 - Stormwater Management.

The proposal then concludes its support for the proposal.

My opinion regarding the impacts of the unauthorised works and proposed modification

The owner of 7A Searle Street has, over an extended period of time, raised the following objections about the unauthorised works (setting aside for the moment procedural issues):

- Visual impacts;
- Visual privacy impacts;
- Acoustic privacy impacts;
- Impacts upon solar access; and
- Drainage impacts onto 7A Searle Street.

It is appropriate to consider the way that 7A Searle Street is set out in relation to 490 Victoria Road. I note that the submitted SEE does not provide any description of the layout of 7A Searle Street even that it is the property impacted upon and from which extended complaints have emanated. The SEE does not provide any comment on discussions held between the owners of the respective properties or any commitments made to address the impacts of the unauthorised works.

7A Searle Street is a rear detached dual occupancy and its living areas are oriented to the north. It has a courtyard area of approximately 4500mm depth to the northern side of its living rooms and that courtyard area is the principal open space for the dwelling (Figure 6).



Figure 6: Northern side setback area of 7A Searle Street, viewed from the western side

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ITEM 2 (continued)

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There is a hedge along the northern boundary within 7A Searle Street that has been encouraged to grow taller since the unauthorised fill was carried out.

The Section 96 modification is not accompanied by plans showing the level of the courtyard or recognising that it exists. My best estimate is that the courtyard has a similar level to the original level of the subject site at the rear boundary, being around RL48.20.

There is a lapped and capped paling fence behind the hedge - around 1800mm in height from the courtyard floor level and being within 7A Searle Street. The unauthorised retaining wall has a height of up to 800mm above the original ground level, and that results in the fence height being only one metre above the top of the retaining wall. As a consequence, when people within 490 Victoria Road are standing near their rear boundary, the fence within 7A Searle Street presents merely a one metre height above their floor level, meaning that they can face directly into the property.

The difficulties with relying upon the hedge in that situation is:

- The hedge is not a solid barrier;
- At nighttime people within the rear living room of 7A Searle Street have their lights on and they are particularly exposed to view through the hedge; and
- The hedge cannot be relied upon to be successfully maintained over time.

The shed causes overshadowing which is reducing the health of the hedge at its eastern end. In any case, in my opinion it is widely accepted within the NSW planning system that vegetation is meant to supplement privacy screening but is not to be completely relied upon.

The proposed development would set the retaining wall back 900mm from the rear boundary. That would be insufficient to mitigate the privacy impact described above. The proposal does not include any further landscaped screening other than trees set back three metres from the boundary.

The level of privacy impact caused would be acceptable if a substantial rear yard area existed between the dwelling at 7A Searle Street and the rear boundary. However, that is not the case. The courtyard at 7A Searle Street is only around 4500mm from the rear boundary and that courtyard is the principal open space accessible directly from the living room. In my opinion, the retaining wall grossly intrudes upon the visual privacy of 7A Searle Street. It is completely inappropriate for the proposed regularisation of works to rely upon the owner of 7A Searle Street's hedge, and that hedge serves as an inadequate privacy screen where the need for privacy is so great as it is for the affected dwelling. The modification application fails to recognise that impact and the regularised works would continue to have an unacceptable visual privacy impact to 7A Searle Street.

The modification application fails to recognise any issue about the visual or overshadowing impacts of the proposal. The owner of 7A Searle Street was out of Australia at the time that the application for a rear shed was submitted. If the owner of 7A Searle Street was present to respond to the notification of that Development Application, he would have objected strenuously to the shed because of its visual bulk in close proximity to his courtyard. The unauthorised fill and the raised slab level and overall height of the shed compounds those visual impacts. The unauthorised ridge level of the shed is 4.95 metres above the original ground level, which is unacceptable for a structure that is only one metre away from the courtyard of 7A Searle Street,

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ITEM 2 (continued)

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particularly given that the courtyard is narrow and is the principal open space for that dwelling. Additionally, the shed is to the northeast of the courtyard, and therefore takes away morning solar access to a large part of the courtyard. The unauthorised increase in the height of the shed compounds that loss of solar access. The modification application fails to carry out any assessment of that significant impact.

The owner of 7A Searle Street has experienced significant acoustic impacts since the construction of the shed. Those impacts have been in the form of traffic noise from the very busy Victoria Road, with the noise reverberating within the metal shed structure and apparently increasing noise levels compared to the pre-existing situation. The modification application does not address that impact. It also does not address the acoustic impacts of the retaining wall from the elevated positions of people within the yard area - the hedge does not mitigate that impact. Those acoustic impacts compound the sense of the principal open space of 7A Searle Street being grossly intruded upon.

In addition to those impacts, the owner of 7A Searle Street has observed stormwater discharge coming from 490 Victoria Road, particularly from the southeast corner of that property. The modification application is not accompanied by any hydraulic documentation addressing the hydraulic requirements of RDCP2014 or demonstrating that the proposal will satisfactorily manage stormwater. The SEE purports to address that matter - however, the person that has prepared that SEE is not a qualified civil or hydraulic engineer.

I also note that the application suggests that the unauthorised fill was from a clean source but does not include any evidence that that is the case. Testing of the fill by an independent environmental scientist would be required for the consent authority to be satisfied that fill is clean.

My opinion regarding the modification application

Having regard to my comments above, the proposed modification cannot be legitimately approved as a Section 96(1A) modification because, having regard to the foregoing, the consent authority cannot be satisfied that the proposal involves minimal environmental impact. The proposal therefore does not satisfy Section 96(1A)(a) of the Act, and any approval of the proposal in its current form would be vulnerable to be declared invalid.

The application is deficient in the following respects:

- The proposal does not involve minimal environmental impact;
- In determining that the proposal involves minimal environmental impact, the application does not provide any understanding of the circumstances of 7A Searle Street and therefore the conclusions reached in the SEE cannot be well founded;
- The proposal does not include an adequate assessment of the proposal's compliance with Ryde Council's hydraulic controls or the hydraulic impacts of the proposed earthworks as required to be assessed under clause 6.3 of RLEP2014. Such an assessment must be by a qualified civil/hydraulic engineer;
- The proposal does not address the solar access impacts of the additional height of the proposed shed. I further note that the proposed trellis screen would exacerbate those impacts and the proposal does not contain any assessment of that impact;
- The proposal does not address the acoustic impacts of the proposal;

ITEM 2 (continued)

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- The assessment of visual privacy impacts is deficient and relies upon the visual screening provided by the owner of 7A Searle Street's hedge, which is contrary to established practise in the assessment of visual privacy impacts in NSW;
- The proposal does not provide clear information about the approved ridge and eave levels of the development;
- The proposal does not provide a clear explanation of how the Notices of Determination would be modified.

Concluding comments

The Section 96(1A) applications must not be approved. They must be refused.

Immediately upon refusal of the Section 96(1A) applications the Council should serve the Order to remove the unauthorised fill and retaining walls and to demolish the shed which has been constructed not in accordance with the consent.

If you have any further questions, please let me know.

Yours faithfully,



Matthew Benson
Principal - MB Town Planning

ITEM 2 (continued)

ATTACHMENT 4



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11 September 2015

Ms Gail Connolly
The General Manager
City of Ryde
1 Devlin Street
RYDE NSW 2069

By email: cityofryde@ryde.nsw.gov.au

Dear Ms Connolly,

**490 Victoria Road, Ryde | Proposed modifications to consent
MOD2015/0083 and MOD2015/0084 | Further submission on behalf of
owner of 7A Searle Street, Ryde**

I wrote to you on 18 June 2015, acting on behalf of Mr Mark Christi of 7A Searle Street, Ryde, concerning the proposed modification to consent at 490 Victoria Road, Ryde. I attach a copy of that submission to this letter for your ease of reference.

This letter is a further submission on the matter for the purpose of clarifying what the final outcome is that Mr Christie would be prepared to accept. The reason that I am making this further submission is that Mr Christie has asked Councillor Craig Chung to refer the matter to Council's Planning Committee and Cllr Chung has asked Mr Christie to set out in concise terms the issues and how they might best be resolved.

Background summary:

Key points relating to the background to this matter are:

- 7A Searle Street is a rear battle-axe lot backing onto the rear boundary of 490 Victoria Road (Figure 1). 7A Searle Street has a relatively small rear yard area adjacent to 490 Victoria Road;
- There is a fall from the front of 490 Victoria Road to 7A Searle Street, and there is a continued fall then to Searle Street. I estimate the fall to be around three metres. 490 Victoria Road does not benefit from any drainage easement;
- An attached dual occupancy development, in a side-by-side configuration, was approved at 490 Victoria Road under DA2011/346. It has been constructed and has a setback of around 23 metres from the rear boundary. An Interim Occupation Certificate for that development was approved on 12 March 2015;
- A further development application, DA2012/0255, was submitted and approved for construction of an outbuilding to the rear of the dual occupancy, towards the southeastern corner. Mr Christie was overseas when the application was notified and was therefore unaware that the application had been made and did not make a submission. A construction certificate was issued on 4 September

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ITEM 2 (continued)

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2012. The shed has been constructed (Figure 2) but no occupation certificate has been issued;

- In January 2014 Mr Christie complained to Council that the shed had been constructed higher than approved and that fill had been placed in the rear yard area without approval;
- After various correspondences, on 11 April 2014 Council advised Mr Christie that the certifier (private certifier Mr Paul Pearce) issued an order to the owner to comply with the development consent in relation to the unapproved ridge height;
- On 6 November 2014 Council advises that it has identified discrepancies between the approved plans and what has been constructed – the ridge height is higher than approved and there is unauthorised fill placement. Council advises that it has issued a Notice of Proposed Order requiring removal of the fill material, demolition of an unauthorised retaining wall and compliance with the consent in relation to the shed;
- The current modification applications were then made seeking to allow the unauthorised fill and retaining wall to remain and seeking to allow the shed to remain in its current form. The unauthorised fill and retaining wall are proposed in a Section 96 modification to DA2011/0346 (for the dual occupancy). The unauthorised height of the shed is proposed in a Section 96 modification application to DA2012/0255 (for the shed). The modifications are as a Section 96(1A) – relating to matters involving “minimal environmental impact”;
- The applications involve additional works to the unauthorised works, being the planting of two trees in the yard area and attachment of a planter trellis to the rear of the shed, as well as moving the unapproved retaining wall so that it is around 900mm off the boundaries. The plans do not make it clear how high the new retaining wall will be above pre-existing ground levels. Based upon the constructed slab level for the shed of RL49.45, and the indicated survey levels, the retaining walls are estimated to be as high as 1.15 metres above ground level (existing).

Impacts of the shed and of the unauthorised works

The construction of the shed has caused a major loss of amenity to 7a Searle Street. The northern courtyard of that property is only 4500mm in depth. The shed is only one metre from the boundary and it is a high, bulky structure. The unauthorised fill has also caused a major loss of amenity, resulting in a major loss of privacy and visual intrusion to the 7a Searle Street courtyard and windows facing that courtyard.

Key impacts of the works are:

- The unauthorised fill and retaining wall causes a major and completely unacceptable loss of visual privacy. People can stand on the retaining wall and look straight into 7a Searle Street. Although there is a hedge on the boundary within 7a Searle Street, people can see through that hedge. Furthermore, it is not reasonable that the owners of 490 Victoria Road rely upon the owner of 7a Searle Street to maintain the hedge on a long term basis. The major, unacceptable visual privacy impacts of the proposal prevent the residents of 7a Searle from using their home comfortably. It prevents the residents of 7a Searle Street from using their own indoor and outdoor living areas in the way

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ITEM 2 (continued)

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that they wish to. The visual privacy impacts of the development have caused a significant level of stress to the residents of 7a Searle Street;

- Overshadowing to the courtyard and living room windows of 7a Searle Street during the morning;
- Impacts on the vigour of plantings along the northern boundary of 7a Searle Street due to the overshadowing;
- The shed is a visually bulky, visually intrusive structure;
- High traffic noise levels along Victoria Road reverberate within the shed, introducing noise impacts to 7a Searle Street that were not experienced prior to the shed being constructed;
- There has been discharge of stormwater from the subject site to 7a Searle Street since the construction of the fill and shed, causing damp, slippery conditions in the eastern part of the courtyard; and



Figure 1: Location of the site of the proposed modification to consent and of 7A Searle Street (Source: NSW Land and Property Information)

ITEM 2 (continued)

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Figure 2: Existing shed (to the right) to the rear of the dual occupancy (to the left) as seen from over the fence from 7A Searle Street

The documentation accompanying the Section 96 application is poor. There is no separate original survey plan; it is unclear how high the retaining wall is; there is no record to demonstrate that clean fill was used; there are no proper engineering drawings regarding the structural stability of the fill; the plans do not set out what the approved slab and ridge levels for the shed were; proper hydraulic drawings have not been provided that are signed off to demonstrate compliance with Council's DCP requirements; and there is no advice from a landscape architect to demonstrate that the proposed trellis planting would survive.

The application has been submitted under Section 96(1A) on the basis of minimal environmental impact and the application is unlawful in that regard because clearly the unauthorised fill and additional height of the shed have an impact – indeed a significant impact, which could not reasonably be construed as “minimal environmental impact”.

What the owner of 7a Searle Street would be prepared to accept

The owner of 7a Searle Street is very dissatisfied about the unauthorised works having been carried out. In relation to the slab level and ridge height of the shed, the owner of 7a Searle Street recognises that concerns about the shed arise from the approved structure – however the proposed increased height compounds those issues rather than properly addressing them.

One option that Mr Searle would be prepared to accept amongst additional measures set out below would be for the shed to be allowed to remain at its current height, but to be moved forward (further away from the rear boundary) by one metre. That would involve constructing an extension to the foundation slab in front of the shed; unbolting or cutting the shed from its foundation; moving the slab one metre further from the boundary; and attaching the shed to the modified foundation. That would represent a reasonable and appropriate outcome and would avoid the need for the proponent to have to undertake the more difficult task of modifying the existing roof form to comply with the required height for both ridge and eaves.

Mr Christie would also be prepared to accept the unauthorised works subject to the following additional measures:

ITEM 2 (continued)

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- The current Section 96(1A) applications must be withdrawn. That is because they are invalid applications – the Council cannot conclude that the proposed modifications are of “minimal environmental impact”. If Council does approve the applications under Section 96(1A) those approvals will be vulnerable to challenge as to the legality;
- The applicant is to engage a qualified landscape architect to prepare amended plans showing the proposed retaining walls in plan and section, and showing:
 - the retaining wall set back 2500mm from the southern boundary of the site, excepting where the shed slab protrudes closer where the retaining wall is to be up to that slab;
 - landscape screening, providing an effective visual screen, is to be provided within the 2500mm setback area. A maintenance schedule is to be provided and complied with and the screen planting is to be maintained to a height sufficient to prevent a person standing on the top of the retaining wall from being able to view into the rear windows of 7a Searle Street. Landscape screening also had to be provided to the setback area of the shed - being a highly shade tolerant species;
- engineering plans are to be provided by a qualified structural engineer demonstrating the structural adequacy of the retaining wall;
- hydraulic engineering plans are to be provided along with a signed statement from a qualified hydraulic engineer demonstrating that the proposed drainage from the shed satisfies the requirements of Council’s Development Control Plan and ensures that stormwater from the shed is not discharged onto 7a Searle Street;
- acoustic material is to be installed within the shed to substantially mitigate the reverberation of noise from traffic on Victoria Road impacting on 7a Searle Street. A report from a qualified acoustic consultant is to be provided demonstrating that the proposed acoustic measures will mitigate the acoustic impacts of the development;
- the applicant is to cover the cost of construction of a new southern boundary fence of lapped and capped timber or similarly solid construction that will have a height of up to 2400mm – subject to the prior agreement of the owner of 7a Searle Street;
- the Council is to identify a mechanism for ensuring that the above matters are satisfied within a reasonable time frame, including legal advice if required; and
- an amended Section 96(2) application is to be made addressing and incorporating the above matters. Council should then only agree to set aside the Orders once the works are satisfactorily completed

Without those matters being complied with, the owner of 7a Searle Street cannot accept that Council should approve the proposed modifications to consent and cannot accept that Council should not immediately proceed to issue the Orders and to require reinstatement of 490 Victoria Road to its approved state.

I would ask that Council officers approach the applicant with that offer. If not, the matter should be reported to Council’s Planning Committee at which I would be demanding refusal of the Section 96(1A) applications and the serving of the Orders to demolish the unauthorised shed and retaining walls.

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ITEM 2 (continued)

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Please note: Mr Mark Christie will be overseas from late September until the end of October. We seek that this matter does not go to a meeting of Council's Planning Committee during that period. Given the extended period during which Mr Christie has had correspondence with Council officers seeking that these issues are addressed, it is reasonable that Mr Christie is extended that courtesy.

If you have any further questions, please let me know.

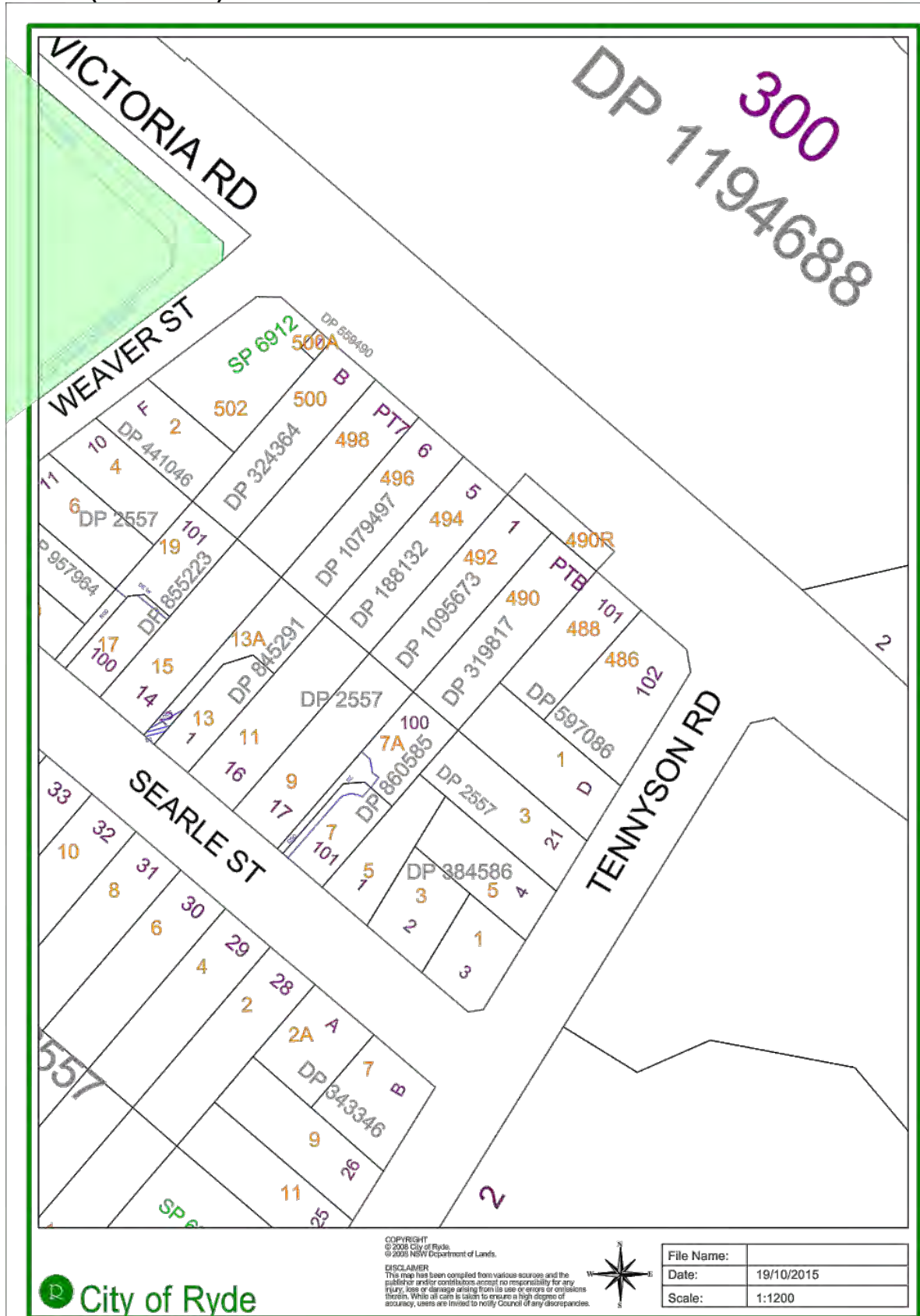
Yours faithfully,



Matthew Benson
Principal - MB Town Planning

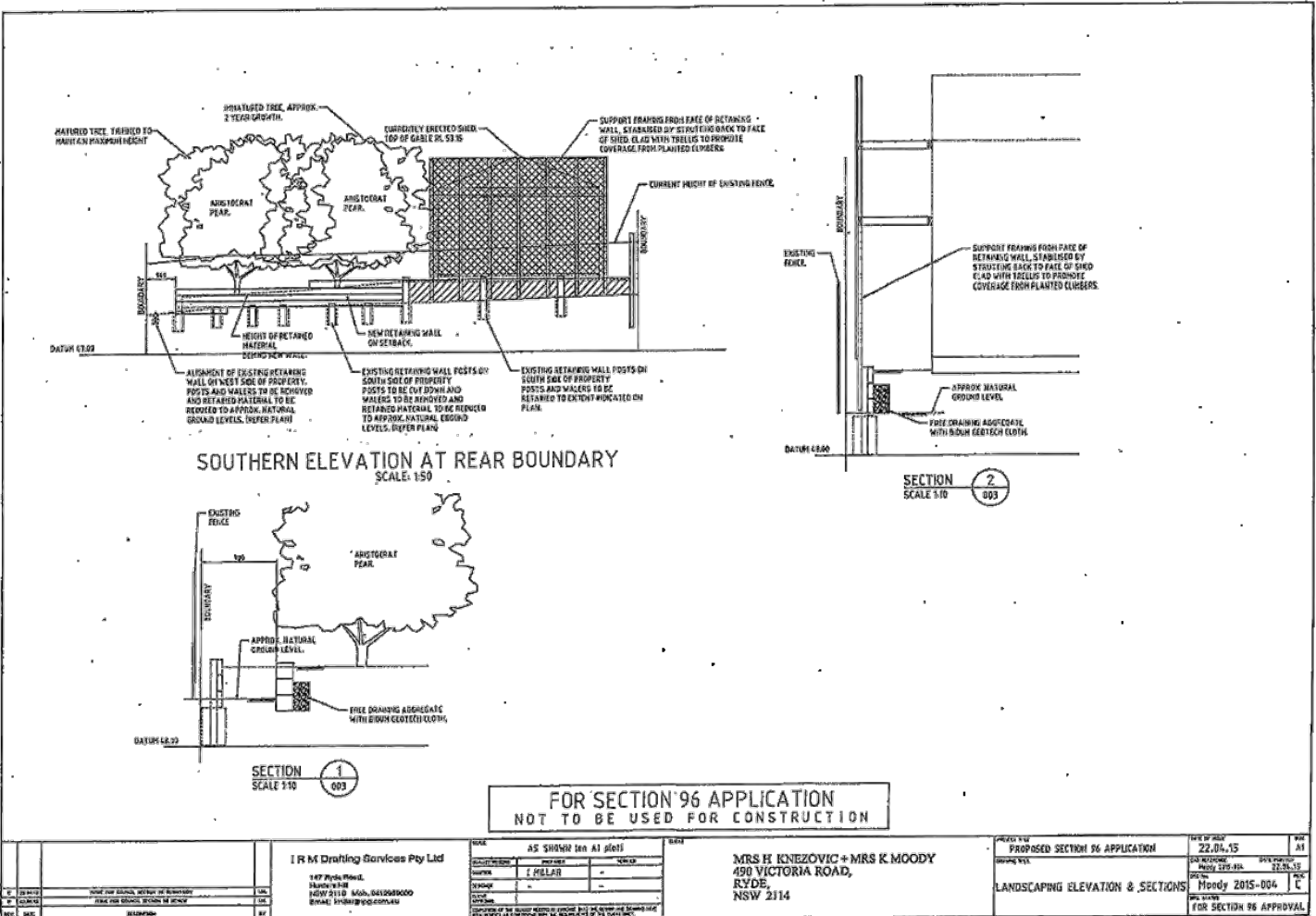
ITEM 2 (continued)

ATTACHMENT 5



ITEM 2 (continued)

ATTACHMENT 6



-
- 3 79A BALACLAVA ROAD, EASTWOOD. LOT C DP 30554. Local Development Application for fitout, use and business identification signs for Domino's Pizza operating Sundays to Thursdays 11:00am to 11:00pm and Fridays and Saturdays 11:00am to 12 midnight. LDA2015/0377.**
-

Report prepared by: Assessment Officer - Town Planner; Team Leader - Assessment

Report approved by: Manager - Assessment; Acting Group Manager - Environment and Planning

Report dated: 19 October 2015

File Number: GRP/09/5/6/2 -

BP15/1564

1. Report Summary

Applicant: Milestone (Aust) Pty Limited.

Owner: K Y Leung, V Choy.

Date lodged: 14 August 2015

This report considers a development application (DA) for the fitout, use and business identification signage for Domino's Pizza. The hours of operation include: Sunday to Thursday 11:00am to 11:00pm and Fridays & Saturdays 11:00am to 12 midnight.

The proposal has been assessed against the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979, the Ryde LEP 2014, and Ryde DCP 2014.

The DA was notified to neighbours, and a petition with eighteen (18) signatures against the proposal was received. The issues of concern raised in the petition related to:

- Limited number of onsite car parking spaces.
- Limited parking is available within the surrounding streets.
- Impact of the proposal on pedestrian safety.
- Too many pizza restaurants within the immediate vicinity of the proposed Dominos restaurant.

It is generally considered that the proposal is acceptable when assessed using the objectives and controls of Ryde's DCP 2014 and is generally consistent with food shops throughout the City of Ryde. The main issue regarding DCP compliance is in relation to car parking. Ryde DCP 2014, Part 9.3 Car Parking states: "Where a change of use which, under this Part (of the DCP), would require the provision of a greater number of on-site parking spaces than the previous use, the amount of parking required will be the difference between the existing parking for the previous use and the amount of parking required for the proposed use".

ITEM 3 (continued)

In this regard, the proposal involves essentially a change of use from one retail outlet (previously a newsagent) to another. The new use proposed in this development application would not require a greater number of parking spaces than the previous use, and therefore no additional parking is required to be provided.

It is therefore recommended that the DA be approved.

Reason for Referral to Planning and Environment Committee: Petition with eighteen (18) signatures received during neighbour notification.

Public Submissions: A petition with eighteen (18) signatures against the proposal was received.

Clause 4.6 RLEP 2014 required? No

Value of works - \$244,332

RECOMMENDATION:

- (a) That Local Development Application 2015/377 at 79A Balaclava Road, Eastwood be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Draft Consent
- 2 Compliance Check
- 3 Revised Plan of Management
- 4 A4 Plans
- 5 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

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ITEM 3 (continued)

2. Site

- Address** : 79a Balaclava Road, Eastwood
- Site Area** : 828m²
Frontage: The site has street frontage to Balaclava Road of approximately 10m, frontage to North Road of approximately 5m and rear driveway access to Hunts Avenue.
- Topography and Vegetation** : The site is relatively flat with no trees or vegetation.
- Existing Buildings** : The site comprises a two storey building with a single ground level tenancy (the subject tenancy) fronting Balaclava Road which is currently vacant. A residential dwelling is located above.
- Planning Controls**
- Zoning** : B1 Neighbourhood Centre Zone under Ryde LEP 2014.
- Other** : Ryde DCP 2014.



ITEM 3 (continued)**3. Councillor Representations**

Nil.

4. Political Donations or Gifts

Any political donations or gifts disclosed? None disclosed.

5. Proposal

Fitout, use and business identification signage for Domino's Pizza. The hours of operation include: Sunday to Thursday 11:00am to 11:00pm and Fridays & Saturdays 11:00am to 12 midnight.

6. Background

- DA Lodged 14 August 2015
- Following the notification period a petition with eighteen (18) signatures against the proposal was received. The issues related to parking, increased traffic congestion, pedestrian safety and limited variety of restaurants ie too many pizza restaurants.
- Additional information was requested by Council on 3 September 2015 in relation to the proposed signage type, number of signs and hours of operation.
- Amended plans were received by Council on 23 September 2015, deleting two signs. They included the first floor wall sign (illuminated) which didn't comply with Ryde DCP 2014 and one under awning sign. The hours of operation were also reduced to better align with the surrounding businesses.
- The amended plans were not notified as the minor changes addressed further compliance with Ryde DCP 2014 in relation to signage, and this issue was not one of the key issues raised in the petition received for this development application. Therefore it was considered that notification was not required.

7. Submissions

The proposal was notified to adjoining property owners in accordance with Development Control Plan 2014 – Part 2.1, Notification of Development Applications for a period of fourteen (14) days from 18 August until 2 September 2015.

ITEM 3 (continued)

In response to the proposal, a petition with eighteen (18) signatures was received. The issues of concern are summarised and discussed as follows:

A limited number of onsite car parking spaces are currently shared by a Pizza Hut, chemist, Thai and Chinese restaurant. The proposal will exacerbate the shortage of onsite car spaces.

Comment: The proposed development provides two (2) car spaces in the shared car park to the rear of the existing building for staff. The existing car parking numbers for the overall development were approved and deemed acceptable for the existing subject tenancy at the time the site was developed.

Given the shop is in existence and the proposed development is for a change of use and internal fitout, with no further floor area proposed, the provision of two car spaces for staff car parking for the tenancy is appropriate.

The applicant has also provided a revised plan of management which stipulates that the operator of the Domino's Pizza will utilise a reduced number of cars and scooters and introduce the use of six (6) electric bicycles.

Limited parking is available within the surrounding streets and will be further reduced by the operation of a Domino's Pizza restaurant.

Comment: The applicant has provided a revised plan of management that reduces the use of vehicles and scooters and increases the use of electric bicycles. Three scooters and six electric bikes will utilise the 1 hour parking bays located along Hunts Avenue to service customers of the Domino's Pizza Shop. The two delivery cars associated with the Domino's Pizza Shop will utilise the two on-site car spaces allocated to the tenancy. Further, it is noted that there is adequate on-street car parking available along Hunts Avenue and North Road to accommodate three scooters and six electric bikes in the 1 hour parking bays.

In addition Domino's customers can order online or via smart phone applications which advise customers of the likely time of completion of orders and/or delivery times. This ensures customers spend minimal time on or around the premises should they choose to collect orders from the Domino's Pizza Shop.

Therefore, the proposal is unlikely to detrimentally impact upon the available parking within the surrounding streets.

It is re-iterated that this proposal involves a change of use of an existing approved shop without additional floor space. Any re-use of this shop (example for any other type of retail or commercial development) would bring additional traffic/parking associated with new customers.

ITEM 3 (continued)**Impact of the operation of a Dominos restaurant on pedestrian safety.**

Comment: As previously mentioned the movement of delivery vehicles and customer collecting their meal will be managed by Dominos online tracking service. All delivery drivers are subject to the same road rules as any other road user, including pedestrians. Therefore, the vehicle movements associated with a pizza delivery business are unlikely to impact upon the safety of pedestrians any more than any other vehicle on the road.

Too many pizza restaurants are within the immediate vicinity of the proposed Domino's Pizza Restaurant. A greater variety of restaurants should be provided.

Comment: The 'need' for the Domino's Pizza Shop is not a relevant planning consideration and discourages competition in the market.

8. Clause 4.6 RLEP 2014 required? No

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2014

Zoning

Under the Ryde LEP 2014 the zoning of the subject site is B1 Neighbourhood Centre. The proposed development, being the fitout and use of the shop as a *takeaway food and drink premise* is permissible with consent under this zoning.

(b) Relevant SEPPs

SEPP 64 - Advertising and Signage

The signage is considered to be satisfactory, having regard to the aims and objectives of the SEPP (see **Attachment 2** for detailed assessment).

(d) Any draft LEPs

N/A

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

The proposal has been assessed using the development controls contained in Ryde DCP 2014, refer to the Compliance Check Table at **Attachment 2**.

ITEM 3 (continued)

The table identifies one area of non-compliance that is acceptable on a merit assessment of the proposal, as discussed in the following section.

Car Parking Assessment

The use of the ground floor as a *takeaway food premise* is classified as restaurant for the purposes of establishing a car parking rate under this part of the DCP. The parking rate for restaurant uses is 1 car space per 25sqm of GFA on all land zoned for business activities. This is the same parking rate as “retail premises”, which would have applied for the previous known use which was a newsagent.

Ryde DCP 2014, Part 9.3 Car Parking states: “Where a change of use which, under this Part (of the DCP), would require the provision of a greater number of on-site parking spaces than the previous use, the amount of parking required will be the difference between the existing parking for the previous use and the amount of parking required for the proposed use”.

In this regard, the proposal involves essentially a change of use from one retail outlet (previously a newsagent) to another. The new use proposed in this development application would not require a greater number of parking spaces than the previous use, and therefore no additional parking is required to be provided.

Although DCP does not require the provision of additional car parking for the proposed change of use, the applicant provided the following commentary on car parking issues:

The proposed development will provide two car spaces for staff car parking for the tenancy and these car spaces are located to the rear of the existing building in the shared car park. The car park is accessible via the existing vehicle access point to Hunts Avenue. The tenancy is easily accessible by public transport, being located within 50m of a bus stop and less than 1.5km from Eastwood Railway Station. It is expected that the majority of customers to the Domino's Pizza Shop will journey by way of walking, given the number of residential dwellings in the locality. Where customers journey to the shop by car, 1hr parking is available along North Road and Hunts Avenue.

Domino's scooters and delivery cars are proposed to be used during the hours of operation only. Domino's scooters will be stored to the rear of the tenancy within the two car spaces allocated to the tenancy outside of operating hours.

ITEM 3 (continued)

The existing provision of car parking on the site complies with the Objectives in Part 9.3 of DCP 2014 which are as follows:

- "To minimise traffic congestion and ensure adequate traffic safety and management;*
- To ensure an adequate environmental quality of parking areas (including both safety and amenity);*
- To minimise car dependency for commuting and recreational transport use, and to promote alternative means of transport - public transport, bicycling, and walking.*
- To provide adequate car parking for building users and visitors, depending on building use and proximity to public transport.*
- To minimise the visual impact of car parking when viewed from the public domain and adjoining sites.*
- To maximise opportunities for consolidated areas of deep soil planting and landscaping."*

The DCP 2014 requires the provision of one car space per 25m² of GFA for retail premises. The GFA of the subject tenancy is approximately 150sqm. The proposed use does not comply with the required provision of six car spaces under the DCP 2014. However, this provision is not relevant for this proposal as the car parking numbers for the overall development were approved and deemed acceptable for the existing subject tenancy at the time the site was developed. The existing shop is in existence and no further floor area is proposed.

The proposed provision of two spaces for staff parking is considered reasonable for the following reasons:

- The proposal comprises an internal fitout of an existing tenancy for a Domino's Pizza Shop only. No new building structure is proposed;*
- The existing site has limited car parking spaces within a shared car park that were allocated to each tenancy at the time of approval of the construction of the overall building. Therefore the provision of additional car parking is impractical;*
- The site is located approximately 50m from high-frequency bus services and less than 1.5km from the Eastwood Railway Station; and*
- The proposal includes a Plan of Management which includes management measures to minimise car use.*

Overall, the proposed Domino's Pizza Shop achieves compliance with the Objectives of Part 9.3 of DCP 2014 in relation of car parking provisions and is considered a suitable planning outcome for the site with the implementation of the management procedures contained within the Plan of Management.

ITEM 3 (continued)

Part 9.3 of DCP 2014 also outlines the provisions for loading and unloading of service vehicles. The proposal will comply with the objectives of Part 9.3 of the DCP 2014, which requires that loading docks are located in such a position that vehicles do not stand on any public road, footway, laneway or service road. Loading and unloading for delivery vehicles delivering goods and services to the Domino's Pizza Store will deliver to the site during off peak times. Delivery vehicles will utilise the 1 hour parking bays located along Hunts Avenue for servicing the shop. Delivery vehicles will not obstruct the thoroughfare along the road, footway or public domain or result in reduced visual amenity or safety issues.

Comment: The justification is considered to be satisfactory and consistent with the objectives of the DCP. It is recommended that a condition be imposed requiring the applicant to comply with the revised plan of management with regards to the operation and use of delivery vehicles.

10. Likely impacts of the Development**(a) Built Environment**

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of DCP compliance, and in terms of the submissions received.

The resultant impacts of the proposed Domino's Pizza on the built environment are considered to result in a development that is consistent with the desired future character of the neighbourhood shops, and consistent with the nature of development in Ryde Local Government Area.

As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment.

Noise and hours of operation

The proposed hours of operation are:

Sunday to Thursday: 11am to 11pm
Friday and Saturday: 11am to midnight

The 'Pizza Hut' restaurant directly next door at no. 79 Balaclava Road has identical hours of operation to the proposed 'Dominos' restaurant.

Other restaurants within the immediate vicinity of the premise on Balaclava and North Road operate within very similar hours. Therefore, the hours of operation as proposed are considered acceptable.

ITEM 3 (continued)**(b) Natural Environment**

No impact. The proposed development is within an existing shop and does not involve any tree removal or landscaping works.

11. Suitability of the site for the development

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies that the site is adjacent to a heritage item, being the "Great North Road, Bedlam Point to Eastwood". The item is a state listed heritage item. The proposal will not encroach into the heritage listed road and the proposal is very similar to a number of other buildings and uses within the immediate vicinity of North Road. Therefore, it is considered that the proposal will not impact upon the heritage significance or value of the adjacent item.

12. The Public Interest

It is considered that approval of this DA would be in the public interest.

The development predominately complies with Council's current development controls, providing a contemporary takeaway food and drink premise in the Eastwood area.

13. Consultation – Internal and ExternalInternal Referrals

Building Surveyor: Council's Building Surveyor has assessed the proposal and advised that it is satisfactory.

Environmental Health Officer: Council's Environmental Health Officer has raised no objection to the application subject to thirty three (33) conditions of consent.

14. Critical Dates

N/A

15. Financial Impact

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

16. Other Options

None relevant.

ITEM 3 (continued)**17. Conclusion**

The proposed development has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is generally considered to be satisfactory for approval.

The proposal attracted a petition with eighteen (18) signatures which primarily raised concerns with traffic and parking congestion. However, these were not considered to be significant, nor would they be substantially altered as a result of the proposed development. The remaining issue with regards to the 'need' for a Domino's Pizza restaurant is not a valid planning consideration.

Therefore, the issues of concern are not considered sufficient to warrant further design amendments or justify refusal of the proposal.

The proposed development is considered to be consistent with the desired future character of the B1 Neighbour Centre zoning, which permits takeaway food premises, and is consistent with the nature of development in the Ryde Local Government Area.

On the above basis, LDA2015/377 at 79A Balaclava Road, Eastwood is recommended for approval.

ITEM 3 (continued)

ATTACHMENT 1

Attachment 1: Draft development consent

GENERAL

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

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

| Document Description | Date | Plan No/Reference |
|-------------------------------|----------------|-------------------|
| Existing Floor Plan | 23/07/15 | A101 - Rev D |
| Site Plan | 23/07/15 | A103 - Rev D |
| Floor Plan | 23/07/15 | A105 - Rev D |
| Equipment Legend | 23/07/15 | A106 - Rev D |
| Exhaust Ducting Plan | 23/07/15 | A112 - Rev D |
| Exhaust Ducting Section | 23/07/15 | A113 - Rev D |
| Elevations | 23/07/15 | A114 - Rev D |
| Elevations | 23/07/15 | A115 - Rev D |
| Elevations | 23/07/15 | A116 - Rev D |
| Signage Block Plan | 17/09/15 | 1 Rev E |
| Proposed Signage | 17/09/15 | 2 Rev E |
| Proposed and Existing Signage | 17/09/15 | 3 Rev E |
| Signage Details | 17/09/15 | 4 Rev E |
| Signage Details | 17/09/15 | 5 Rev E |
| Plan of Management | September 2015 | |

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".
4. **Security Grilles.** This consent does not authorise the erection of any security grilles or barriers on the shopfront. Separate approval must be obtained for any such works.

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.

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6. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
8. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
9. **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.

Works on Public Road

10. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
11. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

Environmental Health Officer Conditions:

Food Premises:

12. **Construction and fit-out of food premises** – All proposed food premises (other than retail meat premises) must be constructed and fitted-out in accordance with the requirements of:
 - (a) Food Safety Standard 3.2.3: *Food Premises and Equipment*; and
 - (b) Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*.

ITEM 3 (continued)

ATTACHMENT 1

13. **Construction of walls** - The walls of all proposed food premises must be constructed of brick, concrete blocks, preformed panels filled with suitable material or other solid materials.
14. **Provision for installation of kitchen exhaust systems** - Adequate provision must be made for the installation of kitchen exhaust systems to the proposed food premises.
15. **Cool room and Freezer room details** – The cool room and freezer room floor shall be constructed of a material that is smooth faced, durable, and impervious to moisture. The floor shall be graded and drained to the door. A floor waste fitted with a basket arrester shall be located outside the cool room and freezer room, adjacent to the door and the floor waste/s shall be connected to the sewerage system in accordance with the requirements of Sydney Water and NSW Department of Fair Trading.

Mechanical Ventilation:

16. **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.
17. **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.
18. **Kitchen exhaust vent** - The kitchen exhaust vent must be located above roof level:
 - (a) at least 6 metres from any fresh air intake vent or natural ventilation opening;
 - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary; and
 - (c) at least 8 metres from any cooling tower.

Waste Storage and Handling Facilities:

19. **Storage of garbage and recyclable materials** - A separate room or area must be provided in a convenient location on the premises for the storage of garbage and recyclable materials and this shall comply with the requirements of Council's Development Control Plan 2014 Part 7.2.
20. **External garbage storage areas** - External areas used for the storage of garbage must be roofed and paved with concrete graded to a grated drain connected to the sewerage system.

A hose cock must be provided adjacent to the garbage storage area to facilitate cleaning of the containers and storage area.
21. **Construction of garbage rooms** - All garbage rooms must be constructed in accordance with the following requirements:

ITEM 3 (continued)

ATTACHMENT 1

- (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.

22. **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.

Plumbing and Drainage:

23. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.
24. **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 dedicated 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.

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PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

25. **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**.
26. **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**.
27. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other building with no delivery of bricks or concrete or machine excavation)
28. **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) Enforcement Levy
29. **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**.

Environmental Health Officer Conditions:

Food Premises:

30. **Shop fitout plans** - The shop fitout plans submitted with the development application do not meet the requirements of Food Safety Standard 3.2.3: *Food*

ITEM 3 (continued)

ATTACHMENT 1

Premises and Equipment and Australian Standard AS 4674-2004: Design, construction and fitout of food premises.

Amended plans demonstrating compliance with AS 4674 and Standard 3.2.3 must be submitted for approval with the application for the Construction Certificate. The amended plans must include:

- (a) The proposed floor layout and use of each room or area;
- (b) The proposed floor, wall and ceiling finishes;
- (c) Details of all proposed fixtures fittings and equipment (including the proposed method of installation); and
- (d) Lighting, ventilation and drainage details.

Waste Storage and Handling Facilities:

31. **Garbage storage details** - Details of the proposed garbage room or storage area must be submitted for approval with the application for the Construction Certificate. Such details must include:
- (a) the specifications and layout of all proposed waste storage and handling equipment; and
 - (b) the access to the collection point.

Plumbing and Drainage Work:

32. **Grease trap room details** - Details of any proposed grease trap room must be submitted for approval with the application for the Construction Certificate. If a grease trap room is required it shall meet the following:
- a. Contained within a room with the walls, floors and ceiling being of solid construction with such surfaces being durable, smooth faced and impervious to moisture.
 - b. The room shall be adequately sealed to prevent the escape of odours
 - c. All angles are to be coved to a minimum radius of 25mm.
 - d. The door of the room shall be fitted with rubber or other approved gaskets to provide a seal when closed.
 - e. Independent access to the grease arrester for cleaning purposes shall be provided from outside of the building.
 - f. The room is to be vented to the external air by natural or mechanical ventilation in accordance with the requirements of the Building Code of Australia and Australian Standard AS1668.
 - g. Comply with AS4672:2004
 - h. The vacuum line shall be located outside of the premises and fitted with a quick release coupling and dust cap for emptying of grease trap waste.

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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.

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.

- 34. **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*.
- 35. **Construction materials.** All materials associated with construction must be retained within the site.
- 36. **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.
- 37. **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.

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38. **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".

Contaminated Land:

39. **Discovery of Additional Information** - Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.

Waste Management:

40. **Identification and removal of hazardous materials** - Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner. All asbestos wastes must be disposed of at a landfill facility licensed to receive asbestos waste.
41. **Transportation of wastes** - All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

Food Premises:

42. **Certification of fit-out work** - Where Council is not the Principal Certifying Authority, the PCA must inspect the completed fit-out and issue a compliance certificate certifying that the fit-out complies with Food Safety Standard 3.2.3: *Food Premises and Equipment* and Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*, and a copy of the compliance certificate must be submitted to Council, before the issue of an Occupation Certificate

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Registration and Licensing Requirements:

43. **Registration of premises** - The operator of the business must register the premises with Council's Environmental Health Unit before trading commences.

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

44. **Hours of operation.** The hours of operation are to be restricted to:
- 11am to 11pm (Sunday-Thursday).
 - 11am to 12 midnight (Friday - Saturday)
45. The operation of Domino's Pizza is to be in accordance with the plan of management, dated September 2015, prepared by Milestone.
46. **Waste storage/disposal – hours of collection.** Waste and recyclable material generated by these premises must not be collected between the hours of 9pm and 8am on any day.
47. **Waste storage/disposal – recycling.** Wastes for recycling should be the stored in separate bins or containers and transported to a facility where the wastes will be recycled or re-used.
48. **Delivery and loading/unloading – hours.** No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 7am on any day.
49. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the property via the rear parking area.
50. **Loading areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.

Waste Storage and Handling Facilities:

51. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
52. **Waste containers** - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
53. **Hazardous wastes** - All wastes classified as hazardous wastes under the *Protection of the Environment Operations Act 1997* must be transported to an appropriately licensed waste facility for disposal.

ITEM 3 (continued)

ATTACHMENT 1

54. **Trade waste permit** - The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.

Air Pollution:

55. **Air pollution** - The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
56. **Standards of air impurities not to be exceeded** - Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

Noise Pollution:

57. **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*.
58. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:
- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).
 - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
 - (c) The transmission of vibration to any place of different occupancy.
59. **Council may require acoustical consultant's report** - Council may require the submission of a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.

Water Pollution:

60. **Clean water only to stormwater system** - Only clean unpolluted water is permitted to enter Council's stormwater drainage system.
61. **Clean-up materials to be kept on premises** - An adequate supply of suitable clean up materials must be kept on the premises for cleaning up accidental spills.

ITEM 3 (continued)

ATTACHMENT 1

62. **Signage – illumination.** Illuminated signs shall be fitted with a timing device to switch off the illumination between 11pm and 7am.
63. No approval is granted in this consent for general or third party advertising which is prohibited.

ADVISORY NOTES

Health Inspection Services:

64. **Inspections and fees** - Council officers may carry out periodic inspections of the premises to ensure compliance with relevant environmental health standards and Council may charge an approved fee for this service in accordance with Section 608 of the *Local Government Act 1993*.

The approved fees are contained in Council's Management Plan and may be viewed or downloaded at www.ryde.nsw.gov.au.

Dietary Recommendations

65. **Saturated and trans fats** - To minimise the risk of cardiovascular disease in the community, fats and cooking oils that are high in saturated and/or trans fats should not be used in the preparation or cooking of food. Alternatively, instead of deep frying, change to healthier cooking methods such as baking, grilling, steaming or microwaving or use mono/polyunsaturated fats or oils such as canola, olive, sunflower, soybean and safflower oils and margarines.

ITEM 3 (continued)

ATTACHMENT 2

Attachment 2: Compliance Check

| |
|---|
| LDA No: LDA2015/0377 |
| Address: 79a Balaclava Rd Eastwood |
| Proposal: Fitout, use and business identification signs for Domino's Pizza operating Sundays to Thursdays 11:00am to 11:00pm and Fridays & Saturdays 11:00am to 12 midnight. |

State Environmental Planning Policy No. 64 - Advertising and Signage

SEPP 64 defines a 'building identification sign' as follows:

'a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services'

The aims and objectives of SEPP 64 are stated in Part 1 Clause 3(1) as follows:

- (a) to ensure that signage (including advertising):
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements.

SEPP 64 Part 2 Clause 8 states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

that the signage is consistent with the objectives of this Policy as set out in Clause 3(1)(a), and; that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

As demonstrated in the assessment of this application, the signage is compatible with the objectives of SEPP 64. Schedule 1 of SEPP 64 considers such matters as the character of the area, special areas, views and vistas, streetscape setting or landscape, site and building, associated devices and logos with advertisements and advertising structures, illumination, and safety. The proposed signage is assessed under the criteria contained in Schedule 1 and the aims of SEPP 64.

| SCHEDULE 1 – ASSESSMENT CRITERIA | |
|---|--|
| 1 Character of the area | |

ITEM 3 (continued)

ATTACHMENT 2

| | |
|---|--|
| <ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? | Yes - the signage is compatible with existing/ future character of the neighbourhood shops along Balaclava Road, Eastwood. |
| <ul style="list-style-type: none"> Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? | The intersection of Balaclava Road, North Road and Corunna Road, is characterised by a variety of signage type, size and illumination. The groups of shops within the abovementioned intersection present a similar scale and type of business identification signage. |
| 2 Special areas | |
| <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? | The proposed signage is considered to be consistent with the development along parts of Balaclava Road that contain a mixture of low density shops and dwellings. |
| 3 Views and vistas | |
| <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? | The site is not located within any existing nominated vista. Further, the proposed signage is located on the walls of the building and does not protrude above the parapet wall or roof of the building. |
| <ul style="list-style-type: none"> Does the proposal dominate the skyline and reduce the quality of vistas? | The signage will not dominate the skyline. |
| <ul style="list-style-type: none"> Does the proposal respect the viewing rights of other advertisers? | The signage will not compromise the viewing rights of other advertisers. |
| 4 Streetscape, setting or landscape | |
| <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? | Yes |
| <ul style="list-style-type: none"> Does the proposal contribute to the visual interest of the streetscape, setting or landscape? | Will contribute to the visual interest of the streetscape. |
| <ul style="list-style-type: none"> Does the proposal reduce clutter by rationalising and simplifying existing advertising? | Yes provides name of the business. |
| <ul style="list-style-type: none"> Does the proposal screen unsightliness? | There is no particular "unsightliness" on the site and the signage will provide identification and contribute to the architectural expression of the building. |

ITEM 3 (continued)

ATTACHMENT 2

| | |
|---|---|
| <ul style="list-style-type: none"> Does the proposal protrude above buildings, structures or tree canopies in the area or locality? | No – the proposed signage will not protrude above the building/structure. |
| <ul style="list-style-type: none"> Does the proposal require ongoing vegetation management? | No |
| 5 Site and building | |
| Is The proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? | The signage is considered commensurate with the proposed building and use. |
| Does the proposal respect important features of the site or building, or both? | Yes - sited and sized to be an integral part of the design. |
| <ul style="list-style-type: none"> Does the proposal show innovation and imagination in its relationship to the site or building, or both | The proposal demonstrates an appropriate level of imagination and innovation. |
| 6 Associated devices and logos with advertisements and advertising structures | |
| <ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? | Complies |
| 7 Illumination | |
| <ul style="list-style-type: none"> Would illumination result in unacceptable glare? | No – internally illuminated signage. |
| <ul style="list-style-type: none"> Would illumination affect safety for pedestrians, vehicles or aircraft? | No – the illumination of the signs would not adversely impact on safety to pedestrians, vehicles or aircraft. |
| <ul style="list-style-type: none"> Would illumination detract from the amenity of any residence or other form of accommodation? | Unlikely, the illuminated signs face Balaclava Road and do not directly oppose residential properties. |
| <ul style="list-style-type: none"> Can the intensity of the illumination be adjusted, if necessary? | Not necessary. |
| <ul style="list-style-type: none"> Is the illumination subject to a curfew? | Yes, the illuminated signage can be restricted to certain hours. |
| 8 Safety | |
| <ul style="list-style-type: none"> Would the proposal reduce the safety for any public road? | The signage will not affect road safety. |
| <ul style="list-style-type: none"> Would the proposal reduce the safety for pedestrians or bicyclists? | The signage will not affect pedestrian or cyclist safety. |

ITEM 3 (continued)

ATTACHMENT 2

| | |
|---|--|
| <ul style="list-style-type: none"> • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? | <p>The proposed signage will not obscure any sightlines from public areas.</p> |
|---|--|

Clause 18 of the SEPP stipulates advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road, Council must not grant development consent to the display of an *advertisement* to which this clause applies without the concurrence of the RTA. The definition of advertisement, as defined by the SEPP, is as follows:

advertisement means signage to which Part 3 applies and includes any advertising structure for the advertisement.

Part 3 - Advertisements to which this Part applies

This Part applies to all signage to which this Policy applies, other than the following:

- (a) business identification signs,*
- (b) building identification signs,*
- (c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,*

The proposed signs are business identification signs, as they identify the name of the business located on site, as such clause 18 is not applicable.

Accordingly, the signage is considered to be satisfactory, having regard to the aims and objectives of SEPP 64 Advertising and Signage.

Ryde DCP 2014 - Part 9.1 Signage

| DCP 2014 | Proposed | Compliance |
|--|---|------------|
| Part 9.1 Signage | | |
| 2.1 Signage Content | | |
| <p>- A sign must be either:</p> <ul style="list-style-type: none"> i) A business identification sign or a building identification sign as defined in RLEP 2014; ii) A directional sign that is a sign which directs persons to development on the land to which it is displayed. | <p>A total of six (6) business identification signs are proposed.</p> | <p>Yes</p> |
| 2.2 Language | | |
| <p>- All advertising signs are to be displayed in the</p> | <p>All language will be the English language.</p> | <p>Yes</p> |

ITEM 3 (continued)

ATTACHMENT 2

| DCP 2014 | Proposed | Compliance |
|---|--|------------|
| <p>English language but may include a translation into another language using letters or characters that are no larger than the English language letters or characters.</p> <ul style="list-style-type: none"> - Any translated message must be accurate and complete. | <p>No translation required. Signage will be in English.</p> | <p>Yes</p> |
| 2.3 Number of Signs | | |
| <ul style="list-style-type: none"> - Visual clutter through the proliferation of signage and advertising structures are not permitted. | <p>The proposed signage does not appear to clutter the streetscape. Advertising structures not proposed.</p> | <p>Yes</p> |
| 2.4 Design, Safety and Maintenance | | |
| <p>All signs must be sympathetic to, and compatible with the architectural style and finishes of the building to which they are attached.</p> | <p>Proposal is compatible with the architectural style and finishes of the building.</p> | <p>Yes</p> |
| <p>Signs are to be unobtrusive in design, colour, height and scale</p> | <p>Signage is unobtrusive in bulk and scale.</p> | <p>Yes</p> |
| <p>Signs must be attractive and professionally written as well as being simple, clear and efficient.</p> | <p>Signage will be professionally prepared and clearly written and efficient.</p> | <p>Yes</p> |
| <p>Signs should be located at a height which avoids impact from footpath maintenance vehicles and discourages vandalism.</p> | <p>Proposed signage will not impact upon footpath maintenance or encourage vandalism.</p> | <p>Yes</p> |
| <p>Council will give due attention to all applications with respect to possible distraction of motorists due to illumination,</p> | <p>Signage is not considered to distract motorists.</p> | <p>Yes</p> |

ITEM 3 (continued)

ATTACHMENT 2

| DCP 2014 | Proposed | Compliance |
|---|---|----------------------------------|
| <p>position, colours, design and proximity to traffic.</p> <p>Signs facing roads with high traffic volumes, traffic lights or major intersections may be referred to other relevant authorities.</p> <p>Signs must be kept in good and substantial repair and in clean and tidy condition.</p> <p>Council will not favour signs prone to deterioration in appearance and condition, and may order removal of objectionable or unsightly advertisements.</p> | <p>It is not considered necessary to refer the proposal to the RMS.</p> <p>Signage will be kept in good condition at all times, with repairs undertaken when necessary.</p> <p>High quality materials will be incorporated in the signage avoiding the potential for deterioration.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| 2.5 Illuminated Signs | | |
| <p>The lighting intensity and hours of illumination must not unreasonably impact on any residential properties adjoining the sign or that is within its locality.</p> | <p>The lighting intensity of illuminated signs will not impact on residential properties.</p> | <p>Yes</p> |
| <p>The lighting intensity of a sign must be capable of modification or control after installation.</p> | <p>N/A</p> | |
| <p>Illuminated signs must minimise the spill effects or escape of light beyond the subject sign and must not compromise safety for pedestrians, vehicles or aircraft.</p> | <p>Illumination will not cause spill effects and light to escape beyond the signs. All signs are internally illuminated.</p> | <p>Yes</p> |
| <p>Illumination of a sign must not be external to the sign i.e. surrounding a sign. Illumination must be part of the advertisement.</p> | <p>All signs proposed to be illuminated will be internally lit.</p> | <p>Yes</p> |

ITEM 3 (continued)

ATTACHMENT 2

| DCP 2014 | Proposed | Compliance |
|---|--|------------|
| <p>Electric wiring to illuminated signs is to be concealed.</p> <p>Illumination is to be controlled by automatic time clocks extinguishing illumination between 11pm and 6am, or as is considered reasonable in the circumstances.</p> | <p>Wiring will be concealed.</p> <p>N/A</p> | |
| <p>2.7 Corporate Branding</p> | <p>The signage relates to retail not corporate or a commercial business branding.</p> | <p>N/A</p> |
| <p>3.2.2 Two or More Storey Buildings</p> | | |
| <p>a. Maximum Sign Area – The total area of signs to be erected on a building (this includes all elevations) should not exceed 1.5 m² per 1 metre of frontage of the property to the street.</p> <p>b. Front Elevation – All signage above the ground floor or awning level of a building must relate to the activity or use of the building at the first floor level.</p> <p>The maximum area of signs above the ground floor or awning level on the front elevation should not exceed 15% of the area of the elevation situated at that level.</p> | <p>Signage is proposed along the Balaclava Road and North Road frontage.</p> <p>The site has a frontage of 15m (Balaclava Road 10m & North Road 5m) which permits a maximum signage area of 22.5sqm. The proposed signage has an area of 17.07sqm</p> <p>No signage is proposed above the ground floor or awning level of the building.</p> <p>N/A</p> | <p>Yes</p> |

ITEM 3 (continued)

ATTACHMENT 2

| DCP 2014 | Proposed | Compliance |
|--|--|------------|
| <p>c. Side and Rear Elevations – The maximum area of signs on side or rear walls should not exceed 15% of the area of each elevation visible from a public place. Where there is a break in any elevation the maximum coverage should apply to each part of that elevation.</p> | <p>N/A – the subject building presents to Balaclava Road and North Road and is located between two buildings.</p> | |
| <p>4.0 Definitions and requirements for different types of signage</p> | | |
| <p>Fascia Sign</p> <p>A fascia sign shall not project above, below or beyond the fascia or return end of the awning to which it is attached.</p> | <p>The fascia signage does not project beyond the fascia which it is attached to.</p> | <p>Yes</p> |
| <p>Top Hamper Sign</p> <p>A sign painted on or attached to the transom of a doorway or display window at ground floor level of a building.</p> <p>a. shall not extend beyond any wall. b. shall not extend below the level of the head of the doorway or window above which it is attached.</p> | <p>The top hamper signage does not extend beyond the wall or below the door way or window above which it is attached to.</p> | <p>Yes</p> |
| <p>Under Awning Sign</p> <p>A sign that is attached to and hangs below an awning and is erected at right angles to the building wall.</p> <p>a. shall be erected approximately horizontal to the ground and at no point less than 2.6 m from the ground.</p> | <p>One under awning is proposed and is approximately of 2.6m from the ground.</p> | <p>Yes</p> |

ITEM 3 (continued)

ATTACHMENT 2

| DCP 2014 | Proposed | Compliance |
|--|--|------------|
| b. shall be erected at right-angles to the building to which the awning is attached; shall be securely fixed to the awning by means of suitable metal supports not exceeding 50 mm in width or diameter. | The sign is proposed at right angles to the building and will be securely fixed to the awning. | Yes |
| c. shall not project beyond the edge of the awning, except in the case of an awning wholly within the boundaries of the allotment occupied by the building. | The sign is within the confines of the awning. | Yes |
| d. shall be no greater than 2.4 metres in length and 300 mm in height. | The sign is 2400mm x 300mm. | Yes |
| e. one permitted per shopfront , however where a premise has exceptionally wide frontage, more than one under awning sign may be permitted, but must be a minimum of ten (10) metres apart. | One sign is proposed. | Yes |

Part 7.1 – Energy Smart / Water Wise

Section 2.4 of this part of the DCP applies to new shops, industrial and commercial premises, and requires the base building to incorporate appropriate energy conservation measures, reduce the consumption of water, electricity and gas for the purposes of lighting, heating and cooling and to substantially reduce water consumption through the use of water efficient fixtures and water efficient landscaping.

