

Meeting Date: Tuesday 17 February 2015
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.00pm

NOTICE OF BUSINESS

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1 CONFIRMATION OF MINUTES - Meeting held on 3 February 2015

Report prepared by: Governance, Risk and Audit Coordinator
File No.: CLM/15/1/3/2 - BP15/87

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 1/15, held on 3 February 2015, be confirmed.

ATTACHMENTS

1 Minutes - Planning and Environment Committee - 3 February 2015

ITEM 1 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 1/15**

Meeting Date: Tuesday 3 February 2015

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

Time: 5.00pm

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

Apologies: Nil.

Absent: Councillor Salvestro-Martin.

Staff Present: Acting Group Manager – Environment and Planning, Service Unit Manager – Assessment, Service Unit Manager – Urban Planning, Acting Service Unit Manager – Open Space, Team Leader – Assessment, Assessment Officer – Town Planner, Planning Consultant (Creative Planning Solutions), Business Support Coordinator – Environment and Planning, Section Manager - Governance and Governance, Risk and Audit Coordinator.

DISCLOSURES OF INTEREST

The Mayor, Councillor Pickering disclosed a Less than Significant Non-Pecuniary Interest in Item 2, for the reason that he is familiar with the applicant, having met him on three occasions.

Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in Item 2, for the reason that he is familiar with the applicant and his family.

1 CONFIRMATION OF MINUTES - Meeting held on 2 December 2014

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

That the Minutes of the Planning and Environment Committee 13/14, held on 2 December 2014, 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.

ITEM 1 (continued)

ATTACHMENT 1

2 21 WINBOURNE STREET, WEST RYDE. LOT 4 DP 39266. Local Development Application for alterations and additions and change of use of existing dwelling to a childcare centre for 39 children. LDA2013/0420.

Note: The Mayor, Councillor Pickering disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is familiar with the applicant, having met him on three occasions.

Note: Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is familiar with the applicant and his family.

Note: Phillip Bongers and Marlicia Travis (objectors on behalf of Marsden High School P&C Association), Wayne Gorman (objector on behalf of Ermington Public School P&C) and Nigel White (planner on behalf of the applicant) addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Laxale and Simon)

- (a) That Local Development Application No. 2013/420 at 21 Winbourne Street, West Ryde, being LOT 4 DP 39266 be refused for the following reasons;
1. The proposal will exacerbate existing traffic congestion along Winbourne Street in morning and afternoon peak periods.
 2. A high volume of children traverse Winbourne Street during weekday morning and afternoon peak periods. The number of vehicles that will be associated with the development is not appropriate for the locality and will put the safety of children at risk.
 3. The amenity of surrounding residential properties will be detrimentally impeded as exiting and entering their driveways will be added with further difficulty.
 4. The proposal is unacceptable when assessed in terms of Ryde DCP 2010 (Part 3.2 - Child Care Centres):
 - Clause 6.2.1 Size/functionality of play spaces (unencumbered outdoor play space).
 5. The proposal is unacceptable in terms of streetscape impacts as it involves removal of existing/possible landscaped areas within the front setback area of the existing dwelling and replaces these with hard-surface area associated with the car parking spaces and driveways.
 6. In the circumstances of the case, approval of the development is not in the public interest.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That the applicant be invited to work with Council staff to identify more suitable locations for the provision of Child Care services in the Ryde LDA.
- (c) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors Laxale and Simon

Against the Motion: Councillors Chung and Yedelian OAM

RESOLUTION: (Moved by Councillors Simon and Laxale)

That this matter be Recommended.

Record of Voting:

For the Motion: Unanimous

Note: This matter was then Recommended.

RECOMMENDATION: (Moved by Councillors Laxale and Simon)

- (a) That Local Development Application No. 2013/420 at 21 Winbourne Street, West Ryde, being LOT 4 DP 39266 be refused for the following reasons;
 - 1. The proposal will exacerbate existing traffic congestion along Winbourne Street in morning and afternoon peak periods.
 - 2. A high volume of children traverse Winbourne Street during weekday morning and afternoon peak periods. The number of vehicles that will be associated with the development is not appropriate for the locality and will put the safety of children at risk.
 - 3. The amenity of surrounding residential properties will be detrimentally impeded as exiting and entering their driveways will be added with further difficulty.
 - 4. The proposal is unacceptable when assessed in terms of Ryde DCP 2010 (Part 3.2 - Child Care Centres):
 - Clause 6.2.1 Size/functionality of play spaces (unencumbered outdoor play space).

ITEM 1 (continued)

ATTACHMENT 1

5. The proposal is unacceptable in terms of streetscape impacts as it involves removal of existing/possible landscaped areas within the front setback area of the existing dwelling and replaces these with hard-surface area associated with the car parking spaces and driveways.
 6. In the circumstances of the case, approval of the development is not in the public interest.
- (b) That the applicant be invited to work with Council staff to identify more suitable locations for the provision of Child Care services in the Ryde LDA.
- (c) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Laxale and Simon

Against the Motion: Councillors Chung and Yedelian OAM

Note: This matter will be dealt with at the Council Meeting to be held on **10 FEBRUARY 2015** as dissenting votes were recorded.

3 142 MORRISON ROAD, PUTNEY – LOT 7362 – DP1166680. Development Application for Installation of Playing Field Lighting at Morrison Bay Park. LDA2014/0289.

Note: Don Bailey (objector), Narelle Luke (objector), Lalitha Krishnan (objector), Kerry Nash (objector on behalf of Morrison Bay Park Community Action Group), Lina Candy and Lou Scarano (supporters on behalf of Putney Rangers FC) and Simon James (applicant on behalf of City of Ryde) addressed the meeting in relation to this Item.

Note: Documentation from Don Bailey was tabled in relation to this Item and a copy is ON FILE.

Note: Documentation from Lalitha Krishnan was tabled in relation to this Item and a copy is ON FILE.

Note: Documentation from Margaret Zoumda was tabled in relation to this Item and a copy is ON FILE.

ITEM 1 (continued)

ATTACHMENT 1

RECOMMENDATION: (Moved by Councillor Simon and The Mayor, Councillor Pickering)

- (a) That determination of Local Development Application No. 2014/289 at 142 Morrison Road, Putney is deferred pending additional information to be submitted addressing the issues of concerns raised in the assessment report including; an Acoustic Report which addresses actual park operations associated with the proposed lighting to reflect the arrangements for the use of both Fields, updated Ecological Assessment and Acid Sulphate Soils Management Plan.
- (b) That a further report be submitted to Planning and Environment Committee as soon as practical.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **10 FEBRUARY 2015** as substantive changes were made to the published recommendation.

The meeting closed at 6.40pm.

CONFIRMED THIS 17TH DAY OF FEBRUARY 2015

Chairperson

-
- 2 21-24 RAILWAY ROAD, MEADOWBANK. LOTS A & B DP 343831 and LOT 13 DP 7533. Local Development Application for a residential flat building containing a total of 71 residential apartments and basement car parking. LDA2014/0307.**
-

Report prepared by: Team Leader - Major Development Team

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

File Number: GRP/09/5/6/2 - BP15/29

1. Report Summary

Applicant: Ascot Project Management.

Owner: J O'Brien, J Rhook.

Date lodged: 18 July 2014

This report considers a proposal for the demolition of the existing industrial building and the construction of a part six and part seven storey residential flat building containing 71 residential apartments and three levels of basement car parking.

The Development Application was publicly exhibited from 15 August 2014 to 3 September 2014. During this time a total of 9 submissions were received objecting to the development. The predominant issues raised in the submissions include the issue of height, overshadowing, traffic and privacy impacts. All of these issues have been addressed in detail in the report.

The development application was assessed under the provisions of RLEP 2010 due to the saving provision contained in RLEP 2014. Under this planning instrument the site is zoned B4 Mixed Use and the maximum height of any development should not exceed 15.5m. There is no floor space ratio control applicable to the site under RLEP 2010. The development significantly exceeds the height control with the maximum height of the development being 26.13m. This height however, is consistent with the adjoining buildings. It should also be noted that the height under RLEP 2014 has been increased from 15.5m to 21.5m.

RLEP 2014, which for the purposes of this DA is considered a draft planning instrument, also contains a FSR control. The site has a maximum FSR of 2.3:1 under RLEP 2014. As proposed the development has a FSR of 2.68:1. The FSR is a consequence of the height of the building as well as the setbacks. In this instance, the setbacks comply with the building separation requirements of the Residential Flat Design Code and Council's DCP. The development also provides appropriate articulation. For these reasons, the FSR is acceptable.

The development is satisfactory in respect to SEPP 65, the Residential Flat Design Code and Council's DCP.

ITEM 2 (continued)

It is recommended that the proposed development be approved subject to conditions of consent.

Reason for Referral to Planning and Environment Committee: Number of submissions received. (9).

Public Submissions: Nine submissions were received objecting to the development.

Clause 4.6 RLEP 2010 objection required? Yes. Variation to the height control of 15.5m under RLEP 2010. The development proposes a maximum height of 26.13m.

Value of works? \$16,322,406

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

RECOMMENDATION:

- (a) That Local Development Application No. LDA2014/0307 at 21 to 24 Railway Road, Meadowbank being LOTS A and B DP 343831 and LOT 13 DP 7533 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 Conditions of Consent
- 2 Map
- 3 A4 Plans
- 4 A3 Plans - subject to copyright provisions - **CIRCULATED UNDER SEPARATE COVER**

Report Prepared By:

Sandra Bailey
Team Leader - Major Development Team

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager Environment and Planning

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

Address	:	21-24 Railway Road, Meadowbank
Site Area	:	1920m ² Frontage 47.63m to Railway Road, 40.05m to Underdale Lane, 60.96m to Faraday Lane. Depth 22.965m along the south western boundary.
Topography and Vegetation	:	The site falls from the north eastern corner through to the south of the site along Railway Road with the low point being located in the south eastern corner to Faraday Lane. The site contains no vegetation.
Existing Buildings	:	A factory building is located on the site that extends boundary to boundary.
Planning Controls	:	
Zoning	:	B4 Mixed Use
Other	:	Ryde Local Environmental Plan 2014 Ryde Local Environmental Plan 2010 State Environmental Planning Policy Remediation of land State Environmental Planning Policy (Building Sustainability Index: BASIX) State Environmental Planning Policy Infrastructure 2007 Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 State Environmental Planning Policy 65 Design Quality of Residential Flat Development Development Control Plan 2014

ITEM 2 (continued)



3. Councillor Representations

Nil.

4. Political Donations or Gifts

Any political donations or gifts disclosed? No.

5. Proposal

The development application proposes the demolition of the existing building and the construction of a residential flat building containing 71 apartments and 3 levels of basement car parking.

The ground floor of the development will contain two pedestrian entries from Railway Road as well as 12 residential apartments. All of these apartments have direct pedestrian access from one of the adjoining streets to the apartment.

The development will contain part 6 and part 7 floors of residential accommodation. A total of 71 apartments are proposed. This will consist of 43 x 1 bedroom apartments, 26 x 2 bedroom apartments and 2 x 3 bedroom apartments.

ITEM 2 (continued)

Vehicular access to the development is proposed via Faraday Lane and is located adjacent to the southern boundary of the Faraday Lane frontage. The development proposes part 2 and part 3 floors of carparking. A total of 91 car parking spaces are proposed. 77 of these spaces will be for residents and the remaining 14 will be visitor parking.

The development is proposed to be constructed using a variety of textures and materials and will include elements of rendered and painted brickwork, face brick and feature walls. A montage of the proposed development is demonstrated in Figure 1.

The development also includes strata subdivision.

A Voluntary Planning Agreement (VPA) has been submitted with the development application. As part of the VPA, the applicant has proposed to dedicate a one bedroom apartment on level 1 of the development as well as the associated car parking space to Council to be used as affordable housing. In addition, it is also proposed to dedicate to Council an area of approximately 161m² for the widening of Faraday Lane.



Figure 1. Photomontage of the development as viewed from Railway Road.

ITEM 2 (continued)



Figure 2. Photomontage of the development as viewed from the intersection of Railway Road and Underdale Lane.

6. Background

The DA was lodged on 18 July 2014.

Following a preliminary assessment of the DA, a letter was sent to the applicant on 12 August 2014 advising of the following issues:

- The development failed to comply with the building separation distances for Underdale Lane, Faraday Lane and the side boundaries. This contributes to the floor space ratio as well as causing amenity issues for the adjoining developments and the future occupants of the site.
- The floor space ratio exceeds the control in draft RLEP 2014. Further justification was requested for this variation.
- The height on the plans has been incorrectly calculated. Further information was requested in terms of shadow diagrams to enable the variation in height to be assessed.
- The plans originally proposed 9 visitor parking spaces to be provided on land opposite in Railway Road. The applicant was advised that this arrangement would not be supported and that all car parking spaces must be provided on the site.
- Further information in respect of the soil depth was requested in regard to the planter boxes along Railway Road and Faraday Lane.

ITEM 2 (continued)

- The applicant was requested to address the issues raised in the Urban Design Review Panel meeting.
- Concerns were raised with the amount of screening provided on the building. In some cases the screening was provided in areas where it was not required which had the impact of increasing the massing of the building.
- Details of the garage door were requested.
- Various waste issues were identified with the application which would be required to be addressed.

Amended plans were submitted on 16 September 2014. The amended plans proposed the following changes:

- The setbacks on levels 4 and 5 have been increased with the exception of Railway Road.
- The floor space ratio has been reduced from 2.81:1 to 2.68:1.
- An additional basement level has been added to provide parking for a further 15 cars.
- Additional shadow diagrams have been provided.
- The soil depth in the planter boxes has been increased to 800mm.
- The entrance lobby has been extended and appropriate access provided.
- The ground floor along Underdale Lane has been recessed 1.25m to ensure the width of the footpath can be increased so that there is consistency with 2 Underdale Lane.
- The extent of screening has been reduced.
- A bulky goods room has been provided.
- A garbage chute system has been introduced into the buildings and a single waste room has been provided in the basement.
- The number of apartments have been reduced from 73 (43 x 1 bedroom, 28 x 2 bedroom and 2 x 3 bedroom) to 71 (43 x 1 bedroom, 26 x 2 bedroom and 2 x 3 bedroom).

As the amended plans results in a building that is slightly smaller than what was originally advertised, it was not necessary to renotify or readvertise this development application.

Voluntary Planning Agreement

A Voluntary Planning Agreement was submitted with the development application. The VPA proposes to provide Council with an accessible one bedroom apartment and associated dedicated parking space and storage area. The apartment is proposed on level 1 of the building as demonstrated on the following plan.

ITEM 2 (continued)

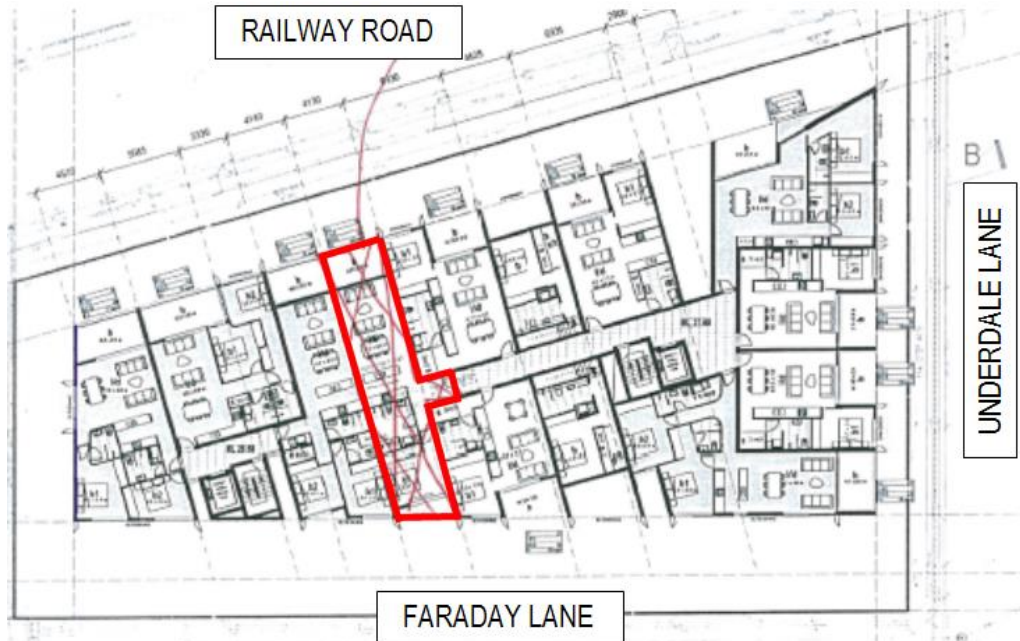


Figure 3. Location of the apartment on level 1 of the building which is to be dedicated to Council as affordable housing as per the VPA.

The VPA also proposes to dedicate an area of 161m² of the frontage of the site along Faraday Lane for road widening.