Given that the proposal involves minor works to the ground floor, it is not necessary to apply the provisions of this Part of the DCP.

Part 7.2 – Waste Minimisation and Management

The garbage bin storage area has not been shown on the plans submitted with the application, nor has the proposed location of the grease trap. However Councils Environmental Health Officer has raised no objection to the application subject to the imposition of conditions in the draft consent.

ITEM 3 (continued)

ATTACHMENT 2

Part 9.2 – Access for People with Disabilities

The development application proposes works to the ground floor and may require upgrades in order to comply with the relevant access standards. However, this will be considered at the construction certificate stage.

Therefore, the proposal is considered to be consistent with the controls and objectives of Part 9.2 Access for People with Disabilities.

Part 9.3 Car Parking

See discussion in report.

ITEM 3 (continued)

ATTACHMENT 3


Milestone

**PLAN OF MANAGEMENT (REVISED)
DOMINO'S PIZZA SHOP
79A BALACLAVA ROAD, EASTWOOD**

September 2015

1. Introduction

This revised Plan of Management details the operational measures to be implemented for the Domino's Pizza Shop located at 79A Balaclava Road, Eastwood (the subject site). The shop is located at the ground level tenancy of the subject site.

2. Hours of Operation

The Domino's Pizza Shop will trade during the following times:

- Sundays to Thursdays 11am – 11pm; and
- Fridays and Saturdays 11am – 12 midnight.

3. Noise and Nuisance

- There will be a maximum of ten staff including eight Domino's delivery drivers.
- All staff will be advised by management to respect the amenity of local residents.
- All staff will be encouraged to ensure that customers behave in an appropriate manner whilst on the premises and do not disturb the neighbourhood when exiting the premises at night.
- Noise generated by the Domino's Pizza Shop use will be managed to minimise amenity impacts upon surrounding development.
- Delivery staff will not congregate or loiter outside the premises.

4. Scooter Management and Delivery Vehicles

- A maximum of three delivery scooters, two cars and six electric bicycles will be associated with the use of this site.
- The two cars will be stored within the two car spaces located to the rear of the site, accessed via Hunts Avenue.
- The three delivery scooters and six electric bicycles will utilise the one hour on-street parking available on Hunts Avenue and North Road.
- The three delivery scooters and six electric bicycles will be stored in the two on-site car spaces available to the rear of the site outside of trading hours.
- One of the delivery cars is a personal car and will be driven home by the staff member outside of business hours.

Management will supervise all of the above practices and make sure all measures are adhered to.

5. Waste Collection

The building contains a garbage storage area located to the rear of the shop, within the rear car park. Garbage and refuse will be managed in accordance with the proposed waste management measures for the site (refer to Waste Management Plan lodged with the Development Application to Council on 14 August 2015).

6. Service Arrangements for Walk in Customers

- Walk in customers will be given priority service to ensure minimal on-site customer waiting times during peak trading periods.

ITEM 3 (continued)

ATTACHMENT 3

- Internal seating is also provided within the Domino's Pizza Shop for customers during waiting times.

These measures will help to manage large groups of people and on-street parking during peak trading periods.

7. Online Ordering

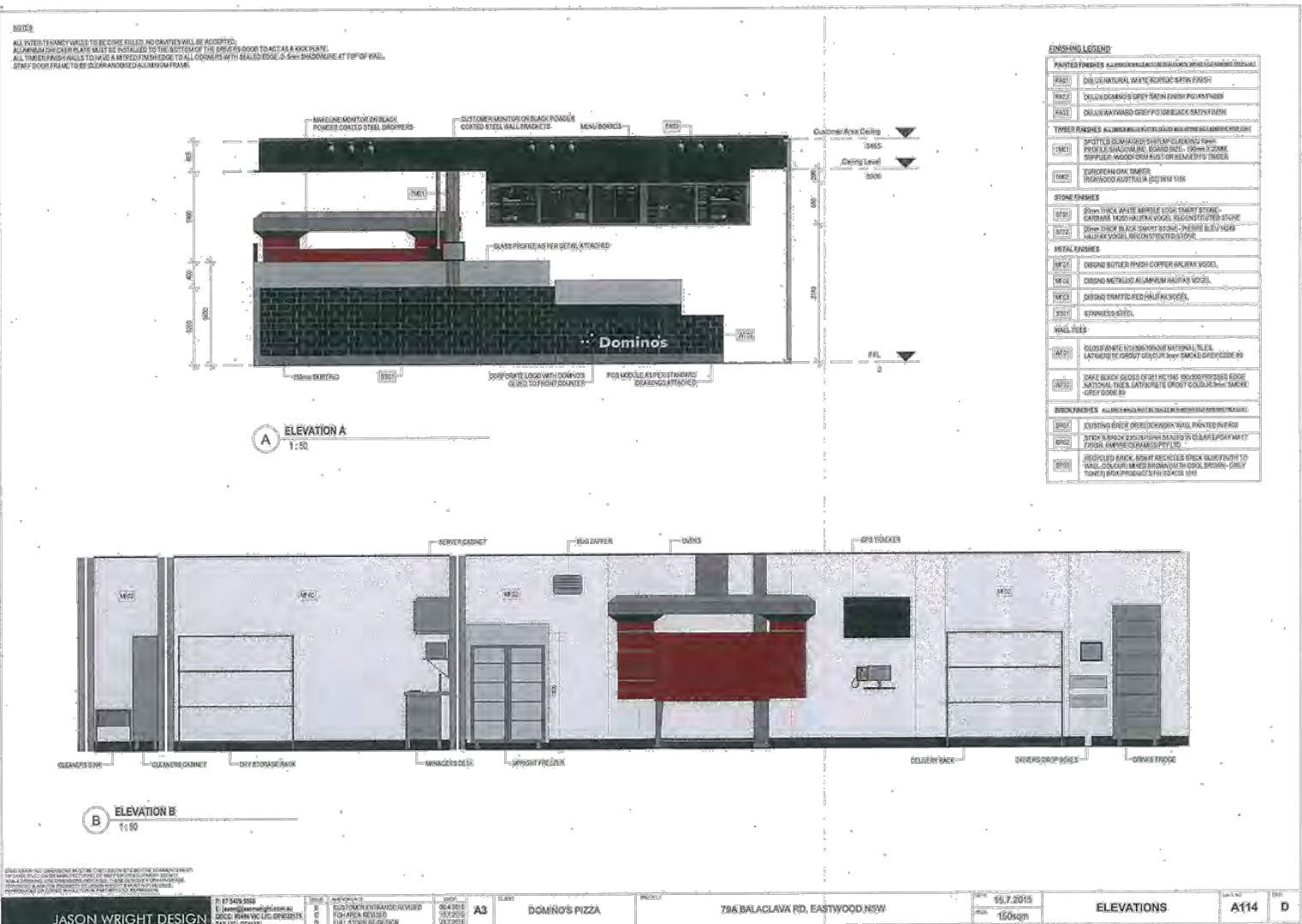
Domino's customers are able to order online or via smart phone apps which advise customers of the likely time of completion of orders and/or delivery times. This ensures customers spend minimal time on or around the premises should they choose to collect orders from the Domino's Pizza Shop and will minimise queuing by patrons.

8. Litter

Domino's Pizza Shop staff will undertake litter patrols along Balaclava Road within close proximity to the site and will dispose of any Domino's Pizza Shop related waste within the garbage bins of the Domino's Pizza Shop.

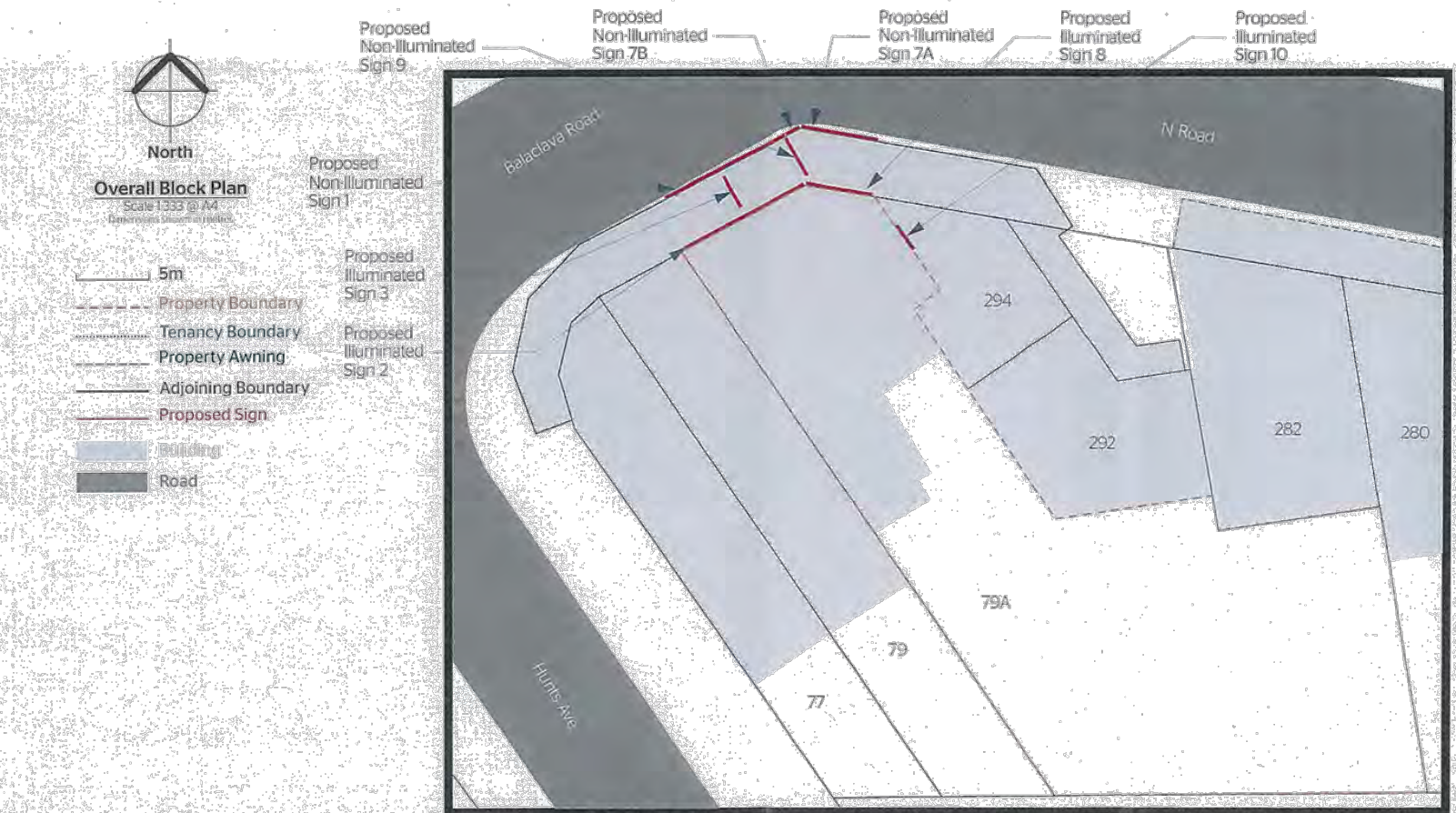
ITEM 3 (continued)

ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4



SignManager

www.signmanager.com.au

Client: Dominio's Site Name: Eastwood Site Address: 79A Balaclava Rd Eastwood NSW 2122

Description: Council Signage Proposal Status: To be used in conjunction with sign manual.

DOM-AR-779 REV B

Scale: N/A Drawn: GB Date: 18/05/2015 Page: 1

Please Note: Measurements shown on this drawing are for information only and are subject to confirmation on the shop to manufacturer. All this work is prepared to comply with the specifications of the project and is subject to change. All drawings are the property of SignManager and the user of the material contains herein or reproduction without written permission from SignManager is strictly prohibited. Breach of this condition may result in legal proceedings being initiated against responsible parties.

ITEM 3 (continued)

ATTACHMENT 4



SignManager

www.signmanager.com.au

Client: Domino's Site Name: Eastwood Site Address: 79A Balaclava Rd Eastwood NSW 2122

Description: Council Signage Proposal Status: To be used in conjunction with sign manual

DOM-AR-779 REV B

Scale: N/A Drawn: GB Date: 18.05.2015 Page: 2

Please note: (1) Measurements shown on this drawing are estimates only and are subject to confirmation on site prior to manufacture. (2) This layout is provided to demonstrate the visual presentation of the project and is subject to final site measurements and scaled drawings. (3) Copyright ownership of this document remains with SignManager at all times. Use of the material contained herein, or reproduction without written permission from SignManager is strictly prohibited. Breach of this condition may result in legal proceedings being initiated against responsible parties.

ITEM 3 (continued)

ATTACHMENT 4

PROPOSED



EXISTING



SignManager

www.signmanager.com.au

Client
Domino's

Site Name
Eastwood

Site Address
79A Balaclava Rd Eastwood NSW 2122

Description
Council Signage Proposal

Status
To be used in conjunction with sign manual

DOM-AR-779

REV B

Scale: N/A Drawn: GB Date: 18 05 2015 Page: 3

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4 87 BOWDEN STREET and 2 MACPHERSON STREET, RYDE - LOT 17 DP663261 AND LOT 1 DP 327005. Development Application for demolition, and construction of a new part three/part-two storey child care centre with basement car park. LDA2015/0283.

Report prepared by: Creative Planning Solutions; Team Leader - Assessment

Report approved by: Manager - Assessment; Acting Group Manager - Environment and Planning

Report dated: 20 October 2015
BP15/1572

File Number: GRP/09/5/6/2 -

1. Report Summary

Applicant: Kerolos Zaki

Owners: M+W Zaki Pty Ltd ATF The Zaki Group Trust; and Zaks Corporate Pty Ltd ATF The Zaks Corporate Trust

Date lodged: 22 June 2015

This report considers a development application for demolition of all existing structures, and construction of a new part three/part two-storey child care centre with basement car parking at 87 Bowden Street and 2 Macpherson Street, Ryde. The proposal will also include associated stormwater and landscaping works.

Within the Macpherson Street road reserve the proposal also includes new pathways, street tree planting, vehicular parking spaces, and traffic control devices. The Bowden Street road reserve is to include new street tree planting and landscape works also.

The proposed child care centre is to accommodate ninety (90) children, and operate from 7am to 6pm, Monday to Friday.

The subject development application was notified to adjoining land owners and advertised in accordance with the provisions of Ryde DCP 2014. In response, nine (9) letters were received in objection to the proposal (including two (2) letters from the same address at 89 Bowden Street), and a separate petition objecting to the proposal containing thirty-nine (39) signatures.

The submissions objected to the proposal principally on the following grounds:

- Traffic, parking, and pedestrian safety;
- Bulk and scale (i.e. building height, floor space ratio, setbacks, compatibility with zone)
- Level of excavation, including basement parking, and deep soil areas;
- Amenity impacts, including acoustic, visual privacy and overshadowing;
- Heritage significance; and

ITEM 4 (continued)

- Inadequate centre facilities, including proposed number of children, and waste management.

The proposal has been assessed against the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979 (the Act), the Children (Education and Care Services) Supplementary Provisions Regulation 2012, Ryde Local Environmental Plan 2014 (LEP2014), and Ryde Development Control Plan 2014 (DCP2014).

The proposal is generally compliant with the mandatory requirements of the LEP2014, and satisfactorily meets the development controls of DCP2014, subject to conditions.

Although the proposal would result in a significant intensification of the use of the site, the proposed child care centre is considered satisfactory when having regard to the objectives and controls set out in the above listed planning instruments. Those negative impacts associated with the proposal can be adequately mitigated by way of condition, and for this reason, the proposal is recommended for approval.

Reason for Referral to Planning and Environment Committee: Number of submissions received (including petition).

Public Submissions: 9 submissions received (2 from the same property No 89 Bowden Street), and a petition containing 39 signatures.

SEPP 1 (or clause 4.6 RLEP 2014) objection required? A Clause 4.6 Variation is not required.

Value of works \$2,836,317

RECOMMENDATION:

- (a) That Local Development Application No. LDA2015/0283 at 87 Bowden Street and 2 Macpherson Street, Ryde (LOT 17 DP663261 and LOT 1 DP327005) be approved subject to the **ATTACHED** conditions (**Attachment 1**).
- (b) That the persons who made submissions be advised of Council's decision.

ITEM 4 (continued)**ATTACHMENTS**

- 1** Draft Conditions of Consent
- 2** Compliance Table - Ryde DCP 2014
- 3** Children (Education & Services) Supplementary Provisions Regulation 2012
- 4** Map
- 5** A4 Plans
- 6** A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Ben Tesoriero
Planning Consultant
Creative Planning Solutions

Chris Young
Team Leader - Assessment

Report Approved By:

Liz Coad
Manager - Assessment

Sam Cappelli
Acting Group Manager - Environment and Planning

ITEM 4 (continued)

2. Site (Refer to attached map overleaf)

- Address** : 87 Bowden Street and 2 Macpherson Street, Ryde
(LOT 17 in DP663261 and LOT 1 DP 327005)
- Site Area** : 1,644m² – being 986.4m² for Lot 17 in DP663261 and
657.6m² for Lot 1 in DP327005.
Site frontage to Bowden Street of 21.64m;
Site frontage to Macpherson Street of 60.96m;
North-western side boundary of 43.28m to Macpherson
Lane
South-eastern side boundary of 45.72m to 89 Bowden
Street
Boundary of 21m to rear of 89 Bowden Street (Site
Survey)
Boundary of 21.64m to side boundary of 91 Bowden
Street.
- Note: All areas and dimensions obtained from
Deposited Plans, except as otherwise stated.*
- Topography
and Vegetation** : The topography of the local area has a moderate
gradient, with the subject site having a steady cross fall
of approximately 3m from the eastern corner of the site
at the junction of Bowden Street and Macpherson Street
to the western corner near Macpherson Lane.
No significant vegetation has been identified on the site.
- Existing
Buildings** : 87 Bowden Street, Ryde - Single storey dwelling house
and three (3) outbuildings, two (2) of which are located
adjacent the Bowden Street frontage.
2 Macpherson Street, Ryde - single storey dwelling
house and garden shed.
- Planning Controls
Zoning** : R2 – Low Density Residential under Ryde Local
Environmental Plan 2014
- Other** : Ryde Development Control Plan 2014; and
Children (Education and Care Services) Supplementary
Provisions Regulation 2012.

ITEM 4 (continued)



Figure 1 - Aerial Image of subject site, including an annotation of the properties which objected to the proposed development by way of submission to Council as part of the notification of the development application.

Source: www.six.nsw.gov.au – edited by CPS

ITEM 4 (continued)



Figure 2 – Photograph from the Bowden Street frontage showing the dwelling house at 87 Bowden Street which forms part of the subject site
Source: CPS – 20 July 2015



Figure 3 – Photograph of the Macpherson Street frontage showing the dwelling house and associated structures at 2 Macpherson Street which forms part of the subject site.
Source: CPS – 20 July 2015

ITEM 4 (continued)**3. Councillor Representations**

None.

4. Political Donations or Gifts

None disclosed in applicant's development application submission or in any submission received.

5. Proposal

The proposed development is for the demolition of all existing structures, then the subsequent construction of a new part three/part two-storey building and basement parking to be used as a child care centre for ninety (90) children. Further details of the proposal are as follows:

Operation

The proposed child care centre seeks approval for ninety (90) children aged 0-5 years. The applicant has provided the following indicative breakdown of children per age group.

- 0-2 years – Twenty-six (26) children
- 2-3 years – Twenty-four (24) children
- 3-5 years – Forty (40) children

The proposed child care centre is to operate between the hours of 7.00am and 6.00pm, Monday to Friday. The centre is to be closed on weekends and public holidays.

The proposed physical works associated with the child care centre are outlined below:

Basement car park

- Lift access to the ground and first floor;
- Eight (8) staff car parking spaces;
- Twelve (12) general parking spaces (including 1 disabled space); and
- Vehicular turning area.

Ground Floor

- Entry and lobby area;
- Administration area;
- Lift access to the basement and first floor;
- Six (6) playrooms, children's WC's, and storage areas;
- Four (4) exterior play areas; and
- Cot rooms and nappy change area.

ITEM 4 (continued)First Floor

- Lift access to the ground floor and basement car park;
- One (1) exterior play area with Children's WC's;
- Storage;
- Staff area and WC's;
- Kitchen; and
- Laundry.

External

Within the site boundary:

- A solid wall to a maximum height of between 1.6m and 1.8m is proposed to be located to the play areas adjacent the Bowden and Macpherson Street frontages, which will provide child safety, as well as an acoustic barrier for noise attenuation.
- A feature garden entry is proposed adjacent the lobby/entrance. This will include feature pots and climbing plants to the wall;
- Screen hedges are proposed along to western wall to Macpherson Lane;
- Screen planting proposed along the Bowden and Macpherson Street boundaries
- Screen planting is proposed along the boundaries with adjoining properties; and
- Trees will be provided throughout the subject site to provide shade, screening and visual interest.
- The submitted landscape plan demonstrates that the outdoor play areas will provide turf areas, natural planting zones, as well as hard surfaces. In addition, the outdoor play areas will include a variety of natural and synthetic surfaces that aim to provide a stimulating environment for children to play in.

Within the road reserve:

- Within the Macpherson Street road reserve the proposal includes new pathways, street tree planting, vehicular parking spaces, and traffic control devices; and
- Within the Bowden Street road reserve the proposal includes new street tree planting and landscape works.

NOTE: Many of these works within the road reserve, particularly the on-street parking spaces for the child care centre, and traffic control devices are unnecessary or inappropriate in the context of the proposed development, and although these have been offered by the applicant on the DA plans, it is recommended that these not be required. This is discussed further in the Referrals section of this report below.

ITEM 4 (continued)

6. Background

The following is a brief overview of the development assessment history relating to the proposed child care centre to be constructed on the subject site:

- LDA2015/0283 was lodged on 22 June 2015;
- The DA was notified to adjoining land owners and advertised in the Northern District Times in accordance with DCP2014 from 30 June to 15 July 2015. In response, nine (9) submissions were received from surrounding properties objecting to the proposal. A separate petition objecting to the proposal was also submitted to Council containing thirty-nine (39) signatures.
- Following an initial assessment of the proposed development, a request for additional information was sent to the applicant by Council on 4 August 2015. This letter raised the following matters,
 - *Size and Functionality of Play Spaces*: clarification was sought on the level of planting to occur within the outdoor play spaces to ensure adequate useable and unencumbered areas are provided for the children.
 - *Accessibility*: an Access and Mobility Report, prepared by a suitably qualified Access Consultant, was requested in order to demonstrate compliance with the Disability Discrimination Act 1992 and Disability (Access to Premises-Buildings) Standards 2010.
 - *Landscaping*: further details on the landscaping arrangements were sought from the applicant to confirm the adequacy of plantings throughout the development, and usability and functionality of the outdoor play spaces.
- Following the above request for additional information, the applicant submitted a letter on 18 August 2015 providing clarification on the queries which had been put to the applicant in the additional information request. The information provided was considered satisfactory, thus enabling the completion of the assessment.

7. Submissions

The proposed development was notified in accordance with the DCP2014 – Part 2.1, Notification of Development Applications for a period from 30 June to 15 July 2015.

In response, nine (9) submissions and one (1) petition with 39 signatures was received from surrounding properties, as shown on the aerial photograph at **Figure 1** earlier in this report.

ITEM 4 (continued)

The key planning objections/issues raised in the submissions are summarised and addressed below.

A. Traffic, Parking, and Pedestrian Safety – *The following traffic, parking and pedestrian safety concerns were raised in the submissions:*

- *Increase in traffic flow during peak hours, to and from Victoria Road;*
- *Impact on traffic flow to Macpherson Street and Bowden Street;*
- *Traffic Report is not adequate;*
- *Increase in parking along Macpherson Street;*
- *Potential traffic conflict when exiting the childcare centre due to poor visibility;*
- *Concerns are raised regarding the increase in pedestrians crossing Macpherson Street and Bowden Street during peak hour periods. The majority, of which, will be people with young children; and*
- *The proposed car park does not adequately accommodate delivery trucks and vans.*

Assessing Officer's Comment: Submitted with the development application is a traffic and parking impact assessment prepared by Transport & Urban Planning Pty Ltd, which assesses the traffic, pedestrian and parking impacts of the proposal.

The report outlines the traffic impacts on the adjacent road network and intersections will be acceptable and traffic conditions on the road network will remain satisfactory with little change from existing conditions.

With regard to parking, the report concludes that the proposal will have adequate off street parking (20 spaces) to comply with the provisions of DCP2014. This has been confirmed by Council officers within the assessment of the proposal against the DCP2014 parking controls - refer **Attachment 2**.

Pedestrian safety has been considered within the report prepared by Transport & Urban Planning Pty Ltd. The report outlines that safe pedestrian crossing infrastructure and refuge islands are provided across Victoria Road, Bowden Street and Macpherson Street, and as such the existing facilities are adequate to cater for any walk trips generated by the proposal.

As part of the assessment of the subject development application, the proposal and report prepared by Transport & Urban Planning Pty Ltd has been assessed by Council's Senior Development Engineer. Advice has been received that the proposal is acceptable from a traffic, parking and pedestrian safety perspective, subject to imposition of the recommended conditions of consent. This is further discussed in the Referrals section of this report below.

ITEM 4 (continued)

For accommodation of delivery vans to the site, the following condition has been recommended to ensure deliveries to and from the child care centre do not coincide with the peak times of day when children are being dropped off and picked up from the centre. This condition is consistent with restrictions that have been placed on deliveries times for other child care centres in the City of Ryde.

Delivery times. All deliveries to and from the child care centre are to occur between the hours of 10:30am and 2:30pm on the days which the child care centre is operational.

Given the above, it is considered that the traffic, parking and pedestrian impacts of the development have been satisfactorily assessed, and determined to be acceptable by Council officers. In this regard, the objections to the proposal on the grounds of traffic, parking and pedestrian safety are not supported in this instance.

B. Acoustic privacy – *The following concerns were raised by objectors in relation to maintenance of acoustic privacy from the proposed child care centre:*

- *The children playing on the exterior play areas would cause significant noise pollution for surrounding residents*
- *The size of outdoor play areas will result in acoustic impacts on adjoining neighbours.*
- *The proposed acoustic treatments have not been shown on the plans.*

Assessing Officer's Comments: As part of the DA submission, an Acoustic Assessment has been undertaken by acoustic engineering firm Renzo Tonin & Associates. The report assesses the noise impacts of the proposed development on adjoining property.

It is also important to note that the Association of Australian Acoustical Consultant (AAAC) has issued a 'Guideline for Child Care Acoustic Assessment (2013) (AAAC Guideline) which contains the following suggested limits to maintain a reasonable level of acoustic privacy to adjoining residential receptors:

For outdoor play of more than 2 hours per day, the Leq 15min noise level emitted from the outdoor play area shall not exceed the background noise level by more than 5dB.

It is reasonable to allow a higher level of noise impact for a shorter duration of outdoor play. For outdoor play of up to 2 hours total per day, noise shall not exceed the background noise level by more than 10dB.

ITEM 4 (continued)

This acoustic report submitted with the DA outlines that with the suggested noise attenuation measures incorporated into the design of the child care centre, noise generated from the proposed child care centre is predicted not to exceed 5dBA above the background level – when measures over a 15 minute period at any point on a residential boundary.

Given the above it is considered that the proposal satisfactorily meets the objective of the AAAC Guidelines to maintain a reasonable level of acoustic privacy to adjoining residences. It is noted that achievement of this objective is consistent with that for acoustic privacy as contained within Section 4.2 of DCP 2014.

In this regard, it is considered that the proposal is satisfactorily compliant with regard to acoustic impacts on adjoining property.

Further to the above, it is important to note that the noise predictions for the outdoor play areas have been conducted based on the worst case scenario where all children are playing outdoors concurrently. As outlined in the submitted Plan of Management for the proposed child care centre, it is not anticipated that that all outdoor play areas would be used by all of the groups concurrently. Accordingly, the actual noise impacts of the proposal are likely to be less than that covered in the acoustic report.

Although the proposed acoustic treatments have not all be demonstrated on the plans, it is intended that the acoustic report be included as a condition of consent for the proposed child care centre to ensure the acoustic treatments and recommendations made are incorporated into the development.

As part of the assessment of the subject development application, the proposal was also referred internally to Council's Environmental Health Officers (EHO). The full EHO response is contained in the Referrals section of this report, however importantly for the acoustic performance of the proposed development, it is acknowledged that the EHO referral response supports the proposed development subject to the imposition of conditions.

C. Amenity impacts. *As well as acoustic privacy outlined above, visual privacy and overshadowing concerns were also raised in the submissions.*

Assessing Officer's Comments: The following comments are made in relation to potential overlooking from the development:

- No windows are located on those elevations adjoining neighbouring properties
- All outdoor play spaces on the ground floor are bordered by acoustic fences. These fences range between 1.6m and 2m in height which also act as effective privacy screens to prevent overlooking.

ITEM 4 (continued)

- On the first floor of the building, no windows have been orientated towards neighbouring properties.
- The outdoor play space on the first floor is to be bound by a 1.6m high acoustic fence which will double as an effective privacy screen to prevent overlooking.

Given the above, it is considered that maintenance of visual privacy has been effectively considered as part of design of the child care centre, both from an intrusive perspective, and also an overlooking perspective. In this regard, the objector comments in relation to loss of visual privacy are not supported in the circumstances of the case.

Section 2.14.1 of Part 3.3 of DCP2014 prescribes that new development should ensure 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 9 am and 3 pm on June 21.

This section of DCP2014 also prescribes that windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9 am and 3 pm 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.

When assessing a dwelling's principal open space area, it is taken that the area immediately adjoining the living areas, or adjacent to the rear of the dwelling forms the principal component of the private open space area. A review of the aerial imagery for the dwelling at 89 Bowden Street would appear to confirm this.

The applicant has submitted shadow diagrams which demonstrate the principal open space area adjoining the dwelling at 89 Bowden Street will receive greater than 3 hours solar access between 9am and 3pm at the 21 June. Given the proposal will result in greater than 3 hours solar access to the principal open space area of the dwelling at 89 Bowden Street, the proposal is considered to satisfactorily comply with the 2 hour minimum requirement.

It is acknowledged that the dwelling at 89 Bowden Street includes windows on its northern elevations. These windows will receive less than 3 hours solar access as a result of the proposal. However due to the unfavourable orientation of the site, whereby north is the side boundary, it is considered unreasonable to enforce strict numerical compliance with this control. This is pertinent given the control outlines numerical compliance should be pursued where this can be reasonably be achieved with the site's orientation. It is also noted that the proposal includes a compliant bulk and scale from a building height, floor space ratio, and setback perspective, yet still overshadows the adjoining property. This is further evidence that the resultant overshadowing is a circumstance of the site's poor orientation, rather than the built form of the proposal itself. In this regard, even a complying dwelling house or dual

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occupancy development at 87 Bowden Street would likely result in similar overshadowing of the property at 89 Bowden Street.

Based on the above, the neighbour's objection to the proposal on the basis of overshadowing is not supported in the circumstances of the case.

- D. Bulk and scale** - *concerns were raised in the submissions on the proposed bulk and scale of the development. In particular, concerns were raised over the proposed floor space ratio (FSR), building heights, setbacks and the compatibility of the development within the zone.*

Assessing Officer's Comments: The maximum prescribed FSR for the subject site under the provisions of LEP2014 is 0.5:1. A calculation of the gross floor area (GFA) has been undertaken with the assistance of a computer aided design (CAD) program. The calculation of the GFA had been completed in accordance with the relevant definitions contained within the Dictionary of LEP2014, and in accordance with application of these definitions by the City of Ryde for other child care centre developments. When utilising the site area as per the Deposited Plans for the land, the calculated FSR is 0.497:1. Given the FSR complies with the limits set by LEP2014, it is considered satisfactory.

With regard to building height, LEP2014 prescribes a 9.5m maximum for the subject site. Again, when utilising the appropriate definitions within LEP2014, the building height of the proposal has been calculated as 8.51m. This building height is substantially less than the maximum permitted by LEP2014, and is therefore also considered satisfactory.

It is acknowledged that the proposed building includes a small component which is classified as three-storeys when strictly applying the definitions contained within LEP2014 and DCP2014. The three-storey component of the building is by virtue of the basement garage being classified as a storey for a small component of the building where the sloping nature of the site means the basement extends more than 1m above existing ground level. This is depicted in **Figure 4** later in this report. Despite technically constituting a small third-storey component, given the compliant building height, and the third-storey classification arising because of the basement garage, this is considered to be an acceptable variation to Council's controls. Additionally, when viewed from the surrounding streets, the building will not appear out of character with other buildings by virtue of its compliant overall height and wall plate heights.

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Minimum setbacks for child care centres are prescribed within DCP2014. For low density residential areas, setbacks are to be consistent with those prescribed for dwelling house and dual occupancy development in Part 3.3 of DCP2014. For front setbacks that is generally 6m to the primary street frontage, and 2m to the secondary street frontage. Rear setbacks are to be generally 8m or 25% of the allotment depth, whichever is the greater. For side setbacks, these should be 900mm at the ground floor, and 1.5m at the second storey.

The subject site is located on the corner of Bowden Street and Macpherson Street. The subject site is also an irregular shaped allotment with six (6) vertices. As such, strict application of the numerical setback controls becomes difficult to apply in the circumstances of the site.

As outlined in the DCP2014 compliance tables held in **Appendix 2**, all setbacks have been assessed as compliant with the provisions of Part 3.3 of DCP2014, except those to the Macpherson Lane frontage which are basically built to parts of the boundary. Despite this non-compliance, the proposed building's presentation to Macpherson Lane is considered acceptable. This is because a number of existing buildings along Macpherson Lane are already built to the boundary, and as such the proposal is not uncharacteristic of the laneway. Further, the proposal is not expected to result in any unacceptable overshadowing or loss of privacy to property on the opposite side of Macpherson Lane.

In terms of the proposal's compatibility with the R2 zone, the following is noted:

- Child care centres are a permissible form of development within the R2 Low Density Residential zone;
- DCP2014 indicates that corner sites are preferred for larger scale centres (50-90 places). The proposal is considered to be a larger centre with 90 places and is therefore consistent with aforementioned recommendations of DCP2014.
- Despite the site's six vertices, the site adjoins only two residential properties (89 and 91 Bowden Street), which minimises the potential for negative amenity impact on neighbours in accordance with the preferred locations identified in the DCP2014.
- The proposed child care centre achieves appropriate setbacks from the neighbouring residential properties as referenced above.
- The design of the proposal is not considered to result in the loss of visual privacy, solar access, or acoustic amenity to adjoining development. and
- The traffic, parking and pedestrian safety impacts associated with the development have been assessed by Council as being satisfactory.

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Given the above, it is considered the bulk and scale of the development is satisfactorily compliant with the provisions of Council's planning controls. For this reason, the objector's submissions on the bulk and scale elements of the proposal are not supported.

E. Heritage significance – concerns were raised regarding the historical significance of 87 Bowden Street.

Assessing Officer's Comments: The subject development application was referred to Council's Heritage Advisor as the subject site is located within the vicinity of the following items of heritage significance listed under Schedule 5 of LEP2014:

- 'Church' 74A Bowden Street, Ryde (Item No.120)
- 'Church' 7-9 McPherson Street, West Ryde (Item No.164)
- 'House' 95 Bowden Street, Ryde (Item No.121)

A more detailed assessment of matters relating to heritage significance is contained in the Referrals section of this report (Heritage Officer's comments), below.

F. Inadequate Centre Facilities – Concerns were raised with regard to the adequacy of the facilities provided at the proposed child care centre. These concerns included:

- *The centre is inadequate to accommodate the proposed number of children; and*
- *Waste management facilities inadequate.*

Assessing Officer's Comments: Before discussing in detail the proposal's suitability with regard to the adequacy of its facilities, it is important to note that DAs for child care centres are generally assessed against the provisions of both Ryde DCP 2014 and also the provisions of the *Children (Education and Care Services) Supplementary Provisions Regulation 2012* (Regulation 2012). This is most prevalent when looking at the minimum indoor and outdoor play space sizes required, which are greater under DCP2014 than that in the Regulation 2012. In other similar DAs, non-compliances with Ryde DCP 2014 are generally supported provided a proposal can achieve compliance with Regulation 2012.

For indoor play spaces, the 90 child proposal would require 405m² of unencumbered indoor play space to comply with DCP2014, and 292.5m² to comply with the Regulation 2012. The measured unencumbered indoor play space area totals 398.02m².

ITEM 4 (continued)

For outdoor play spaces, the 90 child proposal would require 900m² of unencumbered outdoor play space to comply with DCP2014, and 630m² to comply with the Regulation 2012. The measured unencumbered outdoor play spaces total 848m².

Accordingly, the proposed child care centre easily complies with the minimum play space requirements of the Regulation 2012, despite a minor non-compliance with DCP2014.

In regard to cot rooms, it is noted that the Regulation 2012 does not prescribe minimum sizes for sleeping rooms. Despite this, DCP2014 outlines that a sleeping room must contain a minimum of 2.5m² floor space per cot, and a maximum of 10 cots per room. Two cot rooms are provided within the proposed child care centre, which have four and six cots respectively in each room. However, despite being compliant with the number of cots per room, the floor space of these rooms totals 12.5m², meaning that the size of the room falls short of the minimum by 12.5m².

Given the indoor play spaces easily achieve compliance with the minimum requirements under the Regulations 2012, it is considered feasible and appropriate that the sleeping rooms be enlarged to achieve compliance with the provisions of DCP2014 which aim to ensure centre facilities achieve best practices. For this reason, the following condition of consent has been recommended:

Size of Cot Rooms. *The size of the cot rooms shall be modified to comply with the controls contained in Section 7.1(d) of the Ryde Development Control Plan 2014.*

The subject development application has been referred to Council's EHO who has indicated in their referral response that the proposal is satisfactory when having regard to waste facilities/management, subject to the imposition of condition of consent. Reference should be made to the Referrals section of this report for details of the EHO referral response and their recommended conditions of approval to deal with waste management.

The above has demonstrated the proposed child care centre is either satisfactorily compliant with the regard to applicable controls for centre facilities, or able to comply with the imposition of conditions. In this regard, it is considered the objector's concerns relating to the inadequacy of the centre facilities had been addressed.

G. Level of excavation – *concerns have been raised in the submissions that the proposal results in excessive excavation and will impact on adjoining property. Related to this concern is the proposal including basement parking which not consistent with the provisions of DCP2014, and deep soil areas being reduced because of basement parking.*

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Assessing Officer's Comments: It is acknowledged that a significant level of excavation will be required on the site to accommodate the proposed semi-basement parking area. For this reason it has been recommended that conditions of consent be included to ensure protection of adjoining property from the impacts of such excavation. These include conditions relating to the support for neighbouring dwellings, limitations on the hours of work, erection of hoarding fences, restriction to development within site boundaries, requirement to obtain Road Opening Permits, pre and post construction dilapidation reports, and necessity to comply with all Australian Standards.

Further to the above, it is considered unlikely that the proposed excavation will have a significant impact on adjoining private property as the bulk of excavation is concentrated nearer the Macpherson Street and Macpherson Lane frontages.

As part of the assessment of the proposal, the development application was referred internally to Council's Senior Development Engineer. The referral response has indicated that the proposal is satisfactory, subject to the imposition of conditions (refer to the Referrals section of this report, below).

When viewed from the public domain, the elevations submitted with the development application reveal that that semi-basement car parking areas will be largely screened, and not highly visible from the street. This because of the varied building articulation and significant level of landscape screen planting proposed.

The semi-basement car park is considered to provide a more aesthetically pleasing and convenient parking arrangement than an at-grade car park. The semi basement car park will also help to move vehicles on-site rather than park on the street.

Part 3.2 of the DCP2014 does not stipulate minimum requirements for deep soil areas in child care centres. Rather, Section 6.1 in Part 3.2 of the DCP2014 simply outlines that the submitted landscape plan should identify opportunities for deep soil planting.

The proposed child care centre will provide 30% turfed area and 30% natural planting in accordance with Section 6.2.2 of the DCP2014, thus complying with the requirements for the provision of landscaping within outdoor play spaces.

As part of the assessment of the proposal, the subject development application was referred to Council's Consultant Landscape Architect. The referral response indicates that the landscaping arrangements of the proposed child care centre are satisfactory, subject to the inclusion of conditions. These are discussed in further detail in the Referrals section of this report.

ITEM 4 (continued)

For the above reasons, the objectors concerns in relation to the level of excavation on the site are considered to have been adequately justified, or addressed by way of condition.

8. SEPP1 (or clause 4.6 RLEP 2014) objection required? A Clause 4.6 Variation is not required.

9. Policy Implications**Relevant Provisions of Environmental Planning Instruments etc:****(a) Ryde Local Environmental Plan 2014****Zoning**

Under the Ryde LEP 2014, the zoning of the subject site is R2 Low Density Residential. The proposed development, being a 'child care centre', is permissible with consent under the R2 zoning.

Further the proposal is considered to be consistent with the objectives of the R2 zone as it will provide a facility to assist with the day to day needs of residents. It is also considered that the proposal will not impact the local area's ability to continue to provide for the housing needs of the community within a low density residential environment.

Principal Development Standards

A full assessment of the proposal against the relevant principal development standards contained within the LEP2014 is illustrated in the Compliance Check table attached – see **Attachment 2**. The following outlines the relevant development standards applying to the proposed development, along with a comment as to how the proposal performs against these development standards:

Clause 4.3 – Height of buildings. Sub-clause (2) of this clause states that:

“the height of a building on any land is not to exceed the maximum height for the land shown for the land on the height of buildings map”.

LEP2014 prescribes a maximum building height of 9.5m on the 'Height of Buildings Map'. The development proposes a building height of 8.51m, which is under the prescribed maximum and therefore complies with the provisions of the LEP2014.

ITEM 4 (continued)

Clause 4.4 - Floor Space Ratio. Clause 4.4 of the LEP2014 prescribes development standards for the maximum floor space ratio (FSR) of development. The maximum prescribed FSR identified for the subject site is 0.5:1 on the Floor Space Ratio Map within LEP2014.

When utilising the definition for 'gross floor area' as prescribed by the Dictionary within the LEP2014, the total gross floor area of the building has been calculated to be 779m² – refer to the attached Compliance Checklist in **Appendix 2** for a more detailed calculation of the gross floor area of the building.

The site area of the combined allotments has been identified as 1,644m². This comprises 986.4m² for Lot 17 in DP663261 and 657.6m² for Lot 1 in DP327005.

Accordingly, given the above, the FSR of the proposed development has been calculated as 0.497:1, thus complying with the maximum FSR for the subject site under LEP2014.

Clause 5.10 – Heritage conservation. Clause 5.10(5) of the LEP2014 prescribes that the consent authority may, before granting consent to any development on land that is within the vicinity of a heritage item, require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.

The subject development application was referred to Council's Heritage Advisor as the site is located within the vicinity of the following items of heritage significance listed under Schedule 5 of LEP2014:

- 'Church' 74A Bowden Street, Ryde (Item No.120)
- 'Church' 7-9 McPherson Street, West Ryde (Item No.164)
- 'House' 95 Bowden Street, Ryde (Item No.121)

A more detailed assessment of matters relating to heritage significance is contained in the Referrals section of this report (Heritage Officer's comments), below.

(b) Relevant State Environmental Planning Policies (SEPPs)State and Sydney Regional Environmental Planning Policies**State Environmental Planning Policy No.55 – Remediation of Land**

State Environmental Planning Policy No.55 – Remediation of Land (SEPP55) applies to the entire state of New South Wales and includes planning controls for the remediation of contaminated land. It also requires an investigation to be made if land contamination is suspected.

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The applicant's SEE has indicated that there is no serious reason to suspect that the property is subject to any contamination as it is understood that the site does not have any history of use for contaminating land uses.

Further a review of Council's environmentally sensitive land mapping has not identified that the site is impacted upon by contamination.

Standard conditions of consent relating to contamination, fill and removal of hazardous materials will be imposed to assist in mitigating any potential impacts. Further, non-standard conditions relating to environmental health are to be imposed, as per the recommendations of Council's technical referral officers – see Section 13 of this report.

Other State Environmental Planning Policies

No other SEPPs have been identified as being applicable to the proposed development. It is noted that the SEE states that all business identification signage will form separate development applications at a later date, and as such no assessment of the current development application under *State Environmental Planning Policy 64 – Advertising and Signage* is required. Further as the proposal is not located adjacent to any busy roads, rail corridors or flight paths (ANEF20) no assessment under *State Environmental Planning Policy (Infrastructure) 2007* is required.

(c) Any draft LEPs

No draft environmental planning instruments are relevant for the proposed development on the subject site.

(d) The provisions of any development control plan applying to the land**Ryde Development Control Plan 2014**

The proposal has been assessed using the development controls contained in Ryde DCP 2014. The full assessment is detailed in the Compliance Check table – see ***Attachment 2***.

The following outlines those non-compliances identified with the subject development application, and elaborates on how these non-compliances are either justifiable in the circumstances of the case, or are not justifiable and require amendment to the design or imposition of mitigation measures by way of conditions of consent.

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Note: The *Children (Education and Care Services) Supplementary Provisions Regulation 2012* provides requirements for the construction of child care centres in addition to those controls provided within DCP2014. It is considered that the proposed child care centre complies or is able to comply with the relevant provisions of this Regulation. A compliance check that provides an assessment of the proposed child care centre against these requirements is also provided at **Attachment 2**.

Non-Compliances: Justifiable

As covered by Section 79C(3A)(b) of the Environmental Planning and Assessment Act 1979 (the Act), if a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.

With the above in mind, the following outlines those aspects of the proposal which have been assessed as non-compliant with the applicable development controls under DCP2014, but nonetheless have been determined acceptable as they are able to achieve the objects of those standards.

1. ***Suitability of Location for Child Care.*** Section 2.1 in Part 3.2 of the DCP2014 prescribes development controls relating to the suitability of locations for child care centres. In particular, control 2.1(l) stipulates the following:

Preferred locations for larger scale centres in residential areas (particularly low density residential areas), i.e. for centres accommodating 50-90 places, are sites located on street corners, where sites share common boundaries with compatible non-residential uses, or where child care centres can be co-located with compatible uses subject to acceptable traffic and parking requirements being met.

The child care centre is defined as a large scale centre as it proposed to accommodate 90 places. The location of the proposed child care centre only achieves partial compliance with the abovementioned development control. This is because although the subject site is located on a street corner, the site shares common boundaries with existing low density residential development, rather than compatible non-residential uses as suggested by this development control.

Although the proposed development only achieves partial compliance with the above-mentioned control, the location of the proposed child care centre is considered to minimise impacts on neighbouring properties and meets the objectives of the control for the following reasons:

ITEM 4 (continued)

- The proposed child care centre will be sited on a street corner to maximise boundaries to a road reserve rather than adjoining residential land consistent with the preferred locations for larger centres identified in DCP2014;
- Given the site fronts three streets, the site adjoins only two residential properties (89 and 91 Bowden Street), which minimises the potential for negative amenity impacts on neighbours. Again this is consistent with the preferred locations identified in DCP2014.
- The proposed child care centre achieves satisfactorily compliant and appropriate setbacks from the neighbouring residential properties;
- The visual privacy implications for the neighbouring residential properties have been taken into consideration with the design of the proposal and considered to be acceptable. The centre will not incorporate any windows or play spaces which have the potential to overlook adjoining properties.
- The elevated outdoor play areas are proposed to incorporate fencing/acoustic screening to heights of between 1.6m and 2m, which is considered to substantially minimise the potential for overlooking.
- The Acoustic Assessment undertaken by Renzo Tonin & Associates has concluded that noise impacts from the outdoor play areas to the nearest residential receivers are predicted to comply with the noise objectives established in the report. This has been supported in Council's EHO referral response.

Given the above, the proposed partial non-compliance, with regard to the location of the child care centre is considered justifiable.

2. **Centres in Residential Areas.** Section 3.2 in Part 3.2 of DCP2014 prescribes development controls relating to child care centres located in low density residential areas. Specifically, control 3.2(c) stipulates the following:

In low density residential areas, child care centres are encouraged to be single storey in height for reasons of safety and access. In the case of 2 storey buildings, the second storey should only be used for the purposes of storage and staff facilities.

An assessment has revealed that the proposal will have a part-three and part two-storey component. The three-storey component of the building occurs as a result of the basement car parking area constituting a 'storey' for a small portion of the floor plate where the basement extends by more than 1m above existing ground level. However despite this, when the building is viewed from the street, it will largely appear as a two-storey building only – refer to **Figure 4** and **Figure 5** below.

ITEM 4 (continued)

The first floor will include staff facilities, as well as access to the open outdoor play area. It is however noted that the majority of the first floor of the building is not classified as a second storey when applying the appropriate definitions contained within the Dictionary of LEP2014 - see extract of 'storey' definition below. This is because the majority of the first floor comprises open outdoor play spaces which have no ceiling or roof above, and as such would not meet the definition of a 'storey'.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or*
- (b) a mezzanine, or*
- (c) an attic.*

Although parts of the building do not comply with the above control relating to the maximum number of storeys, this non-compliance with Council's numerical controls can be supported for the following reasons:

- The development control stated above outlines that child care centres are encouraged to be single storey in height for reasons of safety and access. As such, it is considered that the height limitations do not relate to the bulk and scale of the building in terms of compatibility with surrounding residential development; rather, safety and access are the main considerations when assessing the proposed development against this development control.
- With the above in mind, it is noted that upper level play spaces are to be surrounded by perimeter acoustic barriers between 1.6m and 2m in height. The proposal indicates these are non-climbable, and as are considered to provide an element of safety to children playing in these areas. The proposal has also been referred to Council's EHO and Building Surveyors for assessment. The responses received have confirmed that the proposal is satisfactory, subject to conditions. Standard conditions of consent requiring compliance with all relevant Australian Standards and the Building Code of Australia will also be imposed.
- Apart from the elevated play areas, the first floor comprises of storage and staff facilities, which is consistent with the intent of this development control, thus achieving partial compliance.
- Whilst it is acknowledged that the child care centre is defined as having a partial three-storey component, the proposed building is considered to be predominately either single storey or two-storey. The exception is the north eastern portion of the building where the basement level is located more than 1m above the existing ground level - refer **Figure 4**.
- Further to the above point, the proposed building will generally appear as a maximum two-storeys from Bowden Street and Macpherson Street. Therefore it is considered to be consistent with the existing streetscape where dwelling houses do not exceed two-storeys in height.

ITEM 4 (continued)

- When viewed from Bowden and Macpherson Street, the proposed dwelling will not present as visually dominant or as being inconsistent with other surrounding dwellings within the immediate locality – refer **Figure 5**.



Figure 4 – Diagram indicating the approximate extent of the basement above the existing ground level at the Macpherson Street elevation

Source: North Elevation - Landscape plan by applicant, edited for diagrammatic purposes by CPS.



Figure 5 – Northeast perspective: Corner of Bowden and Macpherson Street.

Source: Architectural plans submitted with development application

ITEM 4 (continued)

Section 3.2(d) of Part 3.2 of the DCP2014 also stipulates the following:

In low density residential areas, except as otherwise required under this Part, child care centre developments are to be designed to comply with the built form controls under Part 3.3 Dwelling Houses and Dual Occupancy of this DCP, for example, FSR, height, setbacks.

An assessment of the proposed development has revealed that the child care centre generally complies with the built form controls outlined in Part 3.3 of the DCP2014. The only exception which is considered to warrant further investigation is the zero setback to Macpherson Lane.

This zero setback can be supported for the following reasons:-

- An observation of other buildings located along Macpherson Lane has revealed that zero setbacks are prevalent, including directly opposite the site where the adjacent dwelling house and outbuildings are built to the boundary – refer **Figure 7**.
- Given the proposal is not inconsistent with surrounding development along Macpherson Lane the proposal is considered to remain in character with Macpherson Lane.
- Whilst it is acknowledged that the wall to Macpherson Lane is slightly raised above the existing ground level, due to the location of the basement beneath, the visual impact to surrounding properties is considered negligible as it will not be located adjacent any areas of private open space or living areas. Rather, the wall will be located directly adjacent the garage/parking area.
- The Macpherson Lane elevation is well articulated with a variation in setbacks between the ground floor and first floor, thus reducing the visual bulk of the building.
- The hard and soft landscaping and screening treatments to the outdoor play areas and semi-basement car park that are proposed along Macpherson Lane elevation will contribute to softening the appearance of the wall, thus further reducing any potential visual impact - refer **Figure 6**.

ITEM 4 (continued)

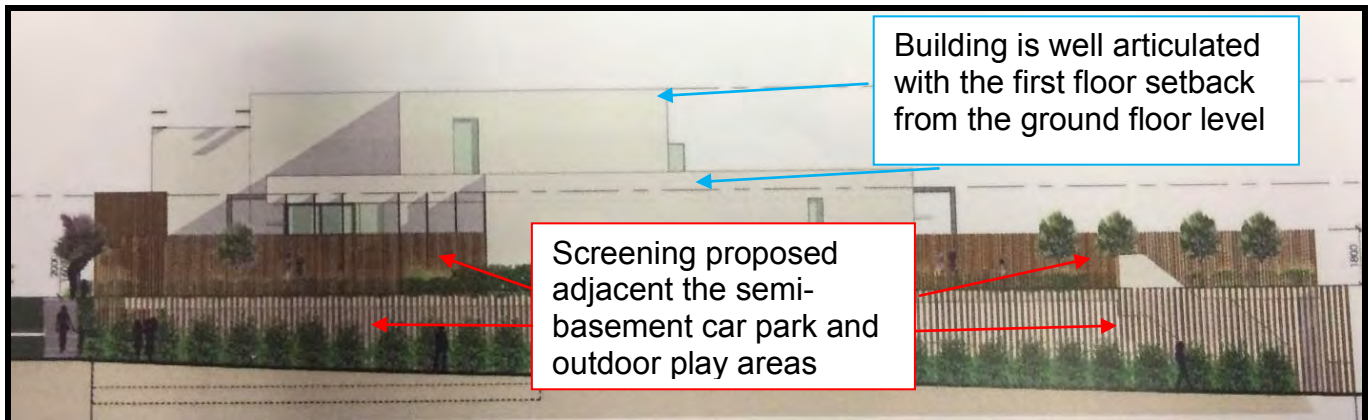


Figure 6 – This demonstrates that the building is well articulated at the Macpherson Lane elevation with the addition of landscaping and screening treatments to the semi-basement car park and outdoor play areas, which softens the overall appearance of the building.
Source: Macpherson Lane Elevation Plan by applicant, edited for diagrammatic purposes by CPS.



Figure 7 – Image showing zero setbacks to Macpherson Lane opposite the subject site. Numerous buildings with zero setbacks are identified along Macpherson Lane. As such the proposed zero setback is not considered uncharacteristic of the laneway.
Source: Macpherson www.google.com

ITEM 4 (continued)

3. **Acoustic privacy for adjoining residents.** Section 4.2 of Part 3.2 of the DCP2014 seeks to ensure that the site layout and building design, including the internal layout, minimises the noise emitted from the centre, and does not have an impact on the amenity of surrounding residences. In particular Control 4.2 (e) stipulates that elevated play and transition areas are to be avoided.

An assessment of the proposed development has revealed that two (2) elevated outdoor play spaces are proposed. One of which is located on the first floor, while the other is located at 'the raised ground floor/podium level above the basement parking below.

Although the proposed child care centre includes elevated outdoor play spaces, the non-compliance with this development control can be supported and meets the objectives of the control for the following reasons:

- As mentioned earlier in this report, the Acoustic Assessment undertaken by Renzo Tonin & Associates has concluded that noise impacts from the outdoor play areas to the nearest residential receivers are predicted to comply with the DCP2014 with the implementation of the following:
 - The number of children outdoors in each area is limited as per Table 5 (of the Acoustic Assessment)
 - Acoustic screens in accordance with the recommendations of the Acoustic Assessment
 - Play Area 5 at Level 1 to be dedicated a passive play only area and is appropriately fitted out to facilitate this type of quiet play.
 - Soft fall or artificial grass or similar shall be installed in the outdoor play area to minimise reflections off the ground.
- Further to the above, it is important to note that the noise predictions for the outdoor play areas have been conducted based on the worst case scenario where all children are playing outdoors concurrently. It is not anticipated that that all outdoor play areas would be used by all of the groups concurrently – this is confirmed in the submitted Plan of Management for the proposed child care centre.
- The recommendations of the Acoustic Report are consistent with the AAAC guidelines for child care centres that aim to maintain reasonable levels of acoustic privacy to adjoining property;
- Council's EHO's have undertaken an assessment of the proposal and deemed the development to be satisfactory subject to conditions of consent – refer Section 13 of this report.

ITEM 4 (continued)

Given the above, the proposed non-compliances with regard to the elevated outdoor play areas is considered justifiable as the noise emitted from the elevated outdoor play areas has been assessed by the applicant's consultant as being minimised to compliant levels through the implementation of the above acoustic treatments. However, to ensure the claimed noise attenuation measures and acoustic recommendations comply with the relevant criteria, all noise mitigation and attenuation measures should be subject to compliance testing via a verification report prepared by an appropriately qualified Acoustic Engineer within the first three (3) months of operation. The report should then be and submitted to Council for review.

With the above in mind, the following conditions are recommended to ensure adequate levels of acoustic amenity are maintained to surrounding sensitive receivers:

Noise and Vibration *A validation report must be obtained from a suitably qualified and experienced consultant in acoustics three (3) months after the business commences trading and from time to time as reasonably requested by Council. The report should demonstrate and certify that noise and vibration intrusion within the development and from the development to adjoining sensitive receivers satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy, NSW Department of Environment and Conservation's Assessing Vibration: a technical guideline 2006 and conditions of Council's development consent.*

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the level of noise intrusion from road traffic noise within the building and the accumulation effect of mechanical plant and equipment and noise generated from all children in the outdoor play area on adjoining residential properties. Any recommendations outlined in the acoustic report are to be implemented in accordance with the report.

- 4. Location and siting of outdoor play spaces.** Section 6.2 of Part 3.2 of DCP2014 identifies expectations of best practice in the design of outdoor play spaces. In particular Control 6.2.1 (c) prescribes that the location of outdoor play spaces in the front setback should be avoided.

The proposed development is at variance with this control as the child care centre proposes to locate outdoor play spaces (shown as numbers 1, 2 and 3 on the submitted plans) within the front setback.