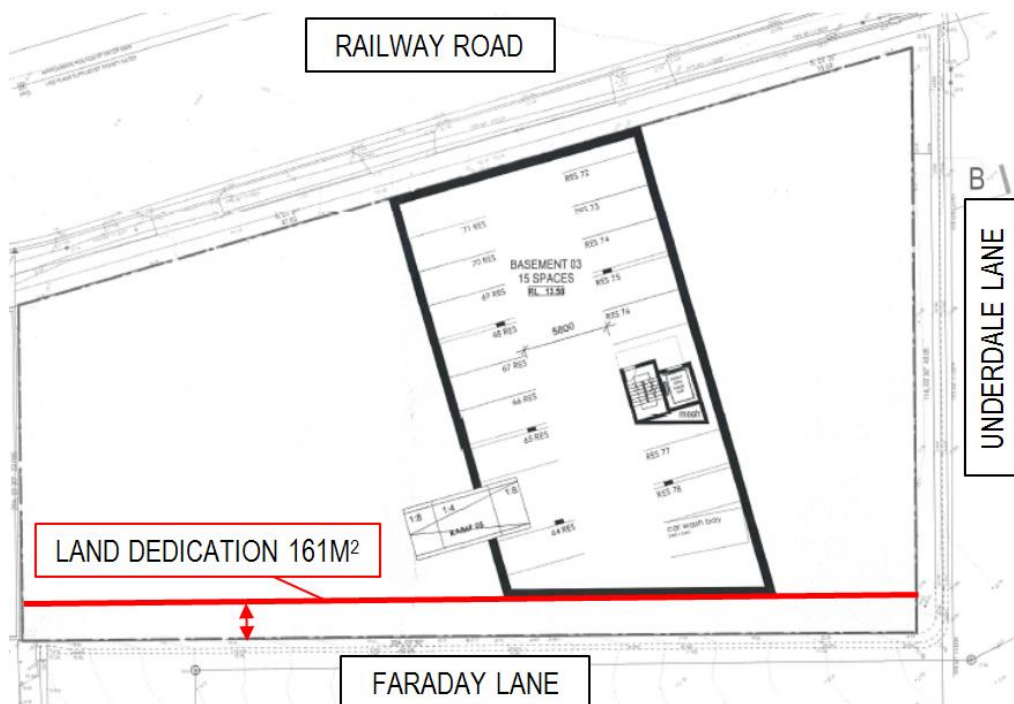


Figure 4. Plan of the level 3 basement which also shows the land to be dedicated to Council along Faraday Lane.

ITEM 2 (continued)

This matter was considered by Council at its meeting held on 9 December 2014. At this meeting Council resolved:

- (a) *That Council support 'in principle' the Draft Voluntary Planning Agreement offer by DEP Shepherd Bay Pty Ltd (C/- Dragon Eye Properties (Developer) and John O'Brien and Joanne Rhook of 24 Railway Road (land owners).*
- (b) *That Council endorse that 'in principle' approval of the Draft Voluntary Planning Agreement be communicated to the Planning and Environment Committee at the time of determination of the application, and*
- (c) *That Council delegates authority to the Acting General Manager to finalise and execute the Voluntary Planning Agreement with DEP Shepherd Bay Pty Ltd (C/- Dragon Eye Properties (Developer) and John O'Brien and Joanne Rhook of 24 Railway Road (land owners) and subject to the determination of the development application LDA2014/0307 being approved by the Planning and Environment Committee and endorsed by Council.*

7. Submissions

The proposal was advertised and notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. The application was advertised on 20 August 2014. Notification of the proposal was from 15 August 2014 until 3 September 2014.

During this period, Council received nine submissions. The issues raised in the submissions were;

- *The height of the building is approximately twice that of the existing building. This will result in a loss of solar access to the apartments in 2 Underdale Lane.*

Comment: The development will result in overshadowing to 2 Underdale Lane. The overshadowing will affect this property from 1pm onwards. The following diagrams demonstrate the impact of overshadowing to this property.

ITEM 2 (continued)

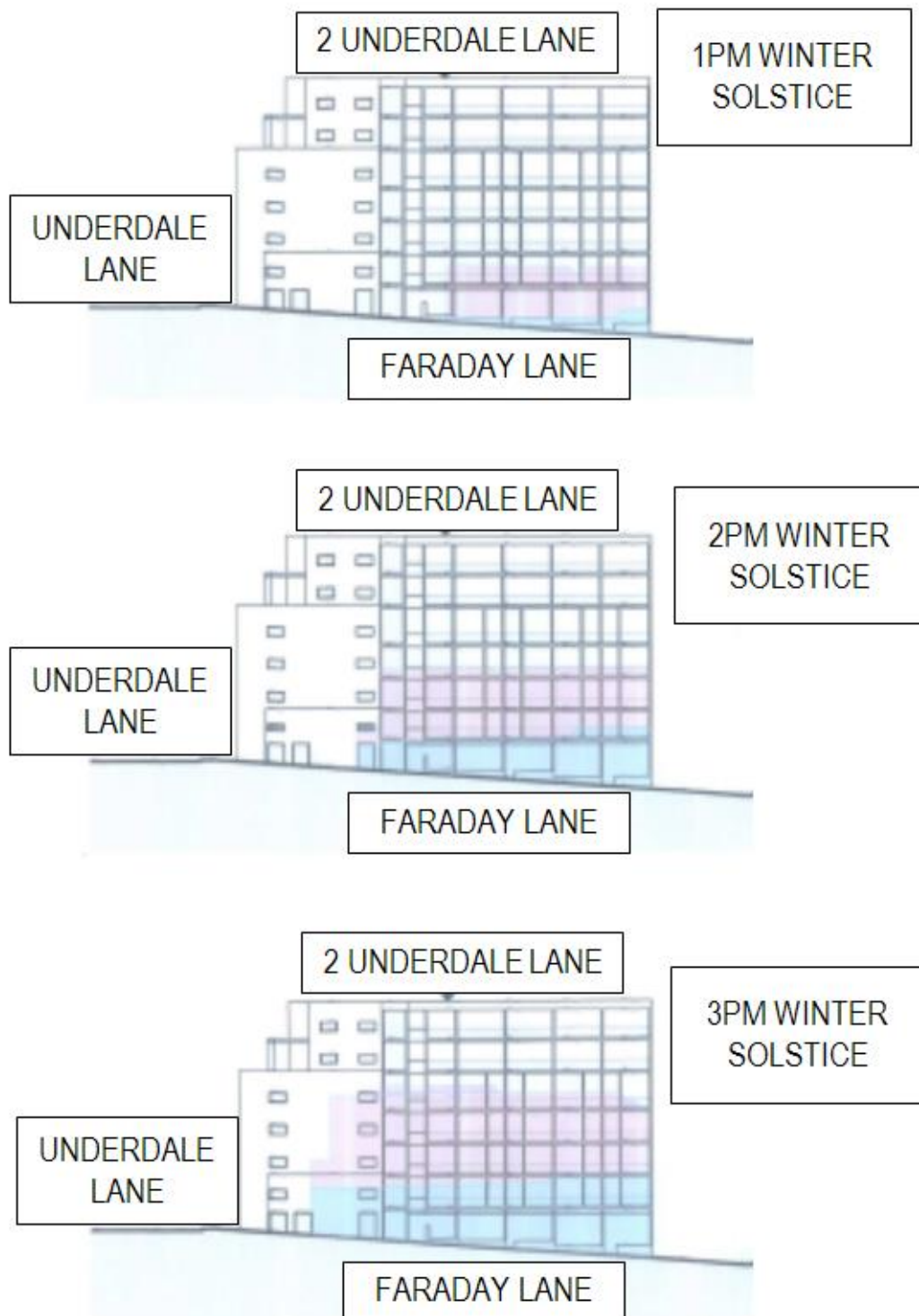


Figure 5. The above figures demonstrate the shadow impact at 1pm, 2pm and 3pm on the building at 2 Underdale Lane. The blue represents shadow from the existing building and the pink is additional shadow caused by the proposed development.

ITEM 2 (continued)

The overshadowing that occurs is a direct consequence of the height of the building as well as the topography of the site. Although the buildings do result in some breaches to the height controls, these breaches will not contribute to an increase in overshadowing when compared to a development that fully complied with the height control. The elements of the building that exceed the height requirement are set in from the front building lines and as such these elements will not contribute to further overshadowing.

The proposed development is separated from the adjoining residential flat building at 2 Underdale Lane by 18m for the upper two floors. The dimensions are consistent with the building separation distances as required by the Residential Flat Design Code.

The extent of overshadowing cannot be avoided in a high density area such as this.