Although the proposed child care centre includes outdoor play spaces within the front setback, the non-compliance with this development control can be supported because it meets the objectives of the control for the following reasons:

ITEM 4 (continued)

- The outdoor play spaces will be designed in accordance with the DEC's requirements, thus facilitating quality, safety and attention to best practice in design.
- The outdoor play spaces exceed the minimum NSW licensing standards for unencumbered play areas by 218m². In this regard it is not anticipated that there will be an over concentration of children playing in the outdoor play spaces.
- The proposed child care centre has located the outdoor play spaces away from adjoining residences where possible, thus protecting the acoustic and visual amenity of surrounding residents.
- Landscaping and screening is proposed to the Bowden and Macpherson Street frontages, which will soften the appearance of the play spaces to better integrate with surrounding residential development.
- The submitted Acoustic Assessment has focused on recommending treatments to the design of the child care centre to reasonably maintain acoustic amenity to adjoining residences from the outdoor play spaces. The Acoustic Report has been prepared in accordance with the AAAC guidelines and also been reviewed by Council's EHO who have indicated support for the proposal subject to conditions.
- The Acoustic Assessment has specified that traffic noise intrusion within the proposed child care centre is only able to meet the AAAC Guidelines (30dBA for sleeping areas, 40dBA for internal areas, and 55dBA for outdoor areas) for parts of the day only. The times of the day when such noise intrusion limits are exceeded tends to be in peak hour traffic period. As such the Acoustic Assessment has made recommendations to ensure the operation of the child care centre is managed in such a way to ensure compliance can be achieved, i.e. closing doors and windows facing Bowden Street during morning and afternoon peak hour periods, and utilisation of quieter play spaces during peak periods. The submitted Acoustic Report will form part of the conditions of consent for the proposal, and as such the applicant will be bound to all recommendations contained within the Acoustic Report. Further, the following condition of approval is recommended to ensure the Plan of Management for the child care centre is updated to reflect the recommendations of the Acoustic Report:

Plan of Management – the Plan of Management be updated to include all child care centre operational recommendations contained within the approved consultant reports detailed in Condition 1. An updated Plan of Management is to be submitted to Council for approval prior to the issue of a **Construction Certificate**.

ITEM 4 (continued)

- Acoustic screening is proposed to minimise traffic noise within the outdoor play areas, as well as maintain the acoustic amenity of surrounding properties. Accordingly, a condition of consent will be imposed outlining that acoustic treatments are to be in accordance with the recommendation outlined in the submitted acoustic assessment report.
- According to the Plan of Management submitted with the subject development application, not all children will be utilising the outdoor play areas at the same time, thus reducing the noise impacts associated with utilisation of the outdoor play spaces

For the above reasons, the non-compliance with regard to the proposed location of the outdoor play areas contained within the DCP2014, is considered justifiable.

5. **Basement car parking.** Section 5.1 of Part 3.2 of DCP2014 outlines car parking requirements. In particular Control 5.1(f) prescribes that underground parking is not permitted in low density residential areas.

An assessment of the child care centre has revealed that semi-basement car parking is proposed, which will include:

- Lift access to the ground and first floor
- 8 staff car parking spaces
- 12 general parking spaces (including 1 disabled space)

Although the proposed child care centre will incorporate semi-basement car parking, the non-compliance with this development control can be supported as it is capable of meeting the objective of the control for the following reasons:

- The semi-basement car park will not be highly visible from the Bowden Street, Macpherson Street or Macpherson Lane street frontages as appropriate screening and landscape treatments are proposed. –refer **Figure 4** and **Figure 5**.
- When viewed from the public domain, the elevations submitted with the development application reveal that the semi-basement car parking areas will be largely screened, and not highly visible from the street. This is because of the varied building articulation and significant level of landscape screen planting proposed.
- It is considered unlikely that the proposed excavation will have a significant impact on adjoining private property as the bulk of excavation is concentrated nearer the Macpherson Street and Macpherson Lane frontages.
- It has been recommended that conditions of consent be included to ensure protection of adjoining property from the impacts of such excavation. These include conditions relating to the support for neighbouring dwellings, limitations on the hours of work, erection of hoarding fences, restriction to development within site boundaries, requirement to obtain Road Opening

ITEM 4 (continued)

Permits, pre and post construction dilapidation reports, and necessity to comply with all Australian Standards.

- As part of the assessment of the proposal, the development application was referred internally to Council’s Senior Development Engineer. The referral response has indicated that the proposal is satisfactory, subject to the imposition of conditions. The referral response and recommended conditions are provided in Section 13 of this report.
- The semi-basement car park is considered to provide a more aesthetically pleasing and convenient parking arrangement than that of an at-grade car park. The semi basement car park will also help to move vehicles on-site rather than park on the street.
- For corner allotments adjacent to main and collector roads, Council has previously permitted basement car parking for child care centres.

For the above reason’s, the proposal’s non-compliance with the basement parking controls is considered justifiable.

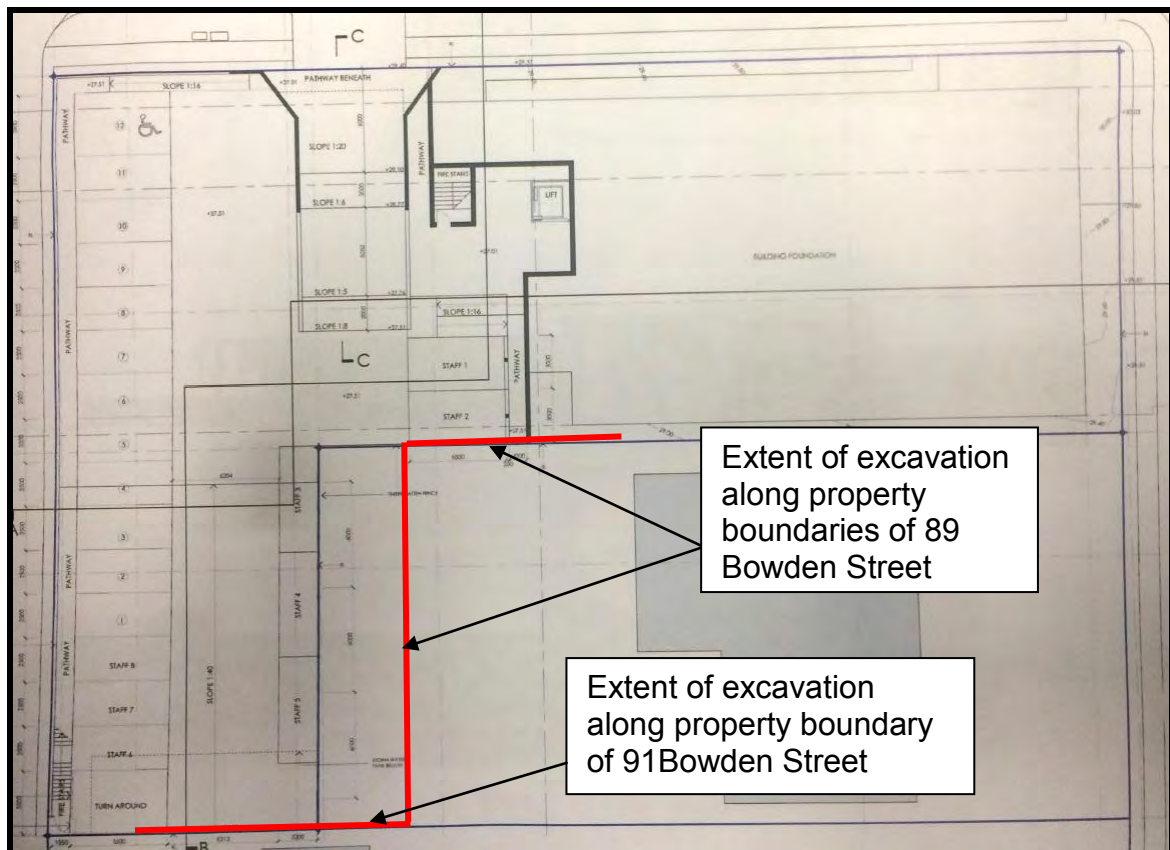


Figure 8 –This diagram shows where the excavation will occur along the property boundaries of 89 & 91 Bowden Street. Given the proximity to the boundary, conditions of consent will be put in place to ensure support for neighbouring property, limitations on the hours of work, as well as pre and post construction dilapidation reports.

Source: Basement Plan by applicant, edited for diagrammatic purposes by CPS.

ITEM 4 (continued)***Non-compliances – Resolved via condition***

1. ***Child care centre design.*** Section 1.7 in Part 3.2 of the DCP2014 prescribes that development applications for child care centres are to be prepared in accordance with Council's requirements and must be accompanied by documentation to demonstrate compliance with the relevant objectives and controls of this part. In this regard, the below requirement for the submission of a development application applies:

Child care centre development applications are required to be accompanied by a signed undertaking by the applicant, licensee or proposed licensee that demonstrates that the proposal has been designed to comply with respect to the Children's Services Regulation 2004 or DEC's requirements as relevant at the time of application.

An assessment of the submitted documentation has revealed that no signed undertaking was received as part of the submitted development application documents from the applicant, licensee or proposed licensee. Accordingly, the following condition of consent requiring a signed undertaking is recommended.

Signed Undertaking. *A signed undertaking by the applicant, licensee or proposed licensee that certifies the proposal has been designed to comply with respect to the Children (Education and Care Services) Supplementary Provisions Regulation 2012 and Department of Education and Communities requirements is to be submitted to Council.*

2. ***Fencing, Gates and Security*** Section 3.1 and also Section 3.5 in Part 3.2 of the DCP2014 prescribes development controls to ensure child care centres are appropriately designed to a high level of safety and security. Further gates are to be designed to prevent children leaving/entering unsupervised by use of childproof locking systems, and impede intruders from entering the premises.

The submitted Site Analysis Plan shows that a secure perimeter will be provided to all three street frontages. The secure perimeter will provide additional access constraints to potential intruders from the proposed active outdoor play areas. However, to ensure gates are suitably secured, the following condition of consent is to be imposed requiring an electronic key pad to access points:

Access Control. *An electronic key pad to all access points is required to ensure there is no unauthorised access to the child care centre. Details of compliance are to be provided in the plans for the **Construction Certificate**.*

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3. **Screened doors and windows.** Section 3.1 of Part 3.2 of DCP2014 prescribes controls relating to the design and character of all child care centres. More specifically, the control requires screening to all doors and windows to prevent mosquito bite infections.

The submitted SEE states that this control will be complied with. Accordingly it is recommended that the following be included as a condition to ensure that the proposed development meets the controls set out in Section 3.1 of Part 3.2 of the DCP2014.

Screen Doors and Windows. *Insect screens are to be installed to all operable windows and doors. Plans detailing the insect screens are to be approved by Principal Certifying Authority prior to the issue of the **Construction Certificate**.*

4. **Car Parking and Access.** Section 5.5 of Part 3.2 of DCP2014 seeks to ensure that all new child care centres, and alterations and additions to existing child care centres (where relevant), are designed to make adequate provision for access by people with disabilities over and above the requirements of the Building Code of Australia to assist compliance with Disability Discrimination Act (DDA) 1992 and Disability (Access to Premises-Buildings) Standards 2010.

The submitted BCA Capability Report prepared by Vic Lilli and Partners has identified a number of items that require further consideration with regard to access for people with disabilities. This report also recommends a separate report be prepared from by a suitably qualified Access Consultant in order to demonstrate compliance with the applicable provisions.

Given the above an Access and Mobility Report, prepared by a suitably qualified Access Consultant, was requested to be submitted to Council as part of an additional information request to the applicant on 4 August 2015.

In the applicant's response on 17 August 2015, an Access and Mobility Report was not provided to Council, rather it was commented that a detailed accessibility report would be part of the construction certificate process.

In the regard, the following condition is recommended to ensure such a report is furnished to Council for assessment and approval prior to the issue of a construction certificate:

Access and Mobility Report. *In order to demonstrate compliance with the Disability Discrimination Act (DDA) 1992 and Disability (Access to Premises-Buildings) Standards 2010, an Access and Mobility Report, prepared by a suitably qualified Access Consultant is required to be submitted to Council for approval prior to the issue of **Construction Certificate**.*

ITEM 4 (continued)

5. **Centre Facilities.** Section 7.1 in Part 3.2 of DCP2014 seeks to ensure that child care centres are designed to ensure best practice in the provision of centre facilities and also the good amenity for staff and users of the centre. In particular, the following development control applies:

Control 7.1 (d) In centres where children under the age of 2 years are proposed to be cared for the following are to be provided:

- i. A sleeping room with 2.5 m² of floor space per cot and a maximum of 10 cots per room;*

Two cot rooms are provided within the proposed child care centre which have four and six cots respectively in each room. However, despite being compliant with the number of cots per room, the floor space of these rooms totals 12.5m², meaning that the size of the room falls short of the minimum by 12.5m².

Given the indoor play spaces easily achieve compliance with the minimum requirements under the Regulations 2012, it is considered feasible and appropriate that the sleeping rooms be enlarged to achieve compliance with the provisions of DCP2014. For this reason, the following condition of consent has been recommended:

Size of Cot Rooms. *The size of the cot rooms shall be modified to comply with the controls contained in Section 7.1(d) of the Ryde Development Control Plan 2014.*

It is noted that the applicant has sought to justify the non-compliant cot room sizes on the basis that no such limitations are imposed under the Regulation 2012. However, as noted above, it is not considered unreasonable or unnecessary to comply with the provisions of DCP2014 given ample indoor play space area is provided for which 12.5m² could be reallocated to an enlarged cot room.

6. **Exterior Lighting.** Section 7.3 of Part 3.2 of DCP2014 prescribes controls relating to exterior lighting. The controls for exterior lighting state.
- a. Lighting is to be provided to assist access via the main entrance.*
 - b. The street number of the building must be provided for identification. It is to be visible from the street day and night, by lighting and/or reflective material, to ensure easy identification for visitors including emergency services.*
 - c. The locations and design of all proposed external lighting must not have an adverse impact on adjoining properties. Where possible, sensor lighting and energy efficient lighting should be used. The use of spotlights is discouraged.*

ITEM 4 (continued)

The submitted SEE states that the proposal will comply with the DCP2014 and that lighting will be appropriately directed within the development. As such it is considered that the following standard condition relating to lighting should be included.

***Exterior Lighting** – Installation of exterior lighting is to be undertaken in accordance with the provisions of the Ryde Development Control Plan 2014. Lighting details are to be submitted to the Principal Certifying Authority prior to issue of the **Construction Certificate**. The lighting details are to include certification from an appropriately qualified person that there will be no offensive glare or adverse impact onto adjoining properties.*

7. **Waste Management.** Section 7.4 in Part 3.2 of the DCP2014 prescribes that the consideration of waste produced during demolition and construction, and also management of waste through the ongoing use of the facility once developed, is required for all child care centre developments. In particular, a waste management plan is to be submitted for all proposed demolition and construction in accordance with Part 7.2 of the DCP2014.

Although reference is made to waste storage areas within the basement in the SEE, an assessment of the submitted documentation has shown that limited details have been provided on the location and provisions for the storage and collection of waste within the existing basement.

Additionally, the Plan of Management submitted with the application provides little detail on how waste will be managed as part of the operation of the child care centre.

Accordingly, the following condition of consent is recommended:

***Waste Management Plan.** A detailed waste management plan is to be submitted to Council for approval prior to the issue of **Construction Certificate**. The waste management plan is to be prepared in accordance with Section 7.4 of Part 3.2 and also Part 7.2 of the Ryde Development Control Plan 2014.*

8. **Emergency Evacuation.** Section 7.5 in Part 3.2 of the DCP2014 prescribes that a Fire Safety and Evacuation Plan be prepared in accordance with DEC's requirements to ensure child care centres have emergency evacuation procedures and plans in place to assist the safe evacuation of occupants in preparation for times of emergency. The plan is required to be submitted prior to the issue of the Occupation Certificate. As such it is recommended that the following is included in the conditions of consent.

ITEM 4 (continued)

Emergency Evacuation. *Prior to the issue of an Occupation Certificate for the child care centre, a "Fire Safety and Evacuation Plan" complying with Australian Standard AS3745 is to be prepared by a suitably qualified person and submitted to the Principal Certifying Authority.*

The Fire Safety and Evacuation Plan is to address:

The mobility of children and how this is to be accommodated during an

- i. evacuation;*
- ii. The location of a safe congregation area, away from the evacuated building, busy roads and other hazards, and away from evacuation points for use by other occupants/tenants of the same building or of surrounding buildings; and*
- iii. The supervision of children during the evacuation and at the congregation area with regard to the capacity of the child care centre including child to staff ratios.*

10. Likely impacts of the Development**(a) Built Environment**

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken as part of the completed assessment of the proposed development. This has included a compliance check against all relevant planning controls, referral of the proposal to relevant technical officers within Council, and a detailed assessment report.

The resultant impacts of the proposed child care centre on the built environment are considered to be satisfactory, subject to appropriate conditions of consent.

The following provides an assessment of those impacts on the built environment not already addressed in this report.

Hours of Operation. The proposed hours of operation for the child care centre are 7:00am to 6:00pm, Monday to Friday. The SEE submitted with the application indicates that the centre will be closed on weekends and public holidays.

To ensure the operation of the proposed child care centre is consistent with the above hours, the following condition of consent is recommended to confirm the proposal will not impact on the built environment in the evening, night-time, or weekend or public holidays.

ITEM 4 (continued)

Hours of operation. The hours of operation are to be restricted to:

- (a) The hours of operation of the child care centre are restricted to 7:00am to 6:00pm Monday to Friday.
- (b) The child care centre is not permitted to operate on, Saturdays, Sundays or Public Holidays.

Noise from Car Park and Mechanical Plant. Details on noise intrusion from surrounding roads, and also noise associated with the use of play areas has been addressed in detail within this report. However it is acknowledged that noise associated with the proposed basement car park and mechanical plant is also a relevant matter for consideration when considering the impacts of the proposal on the built environment.

An assessment of the Acoustic Report submitted with the development application reveals the following:

- The highest noise level predicted from car park activity is 42dBA across Macpherson Lane at 4 See Street and 6 See Street. This complies with the nominated criteria.
- Noise impacts from site related traffic on public roads comply with the NSW Road Noise Policy and are acceptable.
- The report recommends that any air conditioning condensers are strategically located away from residential neighbours and using the proposed child care centre buildings for acoustic shielding;
- An ideal location for mechanical plant would be in the lower ground floor car park, underneath the building and away from the site boundaries, notably along Macpherson Lane.

As outlined earlier in this report, the Acoustic Report will form part of the conditions of consent for the child care centre. As such, the development will be bound by the recommendations contained within the Acoustic Report. Additionally, compliance testing for acoustics has been recommended as part of this assessment report, and will also be included as a condition of consent.

With the imposition of the above conditions, the acoustic impacts of the proposed development are considered to be satisfactory when having regard to their impacts on the built environment.

Traffic, Parking, and Pedestrian Safety. Submitted with the development application is a traffic and parking impact assessment prepared by Transport & Urban Planning Pty Ltd. The report assesses the traffic, pedestrian and parking impacts of the proposal.

ITEM 4 (continued)

The report outlines the traffic impacts on the adjacent road network and intersections will be acceptable and traffic conditions on the road network will remain satisfactory with little change from existing conditions.

With regard to parking, the report concludes that the proposal will have adequate off street parking (20 spaces) to comply with the provisions of DCP2014. This has been confirmed by Council within the assessment of the proposal against the DCP2014 parking controls - refer **Attachment 2**.

Pedestrian safety has been considered within the report prepared by Transport & Urban Planning Pty Ltd. The report outlines that safe pedestrian crossing infrastructure and refuge islands are provided across Victoria Road, Bowden Street and Macpherson Street, and as such the existing facilities are adequate to cater for any walk trips generated by the proposal.

As part of the assessment of the subject development application, the proposal and report prepared by Transport & Urban Planning Pty Ltd has been referred to both Council's Traffic Engineer and Senior Development Engineer. The response from Council's these engineers is that the proposal is acceptable from a traffic, parking and pedestrian safety perspective, subject to imposition of the recommended conditions of consent outlined in the Referrals section of this report.

For accommodation of delivery vans to the site, the following condition has been recommended to ensure deliveries to and from the child care centre do not coincide with the peak times of day when children are being dropped off and picked up from the centre. This condition is consistent with restrictions that have been placed on deliveries times for other child care centres in the City of Ryde.

Delivery times. All deliveries to and from the child care centre are to occur between the hours of 10:30am and 2:30pm on the days which the child care centre is operational.

Given the above, it is considered that the traffic, parking and pedestrian impacts of the development have been satisfactorily assessed, and determined to be acceptable by Council officers with regard to the impacts on the build environment.

Relocation of Post Office Boxes. The submitted plans reveal that the proposal requests the relocation of the Australia Post Office Boxes that are currently in front of the pedestrian entry to the child care centre on Macpherson Street. The post office boxes are proposed to be moved westward, closer to the corner of Macpherson Street and Macpherson Lane – refer to **Figure 9** below.

ITEM 4 (continued)

Matters associated with post office box infrastructure and servicing requirements are considered to be best dealt with by Australia Post. As such, the following condition is recommended to ensure that the issue regarding relocation of the post boxes resolved between the applicant and Australia Post prior to the issue of construction certificate.

Relocation of Post Office Boxes. Consultation and compliance with the requirements of Australia Post in relation to the proposed relocation of the post office boxes is required. Details of the consultation and authorisation for relocation of the post office boxes from Australia Post is required to be submitted to Council for records purposes.



Figure 9 –This diagram indicates the current location of the post offices boxes to the right of frame which conflicts with the pedestrian entry of the child care centre, and also the approximate new location for the post office boxes suggested by the applicant.

Source: www.google.com

(b) Natural Environment

The proposed development is located in an established urban area, and as such is not considered to result in any significant impacts on the natural environment. Imposition of Council's standard conditions of consent relating to protection of the natural environment are considered satisfactory to mitigate any adverse impact the proposed demolition, construction and operation of the child care centre will have.

Further, the subject development application has been referred to Council's technical officers who have indicated that the proposal is satisfactory subject to the imposition of conditions. This includes Council's Consultant Landscape Architect who has assessed the proposed disturbance to vegetation on the site.

ITEM 4 (continued)**11. Suitability of the site for the development**

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies no constraints affecting the subject property other than those already identified within this report.

12. The Public Interest

Having regard to the assessment contained in this report, it is considered that approval of the development is in the public interest as it provides for the needs of the local and wider community. Additionally, the proposal is considered to complement the area providing a much needed service to both nearby residents and workers within Ryde and the community generally.

13. Consultation – Internal and ExternalInternal Referrals

Heritage Officer: The subject development application was referred to Council's Heritage Officer as the subject site is located within the vicinity of the following items of heritage significance listed under Schedule 5 of LEP2014:

- 'Church' 74A Bowden Street, Ryde (Item No.120)
- 'Church' 7-9 McPherson Street, West Ryde (Item No.164)
- 'House' 95 Bowden Street, Ryde (Item No.121)

The relationship between the subject site and these adjoining heritage items is shown in the air photo below:

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The following comments have been provided from Council's Heritage Advisor:

Background

The development proposal seeks Council's approval for the demolition of the existing dwelling houses ancillary structures and removal of existing vegetation on the site and construction of a childcare centre.

Previous heritage comments were provided on 21 July 2015 (that requested the provision of a Heritage Impact Statement to support the development application).

An assessment of the proposal at the time concluded that the dwelling displays characteristics and form that has high architectural and aesthetic values and that a heritage impact assessment is necessary in order to more thoroughly consider the potential heritage significance of the site, together with the impact of the new development on the heritage items within the vicinity of the site.

Additional referral comments

No further documentation or assessment has been provided to date, however it is understood that this application is to be considered by Council's Planning and Environment Committee for determination.

ITEM 4 (continued)

In my opinion, a robust heritage impact assessment (in the form of a Heritage Impact Statement (HIS)) is crucial to the assessment of the proposal and should still be sought, to allow for an assessment in more detail of the potential heritage values and cultural significance of the dwellings.

Opportunity exists for the Applicant to also consider a revised design whereby the existing dwelling at 87 Bowden Street could be retained and modified to suite the use as a childcare centre, having a lesser visual impact on the heritage item opposite. It is considered that a skillful design could be pursued which retains the dwelling and sympathetically adapts / repurposes the dwelling to achieve a suitable level of functionality and amenity for the proposed childcare centre. The regard in which 87 Bowden Street is held by the community is represented in the submissions received which raise concerns over the proposed demolition of the dwelling.

As the development remains the same as previously considered and no further heritage assessment has been provided, the development cannot be supported in its current form on heritage grounds due to insufficient information and the view that the existing dwelling at 87 Bowden Street holds considerable architectural and aesthetic significance.

However, should Council decide to approve the development proposal in its current form, then the following conditions of consent should be imposed:

Recommended conditions**1. Salvage of materials and building elements**

Traditional building materials and architectural elements (such as windows, doors, internal and external joinery, masonry, tiles etc) are to be dismantled, salvaged and sold to an established dealer in second-hand heritage building materials.

Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.

Reason: *Heritage conservation.*

ITEM 4 (continued)**2. Archaeology stop work provisions**

As required by the NSW National Parks and Wildlife Service Act 1974 and the Heritage Act 1977, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately to allow a suitably qualified archaeologist to make an assessment and recommendation of the findings.

If relics are encountered, Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified and further archaeological work may be required before works could re-commence. Approvals/permits from the Heritage Division may also be required to disturb/relocate relics.

Reason: Statutory obligations.

3. Photographic Archival Recording

Prior to the commencement of any works, including the dismantling of fabric or demolition, a Photographic Archival Recording shall be undertaken and submitted to Council.

The Photographic Archival Recording shall be prepared in accordance with the guidelines "Archival Recording of Heritage Items Using Film or Digital Capture" published by the Heritage Division of the Office of Environment and Heritage.

Two complete copies of the Photographic Archival Recording shall be submitted to Council. Each copy should contain (for digital projects):

- A brief report or introduction which explains the purposes of the Photographic Archival Recording and gives a brief description of the subject site, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;*
- Plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;*
- The report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;*
- Catalogue sheets, photographic plan, supplementary maps;*

ITEM 4 (continued)

- *Colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers. The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;*
- *One full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.*
- *A CD or DVD containing electronic image files saved as RAW files with associated metadata, and cross-referenced to catalogue sheets.*

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

Reason: *Heritage conservation.*

Assessment Officer's Comments:

It is noted that retention of the existing dwelling is recommended for consideration, given that this existing dwelling has been identified (in resident submissions) as having some architectural character and possible heritage value. Whilst this is noted, it is not considered that Council should insist upon the retention of the existing dwelling for as part of any re-development at the site, because the existing dwelling is not listed as a heritage item under the provisions of Ryde LEP 2014. Further, retention of the existing dwelling would require a major re-design of the proposal, and the applicant has advised that they have considered the possibility of retaining the dwelling as part of re-development but did not pursue this because it was not commercially viable. It has been Council's practice to only list items of architectural significance and seek retention with the support of the property owner.

In relation to issues regarding non-provision of a Heritage Impact Statement (in regard to relationship with adjoining heritage items), it is noted that the most significant nearby heritage item is the Church at No 74A Bowden Street (opposite the site). Other heritage items are located at 7 Macpherson Street, 95 Bowden Street and the group at 61-77 Forsyth Street, however these other items have a diminished relationship to the subject site because they do not have a direct "line of sight" and/or they are further away from the subject site.

ITEM 4 (continued)

The Church at No 74A Bowden Street is a very architecturally distinct building – most notably because it has a prominent corner location (corner of Bowden and Squire Streets), and a generous setback (over 10m) from Bowden Street. These site characteristics would enable the Church to retain its heritage significance, as well as sight lines from various directions (both ways along Bowden Street, Squire Street and Macpherson Street) regardless of what type of development takes place on adjoining allotments. Furthermore, the distance (between the Church and the proposed building the subject of this DA) is approximately 30 metres which would further assist to ensure the Church retains its prominent position and thus its heritage significance.

In addition, it is noted that (if the site were to be developed for a single dwelling and not the subject child care centre development), it would be possible to utilise the Complying Development provisions of planning controls introduced by the State Government (State Environmental Planning Policy (2008) – Exempt and Complying Development Codes). In particular, a Complying Development Certificate could be issued for a new dwelling that would not require any particular Heritage assessment to be made in relation to adjoining heritage items.

For these reasons, it is not considered necessary to require provision of a Heritage Impact Assessment. The recommended conditions of consent provided by the Heritage Officer are included in the Draft Conditions of Consent (Attachment 1).

Consultant Landscape Architect: The proposed development was referred to Council's Consultant Landscape Architect who has indicated that the proposal is supportable from both a tree impact and landscape architectural perspective, subject to the imposition of the following non-standard conditions:

Tree Species Substitution. *The proposed species of Quercus robor and Dianella 'Boarder Silver' are to be deleted from the Landscape Plans submitted for **Construction Certificate**.*

Landscape Details. *The landscape plans submitted with **the Construction Certificate** are to include the following:*

- (a) Detailed sections of the outdoor areas located on podium, including the rooftop which demonstrate the relationship and workability between the proposed planting, hard paved and turf areas;*
- (b) Additional natural and interactive play structures, elements and items are to be included to the outdoor play areas to ensure rich and varied outdoor experience, particularly for the older age groups. This could include but is not limited to sandpits, climbing/balancing structures, rocks, edible gardens, water play and earth mounding;*
- (c) Details of materiality for the hard surfaces of the outdoor play areas;*
- (d) Details of the proposed planting areas including planting layouts, densities and species locations;*

ITEM 4 (continued)

- (e) *Increased levels of shade are to be provided to the outdoor play areas with specific details of the shading to the rooftop play area provided.*

Building Surveyor: The proposed development was referred to Council's Building Surveyor who has indicated that the proposal is satisfactory subject to the imposition of Council's standard building conditions.

Senior Development Engineer: The proposed development and revised plans were referred to Council's Senior Development Engineer who provided the following comments. Conditions of consent have been provided, and these are included in the Draft Conditions of Consent (see **Attachment 1**).

Stormwater Management

The proposed stormwater management system for the development discharges with the fall of the land to Macpherson Lane and incorporates onsite detention complying with Councils requirements. The following matters are to be addressed;

- The plans have not provided much attention to the intrusion of the OSD tank into the parking level below. The architectural details indicate the tank is below the carpark level however the stormwater plans indicate that it is suspended above. Comparison of the nominated levels indicates that the drainage design would provide 2.43m of clearance between the invert of the tank and the parking level which would allow for some 230mm for structural elements. This clearance is minimal and it is likely that the tank depth and footprint would need to be modified to accommodate structural elements. The potential for this has been implemented in the drafted conditions.*
- The OSD will discharge to the kerb in Macpherson Lane however the nominated PSD rate exceeds the maximum permitted discharge to the kerb of 30L/s (47L/s is proposed). This can be addressed by expansion of the storage volume and revising the discharge control, which does not pose a significant issue and is addressed as a condition of approval.*
- The OSD is located in a rear play yard and therefore it is crucial that the access grates to the system be adequately screened so as to provide a safe play environment.*
- The plans have not detailed the failure mode of the OSD system which is of concern given that it may lead to inundation of the playground area. This could be rectified by having a piped overflow to the discharge pit.*

These matters are addressed in the standard conditions of approval and marked on the approved plans.

ITEM 4 (continued)Public Domain

The following matters are noted;

- The nominated relocation of the Post Office box does not pose as a great issue with respect to the onstreet parking restrictions however would warrant that any changes should be undertaken in consultation with Australia Post and the changes to the parking restrictions will need to be progressed through the Local Traffic Committee. This can be addressed as a condition of consent.
- The proposed allocation of onstreet parking spaces to facilitate the pickup-drop-off manoeuvres is not supported given the arrangement is contrary to Councils DCP objectives requiring the parking demands of the development to be provided off the street.
- The proposed kerb extensions are beneficial for traffic calming however may not be warranted (becoming an unwanted burden for Council to maintain) and may adversely reduce the efficiency of the intersection thereby effecting traffic flow. (See also Public Works Comments below).

It is noted that the kerb infrastructure along the site frontage of Macpherson Lane is considerably dilapidated and likely to degrade further as a result of the works. To ensure the serviceable life of this infrastructure is aligned with that of the development. It is conditioned that the kerb must be replaced.

Traffic Generation

The submitted traffic report has presented traffic generation levels based on RMS guidelines and the peak rates are as follows (in Vehicle Trips Per Hour);

- AM Peak hour – 72 total (36 in, 36 out)
- PM Peak hour – 63 total (32 in, 32 out)

Whilst this is a marked difference in comparison to the present level of traffic generation from the sites themselves, it is to be noted this traffic generation will be distributed over the surrounding network and the resulting volumes will be relatively very low in comparison to the existing traffic levels conveyed in the surrounding road network. The report notes Bowden Street north of the Macpherson Street intersection conveys 677 to 895 vehicles per hour in the peak periods.

Vehicle Access and Parking

The proposed parking area accommodates 2 way traffic flow at the entry and driveway grades, transitions, access aisle dimensions and space dimensions comply with AS 2890.1 for the given user class. The following matters are noted;

ITEM 4 (continued)

- *The plans have located a disabled space at the far northern end of the parking row. This will require excessive manoeuvring to enter and exit which would pose a problem for less abled drivers. It therefore should be relocated to a more convenient location at the base of the ramp.*
- *The turning bay at the far southern end is crucial for staff parked in the parallel spaces to exit the garage in a forward manner. It is warranted that this area be appropriately linemarked.*

The proposed development warrants 20 parking spaces to be provided, allocated as per the rates in the DCP Part 9.3 (Parking) as follows;

- *Parents 1 space per 8 children @ 90 children = 11.25 (12 spaces)*
- *Staff 1 space per 2 staff @ 16 staff = 8*

These spaces have been accommodated in the proposed basement parking area. As noted above, the allocation of onstreet parking to serve the development is not warranted nor supported.

Recommendation

There are no objections to the proposed development with respect to the engineering components, subject to the application of conditions being applied to any development consent being issued for the proposed development.

It should be noted that those proposed works outside of the property boundary within the road reserve are not supported as part of the subject development application. This includes the hard and soft landscaping treatments (within 3m of vehicle access driveway to the site) shown on the plans, along with car parking spaces, and traffic island/blisters. Accordingly, the following is recommended under Condition 1 so that these works are excluded from the consent:

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

- (a) The following works located outside of the property boundary do not form part of this consent:*
- *Car parking spaces within the road reserve;*
 - *New hard and soft landscaping treatments (within 3m of the vehicle access driveway to the site); and*
 - *Traffic island/blisters.*

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

ITEM 4 (continued)

Public Works: The DA was referred to Council's Public Works Group and the following comments have been provided.

A combined entry/ exit 6.5 metres wide driveway is proposed to be provided from Macpherson Street. Due to the proposed driveway location, the existing Australia Post box in Macpherson Street is to be relocated. This requires consultation with the Australia Post.

Additionally it should be noted that 72 Vehicle movements in the peak period has been identified, however of those movements, it is 36 movements which will be outbound and contributing to the traffic flow. Because the Childcare Centre is proposing to operate from 7.00am, it is anticipated that the majority of drop-off will occur prior to 7.00am thereby not affecting the peak period as significantly. This is considered to be a minimal impact development.

| Development | Parking | AM Generation | PM Generation | Total |
|--------------------|----------------|----------------------|----------------------|--------------|
| Pre Post | 20 | 72 | 64 | 136 |

The existing facilities around the site include a refuge to assist in the crossing of McPherson Street near the intersection of Bowden Street and a roundabout with associated refuges for crossing Bowden Street. Observing the existing infrastructure demonstrates no need for any further traffic related infrastructure. The applicant will however need to embellish the existing facilities to ensure maximum visibility and presence.

Due to the presence of children in the area, all street trees/planting (within 3m of the vehicle access driveway to the site) shall not exceed 1 metre in height to ensure maximum visibility is maintained to all pedestrians.

Council will not allocate parking on-street for use specifically by the Childcare Centre. All parking is to be included in the basement parking levels.

Environmental Health Officer: The proposed development was referred to Council's Environmental Health Officer who provided the following comments. Conditions of consent have been provided, and these are included in the Draft Conditions of Consent (see **Attachment 1**).

Waste Management

The applicant proposes to store garbage bins in the basement, however, there is no bin storage room or area shown on the plans. The waste management plan submitted with the application only considers construction/demolition waste, not the ongoing waste management of the proposed Child Care Centre.

ITEM 4 (continued)

The applicant shall comply with the requirements of Council's DCP 2014, Part 7.2 including the construction of the garbage storage area.

Food

There is a kitchen proposed on the top floor of the proposed child care centre. The fitout of the kitchen shall comply with AS4674:2004.

Noise

The subject site is approximately 137 metres from Victoria Road and approximately 400 metres from the rail corridor. An acoustic report has been prepared by Renzo Tonin & Associates dated 5 May 2015 titled "Proposed Child Care Centre CRN of Macpherson St & Bowden St, Ryde, Acoustic Assessment". This report states that the noise impacts from the outdoor play areas are predicted to comply with the City of Ryde Child Care Centres DCP with limits placed on the number of children outdoors in each area, acoustic screens and the play area number 5 on level 1 to be dedicated as a passive play area only and appropriately fitted out to facilitate quiet play.

Contamination

The site appears to have been used as a residence from present day to before 1942 according to Council's records. Therefore it is unlikely that there is contamination on the property, although there is the potential for the site to contain fill materials Council's records do not indicate that there is fill on the site.

Acid Sulphate Soils

The site is not in an area where an acid sulphate soils management plan is required.

Hazardous Materials

Due to the age of the house which is proposed for demolition in this application, there is likely that the house has been constructed using asbestos containing material and/or lead paint or similar materials. Therefore, it is recommended that consideration be given prior to demolition of the potential for hazardous materials on the site to ensure appropriate demolition and safety techniques can be employed and to prevent contamination to the environment.

External Referrals

None required.

14. Critical Dates

There are no critical dates or deadlines to be met.

ITEM 4 (continued)**15. Financial Impact**

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

16. Other Options

None relevant.

17. Conclusion

The proposed development has been assessed using the heads of consideration listed in Section 79 of the Environmental Planning & Assessment Act 1979 and is generally considered to be satisfactory for approval.

Although areas of non-compliance with DCP2014 were identified, these were either considered to be justifiable given the circumstances of the subject site and the development proposed, or alternatively addressed via imposition of consent conditions.

The proposed child care centre is considered to result in a development that is consistent with the objectives of the R2 Low Density Residential zone as it will provide a facility to assist with the day to day requirements of residents. The building itself is considered compatible with the current and likely future character of the low density residential area. This is largely due to the fact that the proposal includes a compliant bulk and scale from a building height, floor space ratio and setback perspective, which is based on the numerical requirements for low density residential development.

The proposed number of children, and the intended hours of operation of the child care centre are considered appropriate for the subject site's location, and consistent with other recently approved child care centres within the City of Ryde.

The traffic, parking, impacts of the proposal, along with the acoustic and visual amenity of impacts has been assessed and is considered to be satisfactorily consistent with the relevant development controls and objectives outlined in Part 3.2 of the DCP2014 for child care centres.

On the above basis, LDA2015/0283 at 87 Bowden Street and 2 Macpherson Street, Ryde is recommended for approval subject to conditions.

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ATTACHMENT 1

**DRAFT CONDITIONS OF CONSENT
87 BOWDEN STREET AND 2 MACPHERSON STREET, RYDE.
LDA2015/283**

PART 1 - The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

1. **Signed Undertaking.** A signed undertaking by the applicant, licensee or proposed licensee that certifies the proposal has been designed to comply with respect to the Children (Education and Care Services) Supplementary Provisions Regulation 2012 and Department of Education and Communities requirements is to be submitted to Council.
2. **Amended Plans.** The submission of amended plans that comply with the following requirements:
 - (a) **Size of Cot Rooms.** The size of the cot rooms shall be modified to comply with the controls contained in Section 7.1(d) of the Ryde Development Control Plan 2014.

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

GENERAL

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

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 |
|---|----------|-------------------|
| Ground Floor Plan | 04/15 | DA01, Revision 3 |
| First Floor Plan | 03/15 | DA02, Revision 3 |
| Car Park Plan | 03/15 | DA03, Revision 2 |
| Roof Plan | 03/15 | DA04, Revision 2 |
| North Elevation | 04/15 | DA05, Revision 5 |
| South Elevation | 04/15 | DA06, Revision 5 |
| East Elevation | 04/15 | DA07, Revision 5 |
| West Elevation | 04/15 | DA08, Revision 5 |
| Section Plan | 04/15 | DA09, Revision 3 |
| Colour Sample Sheet | 04/15 | DA17, Revision 3 |
| Concept Stormwater Plan – Basement | 23/03/15 | SW02, Issue A |
| Concept Stormwater Plan – Ground Floor | 23/03/15 | SW03, Issue A |
| Concept Stormwater Plan – | 23/03/15 | SW04, Issue A |

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| | | |
|---|----------|--|
| First Floor Concept Stormwater Plan – Roof Plan | 23/03/15 | SW05, Issue A |
| Sediment & Erosion Control Plan | 23/03/15 | SW06, Issue A |
| Landscape Architectural Plan – Ground and Rooftop | 27/03/15 | L_101, Issue D |
| Landscape Architectural Details and Planting Schedule | 23/03/15 | L_501, Issue A |
| Acoustic Assessment (prepared by Renzo Tonin & Associates) | 5/05/15 | TH270-01F02 Acoustic Assessment (r2) |
| Arboricultural Assessment (prepared by Elke Landscape Architect) | 18/06/15 | 1503_b_Little Zacks Academy Child Care, NSW, Arboricultural Assessment |
| Site Waste Minimisation Plan | 27/05/15 | Prepared by Ecosystem Architecture |
| Assessment of Traffic and Parking Impact (prepared by Transport and Urban Planning) | 10/06/15 | Ref. 15027R1 |
| BCA Capability Report (prepared by Vic Lilli & Partners Consulting) | 05/05/15 | Ref. J150086 |

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

- (a) The following works located outside of the property boundary do not form part of this consent:
- Car parking spaces within the road reserve;
 - New hard and soft landscaping treatments; and
 - Traffic island/blisters.

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

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **Energy Efficiency.** The fittings, fixtures and materials installed in association with the development (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council's DCP. Details are to be noted on the plans submitted with the **Construction Certificate**.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

ITEM 4 (continued)

ATTACHMENT 1

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".
6. **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.
7. **Hoardings.**
- a. A hoarding or fence must be erected between the work site and any adjoining public place.
 - b. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - c. Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
8. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
9. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
10. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
11. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
12. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

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13. **Relocation of Post Office Boxes.** Consultation and compliance with the requirements of Australia Post in relation to the proposed relocation of the post office boxes is required. Details of the consultation and authorisation for relocation of the post office boxes from Australia Post is required to be submitted to Council for records purposes.
14. **Bicycle/motorcycle parking.** An area shall be designated for motorbike and/or bicycle parking on the site within the basement level. A bicycle parking rack must be provided.

Environmental Health Conditions

15. **Construction and fit-out of food premises** — All proposed food premises (other than retail meat premises) must be constructed and fitted-out in accordance with the requirements of:
 - (a) Food Safety Standard 3.2.3: *Food Premises and Equipment*; and
 - (b) Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*.
16. **Construction of walls** - The walls of all proposed food premises must be constructed of brick, concrete blocks, preformed panels filled with suitable material or other solid materials.
17. **Provision for installation of kitchen exhaust systems** - Adequate provision must be made for the installation of kitchen exhaust systems to the proposed food premises.
18. **Floors of change areas** - The floors of all change rooms must be constructed of a durable, impervious material that is non-slip and capable of being easily cleaned.
19. **Tiling of walls** - All walls adjoining wash basins, sinks and similar fixtures must be finished with glazed tiles or a similar smooth-faced impervious material where splashing is likely to occur.
20. **Hand washing facilities in change areas** - A hand basin supplied with hot and cold running water through a common spout, together with an adequate supply of soap and clean single-use towels, must be provided in a readily accessible location within the change area.
21. **Ventilation of basement carparks** — All car parking facilities within buildings shall be naturally or mechanically ventilated in accordance with the Building Code of Australia and Australian Standard AS 1668.2-2012: *The use of mechanical ventilation and airconditioning in buildings — Mechanical ventilation in buildings*.
22. **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.

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23. **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.
24. **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 or natural ventilation opening; and
 - at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.
25. **Kitchen exhaust vent** - The kitchen exhaust vent must be located above roof level:
- at least 6 metres from any fresh air intake vent or natural ventilation opening;
 - at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary; and
 - at least 8 metres from any cooling tower.
26. **Storage of garbage and recyclable materials** - A separate garbage room or external area must be provided in a convenient location on the premises for the storage of garbage and recyclable materials and shall comply with the requirements of Council's Development Control Plan DCP 2014, Part 7.2.
27. **External garbage storage areas** - External areas used for the storage of garbage must be roofed and paved with concrete graded to a grated drain connected to the sewerage system.
28. A hose cock must be provided adjacent to the garbage storage area to facilitate cleaning of the containers and storage area.
29. **Construction of garbage rooms** - All garbage rooms must be constructed in accordance with the following requirements:
- 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;
 - 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;
 - The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
 - 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;
 - The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;

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- 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.

30. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.

Engineering Conditions

31. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 (Public Domain Works), except otherwise as amended by conditions of this consent.

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

33. **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.

34. **Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.

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

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

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.

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35. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
 - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
36. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
37. **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.
38. **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.
39. **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.
40. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
41. **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.
42. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
43. **Imported fill – validation.** All imported fill must be supported by a validation from a qualified environmental consultant that the fill constitutes Virgin Excavated

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Natural Material. Records of the validation must be provided upon request by the Council.

44. **Delivery dockets to be provided.** Each load of imported fill must be accompanied by a delivery docket from the supplier including the description and source of the fill.
45. **Delivery dockets – receipt and checking on site.** A responsible person must be on site to receive each load of imported fill and must examine the delivery docket and load to ensure that only Virgin Excavated Natural Material that has been validated for use on the site is accepted.
46. **Delivery dockets – forward to PCA on demand.** The delivery dockets must be forwarded to the Principal Certifying Authority within seven (7) days of receipt of the fill and must be produced to any authorised officer who demands to see them.
47. In relation to the demolition of the existing building (or part of a building) on the site:
- (i) A Preliminary Hazard Analysis Report prepared by an appropriately qualified consultants to be submitted to the Council detailing whether any hazardous materials exist on the site (eg lead in paints and ceiling dust or asbestos).
 - (ii) Should any hazardous materials be identified as per item (i), a Work Management Plan shall be submitted to Council in accordance with AS2601 - Demolition of Buildings. The report shall contain details regarding:
 - (a) The type of hazardous material;
 - (b) The level or measurement of the hazardous material in comparison to relevant Guidelines;
 - (c) Proposed methods of containment; and
 - (d) Proposed methods of disposal.

48. Salvage of materials and building elements

Traditional building materials and architectural elements (such as windows, doors, internal and external joinery, masonry, tiles etc) are to be dismantled, salvaged and sold to an established dealer in second-hand heritage building materials.

Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.

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.

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

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

49. **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**.
50. **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**.
51. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)
52. **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
53. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
54. **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**.
55. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work namely 89 Bowden Street, 91 Bowden Street, 2 See Street, 4 See Street, 6 See Street, and 8 See Street. A copy of the survey is to be submitted to the PCA (and Council, if Council is not the PCA) prior to the release of the **Construction Certificate**.
56. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or

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easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

57. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
58. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.
59. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
60. **Plan of Management** – the Plan of Management be updated to include all child care centre operational recommendations contained within the approved consultant reports detailed in Condition 1. An updated Plan of Management is to be submitted to Council for approval prior to the issue of a **Construction Certificate**.
61. **Access Control.** An electronic key pad to all access points is required to ensure there is no unauthorised access to the child care centre. Details of compliance are to be provided in the plans for the **Construction Certificate**.
62. **Screen Doors and Windows.** Insect screens are to be installed to all operable windows and doors. Plans detailing the insect screens are to be approved by Principal Certifying Authority prior to the issue of the **Construction Certificate**.
63. **Access and Mobility Report.** In order to demonstrate compliance with the Disability Discrimination Act (DDA) 1992 and Disability (Access to Premises-Buildings) Standards 2010, an Access and Mobility Report, prepared by a suitably qualified Access Consultant is required to be submitted to Council for approval prior to the issue of **Construction Certificate**.
64. **Exterior Lighting** – Installation of exterior lighting is to be undertaken in accordance with the provisions of the Ryde Development Control Plan 2014. Lighting details are to be submitted to the Principal Certifying Authority prior to

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issue of the **Construction Certificate**. The lighting details are to include certification from an appropriately qualified person that there will be no offensive glare or adverse impact onto adjoining properties.

65. **Waste Management Plan.** A detailed waste management plan is to be submitted to Council for approval prior to the issue of **Construction Certificate**. The waste management plan is to be prepared in accordance with Section 7.4 of Part 3.2 and also Part 7.2 of the Ryde Development Control Plan 2014.

66. **Tree Species Substitution.** The proposed species of *Quercus robor* and *Dianella 'Boarder Silver'* are to be deleted from the Landscape Plans submitted for **Construction Certificate**.

67. **Landscape Details.** The landscape plans submitted with the **Construction Certificate** are to include the following:

- (a) Detailed sections of the outdoor areas located on podium, including the rooftop which demonstrate the relationship and workability between the proposed planting, hard paved and turf areas;
- (b) Additional natural and interactive play structures, elements and items are to be included to the outdoor play areas to ensure rich and varied outdoor experience, particularly for the older age groups. This could include but is not limited to sandpits, climbing/balancing structures, rocks, edible gardens, water play and earth mounding;
- (c) Details of materiality for the hard surfaces of the outdoor play areas;
- (d) Details of the proposed planting areas including planting layouts, densities and species locations;
- (e) Increased levels of shade are to be provided to the outdoor play areas with specific details of the shading to the rooftop play area provided.
- (f) All street trees/planting (within 3m of the vehicle access driveway to the site) shall not exceed 1 metre in height to ensure maximum visibility is maintained to all pedestrians.

Environmental Health Conditions

68. **Kitchen fitout plans** - The kitchen fitout plans submitted with the development application do not meet the requirements of Food Safety Standard 3.2.3: *Food Premises and Equipment* and Australian Standard AS 4674-2004: *Design, construction and fitout of food premises*.

Amended plans demonstrating compliance with AS 4674 and Standard 3.2.3 must be submitted for approval with the application for the Construction Certificate. The amended plans must include:

- a. The proposed floor layout and use of each room or area;
- b. The proposed floor, wall and ceiling finishes;
- c. Details of all proposed fixtures fittings and equipment (including the proposed method of installation); and

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d. Lighting, ventilation and drainage details.

69. **Garbage storage details** - Details of the proposed garbage room or storage area must be submitted for approval with the application for the Construction Certificate. Such details must include:

- (a) the specifications and layout of all proposed waste storage and handling equipment; and
- (b) the access to the collection point.

70. **Access details for waste collection vehicles** - Details of all driveways and manoeuvring areas for waste collection vehicles must be submitted for approval with the application for the Construction Certificate. Such details must include:

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

Engineering Conditions

71. **Construction Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of Construction Certificate. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

The CTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works.
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of significant temporary traffic control measures.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street tree's.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", RMS's Manual –

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"Traffic Control at Work Sites" and Councils DCP 2014 Part 8.1 (Construction Activities). The modification of parking restrictions (Work Zones) and standing heavy vehicles (crane, concrete pump, etc) on a footpath/ roadway are subject to separate approval from Council and/or the Local Traffic Committee.

All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and is to be paid at the time that the Construction Traffic Management Plan is submitted.

72. Boundary Alignment Levels. The applicant is to apply to Council for site specific boundary alignment levels prior to the issue of the Construction Certificate. The application would need to be accompanied by engineering plans of any civil works along the frontage of the development site. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.

73. Public Domain Works – Council Approval. To facilitate access to and from the approved development and ensure the serviceable state of the infrastructure fronting the site is consistent with the life of the development, the following works shall be undertaken in association with the development, at no cost to Council;

- a) Construction of a concrete footpath fronting the development site along the Macpherson Street frontage. Levels and grades of the footpath are to marry smoothly into the adjoining sections to be retained.
- b) Reconstruction of the kerb and gutter the full length of the site in Macpherson Lane. The applicant is to confirm with Council's Public Works – Asset section regarding the profile of the kerb prior to preparing detailed plans.
- c) Construction of a new driveway crossover, 5.5m wide and fronting the approved vehicle entry in Macpherson Street. Levels and grades are to be in accordance with Council's Technical Specifications and AS 2890.1
- d) Removal of any existing driveway crossovers made redundant by the works and reinstatement of infrastructure in these areas consistent with the adjoining.

Levels and grades of all infrastructure (footpath, gutter, roadway, etc) must be in accordance with the boundary alignment levels issued by Council's Public Works. Any variations to the scope of works or requirements which may be subject to change due to the presence of services which cannot be relocated or design inefficiencies that may arise in the detailed review, is at the discretion of Council's Public Works.

Detailed engineering plans prepared by a Civil engineer in accordance with the Council's DCP and Technical Manuals shall be submitted to Council's Public Works for approval. At a minimum, the plans must show the public domain works in plan view, longitudinal sections at a scale relevant for the level of detail and is to note any existing services/ infrastructure effected by the works.

The applicant shall undertake and bear all costs associated with these works and the liaison, approval and relocation of any utility services. The approval of

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the Public Domain engineering plans and payment of any Council inspection fees (in accordance with Council's Management Plan) must be finalised prior to the issue of a Construction Certificate.

74. Dilapidation Report. Submit a dilapidation report on existing public infrastructure in the vicinity of the proposed development. The report is to include a description of the location and nature of any existing observable defects to the following infrastructure including a photographic record.

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

The report is also to be submitted to Ryde Council, attention development engineer, prior to the issue of the construction certificate. The report shall be used by council as Roads Authority under the Roads Act to assess whether restoration works are required prior to the issue of the occupation certificate.

A second Dilapidation Report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the items specified in the earlier report. A copy of the report shall be submitted to Ryde City Council.

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

With respect to this, the following revision(s) must be undertaken;

- a) The disabled space located is inappropriately located at the northern end of the parking area as it would require a less abled driver significant manoeuvring to access and exit. To address this, the disabled space is to be located within 1 entry manoeuvre from the base of the vehicle access ramp, and the corresponding parents spaces relocated north.
- b) The nominated turning bay area is crucial for vehicles to exit the parallel staff parking spaces located on the eastern wall of the garage. Accordingly the turning bay area is to be linemarked with chevron marking and labelling indicating the space is to be reserved for a turning bay area.

These amendment(s) must be clearly marked on the plans submitted with the application for a Construction Certificate.

76. Stormwater Management. To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the

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development's stormwater management system must be submitted with the application for a Construction Certificate.

Stormwater runoff from the development shall be collected and piped by gravity flow to Macpherson Lane, generally in accordance with the plans by Scott Collis Consulting Engineers Pty Ltd. (Refer to Job No. 15030 Dwgs SW01-SW05 & SW07 Rev A. dated 1 April 2015) subject to the following variation(s);

- The nominated PSD exceeds the maximum permissible when discharging to the kerb (which is, 30L/s). Accordingly, the OSD design is to be revised to have a maximum PSD rate of 30L/s and the SSR be expanded, as per Section 1.4.3 of the DCP Part 8.2 (Stormwater & Floodplain Management – Technical Manual). Revised OSD calculations, complying with Council's simplified design procedure, are to be submitted with the documentation. The revised SSR and diameter (based on 1522m² of area draining to the OSD) is estimated to be some 58.04m³ and 127mm – to be confirmed by the consultant.
- To ensure there is adequate headroom clearance provided in the basement garage beneath the OSD storage tank, the submitted stormwater details are to provide a cross sectional view of the storage tank, depicting the RRL of the playground and basement parking levels. The height clearance in the basement garage must comply with AS 2890.1 (2.2m) and may require the extending the footprint of the OSD tank to achieve the required storage volume.
- The surface inlet/ access grates in the playground area are to be screened and fixed in accordance with relevant Australian Standards and controls for structures / facilities in playground areas, etc. This is to ensure the safety of the playground area is not impacted.
- The OSD storage must have a piped overflow in the event of failure of the system. This is to prevent inundation of the playground area or any overflow impacting neighbouring properties/ public domain areas.

The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer and comply with the following;

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

The subsurface drainage system must be designed to preserve the pre-developed groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid long term impacts related to the support of structures on neighbouring properties.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

77. 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.

78. 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.

79. 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).

80. Excavation adjacent to adjoining land

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining

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- premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
 - (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

81. 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 89 Bowden Street, 91 Bowden Street, 2 See Street, 4 See Street, 6 See Street, and 8 See Street, 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.

82. 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.

83. Photographic Archival Recording

Prior to the commencement of any works, including the dismantling of fabric or demolition, a Photographic Archival Recording shall be undertaken and submitted to Council.

The Photographic Archival Recording shall be prepared in accordance with the guidelines "*Archival Recording of Heritage Items Using Film or Digital Capture*" published by the Heritage Division of the Office of Environment and Heritage.

Two complete copies of the Photographic Archival Recording shall be submitted to Council. Each copy should contain (for digital projects):

- A brief report or introduction which explains the purposes of the Photographic Archival Recording and gives a brief description of the subject site, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- Plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- The report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;
- Catalogue sheets, photographic plan, supplementary maps;
- Colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers. The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;

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- One full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.
- A CD or DVD containing electronic image files saved as RAW files with associated metadata, and cross-referenced to catalogue sheets.

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

Environmental Health Conditions

84. **Waste management plan** - The waste management plan submitted with the development application does not meet the requirements of Section 7.2 of Council's *Development Control Plan 2010*.

Prior to work commencing a new waste management plan must be submitted to and approved by Council. The new plan must include the types and estimated volumes of waste materials that will be generated; the proposed method of reuse, recycling or disposal; and the name and address of the recycling facility or landfill site if the waste is to be recycled or disposed of off site. Reuse and recycling must be maximised.

85. **Discovery of Additional Information** - Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.

86. **Identification and removal of hazardous materials** - Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.

87. **Storage and removal of wastes** - All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment and shall comply with the requirements of the Protection of Environment Operations Act, 1997.

88. **Contaminated soil** - All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines* (DECCW, 2009) before being transported from the site.

89. **Transportation and disposal of wastes** - All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request. All transportation and disposal of waste shall be conducted in accordance with the Protection of Environment Operations Act, 1997 and the Protection of Environment Operations (Waste) Regulation 2014.

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90. **Disposal of asbestos wastes.** All asbestos wastes must be disposed of at a landfill facility licensed to receive asbestos waste
91. **Surplus excavated material** - All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site
92. **Imported fill** - All imported fill must be validated in accordance with the *Contaminated Sites Sampling Design Guidelines* (EPA, 1995) by an experienced environmental consultant, and a copy of the validation report must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the fill is used.
93. **Noise control measures** - All noise and vibration control measures nominated in the acoustical consultant's report prepared by *Renzo Tonin & Associates dated 5 May 2015 titled "Proposed Child Care Centre CRN of Macpherson St & Bowden St, Ryde, Acoustic Assessment"* and any related project documentation must be implemented.

Engineering Conditions

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

DURING CONSTRUCTION

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

95. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
96. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
97. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
98. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- a. Fill is allowed under this consent;

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- 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.

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

100. **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.

101. **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.

102. **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".

103. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.

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

105. **Archaeology stop work provisions**

As required by the NSW *National Parks and Wildlife Service Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately to allow a suitably qualified archaeologist to make an assessment and recommendation of the findings.

If relics are encountered, Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified and further archaeological work may be required before works could re-commence. Approvals/permits from the Heritage Division may also be required to disturb/relocate relics.

Engineering Conditions

106. **Traffic Management.** Any traffic management procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control

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Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

107. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by Scott Collis Consulting Engineers Pty Ltd. (Refer to Job No. 15030 Dwgs SW06 Rev A. dated 1 April 2015) at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.
108. **Construction Traffic Management Plan - Implementation.** All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
109. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Scott Collis Consulting Engineers Pty Ltd. (Refer to Job No. 15030 Dwgs SW01-SW05 & SW07 Rev A. dated 1 April 2015) submitted in compliance to the condition labelled "Stormwater Management."
110. **Public Domain Works - Construction.** The public domain works specified in this consent must be constructed in accordance with the approved civil infrastructure plans, documentation and any associated conditions as issued by Council's Public Works under Section 138 of the Roads Act.