- *There are two almost complete developments plus this development would certainly mean high density in the area. This is not conducive to the existing ambiance of the area. No more high rise should be approved.*

Comment: The site has been zoned with a height and floor space greater than the existing building on the site. The planning controls intend to create a higher density transit-orientated neighbourhood providing a mix of residential and commercial/retail uses. This development reflects the planning controls as well as the character of the surrounding developments. The development will allow for safe and convenient pedestrian movements which will contribute to the future ambiance of the area.

- *When the development is completed, the already heavy traffic during peak periods in Bowden Street will be similar to Victoria Road. Traffic is also banked up daily during peak hours across Constitution Road on both sides of Meadowbank train station and at the approach to the roundabout at Railway Road from Underdale Lane and the southern end of Railway Street. This will be made significantly worse by the development. Would like to know how Council will improve the traffic in the area.*

Comment: Based on the size of the development, the development is likely to generate 14 vehicle trips per hour during the AM peak period and 11 vehicle trips per hour during the PM peak period. This increase is relatively minor and the road system will be able to accommodate this increase. As part of any approval, a condition of consent would be imposed to require the payment of a Section 94 contribution. Part of this money will be allocated for traffic improvements that are outlined in the Section 94 Contributions Plan.

ITEM 2 (continued)

- *The development exceeds the 21.5m height control as well as the 6 storey control in the DCP. This building will be obtrusive to skyline views for existing residents in surrounding buildings.*

Comment: The 6 storey control is a DCP requirement. The development contains part six and part seven storeys. In this instance the DCP control (based on storeys) conflicts with the height provisions of RLEP 2014 (based on metres). The DCP provision has no effect to the extent that it is “inconsistent or incompatible” with RLEP 2014 pursuant to Clause 74C(5) of the EP&A Act, 1979.

The height of the development does exceed the 21.5m height control in RLEP 2014. The LEP permits variations to development standards in accordance with Clause 4.6. The issue of height has been discussed in detail further in the report. Despite the non compliance with the height control, the building is consistent with the desired future character of the area. The height and storeys are considered to be appropriate.

- *Due to the close proximity between this development and 2 Underdale Lane, 9 and 13 Bay Drive, the privacy of residents will be affected. Privacy will also be affected due to the communal open space on the roof.*

Comment: The development including the roof has been designed to provide the relevant separation distances as required by the Residential Flat Design Code. These distances are adequate in order to maintain adequate privacy.

- *The availability of on street parking will be reduced by the development.*

Comment: The development complies with Council’s DCP requirements in respect of car parking. There is nothing to suggest that there will be a reduction in on street car parking as a result of this development.

- *Object to the height and size of the development as it will cause shadowing to our complex in Bank Street. It will change the character of our quiet leafy suburb.*

Comment: Bank Street is located on the western side of the Railway Line. Any overshadowing that would affect the properties in Bank Street is likely to occur around 9am during mid winter. This shadowing is unlikely to affect the amenity of any property or change the character of the suburb.

- *The site is within close proximity to three other high level buildings. A seven storey building will result in the area being cramped. A four storey building would be more appropriate and reduce shadowing.*

Comment: The height of this development is consistent with the planning controls as well as the character of the locality. The extent of overshadowing as a result of this development is consistent with what is envisaged by such a development.

ITEM 2 (continued)

- *The existing building contains asbestos. While the developer would be required to clean the site, I believe that it is Council's responsibility to inform residents affected and outline possible risk regarding the demolition. We need someone to go the extra mile to safe guard residents' health and safety.*

Comment: Council's policy is for the applicant to advise all adjoining owners 7 days before any demolition occurs. Appropriate conditions of consent have been imposed in respect to asbestos. (See condition numbers 20, 24, 25 and 26).

- *Concerned about lights from the vehicular entry point impacting into my apartment. Would like the entry to be moved.*

Comment: This submission was from a resident in 2 Underdale Lane. The following diagram demonstrates the direct light from a vehicle exiting the development site. Light from vehicles accessing the site would not be direct light and would not cause an impact to the adjoining building.

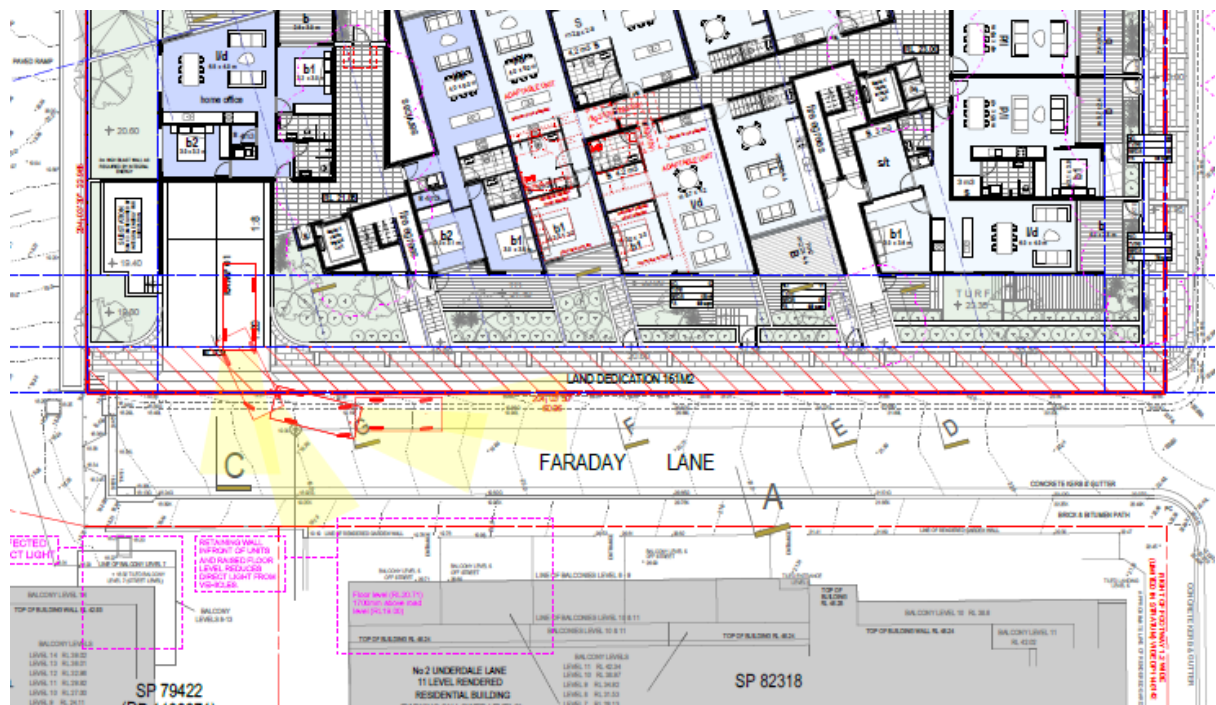


Figure 6. Impact of car lights when exiting the proposed development.

The following photograph demonstrates that there is a small planter in front of the nearest balcony which will reduce the impact of any lights. Combined with the separation distances between the two developments and the offset between the entry point and the balcony will ensure that the impact is as minimal as possible. Any impact would not be sufficient to warrant any redesign of the development or a refusal of the application.

ITEM 2 (continued)



Figure 7. The above photograph demonstrates the planter in front of the balconies in 2 Underdale Lane. This will limit the impact of car lights when a vehicle exits the site.

8. Clause 4.6 RLEP 2010 variation required?

A Clause 4.6 of RLEP 2010 has been submitted in respect of the height of the development. The maximum height of the development is not to exceed 15.5m under RLEP 2010. The development has a maximum height of 26.13m.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

Ryde Local Environmental Plan 2014

Ryde Local Environmental Plan 2014 (RLEP 2014) commenced on 12 September 2014 as the new environmental planning instrument applicable to the City of Ryde. In relation to existing development applications undetermined as of 12 September 2014, this instrument contains a Saving Provision (clause 1.8A) which states:

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

The application was lodged on 18 July 2014, before the commencement of this Plan and so it must be determined as if RLEP 2014 had not commenced and RLEP 2014 is to be considered as a draft planning instrument. This matter has been further considered further in this report.