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.

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111. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
112. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.
- Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Interim/Final Occupation Certificate.
- Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.
113. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**.
114. **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.
115. **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**.
116. **Public domain – work-as-executed plan.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of the **Occupation Certificate**.

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117. **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.
118. **Emergency Evacuation.** Prior to the issue of an Occupation Certificate for the child care centre, a "Fire Safety and Evacuation Plan" complying with Australian Standard AS3745 is to be prepared by a suitably qualified person and submitted to the Principal Certifying Authority.

The Fire Safety and Evacuation Plan is to address:

The mobility of children and how this is to be accommodated during an

- i. Evacuation;
- ii. The location of a safe congregation area, away from the evacuated building, busy roads and other hazards, and away from evacuation points for use by other occupants/tenants of the same building or of surrounding buildings; and
- iii. The supervision of children during the evacuation and at the congregation area with regard to the capacity of the child care centre including child to staff ratios.

Engineering Conditions

119. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
120. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention and pump/ sump components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's terms for these systems as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title. Note that completed WAE plans as well as certification of the completed stormwater management system must be provided with the application, prior to it being endorsed by Council.
121. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and

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are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
- b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- d) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
- e) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

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

123. Relocation of Australia postbox. The new vehicle entry and driveway crossover will require the relocation of an existing Australia postbox located on Macpherson Street, adjacent Macpherson Lane. The applicant is to liaise with Australia Post and seek written confirmation regarding their service requirements, potential relocation options and processes in regards to the relocation of the postbox. Following this, the applicant is then to contact Council's Public Works – Traffic section in regards to the necessary approval from the Local Traffic Committee for the relocation of the "Mail Zone" parking restrictions (note: allowance must be made for LTC meetings - scheduled once every 6 weeks). All costs associated with the relocation of this service is to be borne by the applicant and is to be completed prior to the issue of the Occupation Certificate.

Environmental Health Conditions

124. Registration of premises - The operator of the business must register the premises with Council's Environmental Health Unit before trading commences.

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OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

125. **Hours of operation.** The hours of operation are to be restricted to:
- (a) The hours of operation of the child care centre are restricted to 7:00am to 6:00pm Monday to Friday.
 - (b) The child care centre is not permitted to operate on, Saturdays, Sundays or Public Holidays.
126. **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*.
127. **Waste storage/disposal – hours of collection.** Waste and recyclable material generated by these premises must not be collected between the hours of 9pm and 8am on any day.
128. **Waste storage/disposal – method.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
129. **Waste storage/disposal – containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
130. **Waste storage/disposal – recycling.** Wastes for recycling should be the stored in separate bins or containers and transported to a facility where the wastes will be recycled or re-used.
131. **Delivery times.** All deliveries to and from the child care centre are to occur between the hours of 10:30am and 2:30pm on the days which the child care centre is operational.
132. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the property.
133. **Noise and Vibration** A validation report must be obtained from a suitably qualified and experienced consultant in acoustics three (3) months after the business commences trading and from time to time as reasonably requested by Council. The report should demonstrate and certify that noise and vibration intrusion within the development and from the development to adjoining sensitive receivers satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy, NSW Department of Environment and Conservation's Assessing Vibration: a technical guideline 2006 and conditions of Council's development consent.

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The report is to be forwarded to and approved by Council. This report must address (but not limited to) the level of noise intrusion from road traffic noise within the building and the accumulation effect of mechanical plant and equipment and noise generated from all children in the outdoor play area on adjoining residential properties. Any recommendations outlined in the acoustic report are to be implemented in accordance with the report.

Environmental Health Conditions

134. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
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. **Recyclable wastes** - Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.
137. **Hazardous wastes** - All wastes classified as hazardous wastes under the *Protection of the Environment Operations Act 1997* must be transported to an appropriately licensed waste facility for disposal.
138. **Disposal of liquid wastes** - All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the requirements of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.
139. **Trade waste permit** - The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
140. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
141. **Air pollution** - The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
142. **Standards of air impurities not to be exceeded** - Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
143. **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*.

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144. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:
- (e) 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).
 - (f) 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*.
 - (g) The transmission of vibration to any place of different occupancy.
145. **Compliance with noise management plan** - The occupier must ensure that the ongoing requirements of the noise management plan being acoustical consultant's report prepared by *Renzo Tonin & Associates dated 5 May 2015 titled "Proposed Child Care Centre CRN of Macpherson St & Bowden St, Ryde, Acoustic Assessment* are complied with.
146. **Clean water only to stormwater system** - Only clean unpolluted water is permitted to enter Council's stormwater drainage system in compliance with the Protection of Environment Operations Act, 1997.

ADVISORY NOTES

1. **Inspections and fees** - Council officers may carry out periodic inspections of the premises to ensure compliance with relevant environmental health standards and Council may charge an approved fee for this service in accordance with Section 608 of the *Local Government Act 1993*.

The approved fees are contained in Council's Management Plan and may be viewed or downloaded at www.ryde.nsw.gov.au.

2. **Saturated and trans fats** - To minimise the risk of cardiovascular disease in the community, fats and cooking oils that are high in saturated and/or trans fats should not be used in the preparation or cooking of food. Alternatively, instead of deep frying, change to healthier cooking methods such as baking, grilling, steaming or microwaving or use mono/polyunsaturated fats or oils such as canola, olive, sunflower, soybean and safflower oils and margarines.

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ATTACHMENT 2

Quality Certification

Assessment of a Child Care Centre

| | |
|--------------------------------|---|
| LDA No: | LDA 2015/0283 |
| Date Plans Rec'd | 22 June 2015 |
| Address: | 87 Bowden Street & 2 Macpherson Street, Ryde |
| Proposal: | Demolition, and construction of a new part three/part-two storey child care centre with basement car park. Includes associated landscaping, fencing and works within the road reserve. Operating hours from 7am to 6pm Monday to Friday for 90 children. |
| Constraints Identified: | Within 100m of a heritage item |

COMPLIANCE CHECK

| RYDE LEP 2014 | PROPOSAL | COMPLIANCE |
|---|--|-------------------|
| 4.3(2) Height • 9.5 | 8.51m (south elevation) | Yes |
| 4.4 FSR • 0.5:1 | Site Area 1,644m ² (986.4m ² (DP 663261) plus 657.6m ² (DP 327005)) Ground Floor GFA: 632m ² First Floor GFA:147m ² Total GFA: 0.47:1 | Yes |
| 6.8 Access for child care centres must not be to a classified road | Access is not provided from a classified road. | Yes |

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ATTACHMENT 2

Environment² & Planning

| DCP 2014 | PROPOSED | COMPLIANCE |
|--|--|----------------|
| Part 3.2 – Child Care Centres | | |
| Child Care Centre Design | | |
| - A child care centre development is to be designed and drawn by a person who is an architect or who is accredited by the Building Designers Association of NSW Inc | A review of the submitted documentation shows that the proposed child care centre has been designed and drawn by Ecosystem architecture. The submitted plans show the nominated architect to be Richard Mann no.4812 NSW. | Yes |
| - The landscape plan must be designed and specified by a landscape architect with demonstrated experience in designing external spaces for child care centres due to the particular nature of the requirements (refer in particular the requirements in section 6 Landscaping and Play Spaces under this Part) | Landscape plan has been provided by Elke Haege – a Landscape Architect. A review of the business website states that Elke is a member of ALIA and a Registered Landscape Architect #001539, it is therefore considered that the Landscape Architect is suitably qualified for the preparation of landscape plans for the proposed child care centre. | Yes |
| - Child care centre development applications are required to be accompanied by a signed undertaking by the applicant, licensee or proposed licensee that demonstrates that the proposal has been designed to comply with respect to the Children's Services Regulation 2004 or DoCS requirements as relevant at the time of application. | No signed undertaking received as part of the development application documents. | No - Condition |
| Technical Assessment Requirements | | |
| Technical assessments may also be required to be | The submitted documents include the following Technical Reports | Yes |

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ATTACHMENT 2

Environment³ & Planning

| DCP 2014 | PROPOSED | COMPLIANCE |
|--|--|------------|
| prepared and submitted with the development application, or while the development application is under assessment, to demonstrate support for the proposal and compliance with this DCP. | <ul style="list-style-type: none"> ▪ Building Code of Australia Compliance Assessment Report. ▪ Plan of Management ▪ Child Care Noise Assessment ▪ Traffic and Parking Assessment. | |
| Suitability of Location and Site for Child Care | | |
| Preferred Locations | | |
| - Single use developments street frontage and width >20m. Corner allotments > 17m | The proposed development is located on a corner site and has a frontage to three streets: Bowden Street: 21m Macpherson Street: 59.2m Macpherson Lane: 42m | Yes |
| - Single use – minimum site area of 800m ² – regular in shape | Combined site area of 1,644m ² | Yes |
| - Not located on arterial or sub-arterial roads, refer Schedule 2 | The proposed child care centre is not located on an arterial or sub-arterial road as detailed in schedule 2 of Part 3.2 of Ryde DCP 2014 | Yes |
| - Within mixed use developments on arterial and sub-arterial roads, located distant and facing away from road | The proposal is a single use development. | N/A |
| - No battle-axe allotments | Not a battle axe allotment | Yes |
| - Cul-de-sac not preferred. Applications for centres in CDS must demonstrate appropriate traffic management is provided | Not a cul-de-sac | Yes |
| - Not located in proximity to a brothel (Part 3.1 Brothels under DCP 2006) | The submitted SEE states that the proposed child care centre is not located within proximity to a brothel. | Yes |
| - Site flat or gently sloping and well drained | The subject site is has a gentle slope. | Yes |

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Environment & Planning

| DCP 2014 | PROPOSED | COMPLIANCE |
|---|--|-----------------------|
| <ul style="list-style-type: none"> i. Assist design of useable indoor and outdoor areas at same grade ii. Provide accessibility to all areas iii. Assist drainage after rain | <p>Indoor and outdoor areas have been designed at the same grade.</p> <p>All areas are accessible within the child care centre. Lift access is provided from the basement park and to the first floor</p> | |
| <ul style="list-style-type: none"> - Aspect permits maximum solar access and natural ventilation | <p>The aspect of the site, having three street frontages, of a north, east and west orientation, is considered to provide adequate access to sunlight and natural ventilation. Play areas have been located so that solar access is achievable throughout the day between 9am and 3pm on the 21 June.</p> | <p>Yes</p> |
| <ul style="list-style-type: none"> - Located on land not affected by adverse overshadowing by existing or future development, undue heat loads from reflective surfaces of existing or future approved buildings on neighbouring sites | <p>The subject site is located within a residential zone. It is considered that future development will not unreasonably overshadow the proposed development, as the maximum height limit for neighbouring sites is also 9.5m. As the site has a frontage to the north, east and west, future development from the adjoining site to the south east of the subject site is unlikely to have an adverse impact on the proposed child care centre.</p> | <p>Yes</p> |
| <ul style="list-style-type: none"> - Site not subject to undue overlooking from existing or future adjoining development | <p>Surrounding development is predominately residential, as such the site not likely to be subject to undue overlooking from existing or future development.</p> | <p>Yes</p> |
| <ul style="list-style-type: none"> - Preferred locations for larger centres in residential areas; - Sites located on street corners - Sites share common | <p>The child care centre is proposed to accommodate 90 children. Accordingly, the DCP seeks for the site to be located on a street corner where common boundaries with compatible non-residential</p> | <p>No-Justifiable</p> |

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Environment⁵ & Planning

| DCP 2014 | PROPOSED | COMPLIANCE |
|---|---|------------|
| boundaries with compatible non-residential uses | uses are shared. The proposed child care centre is proposed to be located on a street corner site, however will share common boundaries with existing low density residential development. Accordingly, the proposed development achieves partial compliance with this development control. | |
| - Co-located with compatible land uses subject to acceptable traffic and parking. | The proposed development is not co-located with compatible land uses as defined by the Ryde DCP 2014. | N/A |
| - In low density residential zones, larger scale development (2 or more allotments, up to 90 children) share common boundaries with no more than 3 residential properties. | The proposed child care centre is considered to be larger scale as it will be located over two allotments and will accommodate up to 90 children. The site will share a common boundary with two residential properties | Yes |
| - Work based centres in mixed use developments adjacent to non commercial / non-residential components to protect privacy and amenity of centre and neighbouring workers/residents. | N/A – located in a residential zone. | N/A |
| Environmental Risks/Hazards | | |
| - Not to be located on land affected by overland flow | The land is not affected by overland flow, as such a flood risk management plan is not required to be submitted with the development application. | N/A |
| On land affected by overland flow any alterations or additions | The development application has been referred to Council's Development Engineer who has indicated that the proposal is satisfactory, subject to conditions. N/A- refer above | N/A |

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ATTACHMENT 2

Environment & Planning

| DCP 2014 | PROPOSED | COMPLIANCE |
|--|---|-------------------------|
| <p>are not to pose a safety or health risk. Overland Flow Study/Stormwater Drainage Plan required</p> | | |
| <ul style="list-style-type: none"> - Consideration may be given to sites affected by overland flow in front setback area. Must not constitute a flood hazard and supported by Overland Flow Study/Stormwater Drainage Plan | <p>N/A – refer above</p> | <p>Yes</p> |
| <ul style="list-style-type: none"> - Developments not to be located on Bush Fire Prone Land | <p>Not located on land identified as Bush Fire Prone</p> | <p>Yes</p> |
| <p>The location is to take into consideration any other environmental health hazard including</p> <ul style="list-style-type: none"> - i. Pollution created by car and other vehicle fumes (from high traffic volumes such as on arterial, sub arterial and collector roads); - ii. Existing and potential on and off-site electromagnetic fields; - iii. Contaminated land; - iv. Lead in painted surfaces, carpets, furnishings and roof void in existing buildings; - v. Asbestos or other contamination or poisoning in existing buildings; - vi. Proximity to service stations; - vii. Proximity to LPG tanks; - viii. Proximity to significant noise, odour and other pollutant generating sources, or sites which | <p>It is noted that the site is located approximately 130m from an Arterial (State) Road in Victoria Road. The RMS transport volume maps indicate that Victoria Road has greater than 40,000 vehicle movements per day.</p> <p>Bowden Road is identified, in Schedule 2 of Part 3.2 of Ryde DCP 2014, as a collector road.</p> <p>The proposal has been referred to Council's EHO who has indicated the proposal is satisfactory subject to imposition of conditions.</p> | <p>Yes - conditions</p> |

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Environment & Planning

| DCP 2014 | PROPOSED | COMPLIANCE |
|---|--|------------------------|
| <p>(due to prevailing land use zoning) may in future</p> <ul style="list-style-type: none"> - accommodate noise or odour generating uses; - ix. Proximity to transmission lines, railway lines, mobile phone towers or - other sources of electromagnetic energy; - x Mould and mildew in existing buildings; - xi. Proximity to water cooling and water warming systems; - xii. Any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site. | <p>A review of ACMA.gov.au shows a mobile phone tower location approximately 195m from the subject site. This location has been confirmed as Ausgrid Meadowbank Substation Macpherson Street MEADOWBANK</p> | |
| <ul style="list-style-type: none"> - Where sites are proposed within 125 metres of arterial roads, air quality monitoring, and soil quality testing will be required to determine toxicity levels. Noise level testing will also be required. | <p>Victoria Road is located 130m from the subject site.</p> | <p>N/A</p> |
| <ul style="list-style-type: none"> - The site must not have been previously used as a petrol station, automotive repair workshops, or other activity associated with hazardous substances, unless a soil analysis has been conducted | <p>The land is currently occupied by two single storey detached dwellings. Due to the age of the existing dwellings, it is unlikely that the sites would have previously been non-residential. Standard conditions for hazardous materials to be included.</p> | <p>Yes - Condition</p> |
| | <p>The application was referred to Council's Environmental Health Officers who has indicated the proposal is satisfactory subject to conditions.</p> | <p>Yes - Condition</p> |

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Environment⁸ & Planning

| DCP 2014 | PROPOSED | COMPLIANCE |
|--|--|------------------|
| - The site is not to be in a location likely to be affected by emissions of dust, fumes, noise, nor by frequent truck movements. | The application was referred to Council's Environmental Health Officers who has indicated the proposal is satisfactory subject to conditions. | Yes – Conditions |
| - Consideration is to be given to the requirements of SEPP 55 and any land contamination policy adopted by Council. | The application was referred to Council's Environmental Health Officers who has indicated the proposal is satisfactory subject to conditions. | Yes - Condition |
| Assessing Child Care Needs and Size of Facility | | |
| All development applications for child care centres are required to identify: | | |
| i. Proposed total number of child care places. | The development application proposes 90 Child Care places. <i>Children (Education and Care Services) Supplementary Provisions regulation 2012 states</i> Section 57 (1) Centre based or mobile education and care service <i>The number of children who may attend a centre based or mobile education and care service at any one time while a service is being provided must not exceed the maximum number of children specified in the service approval for the service</i> <i>(2) The number of children under the age of 2 years who may attend a centre based or mobile education and care service at any one time while a service is being provided must not exceed 40, unless the Minister otherwise approves in a particular case.</i> | Yes |
| ii. Proposed number of | The proposed age group | Yes |

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| children by age group; | breakdown for the child care centre is as follows 0-2 years – Twenty six (26) 2-3 years – Twenty four (24) 3-5 years – Forty (40) Total – 90 Children | |
| iii. Proposed number of staff including all full time and part time staff, and role of each staff member | <i>Section 52 (1) The approved provider of a centre based or mobile education and care service must ensure that the ratio of primary contact staff to children being provided with the service is:</i> <i>(a) 1:4 in respect of all children who are under the age of 2 years, and,</i> <i>(b) 1:8 in respect of all children who are 2 or more years of age but under 3 years of age, and</i> <i>(c) 1:10 in respect of all children who are 3 or more years of age but under 6 years of age.</i> According to the above regulation the number of staff required pursuant to the ratios provided in the regulations is detailed below. (a) 7 staff (26 children) (b) 3 staff (24 children) (c) 4 staff (40 children) Notwithstanding the above the submitted SEE notes that there will be a minimum of 16 staff employed within the proposed child care centre. | Yes |
| - justification that the proposed number of children within each age group is consistent with current and projected future needs in the area | The submitted SEE provides a brief justification that the number of places provided stating that the locality surrounding the site has a 'growing and persistent demand for child care spaces.' It is also noted that the proposed child care | Yes |

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| <p>- orientated for year round natural light and ventilation and comfort in indoor spaces and outdoor spaces</p> | <p>play area.</p> <p><i>Access Control</i> The submitted SEE plans show a clearly defined pedestrian entry point is provided through the main building entry. The proposed reception and office area will provide additional security barriers.</p> <p>The submitted Site Analysis Plan shows that a secure perimeter will be provided to all three street frontages, which will provide additional access constraints to potential intruders from the proposed active outdoor play areas.</p> <p>A condition of consent is to be imposed requiring electronic key pad access points to ensure no unauthorised access to the proposed child care centre.</p> <p><i>Territorial Reinforcement</i> The design of the car parking and arrival area off the main building foyer shows clear transition between public and private space through use of a traditional reception area that reinforces who uses the space and what it is to be used for.</p> <p><i>Space Management</i> It is considered that the proposed child care centre will be managed by a private operator and as such will be well maintained and well used.</p> <p>The submitted plans show that internal areas face predominantly north east and north west. Parts of the outdoor play areas will receive morning sun from the north east</p> | <p>Yes</p> |

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| <ul style="list-style-type: none"> - design to take advantage of natural lighting and opportunities to maximize solar access and natural ventilation | <p>afternoon sun from the north west. It is considered that the open design of the outdoor play areas will ensure adequate natural ventilation. In addition the internal areas will be air conditioned.</p> <p>Natural ventilation will be available to the proposed outdoor play areas through the open transition between the internal (outdoor) space and the proposed outdoor active play area. Outdoor areas are located so as to take maximise of solar access.</p> | <p>Yes</p> |
| <ul style="list-style-type: none"> - avoid the proximity to and use of large expanses of UV reflective surfaces | <p>The proposed building contains a large expanses of curtain glass to the northern and eastern elevations. The submitted plans show that 'viridian solar control with Low E' will used for all windows and doors, which provides greater solar control with higher insulation than standard glass.</p> <p>A portion of the outdoor play areas will be covered, as such it is considered that there will be sufficient shade that will reduce the potential of undue reflectivity, heat load and UV radiation from surrounding environments.</p> | <p>Yes</p> |
| <ul style="list-style-type: none"> - maximize energy efficiency and sustainability and compliance with Part 7.1 Energy Smart, Water Wise under this DCP | <p>A BCA Capability Report prepared by Vic Lilli and Partners Consulting has provided an assessment of the proposal.</p> | <p>Yes</p> |
| <ul style="list-style-type: none"> - building materials, appliances, utilities and fuel sources should be made with consideration for minimising energy requirements | <p>To comply.</p> | <p>To Comply Condition</p> |

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| - appliances to be used/installed in the centre should have a minimum 3.5 star rating | To comply. | To Comply Condition |
| - designed to reflect desired/expected character of buildings in the area | The proposed development will maintain the residential nature of the locality. The height and setbacks are consistent with the requirements for residential development outlined in DCP 2014. Furthermore, the landscaping proposed will allow the building to complement the existing streetscape. | Yes |
| - frontages and entries are to be designed to be readily apparent from the street frontage | The foyer entry to the childcare centre from Macpherson Street is readily visible from the street | Yes |
| - SEE is to demonstrate how the proposed design responds to the site analysis | Part 2 of the SEE outlines how the proposal responds to the site analysis. | Yes |
| - To avoid mosquito bite infections all doors and windows should be screened | The SEE states that all doors and windows will be screened. | Yes |
| - where fill is proposed to be used, clean fill must be used. | No fill proposed | N/A |
| Detached Centres and Centres in Residential Areas | | |
| - bulk, height, scale and appearance which is compatible with the surrounding development | The proposed development will maintain the residential nature of the locality. Whilst it is acknowledged that the proposed building is generally larger than an average dwelling, the large expanses of glass on the northern and western elevations reduce the overall bulk and scale of the building. The height, setbacks and FSR are generally consistent with the requirements for residential development outlined in DCP | Yes |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| <p>- streetscape and character of the locality should be maintained</p> | <p>2014. Furthermore, the landscaping proposed will allow the building to complement the existing streetscape.</p> <p>Refer above</p> | <p>Yes</p> |
| <p>- In low density residential areas, single storey in height for safety and access. If 2 storey, second storey should only be used for the purposes of storage and staff facilities.</p> | <p>The proposed child care centre is located within a low density residential area and is proposed to have a 2 storey component.</p> <p>The first floor will include staff facilities, as well as access to the passive outdoor play area (however the outdoor play area is not defined as being part of the first floor, pursuant to the definition of a 'storey' within the Ryde LEP2014). It is noted that these areas have been designed to ensure the safety of the children as a 1.6m high non-climbable fence is proposed around the exterior of the play area. Access to the first floor will be achieved via the lift from the ground floor lobby area.</p> <p>It is, however, acknowledged that the building is defined as having 3 storeys within some portions of the subject site. This is due to the fact that the proposed semi-basement is located greater than 1 metres above the existing ground level. The ground and first floor of the building is located above this area, resulting in the proposed building having 3 storeys as defined by the Ryde LEP2014.</p> | <p>No-Justifiable</p> |
| <p>- designed to comply with the built form controls under Part 3.2 Dwelling</p> | <p><u>FSR</u>:0.47:1</p> <p><u>Height</u>: 8.51m</p> | <p>Yes</p> <p>Yes</p> |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| Houses and Duplexes of this DCP, for example, FSR, height, setbacks | <p><u>Setbacks:</u> <u>Ground Floor</u></p> <p>Bowden Street (Primary): Min 13m to building line and 9.8m to the verandah</p> <p>Macpherson Street (Secondary): 6.6m to main building line and 4.6m to the verandah, and 2m to front feature entry;</p> <p>Macpherson Lane setback: less than 1m</p> <p>South eastern (side) setback to 89 Bowden Street: 1m</p> <p>South western (side) setback to 91 Bowden Street: 14.751m</p> <p>Side setback (adjacent rear boundary of 89 Bowden Street): 1.2m</p> <p><u>First Floor</u></p> <p>Macpherson Street: between 5.1m and 10.2m to main building line.</p> <p>South eastern (side) setback to 89 Bowden Street: 1.5m</p> <p>Bowden Street: 9.8m</p> <p>Macpherson Lane: 10.8m</p> | <p>Yes</p> <p>Yes</p> <p>No-Justifiable</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| - bulk and scale of building form is to be compatible with existing and expected future desirable character of the context of the site. | <p>The proposed development will maintain the residential nature of the locality. The height and setbacks are consistent with the requirements for residential development outlined in DCP 2014. Furthermore, the landscaping proposed will allow the building to complement the existing streetscape.</p> <p>The development proposes lot</p> | <p>Yes</p> |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| - Where lot consolidation is required must reflect existing subdivision pattern and building bulk | consolidation, which will form an 'L-shaped' lot. Whilst this is generally not consistent with surrounding lots, which are generally rectangular in shape, the built form will reflect existing surrounding development. Furthermore, the consolidation of lots will result in three street frontages thus reducing the impact of the built form on surrounding development. | Yes |
| PART 3.2 Dwelling Houses and Duplexes | The proposed child care centre is located within a residential area | |
| Floor Space Ratio | | |
| - Ground floor | 632m ² | |
| - First floor | 147m ² | |
| - Detached car parking structures | N/A – basement parking | |
| - Outbuildings (incl covered pergolas, sheds etc) | N/A – basement parking | |
| - Total (Gross Floor Area) | 779m² | |
| - Less 36m ² (double) or 18m ² (single) allowance for parking | N/A | |
| FSR (max 0.5:1) | 0.47:1 | N/A |
| Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas. | | |
| Height | The maximum building height is 8.51m . Measured from EGL RL28.5 to roof level RL 37.01 | Yes |
| 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL). | The proposed child care centre is generally 2 storeys; however the building is defined as having 3 storeys within some portions of the subject site. This is due to the | No justifiable |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| <p>- 1 storey maximum above attached garage incl semi-basement or at-grade garages.</p> <p>Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet.</p> <p>NB: TOW = Top of Wall EGL = Existing Ground Level FGL = Finished Ground Level - 9.5m Overall Height</p> <p>NB: EGL – Existing ground Level</p> | <p>fact that the proposed semi-basement is located greater than 1 metres above the existing ground level. The ground and first floor of the building is located above this area, resulting in the proposed building having 3 storeys as defined by the Ryde LEP2014.</p> <p>Refer above</p> <p>Wall plate height is 6.5m measured from the finished ground level</p> | <p>No Justifiable</p> <p>Yes</p> |
| <p>- Habitable rooms to have 2.4m floor to ceiling height (min).</p> | <p>Ceiling height is greater than 2.4m</p> | <p>Yes</p> |
| <p>Setbacks</p> | | |
| <ul style="list-style-type: none"> • Side <ul style="list-style-type: none"> ◦ Single storey dwelling <ul style="list-style-type: none"> - 900mm to wall, includes balconies etc. ◦ Two storey dwelling <ul style="list-style-type: none"> - 1500mm to wall, includes balconies etc. | <p>South eastern (side) setback to 89 Bowden Street: 1m</p> <p>South western (side) setback to 91 Bowden Street: 14.751m</p> <p>Side setback (adjacent rear boundary of 89 Bowden Street): 1.2m</p> <p>South eastern (side) setback to 89 Bowden Street: 1.5m</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |

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| DCP 2014 | PROPOSED | COMPLIANCE | |
|--|--|--|------------|
| <ul style="list-style-type: none"> ○ Side setback to secondary frontage (cnr allotments): 2m to façade and garage/carports ● Front <ul style="list-style-type: none"> - 6m to façade (generally) - Garage setback 1m from the dwelling facade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements e.g. RWT,A/C ● Rear <ul style="list-style-type: none"> - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: 8.6 is 25% of site length. ● 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. NB: Side setback on irregular allotments can be | <p><u>Ground Floor</u> Bowden Street (Secondary): Min 13m to building line and 9.8m to the verandah. Macpherson Lane (Secondary): less than 1m</p> | <p>Yes</p> | |
| | <p><u>First Floor</u> Bowden Street (Secondary): 29m Macpherson Lane (Secondary): 10.8m</p> | <p>Yes</p> | |
| | <p><u>Ground floor</u> Front (Macpherson Street): 6.6m to building line and 4.6m to the verandah, and): 2m to front feature entry</p> | <p>No –Justifiable</p> | |
| | <p><u>First Floor</u> Front setback (to Macpherson Street; between 5.1m and 10.2m to main building line.</p> | <p>No –Justifiable</p> | |
| | | <p>Semi-basement parking proposed</p> | <p>N/A</p> |
| | | <p>Semi-basement parking proposed</p> | <p>N/A</p> |
| | | <p>Front setback is free of ancillary elements</p> | <p>Yes</p> |
| | | <p>South western side setback to 91 Bowden Street (or rear setback): 14.751m</p> | <p>Yes</p> |
| | | <p>The orientation of the child care centre to Macpherson Street means that the site is generally wider than it is long.</p> | <p>N/A</p> |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| measured at the centre line of the site (must have 8x8 DSA). | Bowden Street (Secondary Side setback): Min 13m to building line and 9.8m to the verandah. 20% of the allotment width (measured along the Macpherson Street frontage) is 12.2m, as such the setback complies with this development control. | Yes |
| - Rear setback 4m min (in addition to 8m side setback) | Refer above | N/A |
| Combined Dwelling / Child Care Centre | | |
| - The dwelling must comply with the relevant dwelling requirements (eg with Part 3.3 for Dwelling Houses and Duplexes, | The proposed child care centre is not a combined Dwelling / Child Care Centre | N/A |
| - Part 3.4 Residential Flat Buildings) in terms of private open space, car parking and access, amenity considerations. | | |
| - not to result in an over development of the site | Refer above | N/A |
| - Separate toilet, laundry and kitchen facilities must be provided for each use | Refer above | N/A |
| - The child care centre component is to be designed to comply with requirements of this Part | Refer above | N/A |
| - Children in care must not be able to access any part of the dwelling and its private open space area | Refer above | N/A |
| - The provision of parking spaces for the residents shall be in addition to the parking requirements of the child care service | Refer above | N/A |
| - dwelling is a dwelling-house, separate outdoor areas are to be provided at ground level for both uses, | Refer above | N/A |
| - private outdoor area associated with the dwelling-house must be | Refer above | N/A |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| <p>fenced to the general standard contained within this Plan and have a minimum area of 25 m² of which a minimum area of 8 m² x 8 m² for deep planting</p> <p>- Separate and exclusive access to the outdoor and indoor areas of the dwelling and child care centre must be ensured</p> | Refer above | N/A |
| Centres in Mixed Use Developments and in Non-residential areas | | |
| <p>- Work based child care centres are to be designed as self-contained premises to ensure access for places is available to community external from the company, should places permit. The centre is to have a separate main entrance, separate pedestrian and vehicular access including drop off/pickup area in proximity to the entrance and readily accessible to the general public</p> | The proposed child care centre is not located within a mixed use development or non-residential area, thus this section does not apply to the proposed development. | N/A |
| <p>- located to benefit from a north/northeast aspect and to provide for year round comfort and useability of outdoor play spaces.</p> | Refer above | N/A |
| <p>- maximize opportunity for indoor and outdoor play areas to be oriented to receive maximum benefits of natural light and ventilation.</p> | Refer above | N/A |
| <p>- Siting and design of outdoor areas is to avoid being subject to undue</p> | Refer above | N/A |

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| reflectivity, glare, heat load and UV radiation from surrounding environments. A Shade Audit may be required | | |
| - Outdoor play areas are to be located away from driveways/ sources of noise or fumes. | Refer above | N/A |
| - air conditioning system applied to the work-based child care centre must be separate for the centre from other uses sharing the same premises; | Refer above | N/A |
| - preferred to be located at ground floor level where achievable and in areas where the opportunity for natural landscaping comprising deep planting is possible | Refer above | N/A |
| - may provide spaces for 0-2 year olds above ground floor level (no higher than second storey) subject to meeting minimum safety considerations and natural planting requirements. | Refer above | N/A |
| - Child Care facilities above ground floor level provide a safe refuge that opens directly to a dedicated fire-isolated stair. | Refer above | N/A |
| - The minimum area - rate of 0.25m ² per person (staff and children) for the capacity of the centre occupying the area at that first floor level at any one time. | Refer above | N/A |
| - The doors, walls, floors and ceiling of the refuge shall have a minimum Fire Resistance Level (FRL) equal to that required for the fire stairs | Refer above | N/A |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| <ul style="list-style-type: none"> - Where child care centres are not located at ground level within a mixed-use building, the application is required to address child safety, privacy, and amenity impacts for the surrounding users as well as for occupants of the child care centre | Refer above | N/A |
| Fencing, Gates and Security | | |
| <ul style="list-style-type: none"> - in low density residential areas, consideration is also to be given to requirements under Part 3.2 Dwellings and Duplexes | <p>Open form timber batten fencing to a height of between 1.6m and 1.8m is proposed, within the property boundary, for all outdoor play areas</p> <p>The open form timber batten fencing will complement the external timber features of the proposed centre.</p> <p>However it is noted that the Acoustic Assessment recommends acoustic screens to various heights around the outdoor play areas. Confirmation required as to the materials to be used for acoustic fence so that it complements the proposed timber batten fencing.</p> | Add info |
| <ul style="list-style-type: none"> - use of appropriate building materials and finishes to complement the streetscape and desired character of the locality | Appropriate materials will be used, which will complement the existing streetscape and includes painted fibre cement panels, façade cladding in swiss pearl, timber horizontal and vertical louvers. | Yes |
| <ul style="list-style-type: none"> - Designated outdoor play areas must be fenced on all sides. | The submitted plans show the proposed new play area will be fenced on all sides. | Yes |
| <ul style="list-style-type: none"> - Gates are to be designed to prevent children leaving/entering | The SEE states that all gates will be designed with child proof locking systems | Yes |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| <ul style="list-style-type: none"> - unsupervised by use of childproof locking systems | <p>As noted previously it is considered that a condition be imposed requiring that these gates be locked electronically to minimise the risk of unauthorised entry on the site as well as prevent children leaving/entering unsupervised.</p> | |
| <ul style="list-style-type: none"> - All raised areas, including any stairs, are to be enclosed to prevent a child from falling or crawling through gaps | <p>All areas are adequately fenced</p> | <p>Yes</p> |
| <ul style="list-style-type: none"> - Adequate safety provision is to be made to prevent children gaining access to other parts of the building/site unsupervised | <p>The SEE states that this will be controlled by the locking of gates.</p> | <p>Yes</p> |
| <ul style="list-style-type: none"> - Fencing and gates are to be designed to ensure adequate sightlines for vehicle and safety | <p>The proposal has been referred to Council's Development Engineer who has indicated the proposal is satisfactory subject to conditions.</p> | <p>Yes - Condition</p> |
| Privacy | | |
| Acoustic Privacy – for children in the centre | | |
| <ul style="list-style-type: none"> - Sites affected by heavy traffic or other external noises are to be designed so as to locate sleep rooms and play areas away from the noise source. Noise amelioration incorporated into design | <p>An Acoustic Assessment, prepared by Renzo Tonin and Associates, was submitted with the application, which has recommended design measures to minimise noise impact</p> <p>The submitted plans show the proposed sleep rooms and play areas have been located away from Macpherson Street and Bowden Street.</p> <p>The proposed development application has been referred to Council's EHO who has provided the following comments/has no objection to the proposed development - subject to conditions</p> | <p>Yes</p> |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| <p>- Design measures to minimize internal noise levels should meet sound levels equivalent to Australian Standards AS/NZS 2107 (eg sleep areas 30dB(A), internal activity areas 40dB(A))</p> | <p>As detailed above, the Acoustic Assessment report makes recommendations to be incorporated into the design to minimize internal noise levels equivalent to Australian Standards.</p> | <p>Yes</p> |
| Acoustic Privacy – for adjoining residents | | |
| <p>Noise impacts on neighbouring properties are to be minimised by design measures including:</p> <ul style="list-style-type: none"> i. Orientating the facility having regard to neighbouring property layout ii. Orientating playgrounds/outdoor play areas away from private open space areas, bedrooms and living areas iii. Using laminated or double glazing where necessary; iv. Designing fencing which minimises noise transmission and loss of privacy | <p>The application was referred to Council's Environmental Health Officers who has indicated the proposal is satisfactory subject to conditions.</p> <p>The Acoustic Assessment report has detailed a number of noise attenuation measures to be incorporated into the design. This includes soft fall or artificial grass to minimise reflections off the ground and the installation of acoustic screens between 1.6 and 1.8m around the perimeter of the outdoor play areas. The Assessment has also noted a number of noise management measures to be incorporated into the overall operation of the child care centre. These measures include limiting the number of children outdoors in each area and dedicating play area 5 at level 1 to be a passive play area only.</p> <p>As such, it is considered that suitable noise attenuation measures have been incorporated into the design of the proposal so that the noise generated from the child care centre, is predicted to not exceed 5dBA above the background level as per the AAAC guideline for outdoor play of more than 2 hours per day.</p> | <p>Yes - Condition</p> |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| <ul style="list-style-type: none"> - child care centres in residential areas with a side boundary set back of less than 3 metres, noise buffering measures should be considered | <p>Setback is less than 3 metres from adjoining residential boundaries</p> <p>Acoustic treatments are to be in accordance with the recommendations outlined in the submitted acoustic assessment report.</p> | <p>No-Condition</p> |
| <p>Acoustic report submitted including recommendations for noise attenuation measures and specifies pre and post development noise levels.</p> | <p>An Acoustic Assessment report has been submitted, which has provided an assessment of the current background noise levels and the predicted noise levels of the proposed child care centre.</p> <p>The submitted acoustic report and plan of management is are to be included within condition 1 of any consent issued for the subject development.</p> <p>A conditions for compliance testing 3 months after the child care centre is in operation is also recommended.</p> | <p>Yes</p> |
| <ul style="list-style-type: none"> - Roof and walls of the child care centre should be sound insulated. | <p>The submitted acoustic report states that traffic noise intrusion from nearby roads is acceptable, subject to windows and doors of internal play areas that face Bowden Street and Macpherson Street remaining closed during peak periods.</p> <p>Acoustic Assessment is to be included as part of Condition 1.</p> | <p>Yes Condition</p> |
| <ul style="list-style-type: none"> - Elevated play and transition areas are to be avoided. | <p>Elevated outdoor play areas are proposed; however acoustic screens will be provided and a management measure will be incorporated into the operation to dedicate the Level 1 outdoor play area to passive play only.</p> | <p>No-Justifiable</p> |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| <ul style="list-style-type: none"> - Information about practical design measures incorporated in the design to minimise potential noise impact included. | <p>The submitted Acoustic Assessment has recommended a range of design and management measures to minimise potential noise impacts</p> <p>All design recommendations are to be included in Conditions of Consent and it is noted that the proposed management measures have also been included within the submitted a Plan of Management.</p> | To be conditioned |
| <ul style="list-style-type: none"> - Location details of noise sources provided | <p>The location of mechanical plant equipment has not been determined by the applicant. However, the Acoustic Assessment has recommended that air conditioning condensers be located away from residential neighbours. An ideal location for mechanical plant would be in the lower ground floor car park, underneath the building and away from any site boundaries.</p> <p>It is recommended that Ryde's standard condition of consent relating to plant noise be imposed.</p> | To Comply Condition |
| <ul style="list-style-type: none"> - Information regarding how groups are proposed to be managed in the outdoor play spaces and where time will be spent, group sizes and how rotated | <p>Information regarding how the proposed groups are to be managed is outlined within the submitted Acoustic Assessment and also within the submitted Plan of Management which will both form part of the approved documentation within Condition 1.</p> | Yes |
| Visual Privacy – for children in the centre | | |
| <ul style="list-style-type: none"> - Indoor areas adjacent to public areas shall be screened to prevent direct sight lines. | <p>The existing windows provided to the indoor areas are tinted which restricts direct sightlines into the proposed child care centre from public areas.</p> | Yes |

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| DCP 2014 | PROPOSED | COMPLIANCE |
|---|---|----------------------------------|
| <ul style="list-style-type: none"> - Direct overlooking of indoor amenities and outdoor play spaces from public areas should be minimised through design features including:- <ul style="list-style-type: none"> i. Appropriate site and building layout; ii. Suitable location of pathways, windows and doors; iii. Permanent screening and landscaping. - design features in walls, screens, fencing (such as peeping holes of varying heights) to suit viewing out to public areas by children - Windows and doors in the proposed centre are to be sited in locations which maximise security for children attending the centre. | <p>All areas have been designed to prevent overlooking from public areas, using solid walls and fencing, as well as screen planting around the perimeter of the centre.</p> <p>Open form timber batten fencing will allow children to view public areas</p> <p>No child-openable doors or windows are proposed for internal and external play areas.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| Visual Privacy – for adjoining residents | | |
| <ul style="list-style-type: none"> - Direct overlooking of adjoining main internal living areas and private open spaces should be minimised through:- <ul style="list-style-type: none"> i. Appropriate site and building layout; ii. Suitable location of pathways, windows and doors; iii. Landscaping and screening. | <p>Direct overlooking of adjoining main internal living areas is considered to be minimised, as all play areas are screened by min 1.6m high timber fencing, acoustic screens as well as screen planting along adjoining boundaries.</p> <p>The first floor outdoor play area will be screened with 1.6m high timber fencing and acoustic screens, which will minimise the potential for overlooking into the adjoining property to the south east of the subject site (89 Bowden Street)</p> | <p>Yes</p> |

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| DCP 2014 | PROPOSED | COMPLIANCE |
|--|---|-----------------|
| - Windows and doors in the proposed centre are to be sited in locations which minimise loss of privacy to adjoining residences | There are no windows or doors overlooking the adjoining property at 89 Bowden Street. | Yes |
| 5.0 Car Parking, Traffic and Access | | |
| Car Parking | | |
| - All on-site parking areas are to be designed in accordance with Australian Standard AS 2890.1 and AS 2890.2. | The submitted Traffic and Parking Statement was referred to Council's traffic and development engineers who have indicated support for the proposal subject to conditions. | Yes - Condition |
| - Off-street parking is to be provided at the rate of 1 space per 8 children, and 1 space per 2 staff. Stack parking for staff only and max 2 spaces | 90 Children – Required 12 – Proposed 12 16 Staff Required 8 – Proposed 8 Based on the number of children and staff proposed for the child care centre the required parking provision as per Ryde DCP 2010 is calculated to be 20 (12 pick up/drop off spaces and 8 staff spaces). It is noted that those parking spaces located within the road reserve for the proposal are considered superfluous to the parking requirements of the proposal. | Yes |
| - Parking requirement to be rounded up to nearest whole number | Refer above; the parking requirement has been rounded up. | Yes |
| - 1 accessible space located close to the | One accessible parking space is proposed to be provided on site. | Yes - Condition |

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| DCP 2014 | PROPOSED | COMPLIANCE |
|--|---|------------------------|
| <p>continuous path of travel and where a minimum height clearance of 2.5 metres can be achieved</p> | <p>An Access Report has been recommended as a condition of consent as per the applicant's request.</p> <p>It is noted that the submitted BCA report identifies items that will require further consideration and recommends that separate report from a suitably qualified access consultant should be prepared to demonstrate compliance. Accordingly, a condition on consent is recommended that an Accessibility report be provided prior to the issue of the Construction Certificate.</p> | |
| <p>- Developments for new centres shall comply with the access requirements contained within section 5.5 of this Part and Part 9.2 of DCP 2011</p> | <p>Council's Building Surveyor has reviewed the plans and has no objection to the proposal subject to imposition of standard conditions of approval.</p> | <p>Yes - Condition</p> |
| <p>• Low Density Residential</p> | | |
| <p>- Underground parking is not permitted</p> | <p>Semi-basement parking is proposed.</p> | <p>No-Justifiable</p> |
| <p>- not to dominate the streetscape</p> | <p>The proposed development will maintain the residential nature of the locality and is not considered to dominate the streetscape. Whilst it is acknowledged that the proposed building is generally larger than an average dwelling, the large expanses of glass on the northern and western elevations reduce the overall bulk and scale of the building. The height, setbacks and FSR are consistent with the requirements for residential development outlined in DCP 2014. Furthermore, the landscaping proposed will allow the building to</p> | <p>Yes</p> |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| | complement the existing streetscape. | |
| <ul style="list-style-type: none"> - Consideration may be given to reducing the on-site parking requirements, in terms of drop off/pick up component, where convenient and safe on-street parking is available. | 3 dedicated on-street kiss and ride spaces are proposed on Macpherson Street. A review of the PAT notes in relation to the subject DA states that this parking and the associated traffic management works are proposed on Council land/asset and no owners consent or agreement is in place with council for its exclusive use. Discussions with Council's Development Engineer have agreed to delete these works within the road reserve from the consent. Condition 1 is to reflect this. | Condition |
| <ul style="list-style-type: none"> • Work based child care centres, and centres in mixed use facilities | The proposed child care centre is not located within a mixed use development or non-residential area, thus this section does not apply to the proposed development. | N/A |
| <ul style="list-style-type: none"> - Parking spaces and pick up/drop off a max 30m to centre main entrance, preferably at floor level. Direct access provided for those not at floor level, | Refer above | N/A |
| <ul style="list-style-type: none"> - the drop off/pickup zones are to be exclusively available for use in conjunction with the child care centre throughout operating hours, spaces are to be clearly marked | Refer above | N/A |
| <ul style="list-style-type: none"> - Driveway access, manoeuvring areas and parking areas are not to be shared with access, parking, manoeuvring areas used by other uses | Refer above | N/A |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| or truck movements. | | |
| On Site Manoeuvrability | | |
| <ul style="list-style-type: none"> - The site must be able to accommodate a "U" shaped one-way driveway system with sufficient driveway turning area in addition to the parking spaces to enable vehicles to enter and leave in a forward direction | <p>A turning area is proposed within the basement car park, allowing vehicles to exit the site in a forward direction.</p> <p>The application has been referred to Council's development engineers who have provided support for the proposal subject to conditions.</p> | Yes |
| <ul style="list-style-type: none"> - Variation on the requirement for a "U" shaped driveway meets following criteria <ul style="list-style-type: none"> - i. To provide a separate entrance and exit driveway access at a minimum safe distance from each other - ii. To enable vehicles to leave the site in a forward gear; - iii. To enable vehicles using the entrances and exits to not endanger persons and vehicles using those accesses; - iv. To ensure the front setback is not given over to traffic circulation and parking requirements which may unduly impact on streetscape and impact on the opportunity for landscaping to meet the requirements of Section 6 of this Part. - Separation - Not < 9m on turning circle of 15m and a | <p>The submitted Traffic and Parking Statement was referred to Council's development engineer who has provided support for the proposal subject to conditions.</p> <p>No separation – entry and exit are combined</p> | Yes - Condition |
| | | N/A |

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|---|--|-----------------|
| - Separation - Minimum width of 12m between driveway laybacks. | No separation – entry and exit are combined | N/A |
| - Vehicle's not to encroach on pedestrian access ways. Barriers etc. do not block accessible paths of travel | The submitted Traffic and Parking Statement was referred to Council's development engineer who has provided support for the proposal subject to conditions. | Yes - Condition |
| Separate pavement treatment to distinguish driveway from parking spaces | N/A – Basement parking proposed and car parking spaces are clearly defined. | N/A |
| Impact on Traffic Flow | | |
| - Vehicles enter and leave the site in a forward direction. Drop off/pick up area designed separate to manoeuvring area | Vehicles will enter and exit the site in a forward direction. The submitted Traffic and Parking Statement was referred to Council's development engineer who has provided support for the proposal subject to conditions. | Yes |
| - SEE addresses likely impacts on amenity of existing streets. | The SEE is supported by an accompanying Traffic and Parking Assessment Report which has been provided by Transport and Urban Planning PTY LTD, dated 10 June 2015. | Yes |
| - TIA prepared (also required for expansion) | Refer above | Yes |
| - No to be located on high volume roads, centres located on high volume roads incorporate measures to alleviate associated traffic problems | Council's Development Engineer has reviewed the proposal and provided support for the proposal subject to conditions. | Yes - Condition |
| - Road Safety Audit required for applications on collector roads where volume exceeds 5000(AADT) | Bowden Road is listed as a Collector Road in Schedule 2. The submitted traffic assessment report estimates the two way traffic flows past the site frontage to be within the order of 228 and 321 vehicles per hour in the AM | Yes - Condition |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| | and PM peak hour respectively. | |
| Pedestrian Safety | | |
| - Segregated from vehicle access with clearly defined paths | A clear pedestrian path has been provided within basement car park. | Yes |
| - Drop off/pick up points provided no more than 30m from main entrance, well lit, allows safe movement, | The distance from furthest space within the basement to the main entrance has been measured to approximately 30m. The location of the pedestrian path around the perimeter of the car parking area will allow for safe pedestrian movement. | Yes |
| - Vehicle movements separated from pedestrian access by safety fencing, gates etc. | Pedestrian access is not separated from vehicle movements by safety fencing. Submitted plans do not illustrate to this level of detail however it expected that the parking area and spaces will be designed in accordance with Australian Standards and the BCA. Council's Development Engineer has reviewed the proposal and has indicated they are supportive of the proposal subject to conditions. | Yes |
| Accessibility | | |
| - Access provided in accordance with AS1428.1 and Part D of BCA, Part 9.2 of DCP 2011. | Council's Building Surveyor has reviewed the plans and has provided no comments in regards to accessibility. However it is noted that a standard condition is included within Ryde's standard consent which requires the development to be in accordance with the BCA and relevant Australian Standards. | Yes |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| | <p>However it is noted that the submitted BCA report identifies items that will require further consideration and recommends that separate report from a suitably qualified access consultant should be prepared to demonstrate compliance.</p> <p>This is to be addressed at construction certificate stage and an appropriate condition is to be included in the consent.</p> | |
| <ul style="list-style-type: none"> - Minor alterations must not reduce accessibility, improvements must be made where possible, | <p>The proposal isn't for minor alterations.</p> | <p>N/A</p> |
| <ul style="list-style-type: none"> - Other matters to be considered include: | | |
| <ul style="list-style-type: none"> - i. Continuous path of travel from street/parking area into and within every room and outdoor area, | <p>Refer above</p> | <p>To comply</p> |
| <ul style="list-style-type: none"> - ii. Hard paved surfaces into play areas and inside to accommodate mobility aids and strollers, | <p>Refer engineers comments</p> | <p>To comply</p> |
| <ul style="list-style-type: none"> - Car parking areas eliminate barriers for prams and mobility aids (kerb cuts etc.) | <p>Refer engineers comments</p> | <p>To comply</p> |
| <ul style="list-style-type: none"> - Pathways 1200mm-1500mm and grades no steeper than 1:14 | <p>Refer engineers comments</p> | <p>To comply</p> |
| <ul style="list-style-type: none"> - One onsite parking space 3.6m wide with 2.5m height clearance | <p>One accessible parking space has been provided.</p> <p>Council's development engineer has reviewed the parking provision and indicated support, subject to conditions</p> | <p>To comply</p> |

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*Environment & Planning*³⁵

| DCP 2014 | PROPOSED | COMPLIANCE |
|---|--|---|
| Landscaping and Play Spaces | | |
| General Landscaping Requirement | | |
| <ul style="list-style-type: none"> • Landscape plan provided - Significant trees/vegetation to be retained and protection program during construction. - Hazardous plants avoided (poisonous, choking etc.) - Show landscaping of outdoor play spaces in accordance Section 6.2.2 - Considers effect of outdoor play on soil - Considers potential of tree roots to up-lift outdoor surfaces - Identify opportunities for deep soil planting and appropriate tree species - Shrubs and trees that offer range of textures, colours and scents, for children's learning experience - Irrigation utilises rainwater or recycled water - Landscaping setback of 2m along front boundary - Landscape buffer provided along side and rear boundaries in residential zone, minimum width 1m | <p>Council's Consultant Landscape Architect has reviewed the proposed landscaping and has provided support for the proposal subject to conditions</p> <p>Council's Consultant Landscape Architect has reviewed the proposed landscaping and has provided support for the proposal subject to conditions</p> <p>Council's Consultant Landscape Architect has reviewed the proposed landscaping and has provided support for the proposal subject to conditions</p> <p>Refer above</p> <p>Refer above</p> <p>Refer above</p> <p>Refer above</p> <p>Refer above</p> <p>Landscape provided within front and secondary setbacks</p> <p>1m wide landscape buffer provided where boundary adjoins 89 Bowden Street.</p> | <p>Yes – To Be Condition</p> <p>Yes</p> <p>Yes – To Be Condition</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> |
| - Landscape/setback buffers for centres in | N/A – child care centre not located in a commercial or industrial zone. | N/A |

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*Environment & Planning*³⁶

| DCP 2014 | PROPOSED | COMPLIANCE |
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| commercial and industrial zones depending on context, | | |
| Play Spaces | | |
| Size and Functionality of Play Spaces | | |
| - New centres to provide indoor, outdoor play spaces and transition areas | The proposal provides approx. 303.78m ² of indoor and approx. 848m ² of outdoor play areas (including transition areas) | Yes |
| - Regular shapes with convenient access between them to maximise opportunities for supervision of children by staff | The proposed internal and external play areas are regularly shaped. It is considered that convenient access is provided between internal and external play areas. Each outdoor play area is accessible for the respective internal play area. | Yes |
| - Avoid location of play spaces in front setback | It is considered that Macpherson Street is the front boundary for the purposes of this application. This is because the main pedestrian and vehicle access to the proposed child care centre is from this frontage. As such, outdoor play areas 2 and 3 are considered to be located within the front setback. Play areas have been located within the front setback so as to minimise the impact on adjoining residential properties and as such is considered to be justifiable. | No-Justifiable |
| - New centres – 10m ² of unencumbered outdoor play space /child care place inclusive of transition area | Total required 90 Children 900m ² Total provided – 848m² The submitted SEE states that the proposed development provides combined outdoor play areas of 937m ² or the equivalent of 10.4m ² per child which exceeds both DEC's and Council requirements. | Yes |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| | <p>However, a measurement of the submitted landscape plan on CAD has revealed a total useable outdoor area of 848m². This calculation has been based on the calculation requirements at Section 28(5) of the <i>Children (Education and Care Services) Supplementary Provisions Regulation 2012</i> and Section 6.2.1 of the Ryde DCP 2014.</p> <p>The applicant has advised that landscaping, provided within the outdoor play spaces, has been designed to be useable, accessible and interactive for the children. The accessible natural gardens within each outdoor play space have been specifically created for children's discovery of both passive as well as active areas. As such, the landscaped areas have been included in the calculation of the unencumbered outdoor play space.</p> <p>It is noted that the above does not comply with Ryde DCP 2014, however it exceeds the minimum requirement of the <i>Children (Education and Care Services) Supplementary Provisions Regulation 2012</i> of 630m², accordingly the proposed development is deemed to comply with this development control.</p> | |
| <p>- New centres – at 4.5m² of unencumbered indoor play space for each / child care place exclusive of transition areas.</p> | <p>Total area required for 90 Children is 405m²</p> <p>Proposed indoor area 398.02</p> <p>It is noted that the above does not comply with Ryde DCP 2014, however it exceeds the minimum</p> | <p>Yes</p> |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| | <p>requirement of the <i>Children (Education and Care Services) Supplementary Provisions Regulation 2012</i> of 292.5m²</p> <p>Based on the internal areas provided, in order to comply with the requirements of the Ryde DCP 2014 a maximum of 65 children could be accommodated at the child care centre.</p> | |
| Outdoor Play Spaces | | |
| - Shaped to maximise supervision and useability and stimulates early learning | The proposed outdoor play areas are shaped to maximise supervision and useability. | Yes |
| • Designed to | | |
| - Be well drained | Council's Development Engineer has reviewed the plans and has provided the following comments/has no objection to the proposed development, subject to conditions. | Yes |
| - Takes advantage of existing natural features and vegetation | The submitted landscape plan shows that the existing trees contained within the subject sites are proposed to be removed. It is noted that there are no trees of significance within the subject site. However, it is considered that the proposed landscaping will provide a natural setting within the outdoor play areas. | Yes |
| • Designs aim for | | |
| - 30% natural planting are | Natural planting provided 30% | Yes |
| - 30% turfed area | Artificial turf provided 30% | Yes |
| - 40%hard surfaces (sand, paving, timber platforms) | Hard Surfaces 40% | Yes |
| | Council's Consultant Landscape Architect has reviewed the plans and has no objection to the proposed development. | |

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| DCP 2014 | PROPOSED | COMPLIANCE |
|---|---|-----------------------------------|
| <ul style="list-style-type: none"> Distinct areas within the outdoor play space design must include | | |
| - Open grassed area for gross motor skills | Open grassed areas are provided to all outdoor play spaces. | Yes |
| - Formal quiet areas for focused play (must include a sandpit and a minimum of 2 formal quiet areas for activities) | Outdoor play area 5, located on the first floor, has been identified as being a passive play area. undercover transition areas have also been provided, | Yes |
| - An active area (climbing structure) | 608m ² of active play area being provided which includes areas for children to explore. | Yes |
| - A transition area | The proposed outdoor play areas includes transition areas which are shown on the submitted plans to be adjacent to the entries to each outdoor play area from the adjacent internal play space and covered by a verandah. | Yes |
| Storage area(s) | Storage areas have been allocated to each outdoor play area. | Yes |
| <ul style="list-style-type: none"> With respect to distinct areas | | |
| Sandpits , irregular shape 500-600mm in depth, wide paved sweeping edge (apprx 750mm wide. Size based on number children to use it (15m ² /20users) | The submitted plans do not show a sandpit. The SEE has indicated that a detailed landscape plan can be provided at the CC stage. | To comply with DEC's requirements |
| Formal Quiet Areas , 12-25m ² each, minimum requirement of two (2). Close to transition area | Formal quiet areas have not been identified on the submitted plans. | To comply with DEC's requirements |
| - Secret places included where possible | Secret places have not been identified on the submitted plans. | To comply with DEC's requirements |
| - Active areas sited away from building, climbing equipment etc. Digging patches 20-50m ² | Active area have not been identified on the submitted plans. | To comply with DEC's requirements |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| - Surfaces , natural surfaces preferable, hard surfaces to be non slip and drained. Soft fall located under climbing structures. | Council's consultant landscape architect has reviewed the plans and is supportive of the proposal subject to conditions. | Yes |
| - Access corridors from the major entry to all areas | Access corridors to all play areas has been provided from the major entry. | Yes |
| - slowdown features between certain activities to prevent children running straight through (mounds etc.) | Slowdown features have not been identified on the submitted plans. | To comply with DEC's requirements |
| - Elevated areas , eg decks, mounds and embankment adds interest | Elevated areas have not been identified on the submitted plans. | To comply with DEC's requirements |
| - Linkages : provide linkage between activities eg pathways, bridges, flying fox. | Linkage areas have not been identified on the submitted plans. | To comply with DEC's requirements |
| - Planting should be the dominant element providing shade, wind protection, and sensory richness | Extensive planting is proposed, along the property boundaries and within the outdoor play spaces in order to provide visual interest, screening and shade. | Yes |
| - Storage structures are to be located in areas which do not hinder supervision, must be lockable and childsafe | Storage structures are provided within appropriate areas and are not considered to hinder supervision. | Yes |
| - canopy cover of 50-60% of the outdoor play area within 5 years of planting | Council's Consultant Landscape Architect has advised that suitable species are to be located within the outdoor play area, which will provide a canopy cover of 50-60% within 5 years of planting. | Yes |
| - Outdoor play spaces are to be adequately shaded | Each outdoor play space will have a covered verandah area; however details of additional shade structures over the remainder outdoor areas have not been provided. The SEE also states that detailed shade | To comply with DEC's requirements |

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| | structures can be provided at the CC stage. | |
| The outdoor play space should relate directly to the indoor play space for the - relevant age group of children. The shape of the play space must allow for - uninhibited supervision of children at all times. The siting of the outdoor play area shall - allow the provision of adequate supervision from internal and external areas. Separate play areas are encouraged to be provided for 0-2 year olds. - The landscape plan is to identify how play spaces are designed for each age group | Outdoor play areas have been designed to allow for uninhibited supervision and have direct access to the indoor play areas. Separate play areas will be provided for 0-2 year olds. The submitted landscape plan has not identified how play spaces are designed for each age group. | Yes Yes To comply with DEC's requirements |
| - access opportunities for maintenance of outdoor play not to be occupied by any service vehicles during the centre's operating hours | No vehicle access is proposed to the outdoor play area. | N/A |
| Work based child care centres, and centres in mixed use facilities | | |
| - Where outdoor spaces are provided externally above ground level (refer section 3.4 of this Part): | The proposed child care centre is not located within a mixed use facilities. | N/A |
| - i. make outdoor space of a similar quality to that achievable at ground floor level, designed to comply with requirements of section 6.2.2. | Refer above | N/A |
| - ii. measures implemented for protection from excessive wind and other adverse climatic conditions | Refer above | N/A |
| - iii. Adequate fencing is to | Refer above | N/A |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| be provided for the safety of the children and to prevent objects from being thrown | | |
| - Outdoor storage space does not impede supervision of the play areas. 0.5m ² of space per child who will be using the area. | Refer above | N/A |
| Indoor Play Spaces | | |
| - a. Indoor play spaces shall be designed to: - i. Achieve passive surveillance from all rooms; - ii. Provide direct access to play areas; - iii. Allow maximum supervision of the indoor and outdoor play spaces; - iv. Allow subspaces to be set up with discernible divisions to offer a variety of play areas. | The proposed new indoor play spaces are regularly shaped and encourage passive surveillance. Each indoor play area has windows and glass sliding doors, which will allow for maximum supervision of the outdoor play area. No subspaces are shown on the submitted plans to the internal play areas. | Yes |
| Transition Areas | | |
| - i. Be located between the indoor and outdoor areas | Covered transition areas are provided between all indoor and outdoor play areas. | Yes |
| - ii. Be designed to allow for indoor and outdoor activities to be conducted under cover. | Refer above. | Yes |
| - iii. Be designed to offer protection from unfavourable weather conditions, and so that the transition area does not heat up excessively in summer. | Refer above. | Yes |
| - iv. Incorporate facilities for educational experiences and appropriate storage areas. | It is considered that adequate facilities for educational experiences are provided. Appropriate storage areas are provided within the transition area for all outdoor play spaces. The | To comply with DEC's requirements |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| | exception is outdoor play area 3, where the storage area is located approximately 3.5m from the transition area. | |
| Swimming Pools and Water Hazards | | |
| - New swimming not permitted | N/A | N/A |
| - Existing swimming pools must be fenced in accordance with the Swimming Pools Act 1992 | N/A | N/A |
| - Pool filters must be suitably housed to ensure they are inaccessible to children at all times | N/A | N/A |
| - Any water containers which could constitute a drowning hazard are to be emptied immediately after use, or safely covered and/or stored in a manner which prevents the collection of water which is inaccessible to children. | N/A | N/A |
| Miscellaneous Controls | | |
| Centre Facilities | | |
| - Each new child care centre must provide rooms, not areas, for the following specific uses: - i. Office areas for administration of the service; and - ii. Staff respite | The submitted plans show that rooms for office, administration and staff respite are provided at ground and first floor level. | Yes |
| - Offices adjacent to entry area, minimum floor space of 10m ² / person occupying the office | The proposed administration area is located on the ground floor and is approximately 14m ² . | Yes |
| - Staffroom – minimum 20m ² | A staff room is provided on the first floor of the proposed child care centre and has an area of approximately 20m ² | Yes |
| - In centres where children under the age of 2 years are proposed to be cared for the following are to be | The proposed child care centre will provide 26 child care spaces for children under 2 years. | No-Condition |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| <p>provided:</p> <ul style="list-style-type: none"> - i. A sleeping room with 2.5 m² of floor space per cot and a maximum of 10 cots per room; | <p>Two cot rooms are provided with a combined area of approximately 12.5m² – the submitted plans show a total of 10 cots are to be provided within both rooms, meaning that 1.25m² of floor space is provided per cot.</p> <p>Accordingly, an operational condition is recommended restricting the number of cots provided within the cot room to a maximum of 5 in accordance with Ryde DCP 2014.</p> | |
| <ul style="list-style-type: none"> - ii. A nappy change area adjacent to the cot room with good vision from the change area to the play room with suitable storage | <p>The submitted plans show that a nappy change area is provided immediately adjacent to the proposed cot room.</p> | Yes |
| <ul style="list-style-type: none"> - All child care centres are to provide laundry facilities. | <p>The submitted plans show that the laundry is provided on first floor level adjacent to the proposed kitchen.</p> | Yes |
| <ul style="list-style-type: none"> - Where possible provision of a pram storage area | <p>The submitted SEE states that pram storage is available within the building lobby area.</p> | Yes |
| Signage | | |
| <ul style="list-style-type: none"> - All advertising and signage must be designed to comply with Part 9.1 Advertising Signs. | <p>No signage is proposed the submitted SEE states that Signage will be subject to a separate DA.</p> | N/A |
| Exterior Lighting | | |
| <ul style="list-style-type: none"> - Lighting is to be provided to assist access via the main entrance. | <p>Details of lighting have not been provided on the submitted plans. The SEE notes that suitable lighting will be provided to the main entrance.</p> | To comply condition |
| <ul style="list-style-type: none"> - The street number of the building is to be visible from the street day and night, by lighting and/or reflective material | <p>To comply</p> | To Comply Condition |
| <ul style="list-style-type: none"> - External lighting must not adversely impact adjoining properties. | <p>To comply</p> | To comply Condition |

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| DCP 2014 | PROPOSED | COMPLIANCE |
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| Waste Storage and Management | | |
| - Waste management plan submitted | A detailed waste management plan has not been submitted with the proposed development application. | No-condition |
| - Adequate provision made for the storage and collection of waste and recycling in accordance with Part 7.2 of this DCP. | The submitted SEE states that provision for the storage and collection of waste is located within the existing basement. However, limited details are provided on the location and provisions for the storage and collection of waste within the proposed basement. The application was referred to Council's Environmental Health Officers for comment and has provided the following comments/has no objection to the proposed development. | No-condition |
| - In addition to the requirements of Part 7.2 of this Plan, applications for child care centre development are to address the following considerations. - special removal service required for the removal/disposal of nappies | The SEE notes that there will be no specific special removal service for soiled nappies. The application was referred to Council's Environmental Health Officers for comment and has provided the following comments/has no objection to the proposed development. | |
| - frequency of removal of waste to ensure regular removal and avoid undue build up of garbage | The centre plans to use existing regular Council waste service collection provided to the subject site. | Yes - Condition |

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*Environment & Planning*⁴⁶

| DCP 2014 | PROPOSED | COMPLIANCE |
|---|---|---------------------|
| | The application was referred to Council's Environmental Health Officers for comment and has provided the following comments/has no objection to the proposed development. | |
| - opportunities for avoidance, reuse and recycling of waste | The submitted SEE states that recycling bins will be used. | Yes |
| - convenience for staff of the location of bins | Waste storage area is to be located within the basement, as this area can be accessed by lift, it is considered that the location is convenient for all staff within the proposed child care centre. However, the waste storage area has not been shown on the submitted plans. Recommend a condition requiring the plan of management to include specific details in regards to waste management | Condition to comply |
| - security of waste from access by children | The proposed waste storage area is proposed to be located within the basement and as such considered to be well away from areas that can potentially be accessed by children. | Yes |
| - likely requirements for waste from kitchen facilities | The SEE notes that there will be minimal waste from the kitchen as all meals will be delivered to the centre. | Yes |
| - Impact of waste storage and collection on adjoining residential developments in terms of unsightliness, odour and noise | The waste storage area will be located in the basement and away from residential properties. Recommend a condition requiring the plan of management to include specific details in regards to waste management | Condition to comply |
| - new centre – integrated | The waste storage area will be | N/A |

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ATTACHMENT 2

*Environment & Planning*⁴⁷

| DCP 2014 | PROPOSED | COMPLIANCE |
|--|--|--|
| <p>into design of building and not located in front setback.</p> <ul style="list-style-type: none"> - Expansion – as far as possible to be visually and physically integrated into the design. Screening required for areas visible from street. - Where food preparation is carried out, waste area is to be covered and floor graded and drained, easily accessible and suitably screened - Residential areas - not to be designed to store waste facilities of a size and scale which can only be managed by side arm waste collection vehicles. - There is to be no on-site access by waste collection vehicles - Composting must not impact on amenity of adjoining premises or the centre - Separate waste collection services including frequency and times must minimise noise impact on neighbouring properties | <p>located within the basement</p> <p>Proposal is for a new child care centre</p> <p>The application was referred to Council's Environmental Health Officers for comment and has provided the following comments/has no objection to the proposed development.</p> <p>To comply Recommend a condition requiring the plan of management to include specific details in regards to waste management</p> <p>No composting is proposed</p> <p>The proposed child care centre proposes to utilise existing Council services for waste collection.</p> <p>The application was referred to Council's Environmental Health Officers for comment and has provided the following comments/has no objection to the proposed development utilising existing council services for waste collection.</p> | <p>N/A</p> <p>Yes - Condition</p> <p>Condition to comply</p> <p>N/A</p> <p>Yes - Condition</p> |
| Emergency Evacuation | | |
| <ul style="list-style-type: none"> - Fire Safety and Evacuation Plan complying with AS3745 prepared for all | <p>Control states that this is to be submitted prior to the issue of an Occupation Certificate. As such</p> | <p>Condition to comply</p> |

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ATTACHMENT 2

*Environment & Planning*⁴⁸

| DCP 2014 | PROPOSED | COMPLIANCE |
|---|--|---------------------|
| new centres and for developments resulting in an increase in places | it is recommended that a standard condition of consent is included for this requirement. | |
| <p>The Fire Safety and Evacuation Plan is to address:</p> <ul style="list-style-type: none"> - i. The mobility of children and how this is to be accommodated during an evacuation; - ii. The location of a safe congregation area, away from the evacuated building, busy roads and other hazards, and away from evacuation points for use by other occupants/tenants of the same building or of surrounding buildings; and - iii. The supervision of children during the evacuation and at the congregation area with regard to the capacity of the child care centre including child to staff ratios. | To comply | Condition to comply |
| Out of School Hours Care | | |
| - Where an OOSH service is proposed in a childcare centre, the centre shall provide permanent separation of OOSH facilities from the remaining centre facilities. | No out of school hours care is proposed. | N/A |
| - Operational elements which are to be provided separately for each service include: <ul style="list-style-type: none"> - i. amenities (toilet facilities) - ii. indoor play spaces, and - iii. outdoor play areas (especially where vacation care is proposed). | Refer above | N/A |

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*Environment & Planning*⁴⁹

| DCP 2014 | PROPOSED | COMPLIANCE |
|--|-------------|------------|
| - Access to staff facilities should also be provided for staff of the OOSH facility | Refer above | N/A |
| - The operational elements are to be designed in accordance with any relevant controls under this Part (for example minimum area requirements for outdoor play areas, indoor play areas) | Refer above | N/A |
| - Proposed number of staff and child care places are to be provided in accordance - with section 2.2 of this Part | Refer above | N/A |
| - Parking requirements will be assessed in accordance with section 5 of this Part | Refer above | N/A |
| - Child care centres that include out of school hours care are not to result in an overdevelopment of the site. | Refer above | N/A |
| - The total number of places approved for the centre will include places approved for out of school hours care where this is proposed | Refer above | N/A |

- Section 3 (c) of Part 3.2 of DCP2014:
 - The proposed child care centre is located within a low density residential area and is proposed to be 2 storey
 - 2 storeys are proposed to be located above the semi-basement car parking area.
- Part 3.3 of DCP2014: Zero setback to Macpherson Lane.
- Section 4.2(e) of Part 3.2 of DCP2014: Elevated outdoor play areas are proposed. DCP2014 states that elevated play areas should be avoided.
- Section 5.1 (f) of Part 3.2 of DCP 2014: Semi basement parking is proposed where underground parking is not permitted within low density residential areas.

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ATTACHMENT 2

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- Section 6.2.1 (c) of Part 3.2 of DCP2014: The location of outdoor play spaces within the front setback should be avoided. Outdoor play areas 1, 2 and 3 and located within the front setback.
- Section 1.7 in Part 3.2 of DCP2014: No signed undertaking received as part of the submitted development application documents from the applicant, licensee or proposed licensee that the proposed child care centre has been designed to comply with respect to the Children's Services Regulation 2004 or DoCS requirements as relevant at the time of application.
- Section 3.1 and Section 3.5 in Part 3.2 of DCP2014: A condition of consent is recommended requiring electronic key pad to all access points to ensure no unauthorised access to any area of the proposed child care centre and to prevent any child leaving the centre unsupervised.
- Section 4.3 in Part 3.2 of DCP2014: Recommendations of Acoustic report should be included as a condition of consent and in an updated plan of management, to be submitted prior to the issue of Construction Certificate. Compliance testing and verification report required to be submitted to Council after operation of the child care centre commences.
- Section 5.1 in Part 3.2 of DCP2014: One accessible parking space is proposed to be provided on site; however it is not directly adjacent to the accessible path of travel. Accordingly, a condition of consent is recommended, requiring an Accessibility Report, prepared by a suitably qualified person, to be submitted to Council prior to the issue of the Construction Certificate.
- Section 7.1 in Part 3.2 of DCP2014: The number of cots shown on the submitted plans is above maximum permitted per cot room. Accordingly, an operational condition of consent is recommend, restricting the number of cots provided within the cot room to a maximum of 5 in accordance with Ryde DCP 2014.
- Section 7.4 in Part 3.2 of DCP2014: Limited details have been provided on the location and provisions for the storage and collection of waste within the existing basement. Accordingly, a condition of consent is recommended, requiring the Plan of Management to include specific details with regard to waste management. This detail should include plans showing the location of the waste storage area, suitability of the area for the waste being generated, frequency of on-site collection and other measures taken to ensure that the proposed waste storage does not have adverse impacts on existing tenants.
- Section 7.5 in Part 3.2 of DCP2014: A standard condition of consent is recommended, requiring a Fire Safety and Evacuation plan is to be submitted prior to the issue of an Occupation Certificate.

ITEM 4 (continued)

ATTACHMENT 3

| Children (Education and Services) Supplementary Provisions Regulation 2012 | PROPOSED | COMPLIANCE |
|--|---|---------------------------|
| <i>Division 1 Facilities</i> | | |
| <i>28 Space requirements education and care services</i> | | |
| (1) The premises of a centre based education and care service must have: (a) a room or an area that is used only for administration of the service and for private consultation between staff and parents, and (b) a room or an area, located away from the areas used by children, that is used for respite of staff, and (c) a room or an area that is used only for sleeping for children under 2 years of age | An office/admin area is provided at the ground floor of the proposed Child Care Centre A 19.3m ² staff room is provided on the first floor adjacent the kitchen and away from areas used by children. A 12.5m ² cot room is provided for children under 2 years of age directly adjacent to the indoor play area for 0-2 year olds and nappy change area. | Yes Yes Yes |
| (2) The premises of a centre based education and care service must have at least 3.25 square metres of unencumbered indoor play space per child that is exclusively for the use of children provided with education and care while in attendance at the service. | Total area required 90 Children – 292.5m ² Playroom 1: 82.90m ² Playroom 2: 88m ² Playroom 3: 54.05m ² Playroom 4: 54.85m ² Playroom 5: 64.20m ² Playroom 6: 54.02m ² Total area provided –398.02m ² | Yes |
| (3) For the purposes of calculating unencumbered indoor play space, items such as any passage way or thoroughfare, door swing areas, kitchen, cot rooms, toilet or shower areas located in the building or any other facility such as cupboards and areas set aside as referred to in subclause (1) are to be excluded. | Areas have been excluded | Yes |
| (4) Subject to subclauses (7) and (8), the premises of a centre based education and care service must have at least 7 square metres of useable outdoor play space per child that is exclusively for the use of children provided with education and care while in attendance at the service. | Total area required 90 Children – 630m ² Total area provided – 848 m ² | Yes |
| (5) For the purposes of calculating useable outdoor play space, items such as car parking areas, storage sheds and other fixed items that prevent children from using the space or that obstruct the view of staff supervising children in the space are to be excluded. | Areas which will prevent children from using the space have been excluded. | Yes |
| (6) The outdoor play space must be adequately shaded, having regard to The Shade Handbook, | A verandah has been provided for each outdoor play space. However, | Yes |

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ATTACHMENT 3

| Children (Education and Services) Supplementary Provisions Regulation 2012 | PROPOSED | COMPLIANCE |
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| published by the New South Wales Cancer Council in 2008. | large areas of outdoor space are not shown to be adequately shaded. The submitted SEE states that outdoor areas will be shaded in line with DEC's provisions. | |
| (7) If the Regulatory Authority is satisfied that the location of a centre based education and care service makes it impracticable to provide the required amount of useable outdoor play space, the Regulatory Authority may consent to the provision of some or all of that space in an indoor area that is to be designed and equipped to permit children to participate in activities that promote gross motor skills. | Following submission of additional information from the applicant, it is now considered the submitted landscape plans provide sufficient information to show that the amount of useable indoor area provided has been designed and equipped to permit children to participate in activities that promote gross motor skills. | Yes |
| (8) The Regulatory Authority may impose conditions on such a consent relating to any matter the Regulatory Authority sees fit, including the availability of natural light and ventilation. | The submitted SEE states that suitable natural light and ventilation is provided. | Yes |
| 29 Laundry | | |
| (1) All education and care services An education and care service must have laundry arrangements, whether on the premises of the service or through another facility, service or arrangement. | A laundry is provided on the first floor of the proposed child care centre | Yes |
| (2) The premises of an education and care service must have safe, sanitary facilities for the storage of soiled clothes, linen and nappies before laundering or disposal. | Storage of soiled clothes, linen and nappies will be within the laundry has not been demonstrated on the submitted plans. However, the submitted SEE states that suitable storage provisions will be provided. | Yes |
| (3) Centre based education and care service A centre based education and care service that provides children under 3 years of age with the service must have laundry facilities available on the premises of the service, being facilities that include at least a laundry tub connected to both hot and cold water. | The submitted plans show that a sink is provided to the proposed laundry, it is anticipated that the sink will be connected to hot and cold water | Yes |
| 30 Craft preparation facilities: Centre based or mobile education and care service | | |
| (1) The premises of a centre based or mobile education and care service must have separate facilities (including a sink, bench top and lockable cupboard) for use in craft activities. | The submitted plans do not show that craft areas are provided within the internal play areas, however this is considered to be capable of being included within the sizable play spaces included which area greater than the minimum requirements. | Yes |
| (2) The area must not be next to any food preparation facilities or nappy change area at the premises. | See above – note SEE indicates all food to be delivered. | Yes |

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ATTACHMENT 3

| Children (Education and Services) Supplementary Provisions Regulation 2012 | PROPOSED | COMPLIANCE |
|---|--|-----------------|
| 31 Food Preparation facilities | | |
| (1) Facilities in the designated area must include a stove or microwave, sink, refrigerator, suitable disposal facilities and hot water supply. | The kitchen is proposed to be located on the first floor, the submitted plans demonstrate that it can accommodate the appropriate facilities. | Yes |
| (2) The premises of an education and care service must have a designated area that is both safe and hygienic, for food preparation and storage. | Food to be delivered according to proposal. | Yes |
| (3) Facilities for the preparation and storage of food must be designed, located and maintained so as to prevent children from gaining access to any harmful substance, equipment or amenity. | The submitted plans show that the kitchen is located on the first floor away from internal play areas. The plans show that a door to the kitchen will prevent unsupervised entry by children into the kitchen. | Yes |
| (4) Without limiting subclause (3), if the premises of a centre based or mobile education and care service contains a separate kitchen, the kitchen must have a door, half-gate or other barrier to prevent unsupervised entry by children into the kitchen. | The submitted plans show a door will be provided to the proposed kitchen area | Yes |
| (5) In addition to a food preparation area, a centre based education and care service must also have a designated area, that is both safe and hygienic, for the preparation of bottles for children under the age of 2 years. | Although not depicted on the plans, the sufficient size of the centre and rooms provided would indicate that this is capable of being accommodated. | Yes – to comply |
| (6) Any area in which bottles are prepared for children under the age of 2 years, whether in a centre based education and care service or any other education and care service, must be separate from any area in which nappy changing facilities are provided. | See above | Yes – to comply |
| (7) Despite subclause (1), a mobile education and care service may provide food preparation and storage facilities through another facility, service or regular arrangement if food preparation and storage facilities are not available on the premises used by the mobile education and care service. | N/A | N/A |
| 32 Toilets and Washing Facilities | | |
| The premises of an education and care service must have toilet, hand washing and bathing facilities that are safe and appropriate to the ages of the children at the service and must have | The submitted plans show that toilets and associated facilities will be provided adjacent to proposed internal play areas. | Yes |

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ATTACHMENT 3

| Children (Education and Services) Supplementary Provisions Regulation 2012 | PROPOSED | COMPLIANCE |
|---|--|--|
| products and equipment for cleaning those facilities whenever necessary. | | |
| 33 Nappy Change Facilities | | |
| <p>(1) All education and care services The following facilities must be provided at the premises of an education and care service if any child provided with the service wears nappies:</p> <p>(a) a stable surface for changing nappies, together with a mat that has an impervious washable surface, for every 10 children (or part thereof),</p> <p>(b) hand washing facilities for adults in the immediate vicinity of the nappy changing area,</p> <p>(c) sanitary facilities for the storage of soiled nappies pending laundering or disposal of the nappies,</p> <p>(d) if the children's soiled clothing is laundered by the staff of the education and care service, adequate facilities for laundering the clothing or otherwise dealing hygienically with waste,</p> <p>(e) facilities for the storage of clean nappies.</p> | <p>A nappy change area is provided</p> <p>To comply</p> <p>The submitted plans show that appropriate hand washing facilities will be provided within the immediate vicinity of the nappy changing area.</p> <p>The SEE states that appropriate sanitary facilities will be provided.</p> <p>The submitted plans show that adequate laundry facilities are to be provided.</p> <p>The submitted plans show that adequate facilities are to be provided.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| (2) If any such child is under the age of 3 years, the stable surface referred to in subclause (1) (a) is to be a properly constructed nappy changing bench. | The submitted plans show a nappy changing bench will be provided. | Yes |
| (3) Any nappy changing bench or mat must be cleaned after each use. | To comply | Yes |
| (4) The nappy changing facilities must be designed, located and maintained so as to prevent unsupervised access by children. | Doors are provided to the proposed nappy changing area to prevent unsupervised access by children | Yes |
| (5) The nappy changing facilities must be separated from food preparation facilities and craft preparation facilities. | The nappy changes area is shown on the submitted plans to be separated from these facilities | |
| (6) Centre based education and care service In addition to the facilities referred to in subclause (1), the premises of a centre based education and care service must be equipped with the following: | | |

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ATTACHMENT 3

| Children (Education and Services) Supplementary Provisions Regulation 2012 | PROPOSED | COMPLIANCE |
|---|---|------------|
| (a) an age appropriate washing facility with temperature regulated hot and cold running water in, or adjacent to, the nappy change area. | To comply | Yes |
| (b) a sluice or contaminated waste disposal unit in the nappy change area. | To comply | Yes |
| (7) Nothing in subclause (6) prevents the premises of a centre based education and care service from being equipped with an additional movable nappy changing bench. However, if such a bench is provided it must provide a stable surface on which to place a child when changing nappies. | Bench provided | Yes |
| 34 Sleeping facilities | | |
| (1) The premises of an education and care service must have an adequate number of cots, beds, stretchers or sleeping mats (together with waterproof covers) or other culturally appropriate forms of bedding for all children who sleep while at the premises. | 10 cots are provided in the proposed cot room | Yes |
| (2) For the purposes of subclause (1), the ages of children at the service, the program of activities of the service and hours of operation of the service are to be taken into account when determining adequate sleeping facilities. | To comply | Yes |
| (3) Provision must be made at the premises of an education and care service to ensure that: | | |
| (a) mattresses and other bedding are clean and comfortable, and | To comply | Yes |
| (b) bed clothing is appropriate to the climate, and | To comply | Yes |
| (c) all bed clothing is kept clean and in good repair, and | To comply | Yes |
| (d) there is individual bed linen and blankets for each child, and | To comply | Yes |
| (e) children do not share the same bed at the same time, and | To comply | Yes |
| (f) bed linen used by one child is washed before it is used by another child, and | To comply | Yes |
| (g) no child who is of or above 7 years of age sleeps in the same room as another child of the opposite sex who is not a relative, and | To comply | Yes |

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ATTACHMENT 3

| Children (Education and Services) Supplementary Provisions Regulation 2012 | PROPOSED | COMPLIANCE |
|--|---|--------------------------------------|
| (h) no child who is of or above the age of 2 years, and (except with the written consent of a parent of the child) no child who is under the age of 2 years, sleeps in a room in which an adult is sleeping. | To comply | Yes |
| (4) Cots, beds, stretchers, mattresses and other bedding at the premises of an education and care service must be arranged so as: (a) to be in an area that has natural light, and (b) to allow easy exit of any child, and (c) to allow easy access to any child, and (d) to reduce the risk of cross infection between children. | Natural light provided through existing ground floor windows. To comply To comply To comply | Yes Yes Yes Yes |
| (5) A sleeping area for children must be designed to ensure that all children in the area are readily accessible to staff of the service or the home based service provider. | The proposed cot room is located immediately adjacent to the proposed indoor play area for 0 – 2 year age group and as such is considered to be accessible. | Yes |
| (6) Cots must comply with the requirements of either the Australian/New Zealand Standard AS/NZS 2172:2010, Cots for household use— Safety requirements or the Australian/New Zealand Standard AS/NZS 2195:2010, Folding cots—Safety requirements. | To comply | Yes |
| 35 Storage facilities | | |
| (1) All education and care services The premises of an education and care service must have storage facilities (whether fixed or movable) that are secure and inaccessible to children, | The submitted plans show that storage facilities will be provided. Detail has not been provided which demonstrates that storage areas will not be accessible for children, however it is anticipated that this will comply. | Yes |
| (2) Centre based or mobile education and care service The premises of a centre based or mobile education and care service must have: (a) storage facilities for indoor and outdoor equipment, and (b) storage facilities that give each child provided with the service at the premises access to a space for storage of the child's personal belongings. | The submitted plans show storage facilities are provided. The submitted plans do not show that lockers will provided to each internal play area, however sufficient | Yes Yes – to comply |

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| Children (Education and Services) Supplementary Provisions Regulation 2012 | PROPOSED | COMPLIANCE |
|---|---|------------|
| | space is provide for these facilities within the indoor play areas. | |
| (3) Equipment used for providing a mobile education and care service may be stored at any premises at which the service is provided, at the offices of the service or in any vehicle used to transport equipment used for providing the service. | N/A | N/A |
| 36 Swimming pools | | |
| (1) Centre based or mobile education and care services There must not be a swimming pool (within the meaning of the Swimming Pools Act 1992) on the premises of any centre based or mobile education and care service unless the pool existed on the premises before 6 November 1996. Any such existing pool must be fenced in accordance with the Swimming Pools Act 1992 (whether or not that Act applies to the swimming pool concerned). | N/A | N/A |
| (2) Home based education and care services Any swimming pool at the premises of a home based service provider must be fenced to the standard to which a new swimming pool would be required to be fenced under the Swimming Pools Act 1992. | N/A | N/A |
| 37 Venue management plans—mobile education and care services | | |
| The approved provider of a mobile education and care service for which there is a venue management plan (within the meaning of clause 10) must ensure that the premises of the service comply with the plan for those premises. | N/A | N/A |
| Division 3 General | | |
| 42 Ventilation, light and heating | | |
| (1) The premises of an education and care service must have access to natural light and must be properly ventilated, lit and heated when children are being provided with the service. | Premises have access to natural light and ventilation. | Yes |
| (2) All heating and cooling units on the premises of an education and care service must be adequately secured and guarded to prevent injury to children through contact with hot surfaces or moving parts or the emission of any sparks or flames. | Details of heating and cooling units have not been provided on the submitted plans, however recommendations for the location of these in the basement has been included in the consultancy report submitted with the application. | Yes |

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| Children (Education and Services) Supplementary Provisions Regulation 2012 | PROPOSED | COMPLIANCE |
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| (3) The controls of all equipment on the premises that may be hazardous to children must be guarded to prevent access by children. | To comply | Yes |
| (4) Fans on the premises or the home must be placed in a position that is inaccessible to children. | To comply | Yes |
| 43 Hot water | | |
| (1) Centre based education and care service Hot water from any outlet accessible to children at a centre based education and care service must be regulated to keep the temperature of water from the outlet below 43.5 degrees Celsius. | To comply | Yes |
| (2) Home based education and care service Children under school age who are provided with an education and care service at the home of a home based service provider must not have unsupervised access to any hot water supply. | N/A | N/A |
| (3) Children of school age who are provided with an education and care service at the home of a home based service provider must not have unsupervised access to any hot water supply unless the hot water supply is regulated so as to keep it below the temperature at which a child can be scalded. | N/A | N/A |
| 44 Fencing | | |
| (1) Any part of the premises of an education and care service that is designated for outdoor play space must be fenced on all sides. | The submitted plans show that fences are provided on all sides of the outdoor play area | Yes |
| (2) The design and height of any fence or gate on the premises must prevent children from scaling or crawling under or through it and must inhibit or impede intruders from entering the premises. | The proposed fences are shown to be open timber batten fencing to a height of between 1.6m and 1.8m. The SEE states that these fences will be non-climbable | Yes |
| (3) Any side of a stairway, ramp, corridor, hallway or external balcony on the premises of an education and care service that is not abutting a wall must be enclosed to prevent a child being trapped or falling through. | Ramps within the outdoor area are shown to abut the existing walls on the submitted plans | Yes |
| (4) All gates leading to or from the premises of an education and care service must be designed so as to prevent children from entering or leaving the premises unsupervised. | The submitted plans shows stairs from the outdoor play areas to be 'fire egress only'. | Yes |
| (5) Child-proof barriers that are appropriate to the ages of children provided with the service | To comply | |

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| Children (Education and Services) Supplementary Provisions Regulation 2012 | PROPOSED | COMPLIANCE |
|---|-----------------------------------|-----------------------|
| must be provided at the top and bottom of stairs at the premises of an education and care service if the Regulatory Authority so requires by notice in writing served on the approved provider. | | |
| 45 Glass | | |
| <p>The approved provider of an education and care service must ensure that any glazed area of the premises of the education and care service that is in a room or other place accessible to children and is 0.75 metres or less above the level of the floor:</p> <p>(a) is glazed with safety glass, if the Building Code of Australia requires the area to be glazed with safety glass, or</p> <p>(b) in any other case:</p> <p>(i) is treated with a product that prevents glass from shattering if broken, or</p> <p>(ii) is guarded by barriers that prevent a child from striking or falling against the glass.</p> | <p>To comply</p> <p>To comply</p> | <p>Yes</p> <p>Yes</p> |
| 46 Cleanliness, maintenance and repairs | | |
| (1) The premises of an education and care service, and all equipment and furnishing used in providing the education and care service, must be maintained in a safe, clean and hygienic condition and in good repair at all times. | To comply | Yes |
| (2) The approved provider and the nominated supervisor must use their best endeavours to ensure that any buildings and grounds on the premises are kept free of vermin and pests. | To comply | Yes |
| (3) The premises must not be fumigated while children are attending the premises. | To comply | Yes |
| <p>(4) The premises of an education and care service must be fitted with appropriate devices that:</p> <p>(a) are designed to prevent children from gaining access to power points or other electrical outlets, and</p> <p>(b) are designed to minimise the risk of electrical shocks arising from electrical wiring.</p> | <p>To comply</p> <p>To comply</p> | <p>Yes</p> <p>Yes</p> |
| (5) The approved provider and the nominated supervisor of an education and care service must ensure that the premises of the service are kept clean of garbage, rubbish and rubble. | | |
| 47 Safe environment—centre based or mobile education and care service | To comply | Yes |

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| Children (Education and Services) Supplementary Provisions Regulation 2012 | PROPOSED | COMPLIANCE |
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| whenever children are being provided with the service at the premises. | | |
| (3) In counting the number of primary contact staff for the purposes of this clause, a trainee referred to in paragraph (c) of the definition of primary contact staff in clause 3 is not to be included unless a majority of the staff counted (and at least 2) are primary contact staff who are not trainees. | To comply | Yes |
| (4) If a centre based or mobile education and care service is being provided to a group of children who are not all in the same age bracket, the approved provider of the service must ensure that the ratio of primary contact staff to children in the group is the ratio specified in subclause (1) for the age bracket in which the youngest child in the group belongs. | To comply | Yes |
| (5) In this clause, age bracket means a range of ages specified in subclause (1) (a), (b) or (c). | | |
| Part 5 Child Number Requirements | | |
| 57 Number of children | | |
| (1) Centre based or mobile education and care service The number of children who may attend a centre based or mobile education and care service at any one time while a service is being provided must not exceed the maximum number of children specified in the service approval for the service. | Proposed child care spaces = 90 | To comply |
| (2) The number of children under the age of 2 years who may attend a centre based or mobile education and care service at any one time while a service is being provided must not exceed 40, unless the Minister otherwise approves in a particular case. | 26 child care spaces proposed under the age of 2 | Yes |
| (3) Home based education and care service The approved provider of a home based education and care service must not provide an education and care service for a number of children (including children related to the approved provider) that at any one time exceeds 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school. | N/A | N/A |
| 60 Group size—centre based or mobile education and care service | | |

ITEM 4 (continued)

ATTACHMENT 3

| Children (Education and Services) Supplementary Provisions Regulation 2012 | PROPOSED | COMPLIANCE |
|---|---|----------------------------------|
| <p>The approved provider of a centre based or mobile education and care service must ensure that children are arranged and supervised in groups as follows:</p> <p>(a) if the children are under 2 years of age, in groups of not more than 12,</p> <p>(b) if the children are 2 or more years of age but under 3 years of age, in groups of not more than 16,</p> <p>(c) if the children are 3 or more years of age but under 6 years of age and do not ordinarily attend school, in groups of not more than 20.</p> | <p>26 child care spaces provided – to comply</p> <p>24 child care spaces proposed – to comply</p> <p>40 children child care spaces proposed – to comply</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| <p>61 Caring for school children at service—centre based or mobile education and care service</p> | | |
| <p>(1) The approved provider of a centre based or mobile education and care service must ensure that if any school child is provided with education or care by the approved provider at the premises of the service:</p> | <p>N/A</p> | <p>N/A</p> |
| <p>(a) the access of any pre-school child attending the service to facilities and staff of the service is not diminished, and</p> | <p>N/A</p> | <p>N/A</p> |
| <p>(b) any programs provided for pre-school children attending the service are not adversely affected, and</p> | <p>N/A</p> | <p>N/A</p> |
| <p>(c) the safety of any pre-school child attending the service is not adversely affected, and</p> | <p>N/A</p> | <p>N/A</p> |
| <p>(d) the education and care provided to any pre-school child attending the service meet the child's needs, and</p> | <p>N/A</p> | <p>N/A</p> |
| <p>(e) if all the school children attending the service are attending school in kindergarten or Year 1, the total number of school children who are cared for at the premises of the service is not greater than 20% of the number of children specified in the service approval for the service, and</p> | <p>N/A</p> | <p>N/A</p> |
| <p>(f) if any school children attending the service are attending school other than in kindergarten or Year 1, the total number of school children who are cared for at the premises of the service is not greater than 10% of the number of children specified in the service approval for the service.</p> | <p>N/A</p> | <p>N/A</p> |

ITEM 4 (continued)

ATTACHMENT 3

| Children (Education and Services) Supplementary Provisions Regulation 2012 | PROPOSED | COMPLIANCE |
|---|-----------|------------|
| (2) The percentages referred to in subclause (1) (e) and (f) may be exceeded if: | | |
| (a) the indoor and outdoor areas and amenities used by the children are not used at the same time by any other children attending the service, and | N/A | N/A |
| (b) the staff providing the service to the children are not at the same time providing the service to any other children attending the service. | N/A | N/A |
| (3) Nothing in subclause (1) authorises the approved provider to provide education or care to more children (including school children) than the number specified in the service approval for the service. Note. Clause 58 provides that in certain circumstances the Regulatory Authority may authorise the approved provider of the education and care service to provide an education and care service to a number of children that exceeds the number of children specified in the service approval for the service. | N/A | N/A |
| (4) In this clause, pre-school child means a child who is under 6 years of age and who does not ordinarily attend school. | N/A | N/A |
| 62 Service to be provided only to children enrolled at service | | |
| The nominated supervisor of an education and care service must ensure that all children (including school children) to whom the approved provider provides education or care are enrolled in the service. | To comply | Yes |

ITEM 4 (continued)

ATTACHMENT 4

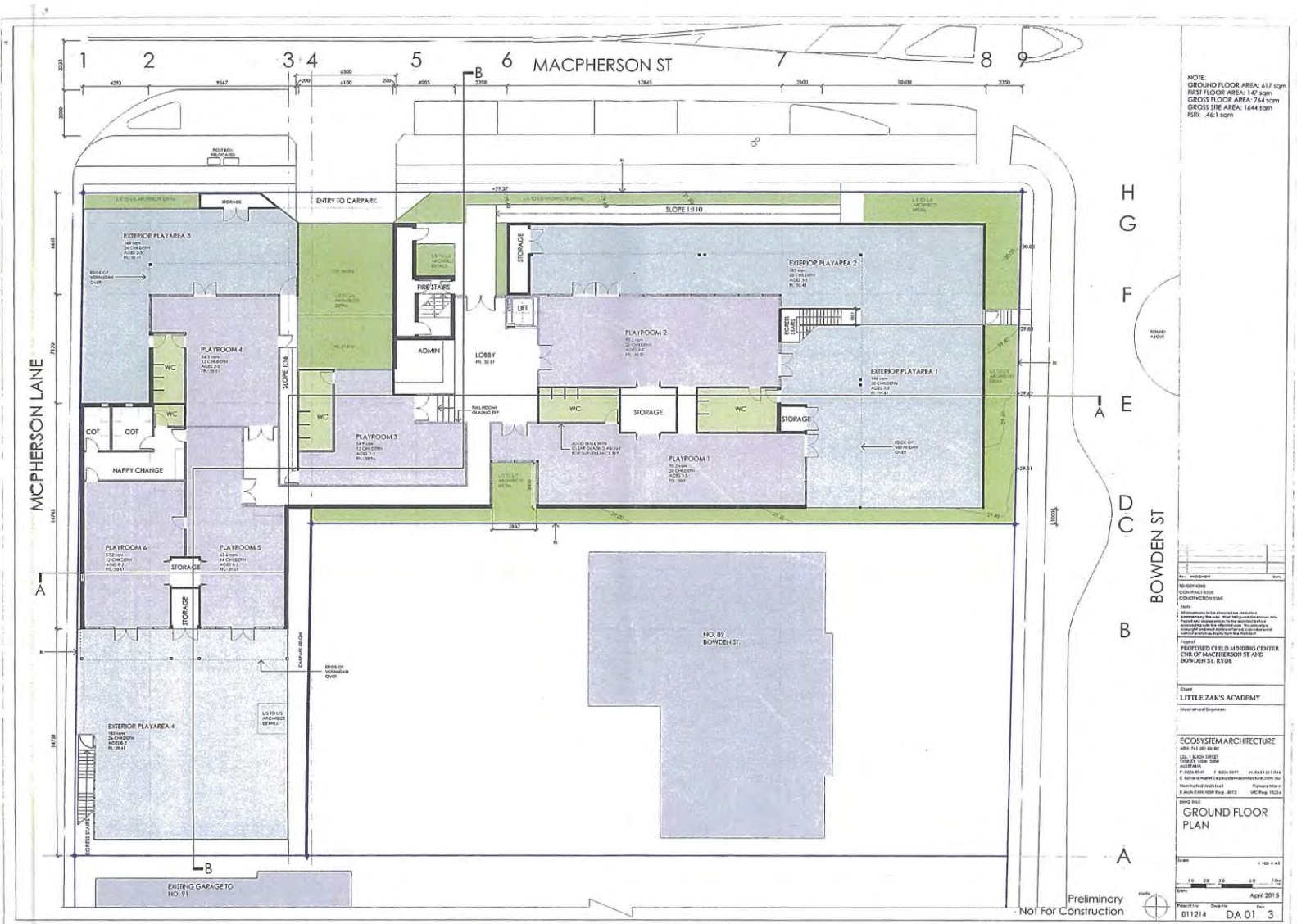


- Site
- Indicates petition signed
- Indicates submission made

Please note that some addresses sent multiple submissions and that some are unit blocks with multiple units either signing the petition, sending a submission or both.

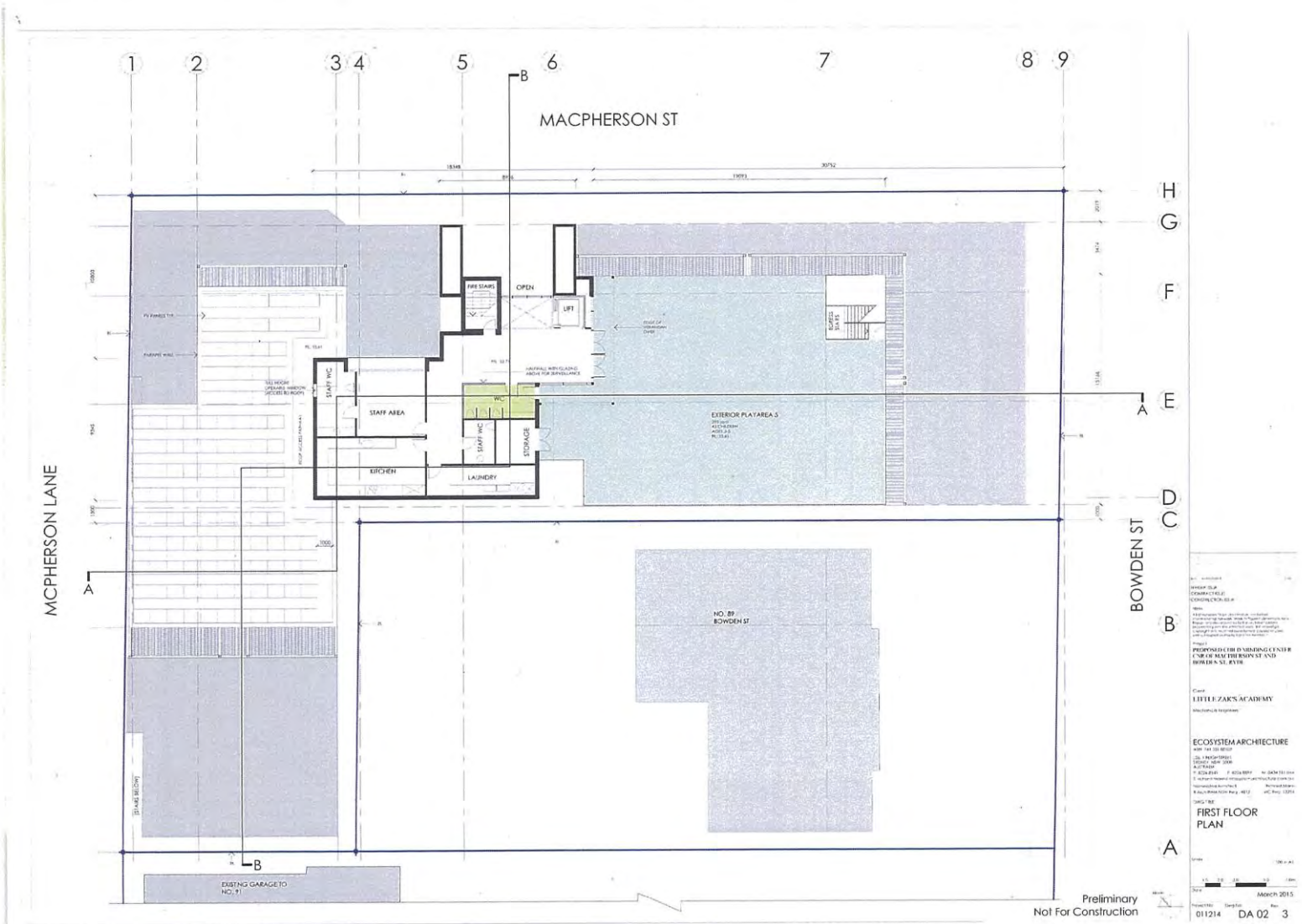
ITEM 4 (continued)

ATTACHMENT 5



ITEM 4 (continued)

ATTACHMENT 5



ITEM 4 (continued)

ATTACHMENT 5



| | | |
|---|---------------------------------|------|
| NO. | DESCRIPTION | DATE |
| 1 | RENDER GALLERY (CONTRACT STAGE) | |
| CONTRACTOR/CLIENT | | |
| Name: LITTLE ZAK'S ACADEMY Address: 100 McPherson Lane, Ryde NSW 1511 Phone: 02 9371 8810 Email: info@littlezaks.com.au Website: www.littlezaks.com.au | | |
| PROJECT | | |
| PROPOSED CHILD MINDING CENTRE (SIDE OF MAIN PRISON ST AND BOWDEN ST, RYDE) | | |
| Client | | |
| LITTLE ZAK'S ACADEMY 100 McPherson Lane Ryde NSW 1511 | | |
| Architect | | |
| ELE Landscape Architect P.100/101 | | |
| ECOSYSTEM ARCHITECTURE | | |
| AMU 24/01/2015 100 McPherson Lane Ryde NSW 1511 P.100/101 | | |
| Project No: 100/101/2015 Date: 01/04/2015 Scale: 1:100 Drawing No: 01/04/2015-01 Title: SOUTH ELEVATION | | |
| Scale: 1:100 & A1 Date: 01/04/2015 Project No: 100/101/2015 Drawing No: 01/04/2015-01 Title: SOUTH ELEVATION | | |

Preliminary
Not For Construction

ITEM 4 (continued)

ATTACHMENT 5



ITEM 4 (continued)

ATTACHMENT 5



5 PLANNING PROPOSAL - PROVISION OF PARK - 45-61 WATERLOO ROAD MACQUARIE PARK

Report prepared by: SJB Planning; Team Leader - Strategic Planning
File No.: GRP/09/6/8 - BP15/1628

REPORT SUMMARY

In June 2014 Council and the Department of Planning and Environment entered into a funding agreement for the delivery of a 7000m² park at 45-61 Waterloo Rd, Macquarie Park. Under the agreement The NSW Government is providing \$6 million through the Precinct Support Scheme in connection with the North Ryde Station Urban Activation Precinct.

On 9 June 2015 Council resolved to seek guarantees from the NSW Government for the provision of the 7000 m² park and the related \$6 million funding, and in accordance with this resolution the General Manager convened a meeting with senior representatives from the Department and Government Property NSW on 14 August 2015.

It was agreed at the meeting on 14 August 2015 that one of the necessary steps to secure the delivery of the park is the submission of a Planning Proposal (PP) to identify the park, rezone the relevant land "RE1 Public Recreation" and to transfer the Floor Space Ration (FSR) from the park area to the remainder of the site. Government Property NSW (GPNSW) agreed to undertake the proposal and has lodged a Planning Proposal with Council for this purpose (**Attachment 2**). This report seeks Council's recommendation with respect to the proposal.

The PP was accompanied by a request that the Council waive the applicable fees associated with the amendments to the LEP. This request is supported because the PP will provide significant community benefit as outlined within this report. It also noted that the PP is required to ensure Council's planning controls allow the delivery of the park, which will be provided to Council as part of an existing Funding Agreement through which the State Government is providing \$6 million for the purchase and embellishment of the park.

Specifically, the PP submitted by GPNSW (**Attachment 1**), seeks to:

- rezone a 7,000m² portion in centre of the site fronting Waterloo Road from B3 Commercial Core to RE1 Public Recreation in order to facilitate the creation of the new public park;

ITEM 5 (continued)

- amend the maximum floor space ratio (FSR) development standard in order to:
 - remove the FSR capacity applying to the new area zoned RE1; and
 - evenly distribute the FSR from the park site and existing split FSRs of 1:1 and 2:1 at a unified rate of 2.26:1 across the land that will continue to be zoned B3 Commercial Core;
- amend the maximum height of building development standard to:
 - remove the height limit applying to the new area zoned RE1; and
 - amend the height controls in the south-west corner of the site to reflect those adjacent and the proposed location of the park;
- include the 7,000m² public open space area on the relevant Land Acquisition Reservation Map as “Local Open Space”;
- amend the Macquarie Park Corridor Parking Restrictions Map in order to:
 - remove the parking restrictions limit applying to the new area zoned RE1; and
 - evenly distribute the existing split maximum parking rates of 1 space 46m² gross floor area (GFA) and 1 space / 80m² GFA at a unified rate of 1 space / 75m² GFA across the land zoned B3 Commercial Core;
- amend the Macquarie Park Corridor Precinct Incentive FSR Map in order to:
 - remove the FSR applying to the new area zoned RE1; and
 - distribute the existing FSR applying to the whole of the site at a rate of 3.66:1 across the land remaining zoned B3 Commercial Core;
- amend the Macquarie Park Corridor Precinct Incentive Height of Buildings Map in order to remove the height limit applying to the new area zoned RE1.

The site is currently zoned B3 Commercial Core. The proposed changes to the FSR development standard, to be a flat rate of 2.26:1 across the land to remain zoned B3, equates to the same GFA potential that is achievable under the current controls for the site. As a result there will be no greater density achieved on the site than is currently available. The proposed changes to the building height controls reflect the current LEP building heights within the Macquarie Park Corridor.

The proposal provides for a 7000m² park with a minimum width of 59.18m. Council's current Development Control Plan (DCP) indicates a minimum of 65m to ensure the multiple requirements of the site, including informal active recreation, passive recreation, and events, can all be accommodated. It is noted that the lighting and parking that will service the park will be provided in the adjacent road reserves and as such, the funding agreement provided for a minimum park width of 63m. It is recommended that this be addressed by resolving to proceed to Gateway subject to the park dimensions being aligned with the funding agreement.

ITEM 5 (continued)

The proposal also seeks amendments to the Macquarie Park Corridor Parking Restrictions Map to remove the limit applying to the park and to evenly distribute the maximum rates across the land to be zoned B3 Commercial Core. As Council is preparing a separate Planning Proposal that will amend the Macquarie Park Corridor Parking Restrictions Map it is recommended that this aspect is removed from the current proposal.

A contamination report is also required prior to the planning amendments being completed. This report will identify if any contamination is present on the site and if so, propose required remediation action.

The review of the PP concludes that as the concerns noted above (re width, parking, contamination) are proposed to be dealt with in the recommendation, the PP can be supported subject to conditions as:

1. The PP achieves consistency with NSW strategic planning framework e.g. *A Plan for Growing Sydney* and North Subregional Plan.
2. The PP achieves consistency with the City of Ryde strategic planning framework e.g. Macquarie Park Corridor Review, RLEP and Ryde DCP - Part 4.5 Macquarie Park Corridor.
3. The proposed controls are appropriate in the locality because:
 - a. There is a need for additional public open space in the Macquarie Park Corridor as identified in the Ryde Integrated Open Space Plan.
 - b. Whilst noting the need for additional public open space, there is also a need to ensure that the provision of that open space does not result in any net loss of development potential and associated future employment provision on the site, under both the existing and incentive floor space controls.

RECOMMENDATION:

- (a) That the Council support the Planning Proposal for 45-61 Waterloo Road, Macquarie Park proceeding to a Gateway determination, subject to the matters identified below in item (b), on the grounds that:
 - i. The Planning Proposal will facilitate the delivery of a public park on the subject site, an identified public need in the location and as agreed in the funding agreement established between the Council and the NSW Government.
 - ii. The proposal is consistent with strategic direction of *A Plan for Growing Sydney*, the Ryde Local Environmental Plan 2014 and Ryde Development Control Plan Part 4.5 Macquarie Park Corridor.

ITEM 5 (continued)

- (b) That the Council support the Planning Proposal to proceed to Gateway determination subject to:
 - i. Removal of the proposal to amend the Macquarie Park Corridor Parking Restrictions Map; and
 - ii. The provision by the proponent of a satisfactory Stage 1 Site Assessment Contamination Report; and
 - iii. The minimum width of the proposed park fronting Waterloo Road being 63m in accordance with the funding agreement between the Council and the NSW Minister for Planning (or as near as possible in order to cater for functions including informal sport, active and passive recreation, trade expos and events).

- (c) That Council delegate to the General Manager to finalise, prior to the submission of the Planning Proposal for a Gateway Determination:
 - i. The milestone date at which provision of the site contamination report will be accepted by Council.
 - ii. Any minor adjustments to the position or dimensions of the Park that will only serve to improve the overall desired functional requirements of the Park.

- (d) That Council waive fees in the amount of \$58,000 applicable to the rezoning at the request of the proponent and in recognition of the anticipated community benefit.

- (e) The proponent is advised in writing of the Council's decision.

- (f) That the Planning Proposal is publicly exhibited as soon as practicable upon issue of the Gateway Determination.

ATTACHMENTS

- 1 45-61 Waterloo Road Planning Proposal submitted by Government Property NSW - 14 October 2015
- 2 45-61 Waterloo Road Macquarie Park Planning Proposal – Letter from Government Property NSW - 14 October 2015
- 3 Correspondence - Proposed Park 45-61 Waterloo Road, Macquarie Park
- 4 45-61 Waterloo Road Macquarie Park - Concept Design Plan

ITEM 5 (continued)

Report Prepared By:

Stuart McDonald
Director Planning, Sydney
SJB Planning

Lexie Macdonald
Team Leader - Strategic Planning

Report Approved By:

Dyalan Govender
Acting Manager – Urban Planning

Sam Cappelli
Acting Group Manager – Environment and Planning

ITEM 5 (continued)

Background

Ryde Development Control Plan Part 4.5 Macquarie Park Corridor identifies a proposed park on State Government owned land at 45-61 Waterloo Road Macquarie Park. This new park will address an open space deficiency for the precinct identified by the Ryde Integrated Open Space Plan.

In June 2014 Council and the Department of Planning and Environment entered into a funding agreement for the delivery of a 7000 m² park at 45-61 Waterloo Rd, Macquarie Park. Under the agreement The NSW Government is providing \$6 million under the Precinct Support Scheme in connection with the North Ryde Station Urban Activation Precinct.

On 9 June 2015 Council resolved to seek guarantees from the NSW government for the provision of a 7000m² park and related \$6 million funding, and in accordance with this resolution the General Manager convened a meeting with senior representatives from the Department and Government Property NSW on 14 August 2015.

On 22 September 2015 Council considered correspondence from the Department of Planning and Environment (DoPE) (**Attachment 3**) and Government Property NSW regarding the next steps for Council to secure the delivery of a new public park at 45-61 Waterloo Road, Macquarie Park.

In order to address Council's concerns regarding the lack of certainty that the park and associated funding would be provided, the Department (DoPE) and Government Property NSW (GPNSW) agreed to the following approach:

- GPNSW to submit a Planning Proposal to rezone the land 'RE1 Public Recreation' and transfer the FSR from the park area to the remainder of the site;
- Following gazettal of the rezoning, GPNSW to submit a subdivision application to Council to create a separate parcel for the park;
- Council to purchase the park from GPNSW at an agreed value and embellish in accordance with revised milestones; and
- DoPE will update the funding agreement to provide Council with flexibility in the \$6 million funding split between acquisition and embellishment costs.

This report addresses the PP submitted by GPNSW as part of the approach outlined in the correspondence of 22 September 2015.

ITEM 5 (continued)

Discussion

The following outlines the “gateway plan-making process”, a summary of required content of a PP and the assessment of the subject PP.

Gateway Plan Making Process

1. **Planning Proposal (PP)** – this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council.

The relevant planning authority (City of Ryde Council) decides whether or not to proceed at this stage.

2. **Gateway** – determination by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs the community consultation process.
3. **Community Consultation** – the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).
4. **Assessment** – the relevant planning authority considers public submissions.

The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan – the legal instrument.

5. **Decision** – the making of the plan by the Minister (or delegate).

According to section 55 of the Environmental Planning and Assessment Act 1979, a PP must include:

- A **statement** of objectives and intended outcomes of the proposal
- An **explanation** of the provisions of the proposal;
- A **justification** of the objectives, outcomes and provisions including the process for implementation;
- **Maps where relevant**, containing the appropriate detail are to be submitted, including land use zones; and
- Details of the **community consultation** that will be undertaken.

ITEM 5 (continued)

The report relates to step 1 of the Plan making process. The key areas addressed in this report in the assessment of the subject PP are:

1. Site Description and Context
2. Current Planning Controls
3. Strategic Context
4. Proposed amendment to RLEP
5. Appraisal of the PP

1. SITE DESCRIPTION AND CONTEXT

Site Description and Location

The site is 45-61 Waterloo Road, Macquarie Park and is located on the western side of Waterloo Road to the north of its intersection with Lane Cove Road. The legal description is Lot 102 in DP1130630.

The site is generally rectangular in shape, with a site width of approximately 221m, a site length of approximately 178m and a total area of 3.897 hectares.

An aerial photograph provided in the proponent's submission is included below as Figure 1.



Figure 1: the site

ITEM 5 (continued)

To the north of the site are a variety of medium density commercial buildings separated by private green spaces, with heights ranging between approximately 5- 7 storeys.

To the east of the site is a three storey office building, as well as a warehousing building further to the north-east. The warehousing building currently has a zero lot boundary to the site, with no windows along the relevant wall.

To the south-east of the site is also a small building used by Sydney Trains for servicing of the Epping-Chatswood Railway Line. This land is owned by Sydney Trains and does not form part of this PP.

To the west of the site is a two story office/warehouse building.

Topography/Vegetation

The site generally slopes from a high point at the east towards the west. A gully runs along the western frontage and which is bisected by the property boundary between the site and adjacent 63-71 Waterloo Road. The site contains vegetation around the property boundaries, and only contains scattered trees throughout the middle of the site. The location of the existing trees on site can be seen in Figure 1 above.

Stormwater/Flooding

Part of the subject site is located within Macquarie Park Floodplain Risk Management Study & Plan and is identified as being affected by flooding (see Figure 2).

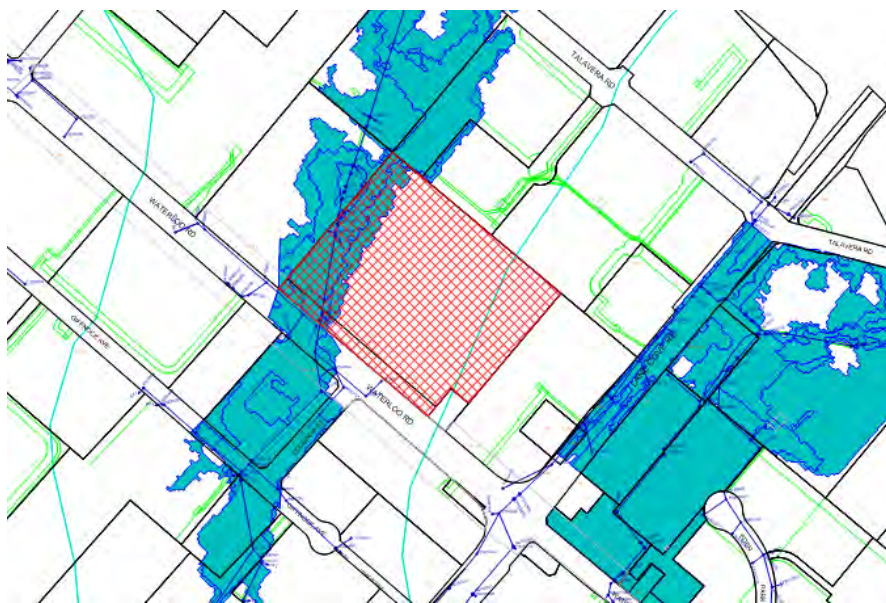


Figure 2: Flood mapping

ITEM 5 (continued)

The land proposed to be rezoned is not within the flood affected area. Notwithstanding it is noted that the proposed open space area is likely to be predominantly permeable which will be an improvement, in terms of stormwater management, when compared to the current hard surfaces.