ITEM 2 (continued)**(a) Ryde Local Environmental Plan 2010****Zoning**

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

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within that zone. The objectives for the B4 Mixed Use zone are as follows:

- *To provide a mixture of compatible land uses.* The development contains an entirely residential development. As this is a permitted form of development in the Mixed Use B4 zone, it is considered to be compatible with the recent surrounding developments.
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximize public transport patronage and encourage walking and cycling.* The site is located approximately 180m from the Meadowbank Railway Station. The development proposes an entirely residential building which complies with Councils car parking requirements. These factors are likely to ensure that the future occupants will utilise the public transport. The site is also located in close proximity to cycle and walking tracks adjacent to Parramatta River. Given the close proximity of these facilities and the residential use of the building, the development is considered to be consistent with this objective.
- *To create vibrant, active and safe communities and economically sound employment centres.* The future residents of this development are likely to use the existing retail and commercial uses within the area. This will contribute to the economic feasibility of the Meadowbank area. To contribute to active street frontages, the ground floor of the development has incorporated individual access point to the apartments. The design of the development will allow surveillance of the adjoining public domain which will contribute to providing a safe environment.
- *To create safe and attractive environments for pedestrians.* As part of the any approval of this development it is proposed to undertake improvements to the public domain areas. This will involve road widening in Underdale Lane and the provision of new footpaths and street lighting. This will contribute to the public domain being a safe and attractive area for pedestrians.

ITEM 2 (continued)

- *To recognize topography, landscape setting and unique location in design and land use.* The design of the development has respected the topography of the site by providing a step in the building which ensures a better relationship between the building and natural ground level. The location of the site is also unique in that it has three street frontages which have all been addressed in the design of the development. The development reflects the desired future character of the locality as well as being designed to reflect the requirements of the Residential Flat Design Code. The development complies with this objective.

The proposed development satisfies the above zone objectives.

Mandatory Requirements

Clause 2.6A Demolition Requires Consent

The demolition of a building or work may be carried out only with consent. Appropriate conditions of consent have been imposed to ensure minimal impacts as a result of the demolition of the warehouse building. (See condition numbers 23 to 27).

Clause 4.3 Heights of Buildings

The height of a building on any land is not to exceed the maximum height of 15.5m.

The development exceeds this height control. The maximum height of the development is 26.13m measured to the top of the air conditioning units on the roof.

The site is also subject to RLEP 2014 which due to the saving provisions in this planning instrument is to be treated as a draft planning instrument. Under RLEP 2014, the maximum height of buildings permitted on the site is 21.5m.

The variations are generally restricted to level 6 of the building and the lift overruns and are demonstrated in the following diagrams.

ITEM 2 (continued)



Figure 8. View from Railway Road. The red line indicates the 21.5m height control.

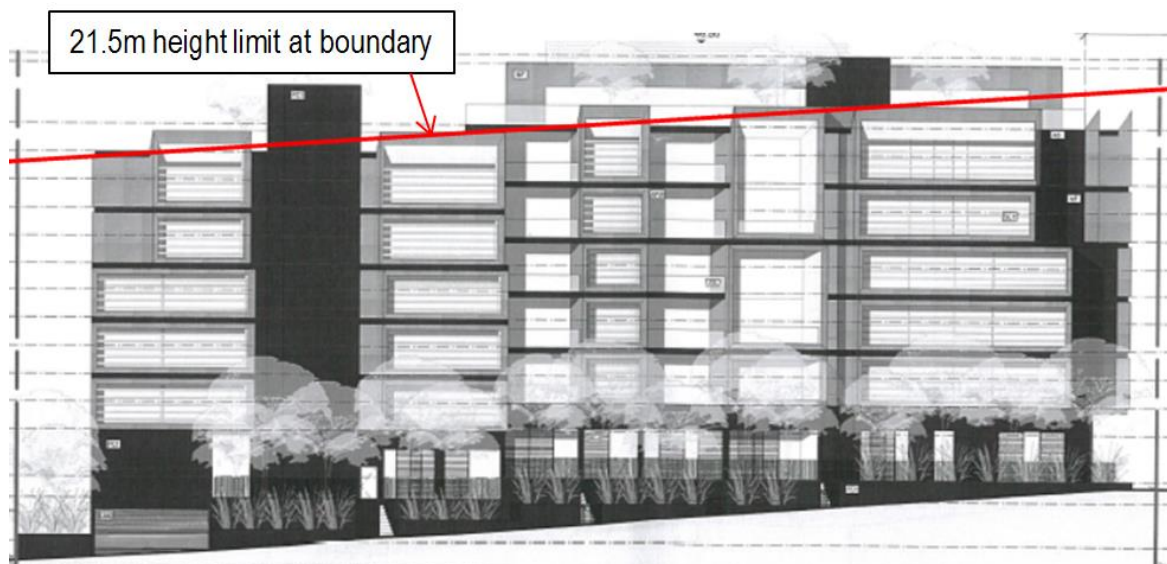


Figure 9. View from Underdale Lane. The red line indicates the height control.

Clause 4.6 of RLEP 2010 allows exceptions to development standards. Consent must not be granted for a development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. The consent authority must be satisfied that the applicant's written request has satisfied the above criteria and that the proposed development will be in the public interest as it is consistent with the zone objectives as well as the objectives of the particular development standard. In addition, consent cannot be granted unless the concurrence of the Director-General has been obtained. These matters are discussed below.

ITEM 2 (continued)

1. Written request provided by the applicant.

The applicant has provided a written request seeking to justify the variation to the development standard in the appendixes of the Statement of Environmental Effects prepared by Provincial Planning.

2. Whether compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case.

The height control under RLEP 2014 is setting the desired future redevelopment/urban renewal strategy for the Meadowbank area rather than the height control in RLEP 2010. In this instance it is appropriate to provide greater weight on the development standards in RLEP 2014 rather than RLEP 2010.

As demonstrated on the above diagrams the height non-compliance is restricted to the upper floor and the lift and fire stairs at the rear of the site. The upper floor has been setback from the building edges which is not reflected in the above elevations.

The applicant has provided the following justification as to why the maximum building height development standard would be unreasonable and unnecessary:

“The proposed height is generally consistent with Council’s desired future character for the area as proposed in the Draft Ryde LEP 2014 which prescribes a maximum building height of 21.5m in the area containing the site. Council has consistently applied the proposed new height controls for all new development within the LGA and in particular within this area surrounding the subject site. Whilst it is recognised that the maximum 26.13m height proposed also exceeds the draft standard, the main roof structure and majority of the bulk of the building complies with the 21.5m height limit.

The height proposed is also consistent with the existing established heights and scale of buildings in the locality where buildings vary between 6-8 storeys. It is understood that Council deems the draft as certain and imminent and hence applications should not be prejudiced due inopportune timing.

It is submitted that a building in compliance with the current standards which would produce a three or four storey building, would be grossly out of scale and out of character with the prevailing height and scale of surrounding developments and would create an unacceptable urban design outcome from a streetscape and townscape context.

ITEM 2 (continued)

The proposal maintains the desired character and proportions of streets, as enunciated in its most recent planning policies for the area, and as evidenced by the existing and approved buildings within close proximity of the site which have been approved at or slightly above the maximum height limit contained within the Draft LEP. Further the height is suitably proportioned to the street width which is to be widened as part of the proposal. The front setbacks and street width also ensure a suitable human scale.

The shadow diagrams demonstrate that there will be limited afternoon overshadowing of the adjoining property to the east and south east with shadowing within the parameters envisaged by a 21.5m height and built form.

The building respects the topography such that there is no manipulation of ground levels to create additional potential perceived height, with the buildings based on existing natural ground levels.

There is no unreasonable impact on adjoining properties , in terms of privacy, solar access or views or visual impact beyond that expected in a designated dense urban area.

The building contains part 6 and part 7 storeys. This is consistent with the number of storeys proposed in the adjacent developments with the buildings at 11 Bay Drive, 2 Underdale Lane and 3-13 Angas Street containing 7 storeys and 13 Bay Drive containing 8 storeys. In terms of RL's, the development is lower than the adjoining development at 11 Bay Drive and 2 Underdale Lane. This is demonstrated in the following figures:

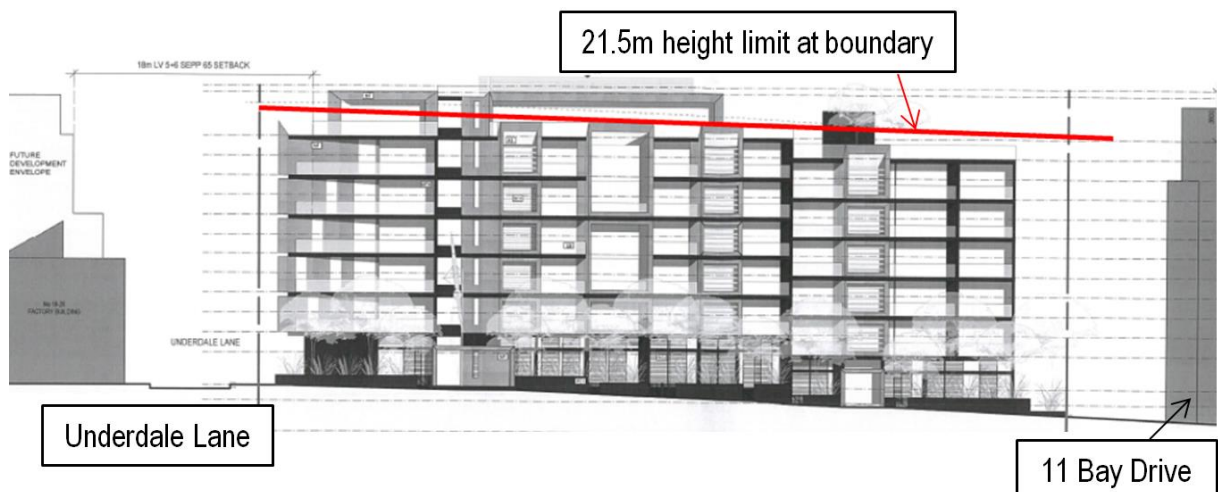


Figure 10. Frontage along Railway Road. The above figure demonstrates that the height of the building is consistent with the height of the building at 11 Bay Drive.

ITEM 2 (continued)

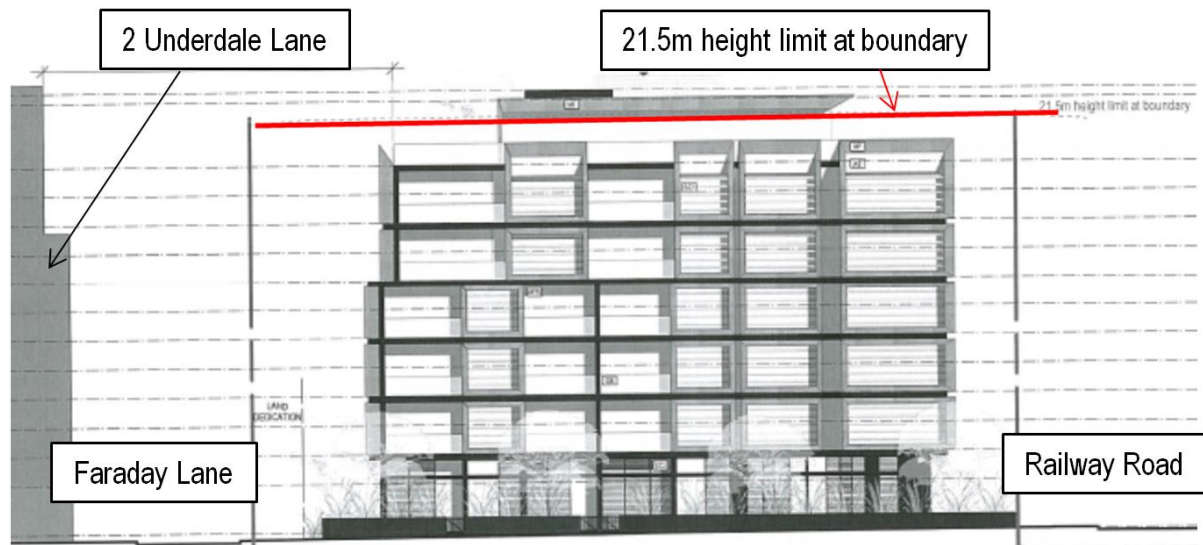


Figure 11. Frontage along Underdale Lane. The above figure demonstrates that the height of 2 Underdale Lane is greater than the proposed development.

As demonstrated above, despite the height non-compliance, the development is consistent with the scale and massing of the adjoining properties.

The development will result in additional overshadowing to the adjoining properties. However shadow from that part of the development that exceeds the height control will not impact on the adjoining properties. This is due to the breach in the height control being restricted to the north west corner of the development and this part of the building being set back from the elevations. The following diagram demonstrates the location of the upper floor in respect to the rest of the building. This level has been set back 5.2m from the Faraday Lane elevation and a minimum of 27m from the southern elevation. The increase in shadow is not a consequence of that part of the building that breaches the height control.

ITEM 2 (continued)

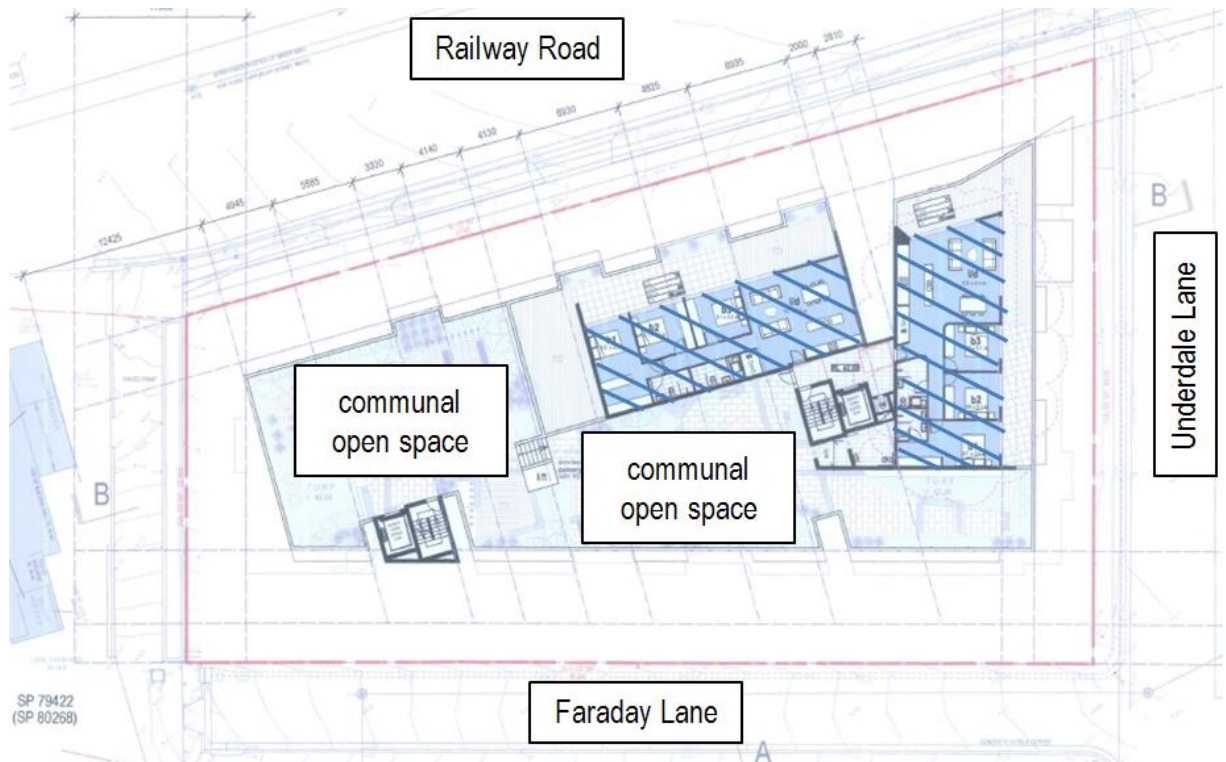


Figure 12. The above figure demonstrates level 6 of the development. This floor breaches the height control however it does not contribute to overshadowing due to the setbacks to the southern elevation and Faraday Lane.

In this particular circumstance, compliance with the height control would be unreasonable and unnecessary.

3. Environmental grounds to justify contravening the development standard.

The applicant has addressed the environmental grounds to justify the non-compliance as detailed in the above section. All of the above issues are supported. Despite the breach of the control, the development does not result in unacceptable impacts on the environment.

4. Consistent with the zone objectives and objectives of the development standard.

The zone objectives have already been identified in an earlier section of the report and as previously concluded, the development complies with the objectives of the zone.

ITEM 2 (continued)

The objectives of the height clause are discussed below:

(a) to maintain desired character and proportions of a street within areas.

Comment: As demonstrated in the above figures, despite the variation to the height control the development is consistent with the height, bulk and scale of the adjoining properties. This development is consistent with the existing character of the immediate adjoining buildings.

Articulation has been provided to the upper level of the buildings, which will assist in reducing the bulk as well as adding visual interest. The development satisfies this objective.

(b) to minimise overshadowing and ensure a desired level of solar access to all properties.

Comment: The breaches to the height control will not contribute to an increase in overshadowing when compared to a development that fully complied with the height control. The elements of the building that exceed the height requirement are set-in from the building lines along the Underdale Lane, Railway Road and Faraday Lane frontages. This ensures that for that part of the building which breaches the height control, there will be no additional overshadowing that would affect the adjoining properties. For this reason, the development satisfies the above objective.

(c) to enable the built form in denser areas to create spatial systems that relate to human scale and topography.