With regard to the remainder of the site, as per the current B3 zoning, the impacts of any future proposed commercial development, particularly at the western boundary of the site identified as flood prone, will be the subject of future assessment, i.e. nothing changes from the current circumstances.

Given the existing B3 zoning and the nature of the PP no further information regarding stormwater/flooding is needed for the PP to proceed to Gateway.

BROADER CONTEXT

The site is located in the Macquarie Park Corridor, which is bounded by arterial roads, being the M2 Motorway, Epping Road and Delhi Road. On the southern side of Epping Road the Corridor is adjoining by low density residential development.

The Macquarie Park Corridor in turn forms a part of Sydney's Global Economic Corridor and is a specialised commercial precinct, with more than 800,000m² of commercially zoned land, being a mix of B3 Commercial Core, B4 Mixed Use and B7 Business Park.

2. CURRENT PLANNING CONTROLS**Zoning and Land Use**

The subject site is zoned B3 Commercial Core under the RLEP. An extract of the zoning map is shown in Figure 3.

ITEM 5 (continued)

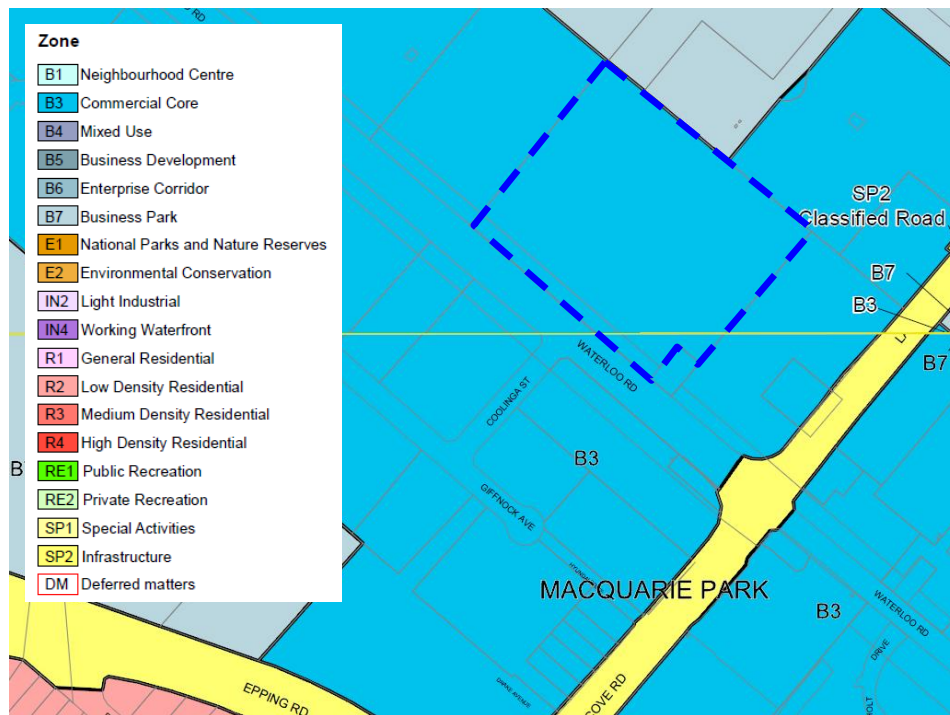


Figure 3: RLEP zoning map

RLEP Existing Development Standards

| Height of Buildings | Floor space ratio (FSR) |
|--|---|
| <p>The maximum height of buildings permitted on the site varies as follows:</p> <ul style="list-style-type: none"> • 9.5m height limit at the south-western corner of the site; • 37m height limit at the south-eastern corner of the site; and • 30m height limit for the remainder of the site. <p>The height of buildings map is included below in Figure 4.</p> | <p>The FSR permitted on the site is 1:1 at the north-west of the site, and 2:1 for the remainder of the site. See FSR map included as Figure 5.</p> |
| Incentive Height | Incentive FSR |
| <p>Under Clause 6.9 and the relevant <i>Macquarie Park Corridor Precinct Incentive Height of Buildings Map</i> a maximum building height on the site is 65m if the consent authority is satisfied that:</p> <p>(a) <i>there will be adequate provision for</i></p> | <p>Under Clause 6.9 <i>Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map</i> provides for a maximum FSR of 3:1 across the whole site if the consent authority is satisfied that:</p> <p>(a) <i>there will be adequate provision for recreation areas and an access</i></p> |

ITEM 5 (continued)

| | |
|--|---|
| <p>recreation areas and an access network, and (b) the configuration and location of the recreation areas will be appropriate for the recreational purposes of the precinct, and (c) the configuration and location of the access network will allow a suitable level of connectivity within the precinct.</p> | <p>network, and (b) the configuration and location of the recreation areas will be appropriate for the recreational purposes of the precinct, and (c) the configuration and location of the access network will allow a suitable level of connectivity within the precinct.</p> |
| <p>Car Parking</p> | |
| <p>The maximum rate of car parking provision varies across the site:</p> <ul style="list-style-type: none"> • in part 1 space/46m² usable floor space • majority 1 space/80m² usable floor space | |

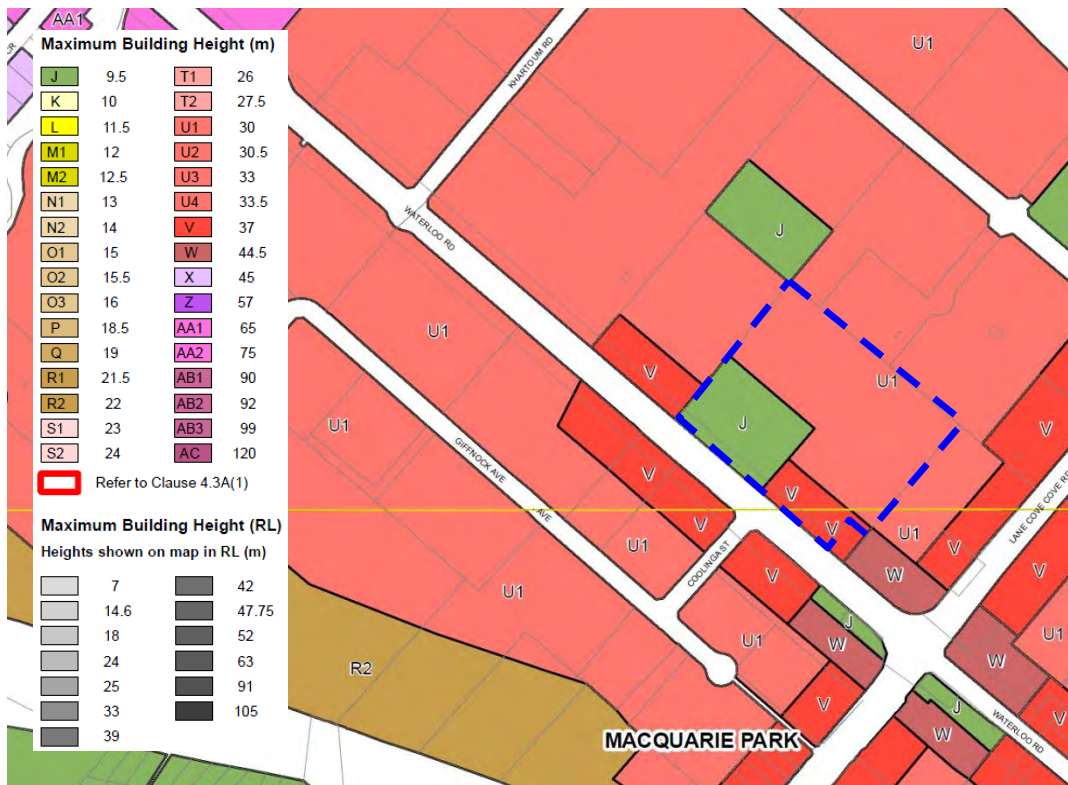


Figure 4: RLEP Existing Height of buildings map

ITEM 5 (continued)

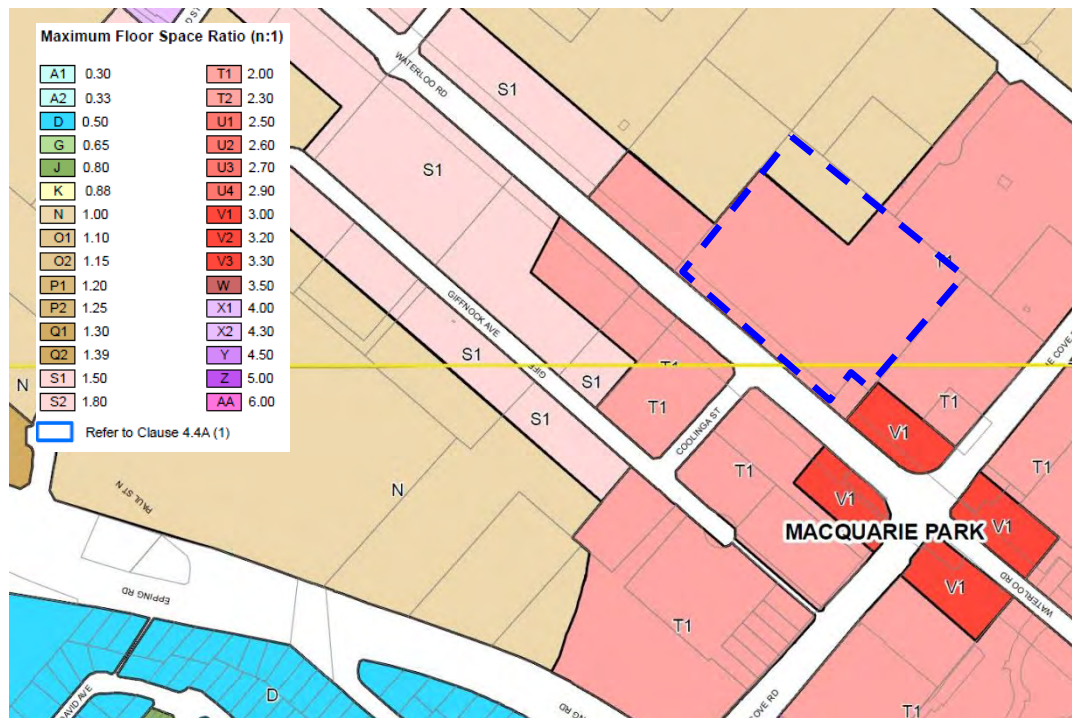


Figure 5: RLEP Existing FSR map

Ryde Development Control Plan (RDCP)

The RDCP includes a number of objectives and controls applicable to the site.

In particular, in the context of this PP, Part 4.5 *Macquarie Park Corridor* of the DCP includes the key aim:

8. *To create an open space network that will:*

a. Include a network of diverse active and passive recreation spaces to support the residential and working populations of the Corridor.

b. Provide safe, accessible, sustainable, well used and designed public open spaces within the Corridor.

Section 5 of Part 4.5 identifies the location of new public space within the Corridor to create a new open space network. The key public open space/parks included in the Macquarie Park Corridor Structure Plan includes “Central Park”, identified as “No 5” in the extract of the relevant DCP figure included below in Figure 6.

ITEM 5 (continued)



Figure 6: Location of Central Park (No 5) on the subject site

The DCP identifies that Central Park is to be:

- a minimum of 1 hectare in area
- 75m x 100m or if altered is to have a minimum of 65m in any direction
- a multi-function park that provides for active recreation (informal sport), passive recreation, community events (e.g. cinema, expos etc.), and children's play
- fronting Waterloo Road.

Under the existing suite of planning controls applying to the site (LEP and DCP) it would have been anticipated that "Central Park" would have been delivered through the redevelopment of the site and the built form that cannot be achieved on the park would be redistributed around the remainder of the site – in other words the same physical outcome that will be achieved via the PP.

Under the funding agreement Council agreed to accept a 7000m² park measuring approximately 63m x 110m. As lighting and parking that will service the park will be provided in the adjacent road reserves the deviation from the minimum width of 65m required under the current DCP was considered acceptable.

ITEM 5 (continued)

3. STRATEGIC CONTEXT

The strategic planning framework for this PP is found in the following key documents:

- *A Plan for Growing Sydney* – December 2014
- *Inner North Subregion Draft Subregional Strategy 2007*
- *Macquarie Park Plan Review Recommendations 2013*

A Plan for Growing Sydney – December 2014

The Plan which guides land use and planning decisions for the next 20 years identifies the Government's vision for Sydney as a strong global city, a great place to live. To achieve this vision, the Government has set down goals that Sydney will be:

1. a competitive economy with world-class services and transport;
2. a city of housing choice with homes that meet our needs and lifestyles;
3. great place to live with communities that are strong, healthy and well connected; and
4. a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The Plan identifies areas of Ryde as being within the Global Economic Corridor .The Plan states the Corridor generates over 41 per cent of the NSW Gross State Product (GSP) and is unique in Australia due to the extent, diversity and concentration of globally competitive industries.

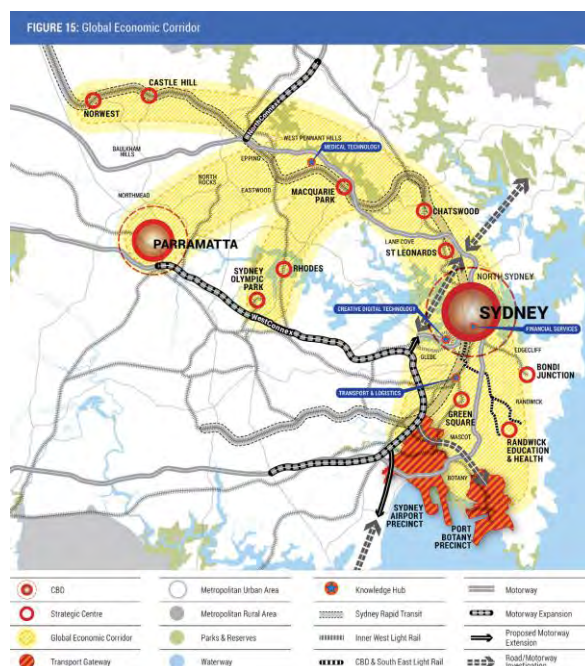


Figure 6 A Plan for Growing Sydney (page 45)

ITEM 5 (continued)

Under the Plan the Sydney area has been divided into 6 sub-regions. The City of Ryde is located in the North Subregion which also contains Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Manly, Mosman, North Sydney, Pittwater, Warringah and Willoughby Local Government areas. The Plan states the following:-

Subregional planning is the link between the big picture planning directions set out in this Plan and detailed planning controls for local areas. It will also deliver planning outcomes across local council boundaries, where coordination between State agencies and/or local government is required. (page 106)

Priorities for strategic centres include:-

Macquarie Park.

- Work with council to retain a commercial core in Macquarie Park for long-term employment growth.
- Facilitate delivery of Herring Road, Macquarie Park Priority Precinct, and North Ryde Station Priority Precinct.
- Investigate opportunities to deliver a finer-grain road network in Macquarie Park.
- Work with council to improve walking and cycling connections to North Ryde train station.

The Council has undertaken considerable recent planning of the Macquarie Park Corridor, identified as a *Strategic Centre*, in *A Plan for Growing Sydney*.

In particular the Council has prepared a specific planning regime for Macquarie Park, represented by Amendment 1 to Ryde LEP 2014 and Part 4.5 Macquarie Park Corridor of the Ryde DCP.

This planning has resulted in planning incentives being identified in return for implementation of a fine grain street network and open space network. The PP will deliver the open space identified in the strategic framework.

Inner North Subregion Draft Subregional Strategy

The draft subregional strategy is now over 8 years old and has not been updated since prepared. Notwithstanding, it remains a relevant strategic document for consideration.

The draft Strategy highlights the following targets for the Ryde LGA:

- Employment capacity target of 21,000 additional jobs by 2031; and
- Residential target of 12,000 new dwellings by 2031.

ITEM 5 (continued)

The Strategy observes that the sub-region has experienced one of the highest rates of re-zonings of employment lands to other uses, including changes at Macquarie Park from an industrial area to a specialised centre.

As mentioned in comments above regarding *A Plan for Growing Sydney* the Council has undertaken considerable planning work with regard to Macquarie Park. The current planning regime reflects the Council's implementation of the various versions of the State Government's metropolitan strategies and the 2007 draft subregional strategy.

Key Initiative F2.1 of the draft subregional strategy includes:

- *F2.1.1 Councils should continue to maintain or enhance the provision of local open space particularly in centres and along transport corridors where urban and particularly residential growth is being located.*

The proposed park on the subject site is one of the strategic outcomes to be delivered at the local level and as a result the PP is consistent with Key Initiative F2.1.1.

Macquarie Park Plan Review Recommendations

The *Macquarie Park Plan Review Recommendations* were prepared 2013. This was preceded by work undertaken by a multi-disciplinary consultant team comprising traffic planners, urban designers, land economists and planners that was engaged by the Council to consider an appropriate new planning regime. One of the key recommendations was the need to address a deficiency of open space, particularly to support the planned growth in the area.

The Review ultimately led to the Council preparing a Planning Proposal for Macquarie Park Corridor, inclusive of Amendment 1 to Ryde LEP 2014, and an amendment to the Ryde DCP - Part 4.5 Macquarie Park Corridor. These new provisions are now established and, as mentioned above in this report, include the delivery of a new public park on the subject site in the Ryde DCP.

The strategic planning that ultimately led to the current suite of planning controls for the Macquarie Park Corridor included a Traffic Study taking into account the planned growth of Macquarie Park. Given that the PP will not result in any greater density of development than currently envisaged then there is no requirement for further consideration of transport or traffic matters.

The PP is consistent with the Macquarie Park Plan Review Recommendations.

ITEM 5 (continued)

4. PROPOSED AMENDMENTS TO RYDE LEP 2014

Proposal

The PP submitted by GPNSW, seeks to:

- rezone a 7,000m² portion in the centre of the site fronting Waterloo Road from B3 Commercial Core to RE1 Public Recreation – see Figure 7 below;

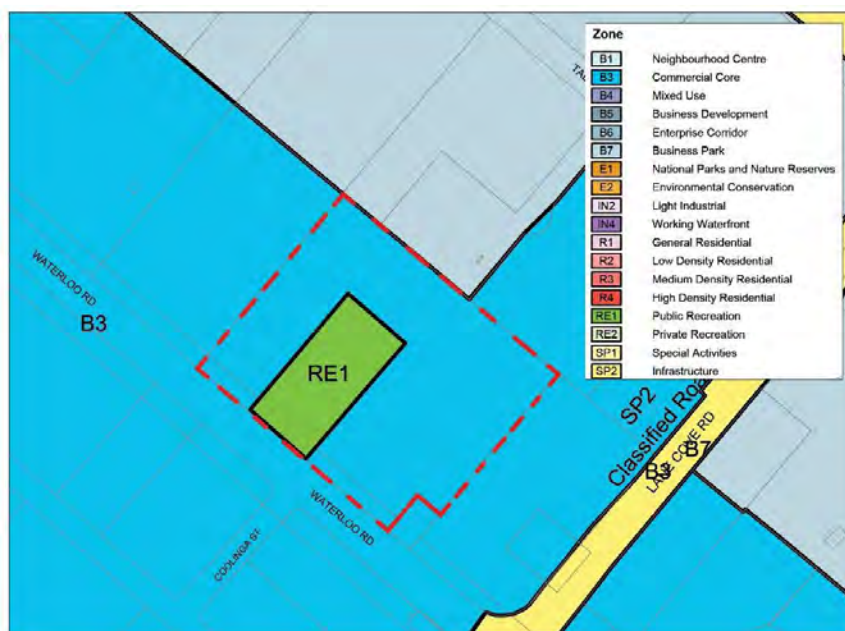


Figure 7: proposed zoning map

- amend the FSR map (see Figure 8 below) to:
 - remove the land to be zoned RE1 from the FSR map; and
 - evenly distribute the park site area and existing split FSRs of 1:1 and 2:1 at a unified rate of 2.26:1 across the land that will continue to be zoned B3 Commercial Core.

ITEM 5 (continued)

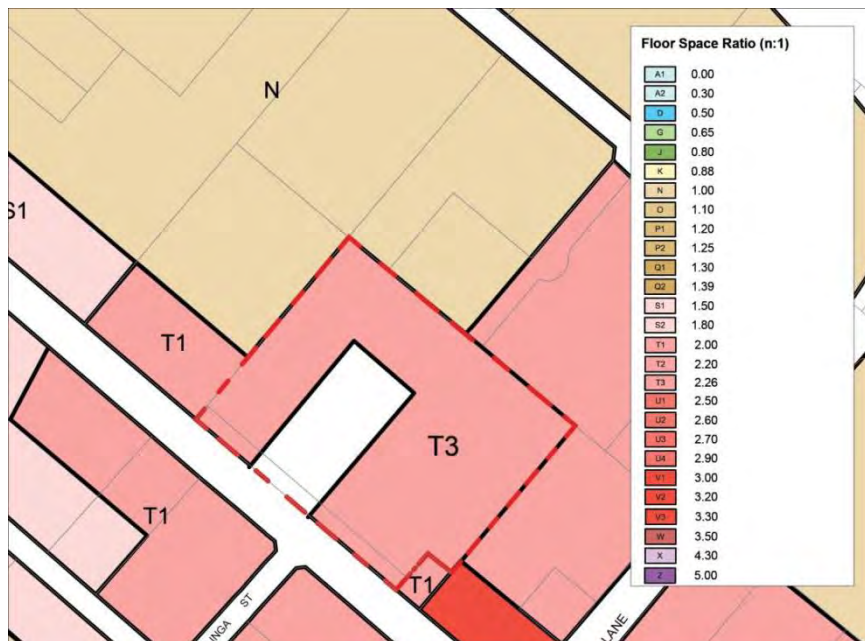


Figure 8: proposed FSR map

- amend the maximum height of buildings map (see figure 9 below) to:
 - remove the land zoned RE1 from the height of buildings map; and
 - increase the 9m height limit in the south-west part of the site to reflect those adjacent (37m along Waterloo Road frontage, 30m away from frontage).



Figure 9: proposed height of buildings map

ITEM 5 (continued)

- include the 7,000m² public open space area on the relevant Land Acquisition Reservation Map as “Local Open Space” (see figure 10 below);

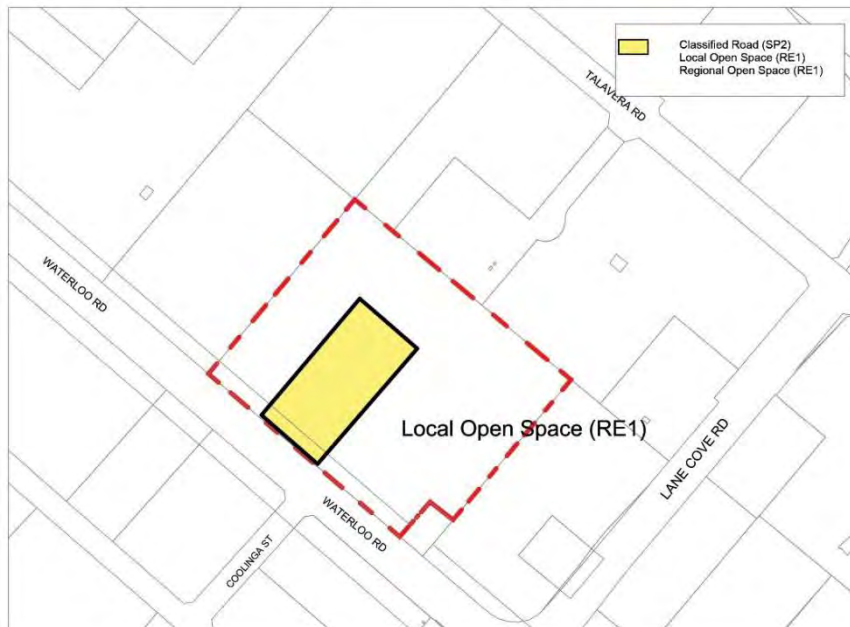


Figure 10: proposed Land Acquisition Reservation Map

- amend the Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map (see figure 11 below) in order to:
 - remove the FSR limit applying to the RE1 land; and
 - distribute the existing FSR of 3:1 applying to the whole of the site at a rate of 3.66:1 across the land zoned B3 Commercial Core.

ITEM 5 (continued)

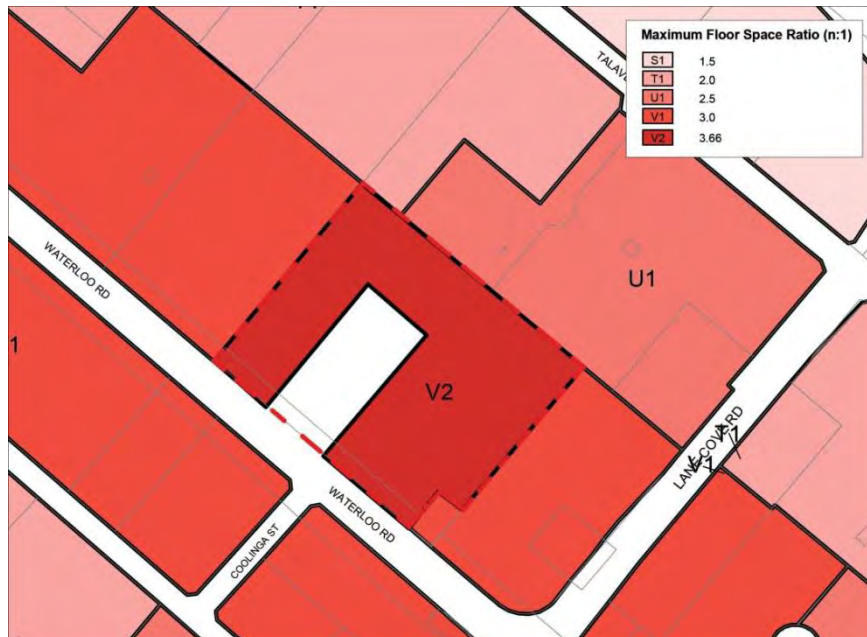


Figure 11: proposed Incentives FSR map

- amend the Macquarie Park Corridor Precinct Incentive Height of Buildings Map in order to remove the height limit applying to the RE1 land – see figure 12 below.



Figure 12: proposed Incentives height map

ITEM 5 (continued)

All of the above amendments to RLEP are generally supported because they will give certainty to the delivery of the park and are consistent with the anticipated development potential of 45-61 Waterloo Road.

One unresolved matter at this stage arising from the above amendments is the proposed minimum width of the park. The PP as submitted has the park with a minimum width of 59.18m. The PP includes a draft plan of subdivision, an extract of which is shown below in Figure 13.



The signed funding agreement between the Government and the Council includes the subdivision concept, with a minimum park width of 63.08m, shown below in Figure 14.

ITEM 5 (continued)



Figure 14: park details included in signed funding agreement

The Width of the Park

The Ryde DCP adopted by Council in 2008 identified the subject park as new open space to be provided in the quantum of 11,000m², and measuring 110m x 100m.

The *Ryde Integrated Open Space Plan* adopted by Council in 24 July 2014 supported the acquisition of new parks in Macquarie Park Corridor in response to an open space deficiency in the precinct of at least 20,000m² (based on anticipated worker and residential population increases).

Given the identified needs and the nature of the site, the current DCP adopted by Council and subsequently effective 1 July 2015, sizes the park at 10,000m², measuring 75m x 100m. The DCP went on to indicate that if altered the minimum dimension of the park in any direction was to be 65m. This minimum dimension was provided to ensure the park could accommodate the multiple needs including, both passive and active recreation, informal sport space, and trade expos and events. The DCP also required at least 3 hours sunlight between 9am and 3pm June 21 to 50% of park.

In 2014 Council entered into a funding agreement with the NSW Minister for Planning in response to an offer of monies to cater for impacts of the Urban Activation program in the Macquarie Park Corridor. During negotiations Council provided a compromise with respect to the width of the park, reducing it from the 65m minimum under the DCP to 63m, as the objectives of the DCP and Council's intended uses of the space could be accommodated at this width. The funding agreement:

ITEM 5 (continued)

- Commenced 30 June 2014.
- Set a completion date of 30 June 2017 (to implement the park).
- A total of \$6,000,000 to be provided to Council.
- Nominally \$2,009,000 to purchase the park land from Government Property NSW (subject to valuation methodology by the NSW Office of Strategic Lands).
- \$3,991,000 to embellish the park (including design and other consultant fees).
- 7000m² area in total.
- Measuring 63m x 110m approximately.

The City of Ryde has prepared a concept design (**Attachment 4**) in accordance with the objectives stated in the DCP and the dimensions provided under the funding agreement.

The brief for the park concept design included the following:

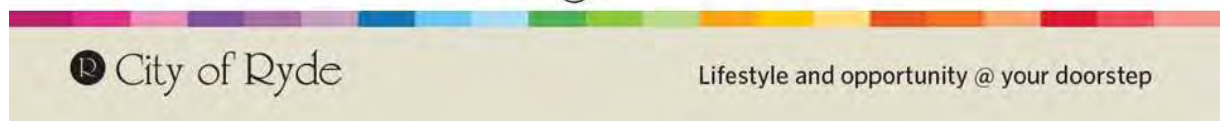
- 7000sqm, 63m wide
- Multi-functional
- Capable of hosting markets / trade expos / movies etc. - therefore large flat unencumbered areas & utilities (electrical, gas and water) required
- Provide informal soccer field / jogging track / workout stations
- Café to nominally seat 30 persons, with amenities. Must be visible from street
- To show new roads as these provide on-street parking (including disabled parking), pathways, lighting & trees
- Screen the substation
- Include a memorable / highly visible / public artwork based on the themes of:
 - Innovation and / or technology
 - Transport and movement
 - History of Macquarie Park Corridor
 - Future of Macquarie Park – specialised centre / biotech
 - Natural environment e.g. water (Note: there are 4 creek-lines across the corridor).

ITEM 5 (continued)



Concept Design

- A. Granite paving 'promenade' with BBQ and picnic facilities
- B. Informal multi-use field
- C. 'Waterfall' water feature
- D. 'River' water channel
- E. 'Rock shelf' sandstone monoliths with planting
- F. Fitness station
- G. Entry water feature Fibonacci type artwork
- H. Existing trees in decomposed granite
- I. Proposed *Corymbia maculata* trees in decomposed granite
- J. Artwork screen to existing electrical substation
- K. Biomimicry cafe and shade structure
- L. Alcove seating
- M. Seating throughout park



The concept design draws on the themes of natural environment and the biotech / medical specialisations in Macquarie Park while also creating a playing field /green space of 48m wide x 74m long.

Given the need to accommodate informal active recreation, the design must allow for a 3m buffer around the playing field for pedestrian safety. In addition, the design also accommodates the fall across the site from south to north, which exceeds 3m. As a result of the topography, the design includes an embankment along the western side of the playing field. The following table indicates the dimensions of various playing fields:

ITEM 5 (continued)

| Playing Field Dimensions | | |
|-------------------------------------|-------------|--------|
| | length | width |
| FIFA Soccer | 105m | 68m |
| Football NSW 11-a-side Soccer | 100m – 110m | 64-75m |
| 6-a-side soccer COR Morrison Bay | 60m | 40m |
| Netball | 30.5m | 15.25m |
| Oztag Australia | 70m | 50m |
| Macquarie Green Playing Field | 74m | 48m |

As indicated by the table above, the park dimensions fall short of catering for formal soccer and Oztag fields, but will cater for 6-a-side soccer and other informal sports. Further reduction of the width would have a significant impact on the level of informal sporting activity that could be accommodated by the park.

Note: the proposed roads shown on the concept design are given the interim names of Pocock and Murrell to accord with the precinct road naming convention that includes associations with war and to also commemorates Ryde's direct links to World War I and the Macquarie Park Corridor's close bond with medicine. The interim street names refer to:

- Mary Anne (Bessie) Pocock, who began nursing in 1890, went to the Boer War for over two years, mentioned in despatches, awarded Kings and Queens South Africa medals. Became matron at Gladesville Hospital and in 1914 enlisted for WWI and served in numerous hospitals in Egypt, France, Belgium, and England before returning to Australia in 1919 to resume her position at Gladesville.
- Elizabeth Ellen Murrell, grew up in Gladesville. She was a nursing sister at Denistone House, enlisted 1917 went to Salonika for 12 months. Invalided home and possibly returned to her position as Matron at Denistone House. Reference: Ryde Goes to War, 2015, Ryde and District Historical Society

ITEM 5 (continued)Parking

The PP also proposes to:

- amend the Macquarie Park Corridor Parking Restrictions Map in order to:
 - remove the parking restrictions limit applying to the new area zoned RE1 Public Recreation; and
 - evenly distribute the existing split maximum parking rates of 1 space / 46m² gross floor area (GFA) and 1 space / 80m² GFA at a unified rate of 1 space / 75m² GFA across the land zoned B3 Commercial Core;

The proposed amendment to the parking restrictions map is not supported. At its meeting of 22 September 2015, Council considered a report on the staged review of commercial and on-street car parking rates in Macquarie Park. Arising from the report the Council resolved, inter alia, to:

- prepare a Planning Proposal to amend Ryde LEP, including Clause 4.5B Macquarie Park Corridor and the Macquarie Park Corridor Parking Restrictions Map to change the commercial car parking rates; and
- authorise the preparation of an amending Development Control Plan (DCP) to effect the change.

In effect the Planning Proposal currently in development as a response to the above resolution would remove the parking rates from the Ryde LEP and the Ryde DCP and it is expected that this proposal will be put to Council in December 2015. Rather than amend the existing parking rates as requested in the subject PP, it is recommended that this issue be addressed via the Council's wider review of parking rates in the Macquarie Park Corridor.

Objectives and Intended Outcomes

The primary objective of the PP is to establish statutory planning controls that will facilitate the delivery of a public park on the subject site, an identified public need in the location.

The intended outcomes are:

- the land identified for the park to be zoned RE1; and
- the remainder of the site to include statutory controls that will maintain the overall development potential of the site.

ITEM 5 (continued)Justification/Need for a PP

In summary, the applicant provides the following key points for justification of the PP (**Attachment 2 page 15**):

- The existing planning controls in RLEP do not reflect the desire of the Council to deliver a large, high quality area of public open space.
- The need for additional public open space is noted within numerous studies undertaken for the Macquarie Park Corridor.
- Whilst noting the need for additional public open space, there is also a need to ensure that the provision of that open space does not result in any net loss of development potential and associated future employment provision on the site, under both the existing and incentive floor space controls.

Support information

The PP submitted notes that the Macquarie Park Corridor is informed by several studies including:

- Allen Jack and Cottier, (2008) Macquarie Park DCP (now known as Ryde DCP 2010 Part 4.5 Macquarie Park Corridor).
- Aspect Studios, (2008) Macquarie Park Public Domain Technical Manual.
- Bitzios Consulting, (2008) Macquarie Park Growth Model: Transport Management Plan.
- Space Syntax, (2010) Macquarie Park Baseline Movement Economy Report.
- Drew Bewscher and Associates, (2010) Macquarie Park Flood Management Plan.
- Coulston, (2012) Ryde Integrated Open Space Plan.

In 2012 a multi-disciplinary team was engaged by Council to review the abovementioned (excepting the Flood Study) and to recommend:

- Height and Floor Space Ratios for inclusion in Amendment 1 to the Ryde LEP 2014;
- Practicable refinements to the Street, Pedestrian and Open Space Network Structure Plans in Ryde DCP 2010 based on financial feasibility.

Amendment 1 was then supported by the recommendations outlined in the resultant studies including:

- Architectus, (May 2013), Macquarie Park Plan Review Recommendations Paper.
- Architectus, (May 2013), Macquarie Park Plan Review Options Paper.
- Architectus, (November 2012) Macquarie Park Plan Review Issues Paper.

ITEM 5 (continued)

Ryde LEP Amendment 1 came into effect on 11 September 2015 and Ryde DCP Part 4.5 Macquarie Park (as amended) came into effect on 1 July 2015.

ASSESSMENT OF THE PLANNING PROPOSAL

The following provides an assessment and review of the PP based on the areas required to be covered under *A guide to preparing planning proposals* issued by the Department of Planning and Environment.

Adequacy of Documentation

The documentation as submitted is generally satisfactory and addresses all necessary requirements, with the exception of land contamination. This issue is discussed further below.

Assessment of Need for the Planning Proposal*Is this planning proposal the result of any strategic study or report?*

Yes – see comments above in this report regarding the extensive planning work undertaken in regard to the Macquarie Park Corridor.

Is the planning proposal the best means of achieving the objective, or is there a better way?

Yes, because it gives greater certainty to delivery of the park as stated earlier in this report.

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The State Government released *A Plan for Growing Sydney*, the latest strategic direction with respect to the future growth of Sydney, in December 2014.

Under the Plan the Sydney area has been divided into 6 subregions. The City of Ryde is located in the North Subregion which also contains Hornsby, Hunters Hill, Ku ring gai, Lane Cove, Manly, Mosman, North Sydney, Pittwater, Warringah and Willoughby Local Government areas. The Plan states the following:-

ITEM 5 (continued)

The Government will work with local councils for each subregion in Sydney to implement *A Plan for Growing Sydney*.

Subregional planning will promote good planning principles and the efficient use of land and infrastructure. It will improve liveability by identifying the locations for future housing and employment growth and by balancing growth with improvements to environmental and open space assets. It will facilitate the planning, design and development of healthy built environments... (page 106)

While a subregional plan has yet to be delivered in terms of the *A Plan for Growing Sydney* it is considered that the PP reflects the extensive strategic planning work undertaken in recent years to deliver planned growth of the Macquarie Park Corridor.

Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes - the proposal is consistent with the *Macquarie Park Plan Review Recommendations* and Ryde DCP Section 4.5.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

The PP states (Attachment 2 page 21) that a number of State Environmental Planning Policies (SEPPs) are not relevant and in relation to relevant SEPP's:

- SEPP (Infrastructure) 2007 – consideration will occur at DA stage
- SEP 55 Remediation of Land – A Stage 1 Site Assessment will be prepared if the matter proceeds to Gateway.

In regard to SEPP 55, the Council, DoPE and Government Property NSW met on 19 October 2015 and agreed that the Stage 1 Site Assessment will be required after the issue of the Gateway determination and prior to the submission of reports to Council for a decision on whether or not to adopt the proposed amendments to the LEP. This issue is addressed in the report recommendations.

Other than the need to address SEPP 55, it is considered that the PP does not contradict any applicable State Environmental Planning Policies.

ITEM 5 (continued)
Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The relevant Section 117 directions are detailed below.

| Direction | Assessment |
|--|---|
| <p>1.1 Business and Industrial Zones</p> <p><i>(1) The objectives of this direction are to:</i></p> <p><i>(a) encourage employment growth in suitable locations,</i></p> <p><i>(b) protect employment land in business and industrial zones, and</i></p> <p><i>(c) support the viability of identified strategic centres.</i></p> | <p>The applicant maintains the proposal is consistent with the Direction as:</p> <ul style="list-style-type: none"> - The proposed development will maintain the commercial development potential of the site. - The proposal will not undermine the integrity and core purpose of the Macquarie Park Strategic Centre / commercial core and in fact will provide a public amenity to the Centre. <p><u>Assessment:</u> The PP is consistent with direction.</p> |
| <p>Flood Prone Land</p> <p><i>(1) The objectives of this direction are:</i></p> <p><i>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</i></p> <p><i>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject and.</i></p> | <p>The applicant maintains the proposal is consistent with the direction for the following reasons:</p> <ul style="list-style-type: none"> - The site is identified as flood prone under the 'City of Ryde Macquarie Park Floodplain Risk Management Strategy and Plan' - Additionally, under the RDCP the site forms part of an overland flow path. - As per the current zoning, the impacts of any future proposed commercial development, particularly at the western boundary of the site identified as flood prone will be the subject of future assessment as the zoning of this portion of the site is not proposed to be changed. - The proposed open space area will likely comprise largely permeable surfaces such as grass and soil, which have the potential to improve the water absorption characteristics of that portion of the site. <p><u>Assessment:</u> the PP is consistent with the direction.</p> |

ITEM 5 (continued)

| Direction | Assessment |
|---|---|
| 6.2 Reserving Land for Public Purposes Objectives (a) To facilitate the provision of public services and facilities by reserving land for public purposes, and (b) To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. | The proposal seeks to rezone the relevant part land RE1 and also include amended statutory provisions that will maintain the commercial and employment development potential of the site. <u>Assessment:</u> The PP is consistent with the Direction |
| 7.1 Implementation of A Plan for Growing Sydney Objective (1) The objective of this direction is to give legal effect to the planning principles; directions and priorities for subregions, strategic centre and transport gateways contained in A Plan for Growing Sydney. | The applicant maintains the proposal is consistent with A Plan for Growing Sydney. <u>Assessment:</u> The PP is consistent with the Direction as detailed at length in this report. |

Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The land has been used for urban development for some time and contains none of the original species or habitat. The modified site has been identified for intensive urban redevelopment and a new public park.

There are no known critical endangered habitats, threatened species or ecological communities located on the site and therefore the likelihood of any negative impacts are minimal. The location of the proposed park is identified as containing “Urban Exotic / Native” species in vegetation mapping undertaken by the NSW Office of Environment and Heritage (OEH). Notwithstanding, if the matter proceeds to a gateway determination OEH would be consulted as a relevant government agency.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Flooding has been identified by the proponent as the most relevant environmental issue to be considered with the PP.

The flooding affectation on the site has been discussed earlier in this report and it is concluded that the land to be rezoned is not impacted. Flooding affecting the remainder of the site will be addressed in the future and to that extent the status and future management of the issue does not change with the PP.

ITEM 5 (continued)

All other environmental considerations arising from future development, such as traffic and car parking do not change, as a result of the PP as there is no greater density of development proposed.

Has the planning proposal adequately addressed any social and economic effects?

The PP will result in a positive social outcome, with the framework established for a future urban park in the Macquarie Park Corridor. The park will provide important community infrastructure in the commercial centre.

State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The PP is proposing to deliver an important public asset. As there is no increase in development potential or density associated with the PP then it will not generate any increased demand for public infrastructure.

What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

No consultation with State or Commonwealth authorities has been carried out to date. However, it should be noted that:

- Government agencies were consulted regarding RLEP Amendment 1 and associated amendments to Ryde DCP (that identified the proposed park)
- a funding agreement with respect to the park acquisition and embellishment is currently in place between the DoPE and that Government Property NSW has prepared the PP.

Consultation with government agencies will occur in accordance with the gateway determination.

Financial Implications

Council should note that the lodgement of the PP is subject to the Council's Fees and Charges Schedule to amend Local Environmental Plans. Planning Proposals of this scale are subject to a fee of \$58,000. However, the PP was accompanied by a request that the Council waive the applicable fees associated with the amendments to the LEP and this may be accommodated by resolution of Council. This request is supported because the PP will provide significant community benefit as outlined within this report. It also noted that the PP is required to ensure Council's planning controls allow the delivery of the park, which will be provided to Council as part of an existing Funding Agreement through which the State Government is providing \$6 million for the purchase and embellishment of the park.

ITEM 5 (continued)**Consultation with relevant bodies***Internal Consultation*

The PP was referred to the relevant Council staff for comment on matters relating to the dimensions of the open space. Council's design and open space teams have commented that a park of 63m wide will more effectively support informal sport and play than a park of 59m and will therefore deliver a more fit for purpose and functional space.

With respect to contamination staff have confirmed that a report on whether or not contamination is present on the site and if so the remediation action proposed is required prior to the planning amendments being completed.

Community Consultation

Under the gateway plan-making process, a gateway determination is required before formal community consultation on the planning proposal takes place. The consultation process will be determined by the Minister and stipulated as part of the gateway determination.

The Department of Planning's guidelines stipulate at least 28 days community consultation for a major plan, and at least 14 days for a low impact plan.

The applicant has indicated that community consultation is to be done in accordance with 'A Guide to preparing local environmental plans'.

As part of the community consultation Council would undertake the following:-

- A public notice in local newspaper(s).
- A notice on the City of Ryde Council website.
- Written correspondence to adjoining and surrounding landowners.

Policy Implications

The recommendation of this report is that the PP should proceed as it is consistent with the policy framework for the site, as discussed in this report.

ITEM 5 (continued)**Options**Option 1

- Proceed to gateway determination and community consultation subject to:
 - Removal of the proposal to amend the Macquarie Park Corridor Parking Restrictions Map; and
 - The provision by the proponent of a satisfactory Stage 1 Site Assessment Contamination Report; and
 - The minimum width of the proposed park fronting Waterloo Road being 63m in accordance with the funding agreement between the Council and the NSW Minister for Planning (or as near as possible in order to cater for functions including informal sport, active and passive recreation, trade expos and events).

This is the recommended option for the reasons outlined in the report and Parts B and C have been added to allow the General Manager the delegation to finalise any agreed minor changes to improve Park outcomes.

Option 2

- Review the concept plan and explore options for a park at alternative dimensions to those provided under the Funding Agreement. Should Council wish to explore alternative dimensions it is recommended that Parts B and C of the proposed resolution be amended as follows:
 - (b) That the Council support the Planning Proposal to proceed to Gateway determination subject to:
 - i. Removal of the proposal to amend the Macquarie Park Corridor Parking Restrictions Map; and
 - ii. The provision by the proponent of a satisfactory Stage 1 Site Assessment Contamination Report.
 - (c) That Council delegate to the General Manager to negotiate, prior to the submission of the Planning Proposal for a Gateway Determination:
 - i. The milestone date at which provision of the site contamination report will be accepted by Council; and
 - ii. The dimensions of the park and the provision by the proponent of an updated draft subdivision plan for the park.

ITEM 5 (continued)

This is not recommended as further reduction of the width of the park would significantly reduce the functionality of the space.

Option 3

- Not proceed with the Planning Proposal. If the Council decides not to proceed the applicant can lodge a request with the Department of Planning and Environment for a pre –gateway review.

This is not recommended as the issues relating to width, parking, and contamination can be addressed without jeopardising the provision of the park under the Funding Agreement.

It is considered that the PP should be approved to proceed for the reasons stated in the report and as addressed in the Conclusion below.

Conclusion

Ryde DCP Part 4.5 Macquarie Park Corridor identifies a proposed park on State Government owned land at 45-61 Waterloo Road Macquarie Park. This new park will address an open space deficiency for the precinct identified by the Ryde Integrated Open Space Plan.

On 22 September Council considered correspondence from the Department of Planning and Environment (DoPE) and Government Property NSW (GPNSW) regarding the next steps for Council to secure the delivery of the new public park.

GPNSW have lodged a PP, as agreed with Council, in order to rezone the relevant land 'RE1 Public Recreation' and transfer the FSR from the park area to the remainder of the site.

The PP is consistent with the strategic planning framework of both the City of Ryde, through its local planning regime, and the State government, through *A Plan for Growing Sydney*. The PP is also consistent with the provisions of the DoPE *A Guide to Preparing Planning Proposals*.

While there are issues relating to the width of the park, the proposed changes to the parking controls, and provision of a contamination report, these can be addressed and provision for this is included in the recommendation.

The PP, in establishing the statutory framework for the delivery of the new park, will provide a significant public benefit and will also retain the opportunity for commercial development and employment on the remainder of the site.

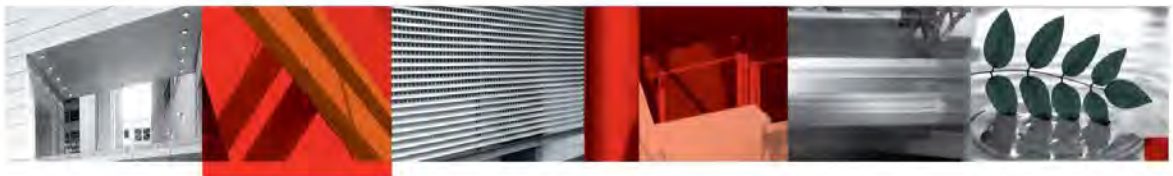
For all of the above reasons the PP is recommended to proceed.

ITEM 5 (continued)

ATTACHMENT 1



Planning Proposal



45-61 Waterloo Road, Macquarie Park

Amendments to Ryde Local Environmental Plan 2014

Submitted to City of Ryde Council

On Behalf of Government Property NSW

October 2015 ■ 15641

JBA Urban Planning Consultants Pty Ltd ABN 84 060 735 104 / North Sydney t. +61 2 9956 6962 w jbaurban.com.au

ITEM 5 (continued)

ATTACHMENT 1

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JBA operates under a Quality Management System that has been certified as complying with ISO 9001:2008. This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft.

This report has been prepared by:



Timothy Smith

9/10/2015

This report has been reviewed by:



Michael Rowe

9/10/2015

ITEM 5 (continued)

ATTACHMENT 1

45-61 Waterloo Road, Macquarie Park • Amendment to Ryde LEP 2014 | October 2015

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45-61 Waterloo Road, Macquarie Park • Amendment to Ryde LEP 2014 | October 2015

1.0 Introduction

This Planning Proposal is submitted to the City of Ryde Council (Council) on behalf of Government Property NSW. The Planning Proposal is written to support the rezoning of part of 45-61 Waterloo Road, Macquarie Park (the site) from B3 Commercial Core to RE1 Public Recreation and associated amendments to *Ryde Local Environmental Plan 2014*.

The strategic need for high quality public open space in the form a 'central park' within the Macquarie Park Corridor is a well-established priority for both Council and the Department of Planning and Environment. The Department of Planning and Environment has provided \$6million to Council to fund the acquisition and embellishment of the park. The funding agreement requires embellishment of the park to be completed by Council by no later than 30 June 2017. The proposed amendments will facilitate the future delivery of this 7,000m² public park by Council, whilst providing for no net loss of development potential from the remaining portion of the site.

Specifically, the Planning Proposal seeks to:

- rezone a 7,000m² portion in centre of the site fronting Waterloo Road from B3 Commercial Core to RE1 Public Recreation;
- amend the maximum floor space ratio (FSR) development standard in order to:
 - remove the FSR limit applying to the new area zoned RE1 Public Recreation; and
 - evenly distribute the park site area and existing split FSRs of 1:1 and 2:1 at a unified rate of 2.26:1 across the land zoned B3 Commercial Core;
- amend the maximum height of building development standard to:
 - remove the height limit applying to the new area zoned RE1 Public Recreation; and
 - amend the height controls in the south-west corner of the site to reflect those adjacent and the proposed location of the park;
- include the 7,000m² public open space area on the relevant Land Acquisition Reservation Map as "Local Open Space";
- amend the Macquarie Park Corridor Parking Restrictions Map in order to:
 - remove the parking restrictions limit applying to the new area zoned RE1 Public Recreation; and
 - evenly distribute the existing split maximum parking rates of 1 space / 46m² GFA and 1 space / 80m² GFA at a unified rate of 1 space / 75m² GFA across the land zoned B3 Commercial Core;
- amend the Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map in order to:
 - remove the FSR limit applying to the new area zoned RE1 Public Recreation; and
 - distribute the existing FSR at a rate of 3.66:1 across the land zoned B3 Commercial Core;
- amend the Macquarie Park Corridor Precinct Incentive Height of Buildings Map in order to remove the height limit applying to the new area zoned RE1 Public Recreation.

This Planning Proposal describes the site, the proposed amendments to the LEP, and provides an environmental assessment. The report has also been written in accordance with the Departments *Guide to Preparing Planning Proposals* and *Guide to Preparing Local Environmental Plans*.

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2.0 Background

2.1 Macquarie Park Corridor Planning Proposal

To support growth and development in Macquarie Park, Council identified that the area requires substantial new infrastructure (including new roads and open space) to meet the needs of existing and future residents and workers.

In 2012 Council engaged a multidisciplinary consultant team - comprising traffic planners, urban designers, land economists and planners to prepare a feasibility assessment in relation to the planning incentives (additional height and floor space) and to make recommendations to ensure that council could leverage proposed new open space and roads through the development process.

In addition to providing FSR and height incentives for the Macquarie Park Corridor, the Recommendation Paper specifically identified the provision of a new Central Park in the centre of the site along with three new roads.

The recommendations of the review were then incorporated into the Macquarie Park Corridor Planning Proposal, which was also known as 'Amendment 1'. Consistent with Recommendation Paper the purpose of Amendment 1 was to add height and FSR development standards for the Macquarie Park Corridor to enable the implementation of new roads and parks that will support employment growth and the evolution of the Macquarie Park Corridor from business park to specialised employment centre with a continued focus on research and technology. On 11 September 2015 Amendment 1 was gazetted and incorporated a new clause 6.9 into LEP 2014 (herein after referred to as the Macquarie Park Incentive Clause).

The amendments sought under this Planning Proposal to allow for the future provision of the Central Park forms part of the public open space infrastructure Amendment 1 and the Recommendations Paper identified should be delivered in Macquarie Park.

2.2 Site History

The site is owned by Government Property NSW, and is one of the largest single ownership land holdings within the Macquarie Park Corridor. The site currently comprises a single building, which has been unused for a number of years. Government Property NSW has been undertaking a range of studies to determine the highest and best use of the site.

In August 2015, Government Property NSW, the Department and Council met to discuss the proposed pathway to secure the delivery of the new park identified as part of Council's strategic planning for the Corridor. It was agreed at the meeting that Government Property would be responsible for preparation of a planning proposal to rezone the part of the site for RE1 Public Recreation and transfer the FSR from the park area to the remaining site and identify the park for acquisition by Council.

The Department of Planning and Environment has provided \$6million to Council to fund the acquisition and embellishment of the park. The funding agreement requires embellishment of the park to be completed by Council by no later than 30 June 2017.

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3.0 Site Description

3.1 Site Location and Context

The site is located at 45-61 Waterloo Road, Macquarie Park, and is within the City of Ryde Local Government Area.

The Macquarie Park Corridor is a 75km² employment centre located equidistant from the Sydney Central Business District and Parramatta City Centre. Employment within the Corridor exceeds 39,000 and more than 30,000 students attend Macquarie University. The corridor is bounded by arterial roads – the M2 Motorway, Epping Road and Delhi Road. On the southern side of Epping Road the Corridor is adjoining by low density residential development

The Macquarie Park Corridor forms a part of Sydney's Global Economic Corridor and a specialised commercial precinct, with more than 800,000m² of commercially zoned land, being a mix of B3 Commercial Core, B4 Mixed Use and B7 Business Park.

The site is located on the western side of Waterloo Road to the north of its intersection with Lane Cove Road.

The immediate context of the site is a mix of low to medium rise commercial, light industrial and warehouse development. Relatively recent commercial developments including 52-58 Waterloo Road, 394 Lane Cove Road and 7-23 Talavera Road are generally 6-8 stories in height. Older development sites are typically lower in height.

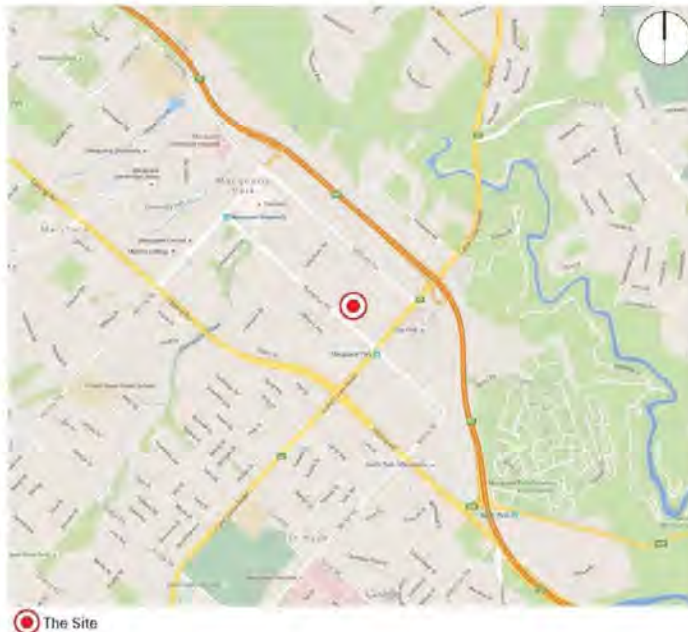


Figure 1 – Site Location Plan

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3.2 Site Description

The site is legally described as Lot 102 in DP1130630, and an aerial photograph has been provided at Figure 2. The land is owned by Government Property NSW, and the site has a total area of 3.897Ha. The site is rectangular in shape, with a site width of approximately 221m, and a site length of approximately 178m.

The site generally slopes from a high point at the east towards the west of the site. A gully runs along the western frontage of the site, which is bisected by the property boundary between the site and adjacent 63-71 Waterloo Road. The site contains vegetation around the property boundaries, and only contains scattered trees throughout the middle of the site.

For the purposes of this Planning Proposal, the site has been referred to under the following boundary directions:

- 7-11 Talavera Road: Northern boundary.
- 35-41 Waterloo Road: Eastern boundary.
- Waterloo Road: Southern boundary.
- 63-71 Waterloo Road: Western boundary.

Photographs of the site have been provided at Figures 3 to 6 below.

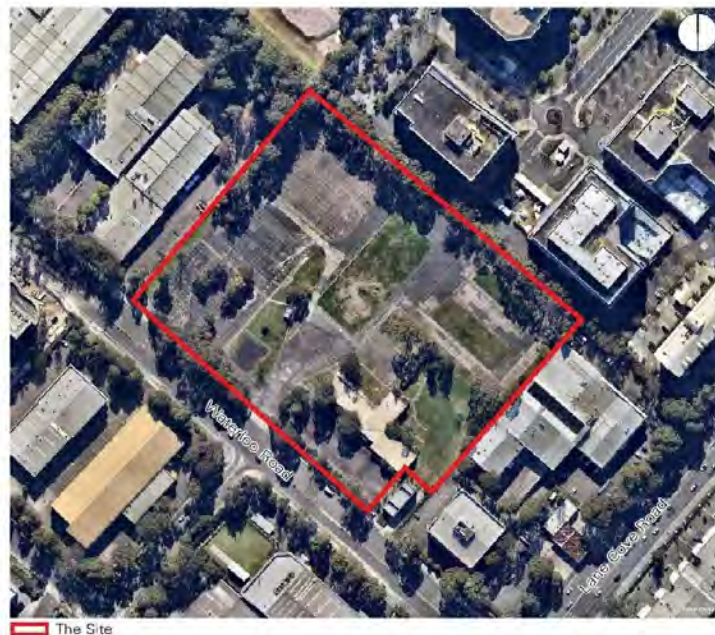


Figure 2 – Aerial photograph of site

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Figure 3 – Existing building at the site



Figure 4 – Primary site access

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Figure 5 – The site, as viewed from Waterloo Road at the main entrance



Figure 6 – South-western corner of the site, including secondary access from Waterloo Road

3.3 Surrounding Development

As the case is for many sites within Macquarie Park, the site interfaces with a variety of building typologies. Photographs of the various building types surrounding the site have been reproduced at Figures 7 to 11.

To the north of the site are a variety of medium density commercial buildings separated by private green spaces, with heights ranging between approximately 5-7 storeys.

To the east of the site is a three storey office building, as well as a warehousing building further to the north-east. The warehousing building currently has a zero lot boundary to the site, with no windows along the relevant wall.

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To the south-east of the site is also a small building used by Sydney Trains for servicing of the Epping-Chatswood Railway Line. This land is owned by Sydney Trains, and accordingly does not form part of this Planning Proposal.

Due to the length of the site's frontage to Waterloo Road, to the south of the site are a range of office and warehousing developments. These sites are on the opposite side of Waterloo Road, and include:

- the Macquarie Park Station portal at 42 Waterloo Road;
- the eight storey Hyundai Building at 394 Lane Cove Road;
- the two storey warehouse / office building at 36 Waterloo Road;
- the warehouse / office building at 50 Waterloo Road; and
- the seven storey 'Novartis' office building at 52 Waterloo Road.

To the west of the site is a two story office / warehouse building used by TPG.