Comment: the development has respected the topography of the site by stepping the building along the Railway Road and Underdale Lane frontage. This ensures greater activation along the street frontage as well as respecting the height control and ensuring that the development relates to the human scale by providing a transition in heights. The built form will also relate to the human scale by the development being appropriately articulated, both vertically and horizontally.

(d) to enable focal points to be created that relate to infrastructure such as train stations or large vehicular intersections.

Comment: This objective is not applicable to the development.

(e) to reinforce important road frontages and specific centres.

Comment: This objective is not applicable to the development.

The development complies with the objectives for the height control.

ITEM 2 (continued)**5. Concurrence of the Director General**

Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-General's concurrence for exceptions to development standards.

Conclusion

The maximum height controls contained in RLEP 2010 and RLEP 2014 for this site are different. The controls in RLEP 2014 are setting the desired future redevelopment strategy for the Meadowbank area. For this reason, greater weight should be placed on the development standards contained in RLEP 2014 rather than RLEP 2010.

The variation to the height control of RLEP 2014 can be supported as the development is consistent with the bulk and scale of the adjoining properties and there is no adverse impacts.

Clause 6.1 Earthworks

Development consent is required for the earthworks associated with the development. Before granting consent for earthworks the consent authority must consider the following matters:

- The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality.
- The effect of the proposed development on the likely future use or redevelopment of the land.
- The quality of the fill or the soil to be excavated, or both.
- The effect of the proposed development on the existing and likely amenity of adjoining properties.
- The source of any fill material and the destination of any excavated material.
- The likelihood of disturbing relics.
- Proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

The proposed development includes excavation for a three level basement car park. Council's Senior Development Engineer requires that a number of conditions be included in the consent to address engineering issues such as a sediment and erosion control plan to be submitted prior to any works commencing on the site. (See condition number 72).

The site is not known to contain any relics or any other item of heritage significance.

The development is considered satisfactory in respect of this clause.

ITEM 2 (continued)**(b) Relevant SEPPs****State Environmental Planning Policy No 55 – Remediation of Land**

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

The applicant has provided a Site Investigation Report in respect of contamination. The conclusion and recommendations of this report include the following:

- *“The site is approximately 1950m² and was vacant land before being redeveloped for commercial/industrial purposes between the late 1940s and late 1950s, and the site has since remained unchanged.*
- *Apart from the presence asbestos-based materials being a source of potential contamination, no facilities or installations appear to have been located on the site, and the site is unlikely to have been filled with imported soil.*
- *In view of this, the site is not expected to be affected by land contamination that would present a risk to human-health or the environment for a residential land use setting. Any impacted soils that may be present will be removed during the proposed two levels of basement excavation.*
- *Should any evidence of potential contamination be identified during redevelopment of the land, such as the presence of anthropogenic wastes in the soil, a sampling program should be performed to quantify the extent of any contamination-related risks.*
- *A sampling program should also be used to classify the soils on the site for off-site disposal, as we understand that substantial volumes of soil will be removed during the construction of a basement area.*
- *The asbestos-based materials which are present in the building structure should be removed at the time of redevelopment and be removed by an appropriately licensed contractor and in accordance with WorkCover NSW regulations.”*

Council’s Environmental Health Officer has supported this recommendation. No objections are raised to the development in respect of SEPP 55. Appropriate conditions of consent have been imposed. (See condition numbers 14, 57 and 58).

State Environmental Planning Policy (Building Sustainability Index: BASIX)

The development is identified under the *Environmental Planning and Assessment Regulation 2000* as a BASIX Affected Building. As such, a BASIX Certificate has been prepared (Nos. 555606M_04) which provides the development with a satisfactory target rating.

ITEM 2 (continued)

Appropriate conditions will be imposed requiring compliance with the BASIX commitments detailed within the Certificate. (See condition numbers 5, 49 and 103).

State Environmental Planning Policy (Infrastructure) 2007**Clause 86 Excavation in, above or adjacent to rail corridors**

As the site is located within 25m of the Northern Line rail corridor it was necessary to refer the development application to RailCorp. Council is required to take into consideration any response that is received from RailCorp within 21 days of the referral. RailCorp have advised Council on 9 January 2015 that they will grant concurrence to the development subject to a deferred commencement condition as well as operational conditions. These have been imposed. (See condition numbers 1, 40 to 45 and 73).

Clause 87 Impact of rail noise or vibration on non-rail development

This clause is applicable to the proposed development. Council must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) In any bedroom in the building – 35dB(A) at any time between 10pm and 7am.
- (b) Anywhere else in the building – 40dB(A) at any time.

The applicant has provided an Acoustic Report that addresses the above issues. The report has recommended various requirements for glazing and wall construction to ensure that the internal noise levels will not exceed the nominated criteria for the various space types. A condition of consent will be imposed to ensure that the development complies with the recommendations of the Acoustic Report. (See condition number 39).

Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

ITEM 2 (continued)**State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**

This policy aims to improve the design quality of residential flat development in NSW. It recognises that the design quality of residential flat developments is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

The proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- Urban Design Review Panel (prior to lodgement);
- The 10 SEPP 65 Design Quality Principles; and
- The NSW Residential Flat Design Code guidelines.

Urban Design Review Panel

Council's Urban Design Review Panel reviewed the preliminary proposal on 16 April 2014. The Panel provided comments with the intention of enhancing the proposal's design quality in relation to site planning, building form and massing, communal open space and amenity of apartments. The review occurred prior to the applicant submitting the current development application. The following comments were provided by the Panel.

This is the second time the Panel has reviewed a proposal on this site by the proponent.

The proposal was significantly changed from the last meeting based on both the Panel and Council's pre-DA review. After the second meeting the drawings were revised and reissued to the Panel for consideration in this report.

The revised proposal is for a part 6 / part 7 storey apartment building with 71 apartments and a single retail tenancy on the corner of Railway Road and Underdale Lane. Of note is that the street setbacks in the DCP have been adopted for Railway Road, Faraday Lane and the pedestrian link.

ITEM 2 (continued)***Height and FSR***

The building exceeds the permissible metre height of 21.5m at each lift overrun and at the two units on Level 06. While the applicant has included a Building Height Context Plan, it has not been updated with the current design and does not appear to align with the elevations, which show that the building breaches the height plane. The existing apartment buildings range in height from 6 to 7 to 8 storeys. If the elevations are correct, the additional height is mainly limited to the two Level 6 units (7th storey). The location of these units to the north and their setback is not likely to result in additional impacts on surrounding properties, although this has not been documented by the applicant.

Comment: As part of the development application the applicant has also provided survey information of the adjoining buildings. The survey has been used to document the adjoining buildings on the plans. The applicant has also provided extensive shadow diagrams which confirms the Panel's view that there will be little impact on the adjoining properties as a result of the height variation.

The more significant issue with height is the extent the basement projects above the surrounding street levels. A two core building with stepped levels improves the height of retaining walls along the Railway Road and Faraday Lane, however the extent of car park above ground level is still excessive. Along Railway Road the retaining wall / solid fence is up to 2m height and along Faraday Lane up to 4m – an additional storey to the overall height. The stepped profile along the lane assists in reducing the scale of the wall, but does not address Council's desire for activation along the street nor assist with surveillance. The extent of car parking into the street setback limits opportunities for individual entries and a more pedestrian scale interface at the street. The car parking layout appears very spacious and should be redesigned to lower the basement levels to reduce the impact on the street edges.

Comment: The Panel members were concerned about the height of the basement along Railway Road and Faraday Lane. Along Railway Road, the car park will project a maximum height of 1m above natural ground level. To soften the impact of this structure, planters have been provided. The applicant has provided information to verify that the soil depth in the planters will allow for plant growth. The design also ensures that a pedestrian entry has been provided from the street to the front door. Activation will be provided along Railway Road.

ITEM 2 (continued)

Due to the slope of the site, the car park is more exposed along Faraday Lane. The extent of the exposed car park is not as great as suggested by the Panel. The car park will project between 0.5m to 2.8m above natural ground level. Again the applicant has provided planters to soften the impact of the car park and has provided the confirmation that these planters will provide adequate soil depth. The extent of the car park that breaches natural ground level is not equivalent to an additional storey. The impact has been reduced by stepping the building but it cannot be entirely eliminated due to the difficulties in the levels of the site. This elevation is not a major pedestrian thoroughfare and there is no control in the DCP to require this frontage to be activated.

The Panel suggested that the parking layout appears spacious and could be designed to lower the basement level to reduce the impacts on the street edges. The basement level is considered to be tight and difficult due to the dimensions of the site. It is not considered to be spacious. Its layout complies with the Australian Standards and it provides less than the maximum number of car parking spaces permitted by the DCP.