Figure 7 – Office development to the east of the site

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Figure 8 – Sydney Trains building to the south-east of the site



Figure 9 – Macquarie Park station entrance, and buildings to the south of Waterloo Road

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Figure 10 – 'TPG' building to the west of the site



Figure 11 – 'Novartis' building to the south of the site

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4.0 The Proposal

This Planning Proposal seeks to facilitate the future delivery of a new park, whilst providing for no net loss of development potential from the remaining portion of the site. In order to achieve this, the following amendments to Ryde LEP 2014 are proposed:

- rezone a 7,000m² portion in centre of the site fronting Waterloo Road from B3 Commercial Core to RE1 Public Recreation;
- amend the maximum floor space ratio (FSR) development standard in order to:
 - remove the FSR limit applying to the new area zoned RE1 Public Recreation; and
 - evenly distribute the park site area and existing split FSRs of 1:1 and 2:1 at a unified rate of 2.26:1 across the land zoned B3 Commercial Core;
- amend the maximum height of building development standard to:
 - remove the height limit applying to the new area zoned RE1 Public Recreation; and
 - amend the height controls in the south-west corner of the site to reflect those adjacent and the proposed location of the park;
- include the 7,000m² public open space area on the relevant Land Acquisition Reservation Map as “Local Open Space”;
- amend the Macquarie Park Corridor Parking Restrictions Map in order to:
 - remove the parking restrictions limit applying to the new area zoned RE1 Public Recreation; and
 - evenly distribute the existing split maximum parking rates of 1 space / 46m² GFA and 1 space / 80m² GFA at a unified rate of 1 space / 75m² GFA across the land zoned B3 Commercial Core;
- amend the Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map in order to:
 - remove the FSR limit applying to the new area zoned RE1 Public Recreation; and
 - distribute the existing FSR at a rate of 3.66:1 across the land zoned B3 Commercial Core;
- amend the Macquarie Park Corridor Precinct Incentive Height of Buildings Map in order to remove the height limit applying to the new area zoned RE1 Public Recreation.

The proposal does not result in any additional FSR potential on the site.

This section of the report describes the future amendments to the Ryde LEP 2014 to facilitate the Proposal.

4.1 Proposed Amended Maps

The following amendments to the maps under the Ryde LEP 2014 are proposed. Amended Draft LEP Maps are included at Appendix B.

Land Zoning Map

Sheet LZN_004 will be amended to rezone a 7,000m² area in centre of the site fronting Waterloo Road from B3 Commercial Core to RE1 Public Recreation (see Figure 12).

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Figure 12 – Amended Land Zoning Map

Floor Space Ratio Map

Sheets FSR_004 and FSR_005 will be amended to remove the FSR control as it applies to the area now zoned RE1 Public Recreation and apply an FSR of 2.26:1 to the area zoned B3 Commercial Core (see Figure 13).

The parts of the site mapped 1:1 and 2:1 have areas of 5,599m² and 33,388m² respectively. The proposed change evenly redistributes the existing development potential provided by the two FSRs evenly across the land zoned B3.



Figure 13 – Amended FSR Map

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Height of Buildings Map

Sheet HOB_004 (see Figure 14) will be amended to:

- remove the height control as it applies to the area now zoned RE1; and
- increase the 9m height limit in the south-west part of the site to reflect those adjacent (37m along Waterloo Road frontage, 30m away from frontage).



Figure 14 - Amended Height of Buildings Map

Land Reservation Acquisition Map

Sheet LRA_004 will be amended to the land zoned RE1 Public Recreation as land identified for acquisition "Local Open Space" (see Figure 15).



Figure 15 - Amended Land Reservation Acquisition Map

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Macquarie Park Corridor Parking Restrictions Map

Sheet MPP_004 (see Figure 16) will be amended to:

- remove the parking restrictions applying to the area now zoned RE1; and
- remove the two parking restrictions applying to the site and apply a single parking restriction of 1 space per 75m² GFA to the area zoned B3 Commercial Core (represented as area 'B' on the map).

The parts of the site mapped 1 space / 46m² and 1 space / 80m² have a GFA potential of 5,599m² and 66,776m² respectively, which would generate a maximum of up to 957 car spaces. The proposed change evenly redistributes the total parking potential currently achieved across the two areas evenly across the site at a single even rate of 1 space / 75m².



Figure 16 – Amended Macquarie Park Corridor Parking Restrictions Map

Incentives Floor Space Ratio Map

Sheets MFS_004 and MFS_005 will be amended to remove the FSR control as it applies to the area now zoned RE1 Public Recreation and apply an FSR of 3.66:1 to the area zoned B3 Commercial Core (see Figure 17).

The site currently has an incentives floor space ratio of 3:1, which extends across the whole site. The proposed change evenly redistributes the existing development potential provided by the existing incentive FSR evenly across the land zoned B3 Commercial Core.

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Figure 17 – Amended Incentives FSR Map

Incentives Height of Buildings Map

Sheet MHB_004 (see Figure 18) will be amended to remove the height control as it currently applies to the area now zoned RE1 Public Recreation.



Figure 18 – Amended Incentives Height of Buildings Map

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5.0 Need for the Planning Proposal

The existing planning controls in Ryde LEP 2014 do not reflect the desire of Council to deliver a large, high quality area of public open space capable of being used for both active and passive recreation purposes within close proximity to Macquarie Park railway station.

The need for additional public open space to attract corporations and businesses to Macquarie Park is noted within numerous studies undertaken for the Macquarie Park corridor, which have been further discussed at Section 5.1 below.

Whilst noting the need for additional public open space, there is also a need to ensure that the provision of that open space does not result in any net loss of development potential and associated future employment provision on the site, under both the existing and incentive floor space controls.

In light of the above, a Planning Proposal is required to both provide for the open space whilst enabling an associated redistribution of development potential on the remainder of the site.

5.1 Is the Planning Proposal a result of any strategic study or report?

The planning of the Macquarie Park Corridor is informed by several studies including:

- Allen Jack and Cottier, (2008) Macquarie Park DCP (now known as Ryde DCP 2010 Part 4.5 Macquarie Park Corridor)
- Aspect Studios, (2008) Macquarie Park Public Domain Technical Manual
- Bitzios Consulting, (2008) Macquarie Park Growth Model: Transport Management Plan
- Space Syntax, (2010) Macquarie Park Baseline Movement Economy Report
- Drew Bewscher and Associates, (2010) Macquarie Park Flood Management Plan
- Coulston, (2012) Ryde Integrated Open Space Plan

In 2012 a multi-disciplinary team was engaged by Council to review the abovementioned (excepting the Flood Study) and to recommend:

- Height and Floor Space Ratios for inclusion in Amendment 1 to the Ryde LEP 2014;
- Practicable refinements to the Street, Pedestrian and Open Space Network Structure Plans in Ryde DCP 2010 based on financial feasibility.

Amendment 1 was then supported by the recommendations outlined in the resultant studies including:

- Architectus, (May 2013), Macquarie Park Plan Review Recommendations Paper
- Architectus, (May 2013), Macquarie Park Plan Review Options Paper
- Architectus, (November 2012) Macquarie Park Plan Review Issues Paper

All of the above studies are available on Council's website.

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Specifically, this Planning Proposal provides the planning mechanism to support the implementation of the extensive strategic work referenced above, in regards to a mechanism of delivering public open space on the site.

Of the above studies, the Ryde DCP 2014 Part 4.5 – Macquarie Park Corridor and the Ryde Integrated Open Space Plan make specific reference to the demand for additional public open space, and indicate the site as the preferred location for the delivery of that space.

5.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

In the preparation of this Planning Proposal, four options were considered to enable the delivery of the public open space at the site. These options have been listed below:

- **Option 1: Do nothing**
The first option considered was to do nothing on the site, and to not rezone the 7,000 m² for the purposes of public open space. However this would be contrary to an agreement between Government Property, the Department and Council and would inhibit the provision of the open space, which would be of significant detriment to current and future workers and visitors to the area. Not providing the park would also not make use of the funding grant provided by the Department to Council for the infrastructure. Accordingly this option has not been pursued and a Planning Proposal has been undertaken.
- **Option 2: Site specific clause and redistribution of current floor space ratio**
The second option considered was to redistribute the current FSR across the remainder of the site, but also include a site specific clause that allows for the site area of the park to be proportionately used for the purposes of calculating FSR. This option ensured that any uplift under Amendment 1 of the Ryde LEP 2014 was captured, whilst also ensuring that any future proposal that seeks to utilise that uplift also provides the necessary contribution towards the access network and recreation area upgrades. However, the gazettal of Amendment 1 made this option an overly complicated manner of achieving the same ultimate outcome as the preferred option below.
- **Option 3: Redistribution of the current and incentives floor space ratios under the Ryde LEP 2014**
The third option considered was to amend floor space ratio maps, under both the existing floor space ratio and the incentives floor space ratio. Both maps would be amended to capture the 'lost' floor space potential from the dedication of the RE1 Public Recreation zoned site, and redistribute that potential across the remaining B3 Commercial Core zoned portion of the site. This option avoids the need for a site specific clause, whilst maintaining the existing and incentive floor space potential at the site, and has accordingly been pursued under this Planning Proposal.

5.3 Is there a net community benefit?

There will be a tangible and immediate community benefit arising from this Planning Proposal in the form of the expedition of a much needed, strategically located area of public open space within Macquarie Park. This land has been previously identified as the optimal site for such open space (see Section 5.1), and this Planning Proposal will enable the acquisition and future creation of the park to occur within a timely manner. This open space will ultimately act as a catalyst for

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further development and jobs growth within Macquarie Park and assist with the identified open space shortage within the Macquarie Park Corridor.

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6.0 Strategic and Statutory Framework

This chapter outlines the strategic and statutory planning framework within which the development and conservation outcomes for the land have been considered.

6.1 State and Regional Strategic Framework

6.1.1 NSW 2021

NSW 2021 is a 10 year plan to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability, and strengthen our local environment and communities.

The Planning Proposal will implement some of the core goals of the NSW 2021 Plan, including but not limited to enhancing sporting and recreation opportunities, improving the performance of the NSW economy, increasing the competitiveness of doing business in NSW.

6.1.2 Plan for Growing Sydney

A Plan for Growing Sydney is the current strategic plan for the Sydney metropolitan area. Within A Plan for Growing Sydney, the site is located within the Macquarie Park strategic centre, which itself forms a crucial part of the Global Economic Corridor.

The provision of open space in demanded areas is a high priority within A Plan for Growing Sydney (Directions 3.2 and 3.3). The proposed open space will improve the appeal of nearby office space, whilst also serving nearby short and long term needs of workers and residents (such as students at Macquarie University, residents within the Herring Road and North Ryde Priority Precincts, and residents of the wider Ryde LGA).

The emphasis of provision of high quality commercial floorspace within Macquarie Park is repeatedly emphasised throughout A Plan for Growing Sydney (Directions 1.6, 1.7, North Subregion), and wherever possible this floor space needs to be maintained. This Planning Proposal ensures that the current commercial floor space, and any potential Macquarie Park Incentive floor space is maintained.

6.1.3 NSW Long Term Transport Masterplan

The NSW Long Term Transport Masterplan (Transport Masterplan) has the aim of better integrating land use and transport within metropolitan Sydney. The Transport Masterplan has been prepared to integrate with the overall strategic plan for Sydney.

The proposed development will serve the objectives of the Transport Masterplan by delivering vital public open space which will increase the desirability of doing business within the Macquarie Park corridor: an area strategically located and well serviced by public transport. The facilitation of future development within this location will promote the use of public transport and reduce reliance on private motor vehicles, and any uplift from future Development Applications which seek to take advantage of the 'incentives' Clause 6.9 of the Ryde LEP 2014.

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6.2 State Legislation

6.2.1 Environmental Planning and Assessment Act, 1979

The *Environmental Planning and Assessment Act, 1979* (the EP&A Act) and the *Environmental Planning and Assessment Regulations, 2000* set out amongst other things the:

- requirements for rezoning land;
- requirements regarding the preparation of a local environmental study as part of the rezoning process;
- matters for consideration when determining a development application; and
- approval permits and/or licences required from other authorities under other legislation.

This Planning Proposal has been prepared in accordance with the requirements set out in Section 55 of the EP&A Act in that it explains the intended outcomes of the proposed instrument. It also provides justification and an environmental analysis of the proposal.

Ministerial Directions

Ministerial Directions under Section 117 of the EP&A Act set out a range of matters to be considered when preparing an amendment to a Local Environmental Plan. The relevant Section 117 Directions for this Planning Proposal have been outlined at Table 1 below.

Table 1 – Consistency with Section 117 Directions

| Ministerial Directions | Consistent | | | Comment |
|--|------------|----|-----|--|
| | Yes | No | N/A | |
| Employment and Resources | | | | |
| 1.1 Business and Industrial Zones | ✓ | | | The Planning Proposal doesn't reduce the level of potential employment uses within the site, and safeguards the site to benefit from any future uplift associated with the Macquarie Park Incentive Clause. |
| 1.2 Rural Zones | | | ✓ | N/A |
| 1.3 Mining, Petroleum Production and Extractive | | | ✓ | N/A |
| 1.4 Oyster Aquaculture | | | ✓ | N/A |
| 1.5 Rural Lands | | | ✓ | N/A |
| Environment and Heritage | | | | |
| 2.1 Environment Protection Zones | | | ✓ | This Planning Proposal facilitates the provision of public open space in an otherwise commercially zoned site. Any assessment of the environmental constraints will be the subject of future Development Application(s). |
| 2.2 Coastal Protection | | | ✓ | N/A |
| 2.3 Heritage Conservation | ✓ | | | The Planning Proposal will not affect Clause 5.10 which contains provisions relating to heritage items. |
| 2.4 Recreation Vehicle Areas | | | ✓ | N/A |
| Housing, Infrastructure and Urban Development | | | | |

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| Ministerial Directions | Consistent | | | Comment |
|--|------------|----|-----|---|
| | Yes | No | N/A | |
| 3.1 Residential Zones | | | ✓ | N/A |
| 3.2 Caravan Parks and Manufactured Home Estates | | | ✓ | N/A |
| 3.3 Home Occupations | | | ✓ | N/A |
| 3.4 Integrating Land Use and Transport | ✓ | | | The proposal will facilitate the delivery of public open space and commercial floorspace within close proximity to Macquarie Park Station. |
| 3.5 Development Near Licenced Aerodromes | | | ✓ | N/A |
| 3.6 Shooting Ranges | | | ✓ | N/A |
| Hazard and Risk | | | | |
| 4.1 Acid Sulfate Soils | | | ✓ | The site is not listed as probably containing acid sulfate soils, and accordingly this direction doesn't apply. |
| 4.2 Mine Subsidence and Unstable Land | | | ✓ | N/A |
| 4.3 Flood Prone Land | ✓ | | | Further discussion has been provided at Section 7.4. |
| 4.4 Planning for Bushfire Protection | | | ✓ | The site is not bushfire prone land under Council's Bushfire Prone Land Map. |
| Regional Planning | | | | |
| 5.1 Implementation of Regional Strategies | | | ✓ | N/A |
| 5.2 Sydney Drinking Water Catchments | | | ✓ | N/A |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast | | | ✓ | N/A |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | | | ✓ | N/A |
| 5.8 Second Sydney Airport Badgerys Creek | | | ✓ | N/A |
| 5.9 North West Rail Link Corridor Strategy | | | ✓ | The site is not within any of the nominated Local Government Areas. |
| Local Plan Making | | | | |
| 6.1 Approval and Referral Requirements | ✓ | | | This Planning Proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral. |
| 6.2 Reserving Land for Public Purposes | ✓ | | | The proposal seeks the dedication of land for the purposes of public open space. Approval of Council and the Department of Planning and Environment is sought by way of this Planning Proposal. |
| 6.3 Site Specific Requirements | ✓ | | | No site specific provisions proposed. |
| Metropolitan Planning | | | | |
| 7.1 Implementation of A Plan for Growing Sydney | ✓ | | | This has been discussed at Section 6.2.1 above. |

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6.3 State Environmental Planning Policies

An assessment of the Planning Proposal against the relevant State Environmental Planning Policies (SEPPs) is set out at Table 2 below.

Table 2 – Consistency with State Environmental Planning Policies

| SEPP | Consistency | | | Comment |
|---|-------------|----|-----|--|
| | Yes | No | N/A | |
| SEPP No. 1 Development Standards | | | ✓ | SEPP 1 does not apply to Ryde Council. |
| SEPP (State and Regional Development) 2011 | | | ✓ | Not relevant to proposed LEP amendment. Will form part of future DA assessment if required. |
| SEPP (Exempt and Complying Development Codes) | | | ✓ | Not relevant to proposed LEP amendment. Will form part of future DA assessment if required. |
| SEPP (Infrastructure) 2007 | | | ✓ | Not relevant to proposed LEP amendment. Will form part of future DA assessment if required. |
| SEPP 19 – Bushland In Urban Areas | | | ✓ | Will form part of future DA assessment if required. |
| SEPP No. 64 Advertising and Signage | | | ✓ | Not relevant to proposed LEP amendment. |
| SEPP No. 55 Remediation of Land | ✓ | | | A Stage 1 Site Assessment will be prepared if the project proceeds through Gateway. |
| SREP (Sydney Harbour Catchment) 2005 | ✓ | | | The site falls within the Sydney Harbour Catchment. This Planning Proposal is not inconsistent with the planning principles of the Sydney Harbour Catchment. |

6.4 Local Statutory Framework

The following section provides a summary of the local strategic framework.

6.4.1 Ryde Local Environmental Plan 2014

Ryde LEP 2014 is the key environmental planning instrument that applies to the site.

Ryde LEP 2014 transferred the Macquarie Park Corridor land use zone, and floor space requirements from the previous Ryde LEP 2010 (with minor amendments). Ryde LEP 2014 zones the site B3 Commercial Core with a split maximum floor space ratio of 1:1 at the north-west of the site, and 2:1 for the remainder of the site.

Ryde LEP 2014 also assigns a variety of height limits to the site, which include:

- a 9m height limit at the south-western corner of the site;
- a 37m height limit at the south-eastern corner of the site; and
- a 30m height limit for the remainder of the site.

Ryde LEP 2014 also includes an 'incentive clause' which provides for a maximum building height of 65m and FSR of 3:1 across the whole site if the consent authority is satisfied that:

- (a) there will be adequate provision for recreation areas and an access network, and
- (b) the configuration and location of the recreation areas will be appropriate for the recreational purposes of the precinct, and

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(c) the configuration and location of the access network will allow a suitable level of connectivity within the precinct

6.4.2 Ryde Development Control Plan 2014

The Ryde Development Control Plan 2014 provides detailed design guidelines to give support to the Ryde LEP 2014. The objective of the DCP is to promote design excellence through redevelopment; to expand and improve the public domain and to improve vehicular, pedestrian and cycle permeability within the Macquarie Park Corridor. Ryde DCP Part 4.5 Macquarie Park Corridor includes a Structure Plan comprised of four elements:

- Built form Structure Plan;
- Street Network Structure Plan;
- Open Space Network Structure Plan; and
- Pedestrian Network Structure Plan.

Of particular relevance to this Planning Proposal is the Open Space Network Structure Plan. As demonstrated at Figure 19, the site is specifically nominated under the DCP as accommodating a future "Central Park".



Figure 19 – Proposed open space network – subject open space land nominated as "No. 5" in above plan.

Source: City of Ryde Council

A high level assessment against the detailed controls for the envisaged park at Table 5.2.1 of the DCP has been provided at Table 3 below.

Table 3 – Assessment against site specific controls at Table 5.2.1

| Control | Comment |
|---|--|
| Minimum area 1Ha, minimum dimension 65m. | The proposed park is 59.18m wide, and provides for an overall area of 7,000m ² (0.7Ha). Although short of the requirements contained under the Ryde DCP, the proposed open space reflects the agreement between the Department, Council and NSW Government Property and continues to deliver a very large area for the purposes of public open space at the centre of Macquarie Park. |
| Park layout generally in accordance with Figure 5.3.1 (contained within Ryde DCP). | The size and shape of the RE1 Public Recreation use envisaged is general in accordance with the Ryde DCP. Park layout will be the subject of future detailed design work. |
| Central Park located abounding Waterloo Road. | The proposed park abuts Waterloo Road. |
| Implement new roads on two sides of Central Park (resulting in roads on three sides of Central Park). | The location of the proposed park does not inhibit the provision of roads along the eastern and western boundaries of the park. |
| Provide 10 park benches and 10 bicycle parking spaces. | This will be the subject of future detailed design work. |

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| Control | Comment |
|---|--|
| Where practicable provide turf detention basin to minimum 50% of park area as Central Park is on the overland flow alignment. | This will be the subject of future detailed design work. |

Overall, the proposed park is capable of achieving the future indicative character of a multi-function park that provides for active recreation, passive recreation and community events. The detailed design of the future park will form part of future work, and is not a relevant concern at the Planning Proposal stage.

6.5 Local Strategic Framework

6.5.1 The City of Ryde 2025 Community Strategic Plan

The Community Strategic Plan sets the vision for the City of Ryde as *"the place to be for lifestyle and opportunity at your doorstep"* (Page 9). The plan has seven outcome areas – defined through community consultation – that guide city improvements, Council policy and city planning. The seven outcomes are the City of Prosperity, City of Liveable Neighbourhoods, City of Wellbeing, City of Environmental Sensitivity, City of Connections, City of Harmony and Culture and City of Progressive Leadership.

The proposal directly addresses the stated goal of creating active public places and spaces (City of Liveable Neighbourhoods) through good planning and design, in that the Planning Proposal will facilitate the delivery of a much needed public open space area which is centrally located and will ultimately form an integral part of the Macquarie Park commercial core area.

The Planning Proposal, by way of facilitating the delivery of public open space, will also improve the appeal of the Macquarie Park Corridor, and lead to additional commercial investment. Nearby high quality public open space is a desirable element for employees, and the proposed open space will facilitate the provision of such space.

6.5.2 City of Ryde Economic Development Plan

On 10 March 2015, Council adopted the *City of Ryde Economic Development Plan 2015-2019* (Economic Development Plan). The plan has been prepared in order to *"stimulate the local economy and support jobs and business growth in the community"*, and includes a number of strategic goals for economic development within the Ryde LGA. The goals which are considered relevant to the proposal are listed as follows:

- *Goal 1: Macquarie Park continues to attract new businesses and a talented workforce.*
- *Goal 2: Town and neighbourhood centres are vibrant and attractive for residents, employees and visitors.*
- *Goal 4: Job seekers find work locally via employment services, vocational training and work experience opportunities.*
- *Goal 6: Market investment opportunities and permit a variety of activities within the city's employment and industrial lands.*

The Planning Proposal supports the achievement of the goals in the Economic Development Plan in that it will facilitate the creation of jobs within Macquarie Park, maintaining commercial floorspace potential while providing attractive public open space, which is highly accessible and located close to major public transport nodes.

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7.0 Environmental Analysis

This chapter of the report describes the rezoning proposal and the urban design principles that set the foundation for its structure. Further detail is provided throughout the environmental assessment in the following chapters.

7.1 Built Form

The proposed changes to the building height controls reflect the current LEP building heights within the Macquarie Park Corridor and are considerably lower than the maximum heights achievable under the Macquarie Parking Incentive Clause.

The proposed changes to the FSR controls which comprise the provision of a flat rate of 2.26:1 across the land zoned B3 Commercial Core, equates to the same GFA potential that is achievable under the current controls. Accordingly there will be no greater density achieved on the site than is currently available.

Similarly, an amendment to the incentives Clause, which comprises the provision of a rate of 3.66:1 across the land zoned B3 Commercial Core, equates to the same 'incentives' floor space potential as that which is achievable under the current incentives controls. Accordingly, there will be no greater density achieved on the site than is currently available.

It is noted that the provision of the park in the centre of the site will mean the GFA is located within a more concentrated area, however, this form reflects Council's desired future character for the Macquarie Park Corridor to be more urban closer to the Stations and will be viewed in the context of the open space provided in the centre of the site.

7.2 Solar Access

The proposed open space location will be well suited to receive sufficient solar access, and is of such a size that any overshadowing from surrounding future commercial buildings will not overshadow the parkland at a level which will exceed Council's requirements of *"50% of new public space to receive 3 hours of direct sunlight between 9am and 3pm on June 21"*.

Detailed assessment of the solar access to the open space will be the subject of future assessment for other development at the site and its surrounds.

7.3 Traffic Generation

This Planning Proposal will act only so far as to rezone part of the site from B3 Commercial Core to RE1 Public Recreation, and transfer the potential floorspace from the public recreation zoned land to the commercially zoned land at the site. As no additional commercial floorspace will be created, there will be no increase in traffic movements to and from the site when compared to the existing approved commercial density.

The Planning Proposal also undertakes a similar activity in regards to the maximum parking rates of the site, redistributing the parking potential across the site and excluding the public open space area from the development standard. As the existing car parking potential of the site under the existing split rates has simply been averaged across the whole site under a single rate, the traffic movements to and from the site will not change when compared to the existing approved parking distribution.

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Detailed assessment of the traffic generation of future commercial development on the B3 Commercial Core zoned portion of the site will be the subject of future detailed applications.

The location of the public park does not preclude the potential future provision of the local access roads through the site in accordance with DCP 2014.

7.4 Flooding

The site is identified as flood prone under the 'City of Ryde Macquarie Park Floodplain Risk Management Strategy and Plan', prepared by Bewsher Consulting Pty Ltd (2010). Additionally, under the Ryde Development Control Plan the Table 5.2.1 states that the site forms part of an overland flow path.

As per the current zoning, the impacts of any future proposed commercial development, particularly at western boundary of the site identified as flood prone under the 2010 Floodplain Risk Management Study, will be the subject of future assessment as the zoning of this portion of the site is not proposed to be changed.

Additionally, the proposed open space area will likely comprise largely permeable surfaces such as grass and soil, which have the potential to improve the water absorption characteristics of that portion of the site (including under the development incentives clause), when compared to the existing hard stand car parking area which covers most of the site.

As the proposal doesn't propose to rezone any existing flood sensitive zone (such as special use, recreation, etc) to a development zone (such as residential, business, etc), there will be no additional flooding impacts on the site.

7.5 Public Benefits of Proposal

Additional Public Open Space in Macquarie Park

As has been outlined at Sections 1.0 and 5.1 above, there is a strong and identified need for additional public open space within the Macquarie Park Corridor, with the site repeatedly noted throughout previous planning studies as the best possible location of delivering such additional open space.

This Planning Proposal provides a method for the required public open space to be provided, which will enable future use of the site by residents, workers and visitors to the area. The proposed open space will be central to the Macquarie Park Corridor, highly accessible from surrounding streets, and will create a focus point for active and passive recreation in Macquarie Park.

Increased Economic Activity

The Planning Proposal will facilitate an increase in economic output within Macquarie Park. The Planning Proposal will enable the delivery of the same level of commercial floor space as is currently achievable on the site, but with the additional public benefit of providing a significant area of public open space.

The increase in economic activity will also arise in the longer term from an increased appeal of doing business in Macquarie Park, due to the provision of high quality public open space in the centre of the corridor. Space for workers to eat and recreate is a vital factor in attracting high quality commercial tenants to Macquarie Park, and this Planning Proposal will facilitate that.

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7.6 Social and Economic Impacts

The proposed development will have significant social and economic benefits which are detailed in Section 7.5 above. There are no negative social or economic impacts associated with the proposal.

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8.0 Timeline

As outlined under the (then) Department of Planning and Infrastructure's *A Guide to Preparing Planning Proposals*, an indicative timeline has been provided of the project timeframe at Table 4 below.

Table 4 – Anticipated project timeline

| Stage | Completion Date |
|--|----------------------------------|
| Anticipated commencement date (date of Gateway determination) | Early November 2015 |
| Anticipated timeframe for the completion of the required technical information | Early November 2015 |
| Timeframe for government agency consultation | Late November 2015 |
| Commencement and completion dates for public exhibition period | TBD |
| Dates of public hearing (if required) | To be determined post exhibition |
| Consideration of submissions | TBD |
| Timeframe for the consideration of a proposal post exhibition | TBD |
| Date of submission to the Department to finalise the LEP | TBD |
| Anticipated date RPA will make the plan (if delegated) | N/A |
| Anticipated date RPA will forward to the Department for notification | N/A |

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9.0 State and Commonwealth Interests

9.1 Public Infrastructure

Under 'A guide to preparing planning proposals', Section D questions if there is adequate public infrastructure for the planning proposal.

The proposal will facilitate the provision of additional public open space in order to address a present shortage of such space in the Macquarie Park Corridor. The Department of Planning and Environment has provided \$6 million to Council to fund the acquisition and embellishment of the park.

The proposal will redistribute the current and 'incentives' clause floor space of the site amongst the portion of the site zoned B3 Commercial Core. Accordingly, there will be no additional demand on public infrastructure arising from the Planning Proposal, combined with additional supply of public infrastructure in the form of public open space.

9.2 Consultation with State and Commonwealth Authorities

Department of Planning and Environment

The Planning Proposal is the outcome of an agreement between the Department, Council and Government Property NSW. Consultation has been undertaken with the Department of Planning and Environment as to the proposed approach outlined under Section 4.0, and the different options considered as part of this process.

Commonwealth Authorities

No formal consultation has been undertaken with Commonwealth Authorities, regarding this Planning Proposal. Where necessary, consultation with relevant authorities will be undertaken as required in accordance with an initial Gateway determination.

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10.0 Community Consultation

It is proposed that given the minor nature of the Planning proposal a public exhibition period is not required. It is noted that confirmation of this will be given by the Minister as part of the LEP Gateway determination.

ITEM 5 (continued)

ATTACHMENT 1

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11.0 Conclusion

This Planning Proposal seeks to facilitate the future delivery of a new park, whilst providing for no net loss of development potential from the remaining portion of the site.

The Planning Proposal is considered justified for the following reasons:

- The proposal will enable the provision of a future park that will allow for active and passive recreation uses by workers, residents and visitors of the Ryde LGA and surrounding areas.
- The proposal is consistent with the objects of the EP&A Act, in that it facilitates the provision of land for public purposes.
- The proposal is consistent with the metropolitan, regional and sub-regional strategic planning framework, which all emphasise the need for high quality public open space in strategic locations such as Macquarie Park. The strategic framework also emphasises the jobs growth potential of the Macquarie Park Corridor, and the Planning Proposal ensures that this potential is not lost through the provision of the public open space.
- The proposal is consistent with the applicable SEPPs and Section 117 Directions.
- The proposal will have no adverse environmental impacts, in particular it will not affect the potential delivery of jobs within the Macquarie Park Corridor.

In light of the above, we would have no hesitation in recommending that the Planning Proposal proceed through the Gateway process.

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ATTACHMENT 1

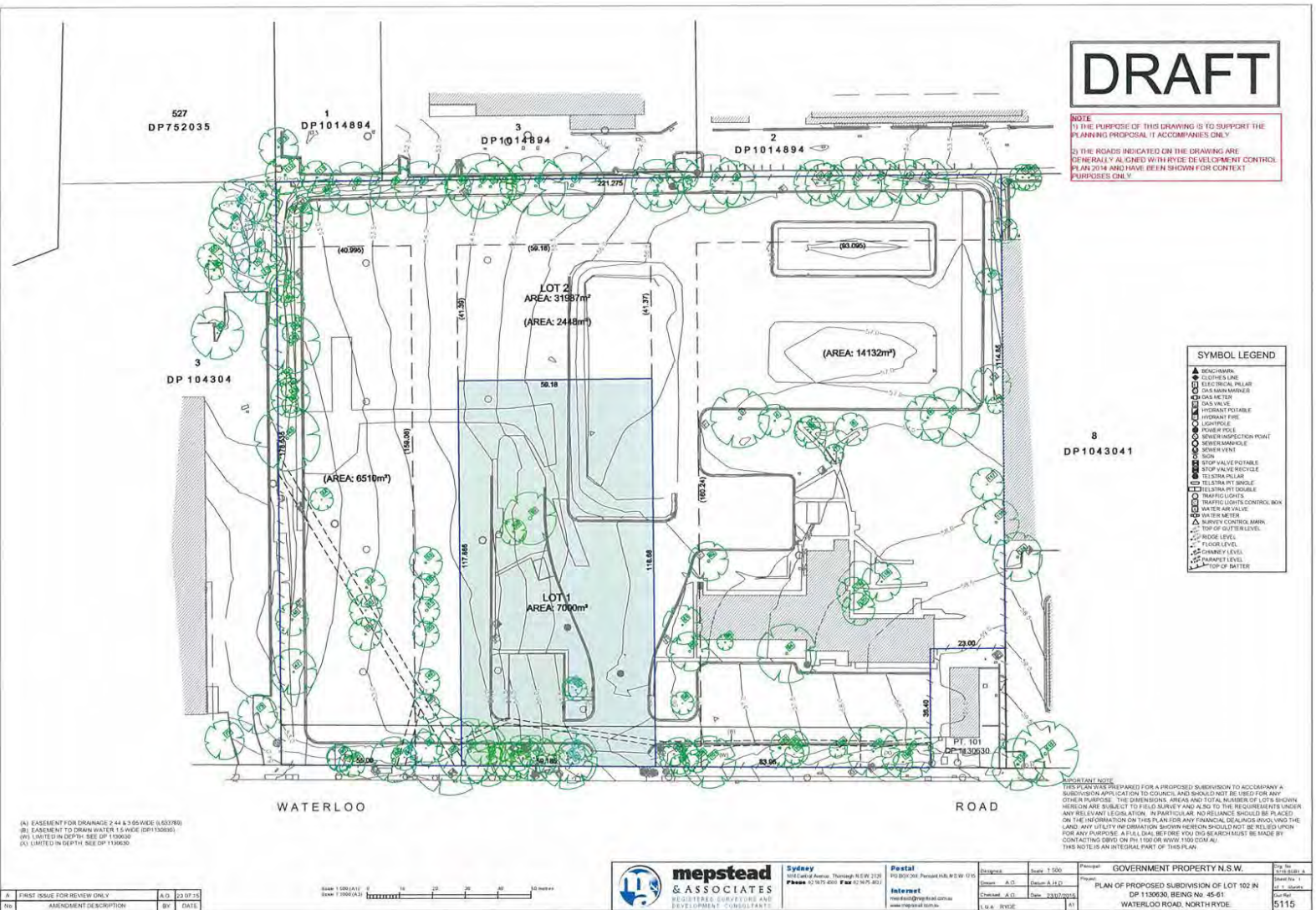
Indicative Draft Plan of Subdivision

Mepstead and Associates



ITEM 5 (continued)

ATTACHMENT 1



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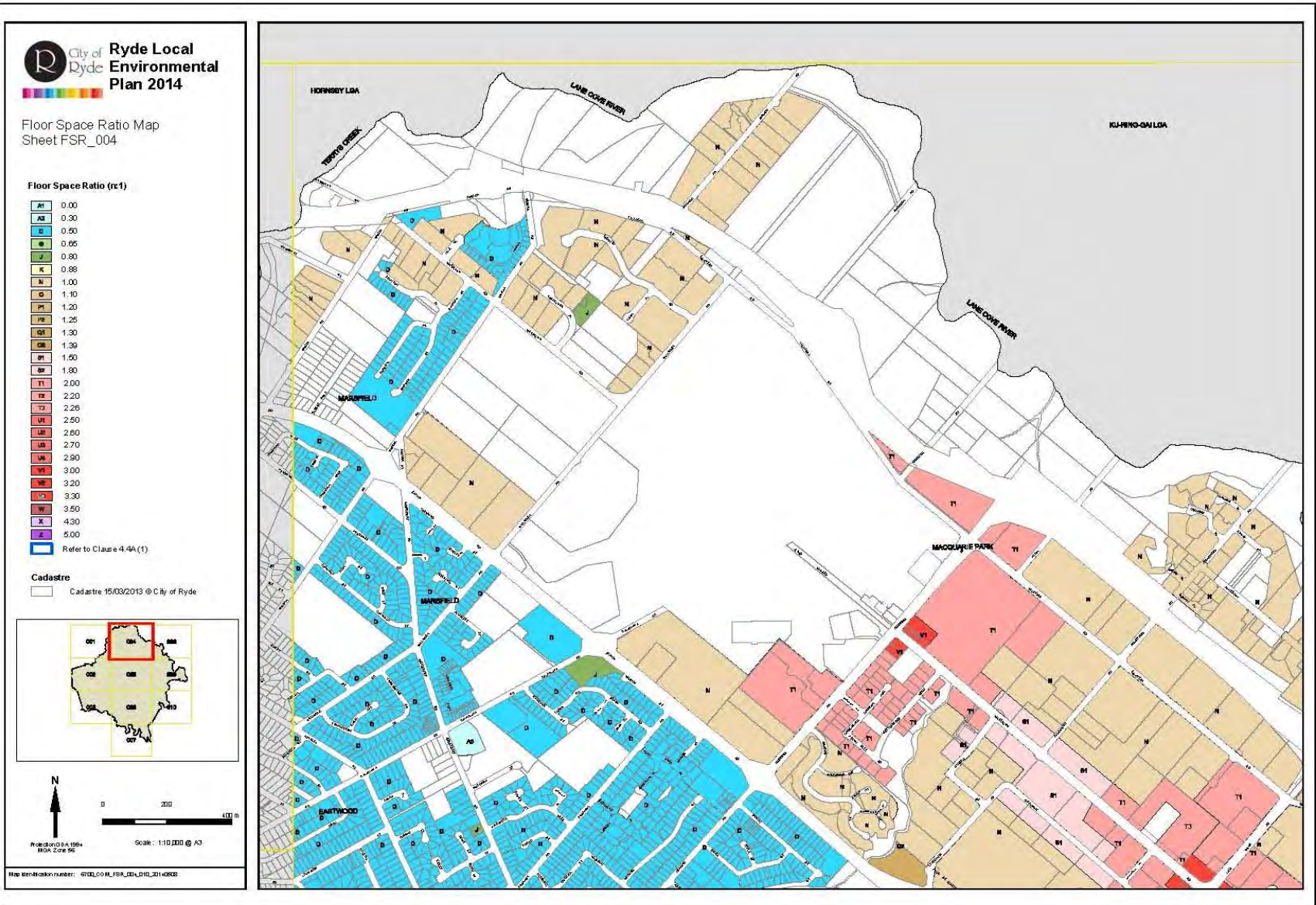
Draft Amended LEP Maps

JBA



ITEM 5 (continued)

ATTACHMENT 1



ITEM 5 (continued)

ATTACHMENT 1



ITEM 5 (continued)

ATTACHMENT 1





Ryde Local Environmental Plan 2014

Land Reservation Acquisition Map - Sheet LRA_004

-  Classified Road (SP2)
-  Local Open Space (RE1)
-  Regional Open Space (RE1)

Cadastral
 Cadastre 14/11/2014 © City of Ryde



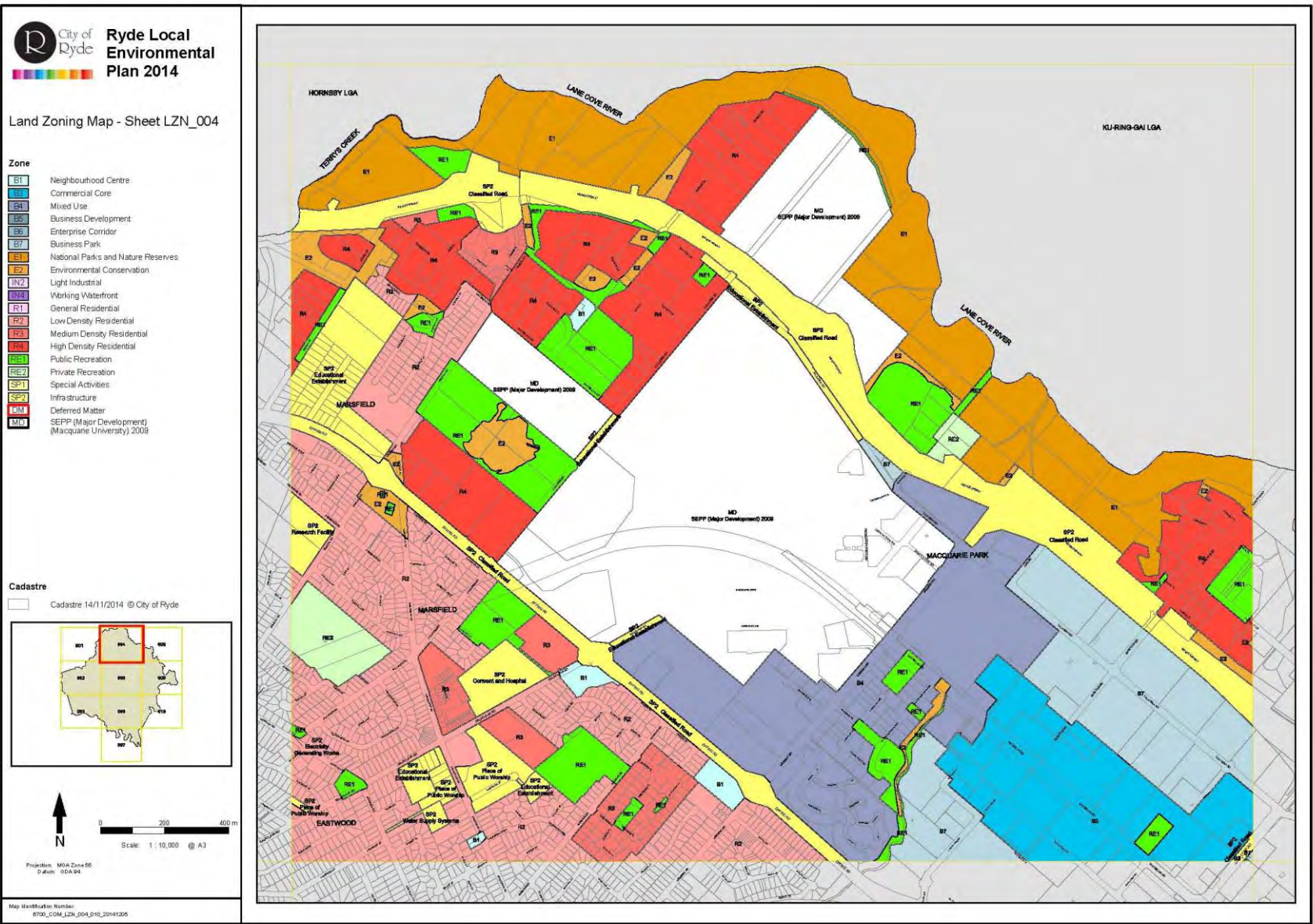


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Projection: MGA Zone 56
 Datum: GDA94

Map Identification Number:
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ITEM 5 (continued)

ATTACHMENT 1



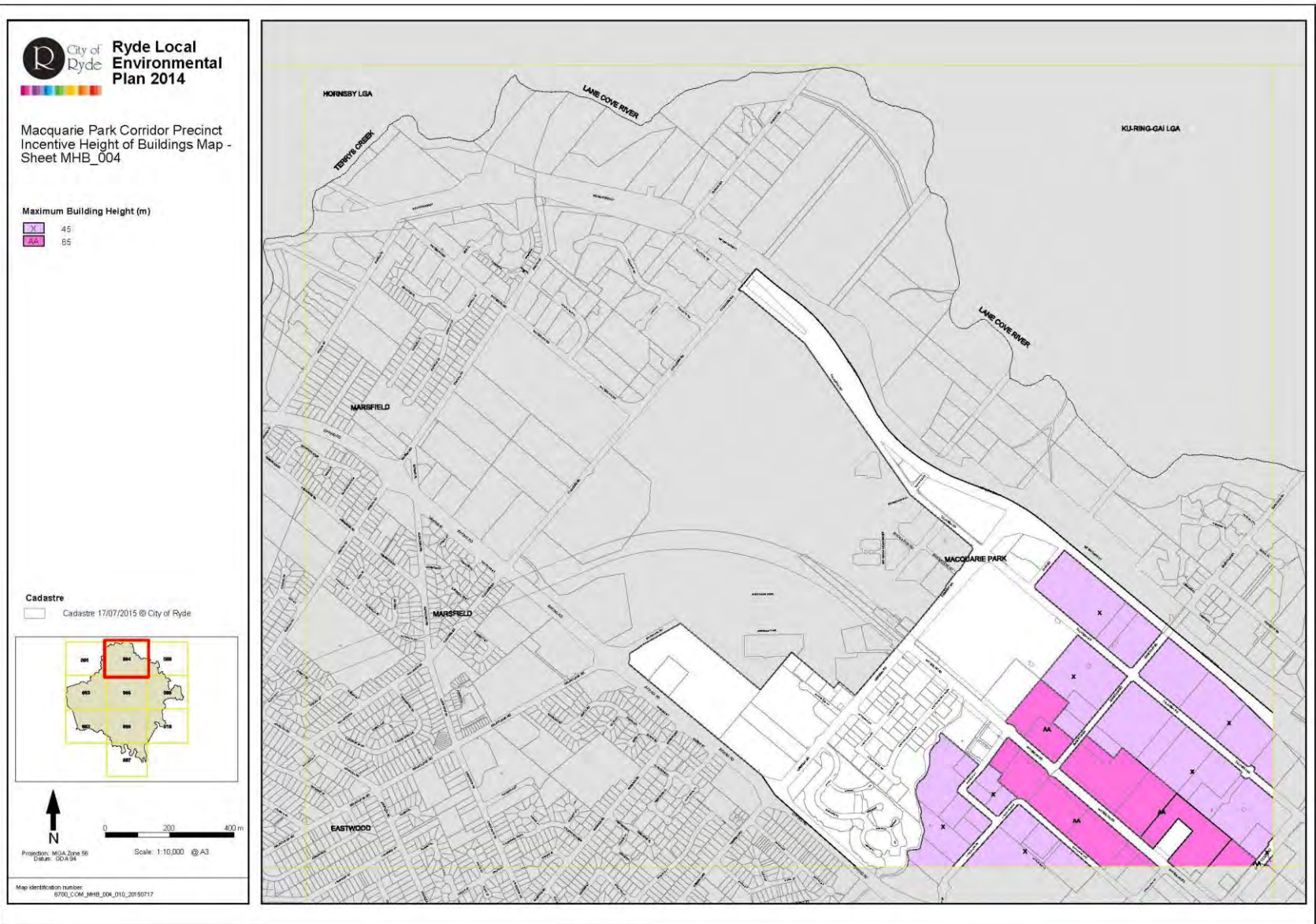
ITEM 5 (continued)

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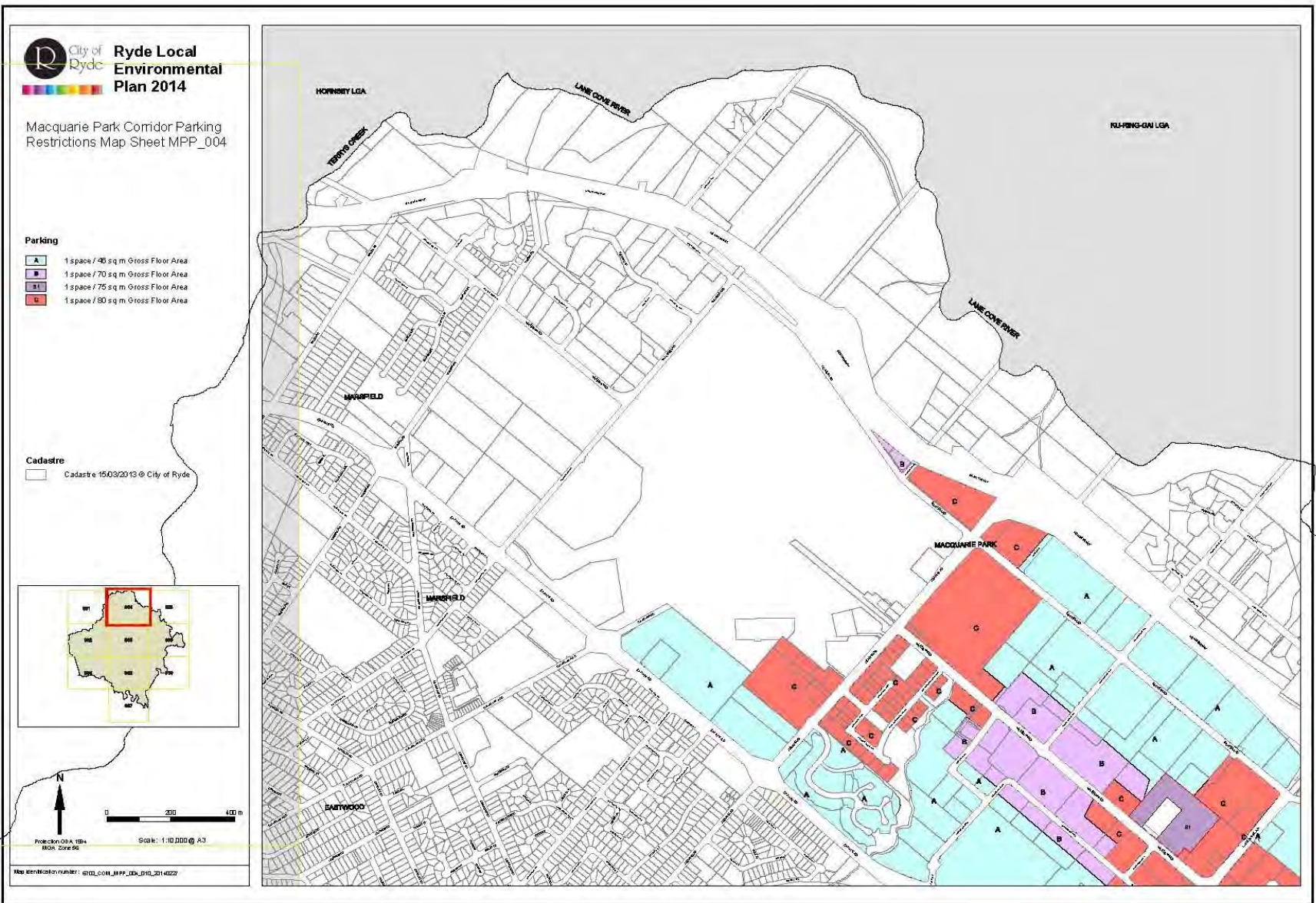
ITEM 5 (continued)

ATTACHMENT 1



ITEM 5 (continued)

ATTACHMENT 1



ITEM 5 (continued)

ATTACHMENT 2



14 October 2015

Group Manager Environment and Planning
City of Ryde Council
Locked Bag 2069
Ryde NSW 1670

Attention: Mr Sam Cappelli

Dear Mr Cappelli,

RE: 45-61 WATERLOO ROAD, MACQUARIE PARK – PROPOSED PARK

On 15 September, Government Property NSW (GPNSW) submitted a planning proposal to facilitate the proposed public park on our site at 45-61 Waterloo Road, Macquarie Park. Essentially the proposal seeks to rezone 7,000m² of Commercial Core (B3) zoned land to Public Recreation (RE1), whilst maintaining the sites' development potential. Once gazetted, GPNSW intend to subdivide the site allowing Council to acquire the RE1 portion at a price to be determined by the Office of Strategic Lands (OSL).

Further to Council's feedback received on 25 & 30 September, find attached a revised planning proposal for your consideration. Matters identified by Council:

Indicate future roads – Whilst roads do not form part of the planning proposal, the proposal has been revised to include within the appendices a draft plan of subdivision with indicative roads shown.

Remove site specific FSR clause – The proposed site specific clause has been removed and FSR Map amended accordingly.

Provide valuation advice – OSL will provide the valuation advice required to determine fair value for the RE1 portion of the site.


Provide environmental advice – GPNSW will provide Council with a letter from an environmental consultant stating that the RE1 portion of the site is/or can be made suitable for use as a public park. This advice will be provided following the gateway determination but prior to gazettal of the planning proposal.

Increase the proposed Park's width – The proposed site layout has been derived from a detailed master plan study of the site to ensure both the objectives of the park and the development potential of the site are maintained.

Payment of application fees – Application fees are not in the spirit of discussions to date and are contrary to the intent of the \$6m State funding grant provided to Council. It is therefore requested Council waive the \$58k application fee currently proposed.

Should you wish to discuss this matter further please contact Steve Lucas, Senior Manager on 9273 3837 or steve.lucas@property.nsw.gov.au

Yours sincerely



Stacey Fishwick
Director, Major Projects
Government Property NSW

Bligh House
4-6 Bligh Street
Sydney NSW 2000

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ABN 91 540 997 406 | www.property.nsw.gov.au

ITEM 5 (continued)

ATTACHMENT 3

1 PROPOSED PARK - 45-61 WATERLOO ROAD, MACQUARIE PARK

Report prepared by: Acting Manager - Urban Planning
File No.: ENV/08/3/8/14/12 - BP15/1388

CORRESPONDENCE:

Submitting correspondence from the Department of Planning and Environment and Government Property NSW regarding the next steps for Council to secure the delivery of a new public park at 45-61 Waterloo Road, Macquarie Park.

Following Council's resolution of 9 June 2015 to seek guarantees from the NSW government for the provision of a 7000sqm park and related \$6 million funding, the General Manager convened a meeting with senior representatives from the Department and Government Property NSW on 14 August 2015.

In order to address Council's concerns regarding the lack of certainty that the park and associated funding would be provided, the Department (DPE) and Government Property NSW (GPNSW) agreed to the following approach:

- GPNSW to submit a Planning Proposal to rezone the land 'RE1 Public Recreation' and transfer the FSR from the park area to the remainder of the site;
- Following gazettal of the rezoning, GPNSW to submit a subdivision application to Council to create a separate parcel for the park;
- Council to purchase the park from GPNSW at an agreed value and embellish in accordance with revised milestones; and
- DPE will update the funding agreement to provide Council with flexibility in the \$6 million funding split between acquisition and embellishment costs.

GPNSW is currently preparing the Planning Proposal and it is intended to be presented to Council at the October meeting. DPE is currently collaborating with Council and revising the funding agreement.

RECOMMENDATION:

- (a) That the correspondence be received and noted.
- (b) That the General Manager's actions and progress on this matter be noted.

ITEM 5 (continued)

ATTACHMENT 3

ATTACHMENTS

- 1 Waterloo Road 45-61, Macquarie Park - Proposed Park - Department of Planning and Environment
- 2 45-61 Waterloo Road, Macquarie Park - Government Property NSW

Report Prepared By:

John Brown
Acting Manager - Urban Planning

Report Approved By:

Sam Cappelli
Acting Group Manager - Environment and Planning

ITEM 5 (continued)

ATTACHMENT 4



6 DRAFT RYDE AFFORDABLE HOUSING POLICY

Report prepared by: Economic Development Manager
File No.: GRP/09/6/2/5 - BP15/1462

REPORT SUMMARY

This report provides an outline of the draft City of Ryde Affordable Housing Policy 2016 – 2031. The Policy is key towards Council providing housing for key workers in Ryde LGA. The Policy provides a comprehensive framework for the advocacy, facilitation, provision, and management of key worker housing. Key workers earning very low to moderate incomes are increasingly unable to access housing that is affordable.

The Policy was initiated by the Ryde Housing Affordability Summit held in November 2014. The issues raised at the summit are summarised below:

1. Public perceptions of affordable housing and a lack of community understanding and education on the issue.
2. Insufficient housing stock and increasing land value.
3. Lack of housing options to meet diverse needs (e.g. low incomes and student housing).
4. Work with community housing providers, State Government and other local councils to deliver improvements, and uplift new developments for affordable housing.

Council endorsed the findings of the event and resolved on 12 May 2015 to prepare an Affordable Housing Policy. To assist with this process a Background Report (**ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER**) providing an analysis on demographic and housing issues was undertaken. The key findings and recommendations of the report were as follows:

- By 2031 there will be 10,700 key workers living in housing stress and in need of affordably priced housing with 70% being renters. The households are across the three key worker income bands:
 - 50% 'Very low' income households = 5,350 dwellings
 - 30% 'Low' income households = 3,210 dwellings
 - 20% 'Moderate' income households = 2,140 dwellings.
- That 90% of the likely future demand for affordable housing will not be met through the market, or through 'light' planning intervention. Given this market failure, intervention is necessary to address affordable housing issues in Ryde LGA.

ITEM 6 (continued)

- The market analysis indicates that developer incentives in the form of increased height in return for the provision of affordable housing are likely to be taken up. It is preferable that developers receive an incentive to offset any potential losses imposed for the inclusion of affordable housing. The basic principle is that developers would potentially be granted an incentive (e.g. increased height or rezoning) in return for a portion of the dwellings being designated affordable housing. Offering an incentive offsets any potential reductions in profit to the developer and produces a positive outcome in affordable housing stock.
- The specific affordable housing delivery models considered included Value Sharing Arrangements (similar to our existing Voluntary Planning Approval process), precinct-based density bonuses, and mandatory inclusion zoning.
- There is an opportunity to develop affordable housing projects on a number of Council-owned sites. Affordable rental apartments could potentially be constructed as a component of the overall mixed use development. This would serve as a 'demonstration project' to show the community that key worker housing can be successfully incorporated into residential developments.

Based on the findings of the Background Report, Council consulted with community housing providers, academics, community groups and other councils in the preparation of the draft City of Ryde Affordable Housing Policy 2016 – 2031 (the Policy) (**ATTACHMENT 2 – CIRCULATED UNDER SEPARATE COVER**). The draft Policy has been prepared with the following seven underlying principles:

1. Increase the amount of affordable housing available in the City of Ryde to households with very low, low and moderate incomes;
2. Protect the existing stock of low cost rental accommodation in the City of Ryde;
3. Encourage a diverse range of housing in the City of Ryde;
4. Collaborate with other local councils in the region;
5. Advocate the protection and facilitation of affordable housing to other levels of government and the community;
6. Support households in housing stress; and
7. Implement, evaluate and monitor the Affordable Housing Policy.

The draft Policy provides a framework for the advocacy and facilitation, provision and management of affordable housing in Ryde. The key components of the Policy include:

- Market analysis
- Demographic analysis
- Role of local government in the provision of affordable housing and planning context

ITEM 6 (continued)

- Affordable housing targets
- Criteria for key worker housing
- Management of key worker housing
- Vision, goals and objectives, providing the framework for advocacy, facilitation, provision and management of affordable housing
- Implementation Program providing a list of projects and actions. Such projects include amending the Ryde LEP to include affordable housing objectives to deliver key worker housing. It is also recommended that Council sign a Memorandum of Understanding (MOU) with a registered Community Housing Provider to manage the housing stock.

The recommendation of this report is to present the draft Policy to Council and obtain approval to place the draft Policy on public exhibition for a period of 28 days prior towards the end of 2015. A report will then be presented to Council in February 2016.

RECOMMENDATION:

- (a) That Council endorse the public exhibition of the draft City of Ryde Affordable Housing Policy 2016 – 2031.
- (b) That a further report detailing the outcomes of the public exhibition be presented to Council in early 2016.
- (c) That the General Manager be delegated to amend, edit and design the draft City of Ryde Affordable Housing Policy to improve readability prior to the draft Policy being placed on public exhibition.

ATTACHMENTS

- 1 Draft Affordable Housing Policy - Background Report - CIRCULATED UNDER SEPARATE COVER
- 2 Draft Affordable Housing Policy 2016 - 2031 - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Nathan Pratt
Economic Development Manager

Report Approved By:

Meryl Bishop
Acting Group Manager - Community Life

ITEM 6 (continued)

Discussion

Background

At its meeting held on 12 May 2015, Council resolved as follows:

- (a) *That Council endorse the findings of the Affordable Housing Summit held on 6 November 2014;*
- (b) *That Council endorse the preparation of a Ryde Affordable Housing Policy to guide and facilitate the delivery of affordable housing in the City of Ryde.*

Purpose of the Policy

The draft City of Ryde Affordable Housing Policy 2016 – 2031 (the Policy) **(ATTACHMENT 2 – CIRCULATED UNDER SEPARATE COVER)** is an important step in the process of Council providing housing for key workers in Ryde LGA. The Policy seeks to provide a comprehensive framework for the advocacy, facilitation, provision, and management of key worker housing in the City.

The Policy provides information on the current and future need for affordable housing. This was determined by analyzing the trends in the housing market, rates of housing stress, demographic profiling, income levels, local economic analysis, and considering the forecast population growth.

There are many different models for delivering key worker housing. For example some models suit high value/high growth markets, and other models suit low value/low growth. Furthermore, the recommended model needs to find the appropriate balance between creating additional key worker housing stock and not being a barrier or burden on development.

An audit of councils in Sydney revealed there are a number of different methods and mechanisms that have been adopted to deliver affordable housing. Examples include negotiating for affordable housing through the Voluntary Planning Agreement (VPA) process, creating an affordable housing fund through Section 94 contributions, mandatory inclusions also called 'inclusionary zoning' and other planning mechanisms. (This is covered in greater detail later in this report.)

The Policy provides details on suggested targets for key worker housing. Deciding on target numbers is challenging because of the need to forecast future development outcomes as well as the policy direction of the NSW Government. However, a target provides a goal for Council to work towards and the means by which the performance of the Policy can be assessed.

ITEM 6 (continued)

Finally, the delivery and management of key worker housing requires the participation of many stakeholders including government agencies, developers, community housing providers, and various community groups. The Policy provides some detail on the role of each stakeholder group.

Factors in Housing Affordability

There are many factors that affect the price of housing in Australia. These factors can be categorised into demand factors and supply factors. At a simple level, demand factors have been increasing rapidly and outstripped supply factors forcing up prices. A summary of these factors are outlined below:

Increases in demand factors pushing up housing prices:

- 68% of Australian's own property and there is a culture of valuing home ownership (rather than renting).
- Until very recently, Australia had experienced two decades of strong economic growth.
- There are tax incentives (e.g. negative gearing and capital gains tax) that support land ownership as an investment.
- Historically very low interest rates and increased lender competition.
- Sydney is one of the world's most livable cities which pushes up the prices.

Decreases in supply factors pushing up housing prices:

- Planning/zoning regulations that regulate development.
- Somewhat limited housing choice (e.g. town houses, terraces and units).
- Increasing construction costs, insufficient public infrastructure and public transport.
- Limited supply of developable land.
- 95% of property is privately owned with no regulated rental price controls.

As outlined above, the combination of increases in demand and decreases in supply creates conditions for house prices to increase over the last 10 to 15 years.

Types of Home Ownership

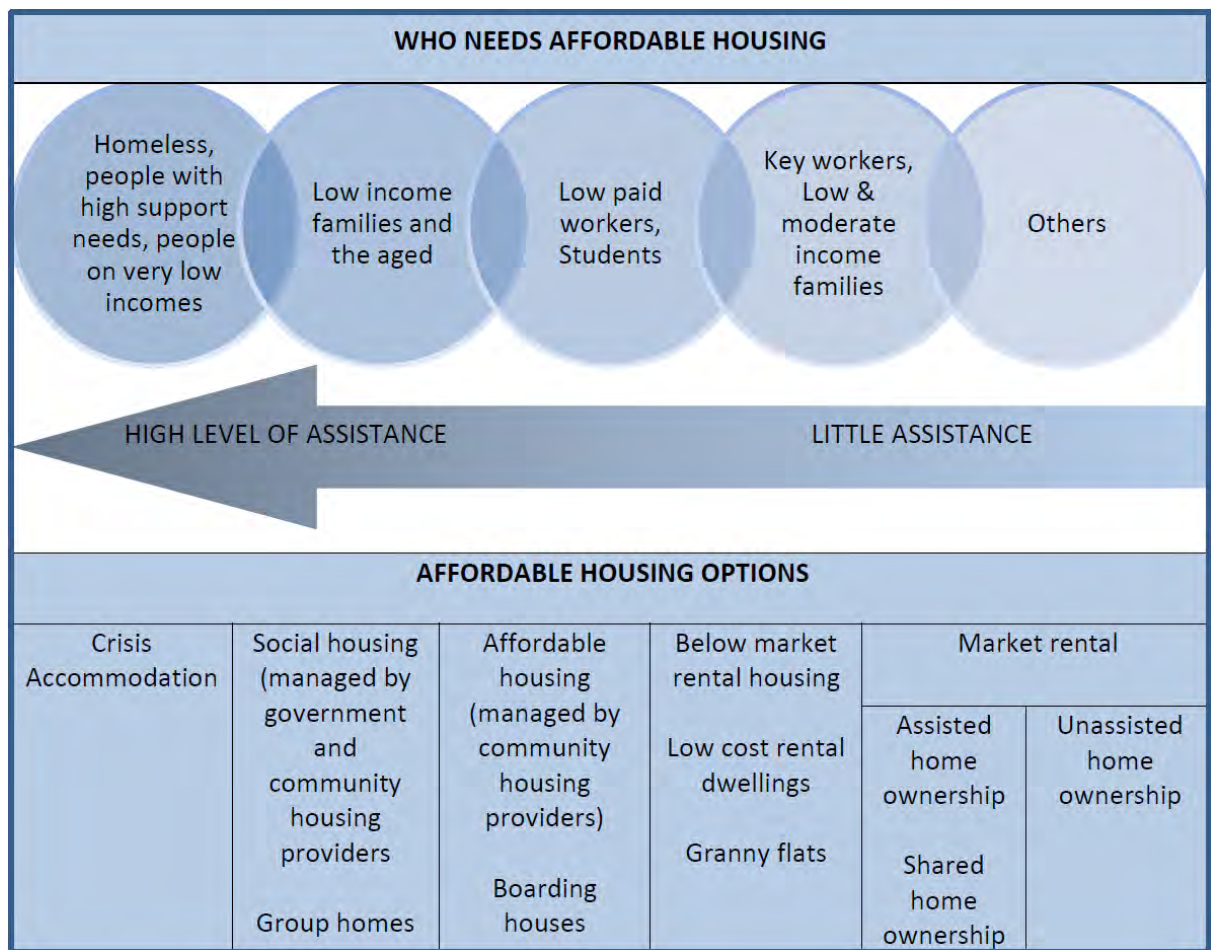
There are various types of housing for people in different situations. The common types of housing ownership can include:

- a) Crisis Housing – for emergency situations or homeless people
- b) Boarding Houses – low cost forms of shared rental accommodation typically for individuals
- c) General/Social/Public Housing – are terms given to government-owned housing designated for households on very low incomes or income support
- d) Affordable Housing – for very low to moderate income households

ITEM 6 (continued)

- e) Supported Private Rental – renters receive some additional support from government or non-government organisations.
- f) Supported Home Ownership – government contributes to home ownership
- g) Private Rental – the private housing rental market
- h) (Private) Home Ownership – the normal private home ownership

The figure below illustrates the spectrum and relationships between the different types of housing across the income levels and associated levels of government support.



Source: Affordable Housing Taskforce: Interim Report March 2012

ITEM 6 (continued)

Defining Key Terms

During the consultation process for the preparation of the draft Policy it became clear there are many misconceptions surrounding the topic of affordable housing with commonly used terms misunderstood. What is affordable housing? What is the difference between affordable and social housing? What are the criteria for a key worker? It is important these terms are defined within the Policy. A sample of the definitions taken from the Policy is outlined below.

Affordable Housing

Affordable housing is housing that is appropriate for the needs of a range of very low, low and moderate income households and priced so that these households are also able to meet other basic living costs such as food, clothing, transport, medical care and education. As a rule of thumb, housing is usually considered affordable if it costs less than 30 percent of gross household income.

In this context, affordable housing refers to housing that has been developed with some assistance from the NSW and/or Commonwealth Governments, including through planning incentives. It may include a range of housing types and sizes, including single or multi-bedroom units or houses, as well as studio apartments. It is only available in some locations and eligibility criteria apply. Although affordable housing is sometimes available for purchase, it is most commonly available for rent.

Affordable housing is most often owned by the government or not-for-profit organisations but can also include private investors. It is typically managed by a registered Community Housing Provider (CHP).

'Affordable housing' has a statutory definition under the *NSW Environmental Planning and Assessment Act 1979 (NSW)*, being housing for very low, low or moderate income households. The State Environmental Planning Policy (SEPP) 70 *Affordable Housing (Revised Schemes)* defines 'very low-income' households as those on less than 50% of median household income; 'low-income' households as those on 50-80% of median household income, and 'moderate-income' households as those on 80-120% of median household income for Sydney Statistical District.

Housing Stress

A household or an individual is said to be in "housing stress" when they are paying more than 30% of their gross household income on housing costs whether rental or mortgage payments. However, there is more concern for households in the bottom 40% of household incomes experiencing housing stress given their need to cover basic living costs (food, medical and transport) and their heightened risk of homelessness. Those paying more than 50% of gross income are regarded as being in 'severe housing stress'.

ITEM 6 (continued)Key Workers

Key workers are people within the local area who are paid 'very low', 'low' and 'moderate' income levels. When people use the term 'key workers' they are often referring to someone employed in essential frontline services such as (but not limited to) health care, education, child care, aged care, emergency services, community services. The term can also include some private sector jobs such as in retail, hospitality and cleaning. It is widely acknowledged that key workers are necessary for the normal functioning of a city and community.

With regard to planning legislation, there is no documented definition of the term "key workers" that has been recognised or adopted by the NSW Government. With respect to affordable housing and by implication key workers, the legal definitions are concerned with the level of income (i.e. very low, low and moderate) rather than tied to specific occupations (e.g. police officer) or industry sectors (e.g. education).

For the purpose of the Policy the term "key worker" or "key worker household" is used interchangeably to imply individuals and households on 'very low', 'low' and 'moderate' incomes living or working within Ryde Local Government Area (LGA).

Key Worker Housing or Affordable Housing?

As previously mentioned, there is no legally recognised definition provided by the NSW Government for the term 'key worker housing'. However, there does exist a State Environmental Planning Policy (SEPP) for Affordable Housing. This SEPP aims to provide housing for households earning very low to moderate incomes (otherwise known as 'key worker households'). It is for this reason the NSW Government and registered Community Housing Providers more commonly use the term 'affordable housing' rather than 'key worker housing'.

The main providers of explicit 'key worker housing' are Defence Housing Australia, teacher housing authorities and mining companies. This housing is restricted to their employees only.

The *draft City of Ryde Affordable Housing Policy 2016 – 2031* will use the terms 'key worker housing' and 'affordable housing' to mean essentially the same thing. The terms are used throughout the Policy interchangeably.

Advice received by Council from Community Housing Providers is that the key worker criteria should be based on income rather than occupation. If the criteria is too prescriptive, (e.g. only policeman, teachers and nurses), it can become difficult to find tenants and may exclude occupations that are in housing stress. There is also an argument that if this were the criteria the housing should be provided by the NSW Police Force, NSW Education Department or NSW Department of Health.

Discussion of the criteria for key worker housing in Ryde LGA is outlined later in this report.

ITEM 6 (continued)
‘Very low’, ‘Low’ and ‘Moderate’ Incomes

With regard to key worker housing/affordable housing, the Policy is interested in ‘very low’, ‘low’ and ‘moderate’ income households. Households on ‘very low income’ are those earning less than 50% of the Sydney median income (approximately \$80,000 p.a.), depending on where they live. They include workers in a range of lower paid occupations, particularly in areas such as retail or manufacturing, as well as people earning the minimum wage or who are on an aged or disability pension or other government benefit. Very low incomes are below \$779 per week or \$40,508 per year.

Households described as being on a ‘low income’ are those earning 50 – 80% of the Sydney median income. They include, for example, people working in such jobs as a child care worker, secretary or cleaner. Low incomes are between \$779 – \$1,250 per week or \$40,508 – \$64,792 per year.

Households described as being on a ‘moderate income’ are those earning between 80 – 120% of the Sydney median income. They may include people working in occupations such as teaching, policing or nursing, depending on what stage they are in of their career. Moderate incomes are between \$1,250 - \$1,870 or \$64,792 - \$97,240 per year.

(Source: NSW Centre for Affordable Housing)

The following table provides relevant benchmarks that are used in the draft Policy when referring to ‘affordable housing’. These are provided in 2014 dollars, and are consistent with relevant NSW legislation.

| | Very-low income household | Low-income household | Moderate-income household |
|---------------------------------------|--|--|---|
| Income Benchmark | <50% of Gross Median Household Income for Greater Sydney | 50-80% of Gross Median Household Income for Greater Sydney | 80-120% of Gross Median Household Income for Greater Sydney |
| Income Range (per week) | <\$779 per week | \$779-\$1,246 per week | \$1,246-\$1,870 per week |
| Income Range (per year) | <\$40,508 per year | \$40,508 – \$64,792 per year | \$64,792 - \$97,240 per year |
| Affordable Rental Benchmarks | <\$234 per week | \$235-\$374 per week | \$375-\$561 per week |
| Affordable Purchase Benchmarks | <\$225,000 | \$225,001-\$360,000 | \$360,001-\$540,000 |

Source: Adapted from JSA’s Background Report 2015, based on data from ABS

ITEM 6 (continued)**Difference between Affordable Housing and Social Housing**

Affordable housing is open to a broader range of household incomes than social housing, so households can earn higher levels of income and still be eligible. Social housing is usually reserved for households only on 'very low' incomes and income support. For example, an individual or family who is eligible for social housing may also be eligible for affordable housing. However, an individual or family who is eligible for affordable housing may not be eligible for social housing because they earn an income above the threshold.

Affordable housing is managed in a similar way to private rental property, but there are eligibility criteria and the managers are mostly not-for-profit Community Housing Providers. When there is a vacancy for an affordable housing property, this is usually advertised and people submit an application to the manager as they would if they were applying for a property in the private rental market. The applicants are assessed according to a criterion for key workers based on things such as income levels, asset testing, employment and residency status.

Impact on Community and Economy

People living in Sydney earning very low to moderate incomes are increasingly unable to access housing that is affordable. Demand for affordable housing far exceeds supply. Upwards pressure on rents and house prices leads to a decline in the number of available affordable properties. This situation has negative impacts on the community and economy. Some of the issues households on lower incomes face include:

- Living with unmanageable levels of debt, further exacerbating housing vulnerability.
- Working long hours to pay for housing.
- Travelling long distances to work or services.
- Living in overcrowded or substandard housing.
- Going without essentials such as adequate food, heating, medication or education.
- Missing out on other opportunities because housing costs are too high relative to income.

Housing that is unaffordable also negatively impacts the local economy. Some of the impacts include:

- It becomes increasingly difficult for businesses to find and retain employees in positions that are paying very low to moderate wages (e.g. customer service, cleaners, retail assistants etc).
- The narrowing of the workforce makes the local economy less competitive
- Significant amounts of capital are tied up in housing rather than other job-creating investments.

ITEM 6 (continued)**City of Ryde Affordable Housing Policy Stage 1: Background Report**

In April 2015, City of Ryde engaged Judith Stubbs and Associates to prepare the *City of Ryde Affordable Housing Policy Stage 1: Background Report* (the Report). The purpose of the Report was to examine the nature of housing affordability in Ryde LGA and make some recommendations on affordable housing policy options. The Report also made forecasts on the likely need for affordable housing in the future.

The Report found that by 2031 there will be 10,700 key workers living in housing stress and in need of affordably priced housing with 70% being renters. These 10,700 key worker households are across the three key worker income bands:

- a) 50% 'Very low' income household = 5,350 dwellings
- b) 30% 'Low' income household = 3,210 dwellings
- c) 20% 'Moderate' income households = 2,140 dwellings.

It should be noted that the figures above outline the forecast *need* for key worker housing, not the target for delivery. Numbers of that magnitude are well beyond the scope of what Council can realistically deliver.

The Report findings suggest that 90% of the likely future demand for affordable housing will not be met through the market, or through 'light' planning intervention. Given this market failure, intervention is recommended to address affordable housing issues in Ryde LGA.

The key findings and recommendations of the Background Report include:

1. *Developer incentives for key worker housing are likely to be taken up* – The current property market conditions suggest that incentives in the form of additional height and Floor Space Ratio (FSR) being conditional on the provision of affordable housing or an equivalent financial contribution are likely to be taken up by developers.
2. *Percentages of 10% total contribution of key worker housing are feasible* – Feasibility testing supports indicate contributions could range from approximately 10%-15% of total strata area (or equivalent cash contribution), depending on the specifics of the lot and the incentive offered;
3. *Models: Value Sharing Agreements, Density Bonuses and Mandatory Inclusions* – The specific affordable housing delivery models considered as part of the study included Value Sharing Arrangements (similar to our existing VPA process), precinct-based density bonuses, and mandatory inclusion zoning.

ITEM 6 (continued)

- 4 *Requiring the inclusion of smaller dwellings in major developments* – It was also suggested that Council should consider requiring a percentage of smaller sized dwellings in strata developments, in particular, in lower value areas to provide more lower-cost housing.

- 5 *Inclusion of key worker housing in developments on Council-owned land* – There is an opportunity to develop affordable housing projects on a number of Council-owned sites. Affordable rental apartments could potentially be constructed as a component of the overall mixed use development. The financial implications of the development and the inclusion of affordable housing would need to be modelled as part of the planning process.

Demographic Analysis

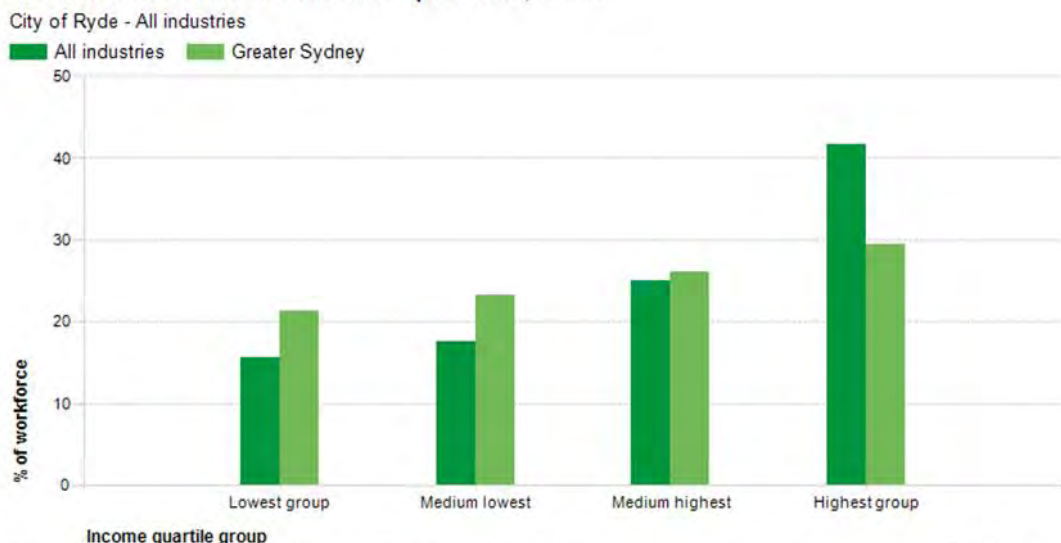
As noted previously, a ‘very low’ income is below \$780 per week. A ‘low’ income is \$780 - \$1,250 per week and a moderate income household earns \$1,250 - \$1,870 per week. Analysis of the key worker workforce and numbers of key worker households in Ryde LGA is outlined below.

Number of Key Worker Jobs in Ryde LGA

In 2011, there were a total of about 90,000 people working in Ryde LGA with approximately 44,000 of those jobs were paying incomes that would be classified as ‘key worker’ income levels:

- 12,000 jobs paying ‘very low’ incomes
- 16,000 jobs paying ‘low’ incomes
- 16,000 jobs paying ‘moderate’ incomes.

Workforce individual income quartiles, 2011



Source: Australian Bureau of Statistics, Census of Population and Housing, 2011
Compiled and presented in economy.id by .id, the population experts.

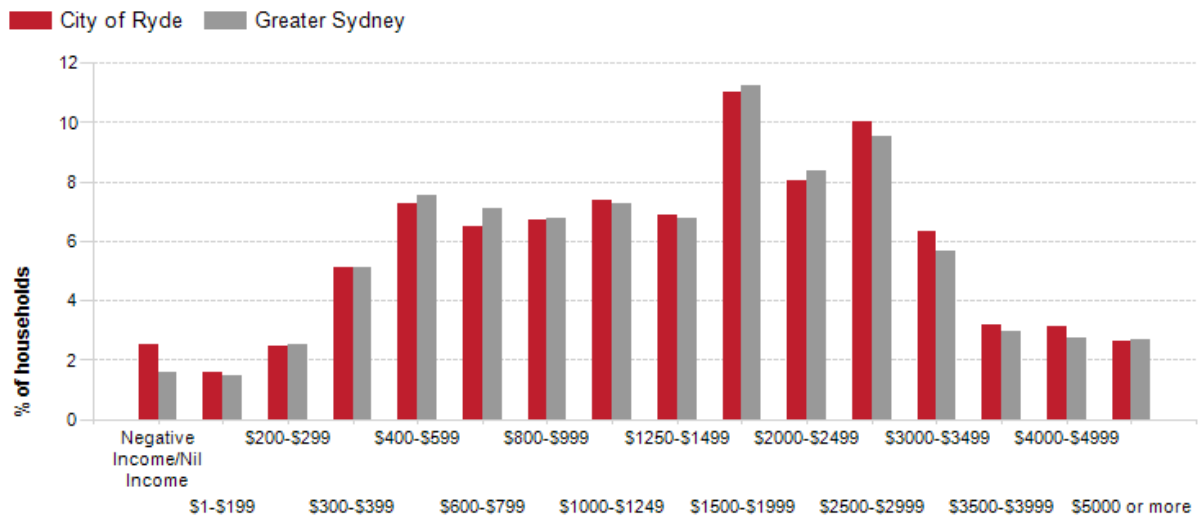


ITEM 6 (continued)

Distribution of Household Incomes in Ryde LGA

In 2011, the distribution of household income in Ryde LGA closely resembled that for Greater Sydney, with a slightly higher proportion of households earning higher incomes.

Weekly household income, 2011



Weekly income

Source: Australian Bureau of Statistics, Census of Population and Housing, 2011 (Enumerated data)
Compiled and presented in profile.id by .id, the population experts.



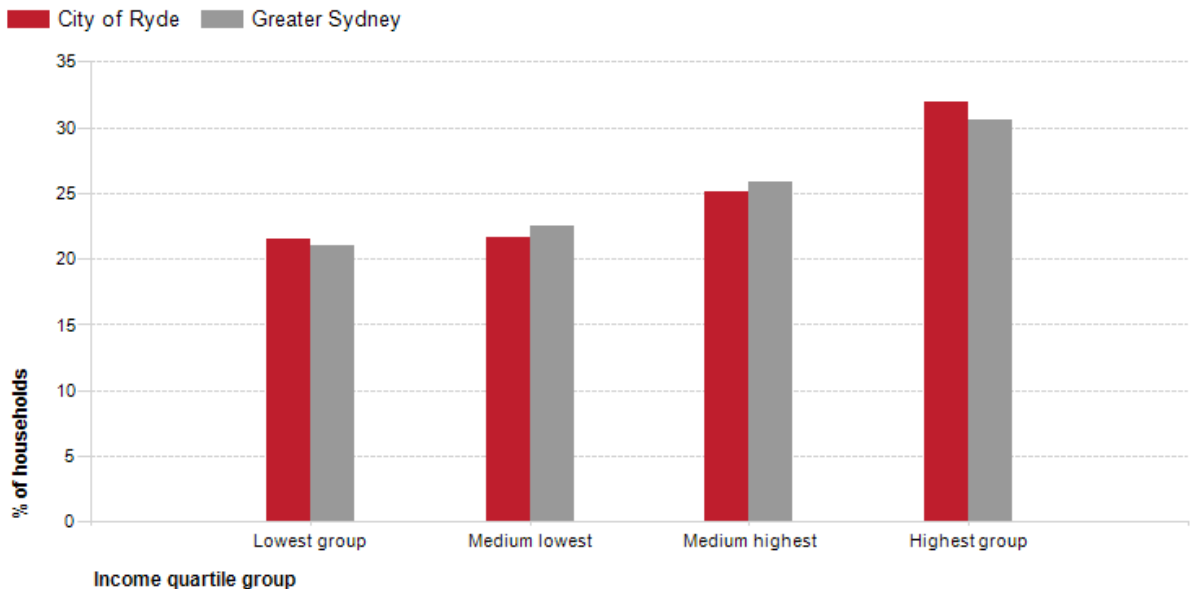
Number of Key Worker Households in Ryde LGA

In 2011, there were approximately 15,000 key worker households living in Ryde LGA, that is, they were earning very low, low and median income levels. The number of households in Ryde LGA across the three 'key worker' income brackets was evenly spread:

- 5,000 approx. households earning 'very low' incomes
- 5,000 approx. households earning 'low' incomes
- 5,000 approx. households earning 'moderate' incomes.

ITEM 6 (continued)

Household income quartiles, 2011



Source: Australian Bureau of Statistics, Census of Population and Housing, 2011 (Enumerated data)
Compiled and presented in profile.id by .id, the population experts.



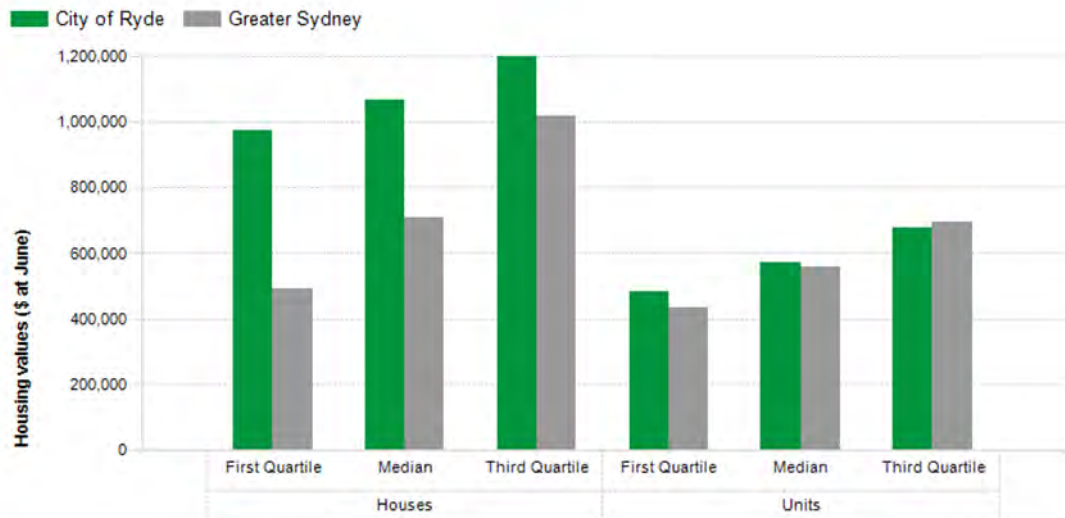
Housing Market Analysis

The house prices below have been recorded over the calendar year from 2010 to 2014 to allow for price fluctuations. In 2014 a house in Ryde LGA in the lowest quartile price was approximately \$1,000,000 which is almost double the lowest quartile average for Greater Sydney. The price of a unit in the lowest quartile price range, typically a one bedroom unit, is approximately \$500,000. This is slightly higher than the Greater Sydney average.

There were no affordable options for key worker households considering purchasing housing that is affordable in Ryde LGA (i.e. spending more than 30% of their incomes on housing).

ITEM 6 (continued)

Housing values, 2014



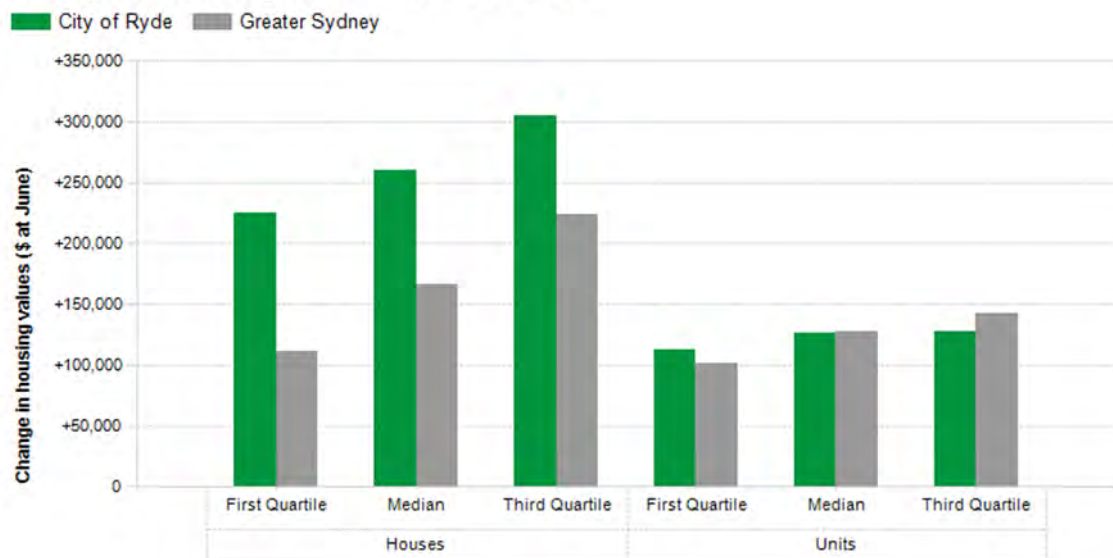
Source: Hometrack 2010-2014, Housing Valuation System



Changes in House Prices

As demonstrated by the graph below, there has been a significant rise in the prices of housing, particularly houses in the lowest price quartile, compared to the average for Greater Sydney over the period 2010 to 2014. This is particularly a concern for key workers given that these are the dwellings in their price range.

Change in housing values, 2010 to 2014



Source: Hometrack 2010-2014, Housing Valuation System

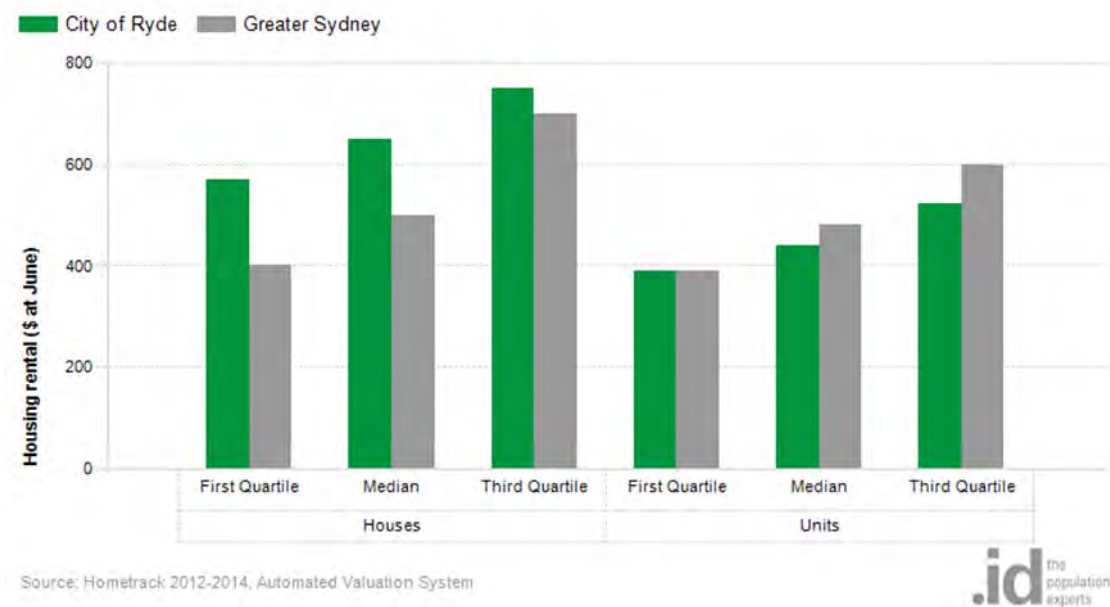


ITEM 6 (continued)

Cost of Renting for Key Workers

The lowest price for renting a house in Ryde LGA is approximately \$580. The lowest price for renting a unit (typically a one bedroom unit) is approximately \$400. This makes it unaffordable for most key workers (i.e. more than 30% of their gross salary spent on housing). Households earning incomes in the upper half of moderate incomes can afford a one bedroom unit but there is limited choice for two-bedroom units at \$400 per week.

Rental listings, 2014



Rates of Housing Stress

There is currently a high level of unmet demand for key worker housing based on high levels of housing stress among very low, low and moderate workers. This is also evident in the commuting and migration patterns of the community.

A household is said to be in 'housing stress' when a very low, low or moderate income household is paying more than 30% of its gross income on its housing costs, and 'severe housing stress' when such a household is paying more than 50% of its income on rental or mortgage repayments.

Housing Stress for Purchasing Households

In 2011, there were around 2,400 purchasing households in housing stress in Ryde LGA.

- 76% of 'very low' income purchasing households were in housing stress;
- 66% of 'low income' purchasing households were in housing stress; and
- 41% of 'moderate' income purchasing households were in housing stress.

ITEM 6 (continued)

Housing Stress for Renting Households

Ryde LGA has a similar rate of housing stress to NSW and Greater Sydney. In Ryde LGA, 39% of renting households were in housing stress in 2011 compared with 40% for NSW and 39% for Greater Sydney.

In 2011, there were around 5,050 renting households in housing stress in Ryde LGA. The breakdown across the key worker income bands is as follows:

- 68% of very low income renting households were in housing rental stress;
- 56% of low income renting households were in housing rental stress; and
- 16% of moderate income renting households were in housing rental stress.

Need for Affordable Housing

As part of the Background Report, analysis was conducted on the current and forecast need for affordable housing. The figures below provide an indication on the number of key worker households (i.e. households on very low to moderate incomes) in need of affordable housing:

- In 2011 there were 7,450 key worker households in Ryde LGA in need of affordable priced housing.
- By 2021 there are forecast to be 8,925 key worker households in Ryde LGA in need of affordable priced housing.
- By 2026 there are forecast to be 9,750 key worker households in Ryde LGA in need of affordable priced housing.
- By 2031 there are forecast to be 10,700 key worker households in Ryde LGA in need of affordable priced housing.

The above forecast need of 10,700 dwellings by 2031 can be further broken down into:

- 50% very low income or 5,350 dwellings
- 30% low income or 3,210 dwellings
- 20% moderate income households or 2,140 dwellings.

Role of Local Government

Council's role in affordable housing is one of an *enabler* and *facilitator*. The primary responsibility for the delivery of affordable housing lies with the NSW Government.

Council can play an important role in affordable housing in the following ways:

- Advocating for the protection of existing affordable housing and for progress on affordable housing initiatives;
- Monitoring the need for affordable housing and housing stress in the LGA; and
- Facilitating the delivery of affordable housing through the development and planning process.

ITEM 6 (continued)

The preparation and adoption of an affordable housing policy is a critical first step in Council showing leadership in this area.

Review of other Local Councils Affordable Housing Strategies

Local councils in Sydney have each adopted slightly different approaches in addressing affordable housing. There are however some common themes in most of the policies such as monitoring the need for affordable housing, protecting existing affordable housing, facilitating the delivery of new affordable housing, and partnering with other levels and government and not-for-profit providers.

The table below provides a brief synopsis of other local councils in Sydney affordable housing plans and policies.

| Council | A Brief Synopsis of the Affordable Housing Policy |
|---|---|
| City of Sydney Affordable Housing Rental Strategy 2009 - 2014 | <p>City of Sydney has a target that by 2030, 7.5% of all housing in the local area will be social housing provided by government and community providers and 7.5% will be affordable housing delivered by not-for-profit or other providers.</p> <p>Summary of actions:</p> <ul style="list-style-type: none"> • Council demonstration projects; • Delivering affordable housing through the planning system; and • Partnerships with other levels of government and not-for-profit organisations to deliver affordable housing. |
| Waverly Council Affordable Housing Program Policy 2007 | <p>Waverly Council has a long history of affordable housing projects. Much of their affordable housing strategies were in place prior to changes/updates in NSW planning laws. They have been granted special permission to continue under these previous planning control arrangements.</p> <p>Summary of actions:</p> <ul style="list-style-type: none"> • Delivering housing through a combination of planning mechanisms; • Offers developer incentives (e.g. height) • VPA negotiations for affordable housing triggered by the DCP (Part D2 Multi-Unit Housing and Waverly Affordable Housing Program Policy 2007) |
| Parramatta City Council Affordable Housing Policy 2009 | <p>Parramatta adopted an Affordable Housing Policy in 2006 with a target of providing 6,018 affordable housing dwellings. This represents 8% of their housing stock by 2025.</p> <p>Summary of actions:</p> <ul style="list-style-type: none"> • Creation of an 'affordable housing bank'; |

ITEM 6 (continued)

| Council | A Brief Synopsis of the Affordable Housing Policy |
|---|---|
| | <ul style="list-style-type: none"> • Funds for affordable housing collected through VPA process; • Using an affordable housing calculator in development negotiations; • Advocating for affordable housing in urban renewal developments; and • Conducting an audit of council lands to determine appropriate locations for affordable housing projects. |
| North Sydney Council Affordable Housing Strategy 2008 | North Sydney Council adopted an Affordable Housing Strategy in 2008. The overarching aim of the Strategy is "to maintain and increase the amount of affordable rental stock in North Sydney LGA and ensure the long-term sustainability of Council's involvement in affordable housing". Summary of actions: <ul style="list-style-type: none"> • Creation of an 'Affordable Housing Fund'; • Money collected for affordable housing through Section 94 Contributions Plan; • This money is used for the construction and management of affordable housing stock managed by a not-for-profit community housing provider; and • The fund has contributed approximately \$1.95 Million towards the delivery of affordable housing. |
| Randwick Council Affordable Housing Strategy 2007 | Randwick's Affordable Housing Strategy 2007 aims to protect the existing levels of lower cost accommodation and create new affordable housing. Summary of actions: <ul style="list-style-type: none"> • Protecting existing affordable housing such as boarding houses and lower cost units; • In circumstances where the lower cost housing is redeveloped, Council seeks to recoup a financial contribution from the developer to mitigate this loss. This money is re-invested towards affordable housing initiatives; • Amending the LEP objectives and provisions to encourage new affordable housing; and • Continuing to monitoring housing affordability in Leichardt. |
| Willoughby Council LEP 2012 | Willoughby Council has successfully incorporated affordable housing objectives into their Local Environmental Plan (LEP). Summary of LEP Affordable housing measures: <ul style="list-style-type: none"> • Under the Willoughby LEP Clause 6.8 (Affordable Housing) it identifies a number of sites where affordable housing is required to be provided when the site is redeveloped. • There have been a number of dwellings and cash contributions provided since the inception of the program. |

ITEM 6 (continued)

| Council | A Brief Synopsis of the Affordable Housing Policy |
|---|--|
| | <ul style="list-style-type: none"> The affordable housing units are rented to people on low to moderate incomes at rents that do not exceed 30% of their income and are managed by a local community housing provider (in this case Link Housing). |
| Leichhardt Council Affordable Housing Strategy 2011 | <p>The Leichhardt Affordable Housing Strategy 2011 incorporates affordable housing provisions and objectives into their LEP. The intention is to provide a surer basis for using the development assessment process for promoting, providing and/or protecting affordable housing within the area.</p> <p>Summary of actions:</p> <ul style="list-style-type: none"> Objectives and provisions within the new LEP to provide a clear policy signal to developers and the public for Council to facilitate affordable housing for the area. Zoning to promote housing choice and encourage the inclusion of a range of affordable and adaptable housing in term of size, style and density (e.g. boarding houses and shop - top housing). |
| City of Canada Bay Council Affordable Housing Policy 2007 | <p>City of Canada Bay Council Affordable Housing Policy was first adopted in 2007 and revised in 2009 and 2012.</p> <p>Summary of actions:</p> <ul style="list-style-type: none"> Monitor and advocate for the needs of affordable housing. Council to identify strategic sites close to public transport hubs and/or employment areas as potential affordable rental housing sites. There policy stipulates eligibility criteria regarding who can access the housing. |

Options for Affordable Housing Delivery Models

There are many different variations of models to deliver affordable housing. Essentially the models typically involve requiring developers to contribute some affordable housing as part of the development (or cash equivalent). The approaches that should be explored for Ryde are outlined below.

Value-Sharing Agreements Model

Value Sharing Agreement (VSAs) are negotiated between Council and developer - based on the uplift the development has been granted through an increase in their FSR and height. Council has this system in place as part of the VPA process undertaken in accordance with Section 93F (Planning Agreements) of the *Environmental Planning and Assessment Act 1979*.

ITEM 6 (continued)

A key issue with this model is that the process is voluntary and therefore the delivery/provision of affordable housing is inconsistent and difficult to plan. Over the past five years (2011 to 2015) Council has received a total stock of six affordable units through this process. Over the same period there has been an estimated 3,340 new dwellings or 668 dwellings per year in Ryde LGA.

As a proportion of the total new dwelling created over the period, affordable housing makes up on 0.18%. (i.e. six affordable housing units/ 3,340 total dwellings X 100).

In the negotiation process to deliver the affordable housing there is a need for transparency and consistency in the approach. To assist, it is considered that our existing VPA process could potentially be assisted by the preparation of an affordable housing calculator to determine what a reasonable contribution of key worker housing might be in any given development.

Council should note in the VPA process, there are other desirable projects and outcomes such as green space, public domain improvements, affordable housing, and community facilities all competing for limited VPA monies.

Precinct-Based Density Bonus Model

Under this model, precincts in the City would be identified in the City where there is potential for future redevelopment. As part of the redevelopment process there would be an opportunity for delivering affordable housing where a density bonus (e.g. 30% extra height) can be granted in return for a percentage (e.g. 50%) of that additional floor space being dedicated key worker housing. Preliminary feasibility testing completed as part of the Background Report indicates that these incentives would likely be taken up by developers.

The density bonus model could potentially deliver up to 15% of the total stock as key worker housing. The advantage of this model is there is more guidance as to where the affordable housing is located. For example the affordable housing can be planned for particular centres close to public transport.

This model would require identification/understanding of the variations to the planning controls within the precinct, to ensure the amenity of the precinct and areas adjoining are maintained. The financial viability of the model would also require assessment to ensure the incentive given and the quantum of affordable housing dwellings was workable.

ITEM 6 (continued)***Mandatory Inclusions Model***

Under the mandatory inclusions model, a percentage of residential developments over a certain size (e.g. 20 units) must be designated key worker housing. This model could be applied as follows:

- Mandatory inclusion (development) – a percentage (e.g. 2%) of dwellings in all new residential/mixed use developments with more than a certain number of dwellings (e.g. 20 unit) are allocated/dedicated as key worker housing.
- Mandatory inclusions (rezoning) – where land is rezoned to permit residential development (e.g. IN2 to R4) a percentage (e.g. 4%) of the residential units are allocated/dedicated as key worker housing.

The mandatory inclusions model is the most effective means of delivering affordable housing over the long term. Other advantages are that it provides certainty for developers as they know the key worker housing requirements up front. There is also increased transparency for the community.

Mandatory inclusions are permissible under the *Environmental Protection and Assessment Act 1979*. There are currently other councils in our region that have mandatory inclusionary zoning in place such as Willoughby, City of Sydney and Leichhardt. A figure of 4% for mandatory inclusion of affordable housing is currently in place at Willoughby and at City of Sydney. In both instances is producing modest but positive results for key worker housing.

In developing the mechanism, analysis would occur to determine:

- Percentage;
- The size of the development that triggers the requirement of the units as key working housing; and
- Whether the housing is dedicated to Council or allocated to affordable housing for a set period (e.g. 10 years). This work would occur as part of the developing the planning proposal to amend the LEP.

Affordable Housing Target

Development outcomes are subject to a range of factors beyond Council's control or knowledge. Some of these include economic shocks, fluctuations in interest rates, development cycles, and the planning decisions of the NSW Government. It is also acknowledged that the NSW Government has the primary responsibility for delivering new affordable housing stock rather than Council.

The suggested affordable housing target for the City is that by 2031 5% of all new housing will be key worker housing. Based on 12,000 new dwellings from 2015 – 2031 in Ryde LGA (Source: ID Population Forecast). If 5% of that is to be key worker housing, that equates to 600 additional affordable housing dwellings would be delivered by 2031.

ITEM 6 (continued)

It is understood the NSW Department of Environment and Planning anticipates the housing growth for Ryde LGA will be even higher at 20,000 additional dwellings by 2031. If this increase was realised the affordable housing target of 5% would equate to 1,000 dwellings by 2031.

Current Levels of Affordable Housing:

- In 2011 4.7% (1,840 units) of the total housing in Ryde LGA was social housing. The average for Sydney is 5.0%. (Source: ABS)
- In 2014 there were a total of 7 affordable housing units in Ryde LGA. (Source: FACS NSW)
- From 2011 – 2015 there has been 1.2 affordable housing dwellings delivered via the planning process has produced per year – 6 in total.

Affordable Housing Target by 2031:

- 5% affordable housing X 12,000 new dwellings = 600 dwellings
- 400 by NSW Government + 200 by Council = 600 dwellings
- This would require Council to deliver 13 affordable housing dwellings per year through the planning and development process.

It is acknowledged that 600 key worker housing units by 2031 will fall well short of the forecast need. As previously stated, by 2031 there will be a need of 10,700 affordably priced dwellings for key workers. It is considered that a figure of this magnitude is beyond scope of what Council can deliver.

Based on feasibility testing conducted internally by Council staff, by 2031 Council can potentially deliver a target of 200 key worker units under the assumption that the Ryde LEP is amended to include planning controls such as mandatory inclusions and the value sharing arrangements. The other suggested models of Precinct-Based Density Bonuses can be delivered in tandem with the other approaches.

To reach a target of 600 additional key worker dwellings by 2031, the NSW Government will need to deliver 400 dwellings. That represents a 2:1 ratio, that is, for every two units delivered by the NSW Government, Council will need to deliver one through the planning process.

These figures will be used as a basis to advocate the NSW Government and NSW Department of Housing for affordable housing initiatives such as urban renewal projects, the adoption of affordable housing targets, or increased funding for affordable housing. According to the draft Policy the NSW Government is responsible for delivering 27 new affordable housing dwellings per year over the period 2016 – 2031.

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The recent announcement by the NSW Government regarding the Ivanhoe Estate redevelopment would seem to indicate a renewed interest for social and affordable housing. Under the current proposal there would be an additional 297 social housing dwellings (on to existing numbers) and additional 128 affordable housing dwellings. This is further evidence that the suggested target for the NSW Government of 27 affordable housing dwellings delivered per year is feasible.

It is recommended that the affordable housing delivery targets be reviewed after 2 – 3 years to determine if they are on track and likely to be achieved. Consideration should also be given to any amendments that were made to the Ryde LEP, such as the incentives and the required affordable housing inclusion percentages. Consideration should be given as to whether affordable housing incentives are being taken up by developers and whether the required affordable housing percentages are delivering a satisfactory number of additional dwellings.

Selection Criteria for Key Workers

The criteria for who is eligible for affordable housing is something that will need to be prepared as part of a MOU between Council and the chosen Community Housing Provider. It usually depends on the level of household income which is set by the NSW and Commonwealth Governments.

The common factors considered as a part of selection criteria include:

- Permanently employed.
- Australian citizen or permanent resident.
- Whether the household would be able to secure suitable or adequate housing in the private rental market.
- Whether the household owns any assets (e.g. a property) which they could be reasonably expected to use to solve their housing need.
- Whether the job is located within the LGA in essential roles such as nurses, cleaners, bus drivers, childcare workers, early childhood, primary or secondary, or police and emergency services etc.
- Already living in the City.
- Earning very low, low or moderate incomes.

The specific detail of the selection criteria for accessing affordable housing would be discussed as part of entering into a MOU between Council and a registered Community Housing Provider.

Management of Affordable Housing

It is the role of Council to facilitate the delivery of key worker housing, not to manage its tenants. Managing the day-to-day functioning of affordable housing is a role for a registered Community Housing Providers.

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Therefore, once the new key worker housing stock has been created and allocated/dedicated to Council, it should then be transferred to the Community Housing Provider to manage and maintain the asset.

A proportion of the rental payments would go to the Community Housing Provider for their tenant administration services, to maintain the asset and potentially to acquire new affordable housing stock. The specifics of this arrangement would be outlined in a MOU between Council and the Community Housing Provider.

The Community Housing Provider working in the Ryde LGA is Link Housing. However it is anticipated that Council would call for expressions of interest through standard council procurement process regarding selecting the appropriate Community Housing Provider.

Consultation process to prepare the draft Policy

To start the consultation process, Council hosted the Ryde Housing Affordability Summit in 2014 with approximately 100 people in attendance. This was followed by contacting a wide range of stakeholders including:

- Community groups
- Academics and consultants
- Workshops with Council staff
- Other Sydney councils with affordable housing policies
- Community Housing Providers
- Councillor workshop held 1 September 2015.

Some of the key findings of the consultation were:

- Housing affordability is a very important issue to the local community;
- There are many misconceptions surround the topic of affordable housing;
- Housing has become unaffordable for key workers in Ryde LGA;
- Stakeholders want Council to work in partnership with other levels of government and not-for-profit organisations to deliver and manage affordable housing;
- There are a number of different policy tools at council's disposal to deliver affordable housing;
- Each council is addressing affordable housing slightly differently; and
- It appears as though the NSW Government is gradually becoming more proactive in the area of affordable housing policy.

The points raised during the Councillor workshop included matters such as:

- Importance of appropriate eligibility criteria for key workers to access the housing.
- Existing VPA process is not delivering the desired numbers of affordable housing dwellings.

ITEM 6 (continued)

- The need to review the mechanisms proposed to ensure they are delivering the desired affordable housing results.
- Addressing stereotypes in the community about affordable and social housing.
- The mechanisms and processes to ensure a cost neutral exercise for Council.
- The need to very clearly define the terms in the policy, e.g. what is affordable housing?
- The need to improve on the current levels of affordable housing delivery.
- Will the affordable housing policy effectively mean rate payers are subsidising key workers?
- Should key workers be tied to specific occupations or income levels?
- The desire to deliver affordable housing rather than social housing.
- NSW Government should be responsible for delivering social housing rather than Council.
- Further consideration of the management matters of the housing and tenants e.g. if salaries improve, will that mean key workers will be required to vacate their dwelling?

Council staff have attempted to address these questions and provide further clarification on critical issues. For example in the draft Policy an extended 'glossary' has been provided to provide clarity of key terms, and suggested criteria for key workers to access the affordable housing.

Draft Affordable Housing Policy – Summary

The purpose of the City of Ryde draft Affordable Housing Policy 2031 (the Policy) is to provide a comprehensive framework for the advocacy, facilitation, provision, and management of affordable housing in Ryde LGA.

A summary of the key headings and elements are outlined as follows:

Housing Need

There is a need for 10,700 affordable housing dwellings by 2031 across the three key worker income bands (very low, low and moderate).

Market Failure

90% of the need for affordable housing cannot be achieved by the market.

Role of Local Government

The role of local government in the delivery of affordable housing is primarily to be an *enabler and facilitator*.

ITEM 6 (continued)Guiding Principles of the draft Policy

1. Increase the amount of affordable housing available in the City of Ryde to households with very low, low and moderate incomes.
2. Protect the existing stock of low cost rental accommodation in the City of Ryde.
3. Encourage a diverse range of housing in the City of Ryde.
4. Collaborate with other local councils in the region.
5. Advocate the protection and facilitation of affordable housing to other levels of government and the community.
6. Support households in housing stress.
7. Implement, evaluate and monitor the Affordable Housing Policy.

Strategic Planning Context

The *Environmental Planning and Assessment Act 1979* provides a planning framework for affordable housing to be delivered in the City of Ryde.

Affordable Housing Targets

The target suggested is that by 2031, there will be an additional 600 affordable housing dwellings in Ryde LGA. The 600 affordable housing dwellings will be delivered in a 2:1 ration of NSW Government to Council. That is, 400 will be delivered by the NSW Government, and 200 will be delivered by Council.

Criteria for Key Workers

The criteria for eligibility for the key worker housing is suggested as:

- Permanently employed.
- Australian citizen or permanent resident.
- Whether the household would be able to secure suitable or adequate housing in the private rental market.
- Lives in the City of Ryde (not a mandatory criteria).
- Whether the household owns any assets (e.g. a property) which they could be reasonably expected to use to solve their housing need.
- Whether the job is located within the LGA in essential roles such as nurses, cleaners, bus drivers, childcare workers, early childhood, primary or secondary, or police and emergency services etc.
- Earning very low (i.e. <40,508 p.a.), low (i.e. \$40,508 – \$64,792 p.a.) or moderate incomes (i.e. \$64,792 - \$97,240 p.a.)

Management of Key Worker Housing

It is suggested that the affordable housing achieved via the Policy is managed by a registered Community Housing Provider. Several Community Housing Providers are active or at least interested in Ryde LGA. The Community Housing Provider would receive a proportion of the rental payments to cover administration costs as well as maintenance of affordable housing stocks.

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Housing would be provided across the three key worker income categories with rents set at the following rates:

Very Low Incomes – would need to pay no more than \$235 rent per week for their housing to be affordable.

Low Incomes – would need to pay between \$235 and \$375 rent per week for their housing to be affordable.

Moderate Incomes – would need to pay between \$375 and \$560 rent per week for their housing to be affordable.

Vision, Goals and Objectives

This section of the Policy provides the framework and direction that Council will apply to address the housing need in the City. The section contains the vision, goals, objectives and implementation plan. An overview of the elements are outlined below:

Vision

By 2031, the City of Ryde is a leading council in Sydney in the provision of affordable housing. An increasing number of key workers in our local economy can afford to live locally too.

Goals

1. 5.0% of all new dwellings in Ryde LGA will be affordable housing for key worker households on very low to moderate incomes.
2. A framework to deliver affordable housing outcomes that is clear and transparent.
3. City of Ryde works in partnership with the NSW Government, Community Housing Providers and other relevant stakeholders to achieve affordable housing outcomes.

Objectives by 2031

1. NSW State Government will deliver 400 new affordable housing dwellings through developments on government-owned land and the development approval process.
2. Council will have facilitated the delivery of an additional 200 affordable housing dwellings through the development process.
3. An internal review will be conducted of Council's planning and development assessment processes to ensure there are no unnecessary barriers to housing supply, housing diversity or affordable housing.
4. There will be amendments to Ryde LGA's planning controls to include affordable housing objectives and submitted to the NSW Department of Planning and Environment for approval.
5. The Affordable Housing Policy will be adopted, implemented, monitored, evaluated and amended (if necessary) by Council.

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6. Council is in regular communication with government agencies, Community Housing Providers, community groups and other local councils to progress the issue of affordable housing.
7. A Memorandum of Understanding will be signed between Council and a registered Community Housing Provider to assist in managing, partnering and advocating for affordable housing in Ryde LGA.

Program and Projects

The Policy is supported by a number of programs and projects. The list is outlined below:

State Government Affordable Housing Stock Program:

1. Advocate for the inclusion of affordable housing in urban renewal sites on government-owned land.
2. Advocate the NSW Government for progress on affordable housing initiatives and targets.

Council-Facilitated Affordable Housing Stock Program:

3. Develop an affordable housing calculator to assist in 'value sharing' negotiations with developers.
4. Council staff to receive training and professional development to improve capacity to address affordable housing issues.
5. Council to undertake a 'Demonstration Project' with a designated percentage (e.g. 5 - 10%) affordable housing.
6. Apply for any relevant government grants for affordable housing.
7. Create and manage an Affordable Housing Fund that collects mandatory and voluntary financial contributions used for the creation/purchasing of affordable housing stock.

Planning Controls Review Program:

8. Conduct a review of planning controls to assess if there are any 'barriers' to the creation of affordable housing.
9. Undertake a local housing study as part of the LEP planning process.
10. Continue to assess the appropriate mix of housing choice available in Ryde LGA.
11. Monitor housing needs associated with changing household sizes (e.g. increases in lone person households).

Affordable Housing Planning Incentives Program:

12. Include affordable housing aims, objectives and provisions in land use planning controls.
13. Make use of an affordable housing calculator to provide transparency in negotiations as part of the development process.
14. Explore mandatory inclusions (e.g. 4%) as part of the planning proposal/rezoning process.

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15. Explore mandatory inclusions (e.g. 2%) on all residential developments of over a certain number (e.g. 20 units).
16. Determine the feasibility of a precinct-based Density Bonus Scheme whereby uplift (e.g. 30%) is granted under the condition a percentage (e.g. 40%) of that uplift is designated affordable housing.
17. Explore requiring a Social Impact Statement on developments that have a negative impact on affordable housing or lower cost accommodation.
18. Explore use of incentive-based variations to controls to offset the impact of mandatory provisions or to 'value share' the benefit in uplift.
19. Identify a reasonable contribution in cash to the equivalent value of providing affordable housing.

Affordable Housing Policy Review Program:

20. Clearly define 'affordable housing' in planning controls.
21. Establish an Affordable Housing Working Group to champion the Affordable Housing Policy and adopt an 'all-of-Council' approach.
22. Maintain statistical data on the incidence of local housing stress.
23. Undertake regular reviews of the Affordable Housing Policy and determine whether amendments are necessary.
24. Monitor the needs of businesses and organisations in attracting staff on very low to moderate incomes.

Affordable Housing Communication Program:

25. Hold forums with government agencies, community housing providers, other local councils and community groups to discuss affordable housing.
26. Conduct granny flat workshops and information nights for the local community.
27. Include affordable housing updates in regular council and community communication.
28. Support the work of not-for-profit and government agencies that support vulnerable people groups.

Affordable Housing Partnership Program:

29. Sign a MoU with a registered Community Housing Provider to manage affordable housing stock accrued through the development process.
30. Establish an eligibility criterion for key workers to access affordable housing.
31. Explore the allocation of affordable housing stock to address specific housing need requirements, e.g. persons escaping situations of domestic violence.

ITEM 6 (continued)Implementation of the Action Plan

Council is to note that once the Policy is adopted, Council staff will commence work on many of the actions outlined above. A priority will be undertaking the analysis and modelling on the planning mechanisms to deliver affordable housing. Such modelling will determine the type/size of development that will trigger the affordable housing requirement and amount (%) of housing to be dedicated/allocated as affordable housing. Once this modelling work is completed the information will be incorporated in Council's planning documents (LEP/DCP) via a planning proposal.

To ensure Council understands the issues associated with managing Council's affordable housing stock, including tenant selection and management, rental arrangement and maintenance, an information session/workshop will be held with a community housing provider. This workshop would occur early in 2016.

A copy of the draft City of Ryde Affordable Housing Policy is **CIRCULATED UNDER SEPARATE COVER**.

Prior to the draft Policy being placed on exhibition the document will be edited and designed to enhance readability and impact.

While the intent of the Policy will remain the same, the content, structure and approach may vary from the draft Policy attached to this report.

Next Steps – Exhibition of the Draft Affordable Housing Policy

This report recommends that the City of Ryde Affordable Housing Policy be placed on public exhibition for 28 days prior to Christmas 2015 and the outcomes of the exhibition reported to Council in February 2016.

The draft Policy will be exhibited via the following channels:

- Council website
- Council libraries
- Ryde Planning and Business Centre
- Customer Service
- Notification in the Northern District Times (Mayoral Column)
- Council's e-Newsletter

The following stakeholders will also be contacted:

- Christian Community Aid
- Economic Development Advisory Committee
- Evolve Housing
- FACS Housing Service (West Ryde Office)
- Ivanhoe Estate Residents
- Local council's in the region (e.g. Hunters Hill and Lane Cove)

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- LINK Housing
- Macquarie Park Forum
- NSW Department of Environment and Planning
- Ryde Business Forum
- Ryde Salvation Army

Financial Implications

Adoption of the recommendation will have no financial impact.

Conclusion

This report provides a summary of the draft City of Ryde Affordable Housing Policy 2016 – 2031.

The Policy has been prepared after holding the Ryde Housing Affordability Summit in November 2014. Judith Stubbs and Associates were then engaged to prepare a Background Report to guide and support the preparation of the Policy.

The Policy is a critical step towards Council providing housing for key workers in Ryde LGA. The Policy seeks to provide a comprehensive framework for the advocacy, facilitation, provision, and management of key worker housing in Ryde LGA.

This report recommends the draft Policy be presented to Council and seek approval to place it on public exhibition for a period of 28 days before the end of 2015. A report will then be presented to Council in February 2016.