The development also results in improvements to the public domain along Faraday Lane which will also contribute to the streetscape and pedestrian scale and interface at the street level.

The proposed FSR is 2.77:1 and well above the permissible FSR of 2.3:1. The two additional units on Level 6 above the height limit contribute to the additional FSR. The impact of the car park in combination with the additional FSR, particularly the units at Level 06, is resulting in a non-compliance with the height. The Panel would be less concerned with the additional FSR if there were no adverse impacts from the basement and if an upper level setback at Levels 4 and 5 were included to increase separation across Underdale Lane.

Comment: As detailed above, the amended plans have reduced the extent of the basement that breaches natural ground level. Planter boxes with a soil depth of 800mm have been provided to ensure that the visual impact of the car park is reduced.

The amended plans have increased the setback of levels 4 and 5 on the Underdale Lane frontage to ensure that the building separation distances will be achieved with any future development on 18-20 Railway Road.

ITEM 2 (continued)***Railway Road***

The proposal adopts the 4m setback along Railway Road as shown in the DCP. Ground floor uses are residential with initially a retail tenancy on the corner with Underdale Lane. This has now been deleted and is supported by the panel. The drawings show different treatments for the street setback at residential units. The plans include tree planting and alludes to individual ground floor courtyards but does not clearly show individual unit entries. The Panel recommends ground floor units have individual street address and entries. Further refinement of levels along the street is needed as discussed above in height.

Comment: The development has been amended to incorporate individual unit entries to the ground floor apartments along Railway Road and Underdale Lane.

The southern building entry is defined as deep undercroft space. Both entries include security gates closer to the street. The Panel recommends entry doors be relocated closer to the main building façade to eliminate opportunities for concealment and improve legibility and the quality of each entry space. The proposed entries are a solution for reducing GFA rather than a desirable design outcome. It is preferable that the design of entries be improved and an argument for additional FSR be provided as part of the DA documentation.

Comment: The amended plans have deleted the security gates and the entry doors have been relocated closer to the Railway Road façade. This will provide a much clearer entry to the building.

Underdale Lane

Along Underdale Lane, the proposal aligns the street setback with the existing building to the east. This provides a 13m separation to the street boundary of the property across the street. If the site across the street adopted a similar setback (2.2 m), the overall separation would be 15.2m, below the recommended RFDC separation of 18m between habitable rooms for a building of 6 storeys. The applicant should demonstrate with building envelopes and an indicative floor plan how adequate separation could be achieved with the site across the street.

ITEM 2 (continued)

Greater consideration of the street interface is needed. Private courtyards with individual entries should be considered.

Comment: Levels 4 and 5 have been set back to ensure that the development will now comply with the building separation requirements with any future development at 18-20 Railway Road. Residential apartments are proposed along Underdale Lane. These apartments have proposed ground floor courtyards as well as individual entries from Underdale Lane.

Pedestrian Link

A four metres setback is proposed along the pedestrian link as per the DCP. Like other street frontages, it is not clear how the building and associated retaining walls and car park levels relates to the link. The provision of deep soil and tree planting is supported.

The units adjacent the pedestrian link are generally oriented toward Railway Road and Faraday Lane and with secondary living room windows facing the pedestrian link. Some overlooking of the link from the adjacent units is supported to improve surveillance and safety. The elevations submitted to the Panel do not include the south elevation. Building articulation and clever screening of windows could assist in promoting surveillance of the link while redirecting sight lines away from the adjacent balcony, however it is not clear how this has been realised in the current drawings.

Comment: Deep soil planting has been provided immediately adjacent to the pedestrian walkway. The impact of the car park will be softened by the use of planter boxes immediately adjacent to the building. Windows have been proposed on the lower four levels of the building. To ensure privacy to the adjoining building, screening will be provided to these windows. This screening will still allow for passive surveillance of the pedestrian walkway.

Faraday Lane

A 2.6m road dedication and 4m setback is provided along Faraday Lane. The road dedication was amended to exclude underground car parking. The street frontage, similar to the Railway Road frontage, is not clearly defined in the drawings. Ground floor apartments have private gardens but it is not clear how the communal space accessed from the southern lobby is intended to be used. The slope of the laneway results in high walls along the laneway. A two tiered planting include tree planting at the lower level. This is not ideal for promoting safety and surveillance of the street. Secondary building entries from Faraday Lane have previously been suggested and supported by the Panel. Fire egress to the laneway is not resolved.

ITEM 2 (continued)

Comment: Due to the levels of the site there is little opportunity but to provide the tiered planter boxes to reduce the visual impact on the development. Secondary access has not been achieved from Faraday Lane to the main pedestrian lobbies however the development has proposed pedestrian entry from Faraday Lane to three of the ground floor apartments. This will improve the surveillance of Faraday Lane.

Communal Open Space

The proposal includes communal open space on the roof and a space off the southern lobby at Faraday Lane. No landscape plan was provided to the Panel. Greater resolution of the design is needed to include shade, communal facilities such as BBQ, toilets etc, and seating areas for individuals and groups. Usable space on the roof should be setback from the edge of the building to minimise overlooking to adjacent properties.

Comment: The development has included detailed landscaping plans that access the communal roof areas. The roof top has been separated from the adjoining buildings by 18m from 2 Underdale Lane and the future development at 18-20 Railway Road. While the building separation distance to 11 Bay Drive is a minimum of 12.5m, the roof top has been designed to provide planting along the edge which will prevent occupants of the building from being able to stand at the edge of the building and will increase the privacy to this building.

Amenity and Unit Design

The unit design in the amended plans is greatly improved.

Comment: Noted.

Architectural Expression

The Panel supports the architectural approach to the façade design. As the majority of units face due west, greater consideration of screening and sun management is needed at balconies.

Comment: Screening has been added to the bedroom windows along Railway Road. No screening has been provided to the balconies. The depth of these balconies is 2.5m. This will ensure that during the critical sunlight hours of 9am to 3pm, the living areas will not be affected by the sun.

ITEM 2 (continued)
Recommendation

The Panel recommends the proposal be amended to incorporate the above comments and resubmitted to Council.

SEPP 65 Design Quality Principles

There are 10 design quality principles identified within SEPP 65. The following table provides an assessment of the proposed residential flat building (RFB) against the 10 design principles of the SEPP.

Planning Principle	Comment	Comply
<p>Context Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p>Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>The proposed development is located within the Station Precinct of Meadowbank. The redevelopment of the site will be consistent with the desired future character for the Precinct as identified in RLEP 2014 and the DCP for Meadowbank. The vision for Meadowbank is to create a higher density transit-orientated neighbourhood providing a mix of residential and commercial/retail uses. The commercial and retail development is intended to be concentrated around Meadowbank Station and along Church Street, whilst residential development will dominate between these employment nodes. The proposal responds to existing and future context by proposing a residential development of an appropriate scale that will make a positive contribution to the streetscape and local setting.</p>	Yes
<p>Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts</p>	<p>The scale of the proposed development is appropriate. The building height ranges from six to seven storeys and is consistent with the scale of adjoining developments on Bay Road and Underdale Lane. The site is in a transitional phase and the development is consistent with the desired future character of the area as identified in the planning controls.</p>	Yes

ITEM 2 (continued)

Planning Principle	Comment	Comply
undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.		
Built Form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.	The built form is considered appropriate for the site and proposed use. The facades of the building will provide visual interest as well as articulation. The development will provide a positive urban design response compared to the existing industrial buildings.	Yes
Density Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.	Although the development exceeds the permitted floor space ratio control under RLEP 2014, the setbacks, building separation distances and building heights are appropriate for the site. The resultant FSR is a consequence of the site being surrounded by three roads and a pedestrian walkway. The proposed residential density, being 71 apartments, is considered appropriate to context. The site is located within an inner area of Metropolitan Sydney and is in close proximity to retail/commercial, educational and community facilities and walking distance to public transport. The proposal therefore maximises residential density in relation to established facilities/services.	Yes
Resource, energy and water efficiency Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the	The applicant has provided BASIX Certificate (No. 555606M_04) which indicates that the buildings will meet the energy and water use targets set by the BASIX SEPP. A waste management plan has been submitted and is considered acceptable	Yes

ITEM 2 (continued)

Planning Principle	Comment	Comply
<p>design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	<p>by Council's Public Works Section.</p> <p>The design also ensures that the development will largely comply with the requirements for solar access, privacy, cross ventilation and reuse of water as provided in the Residential Flat Design Code.</p>	
<p>Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	<p>The development has incorporated landscaping with the setbacks of the building as well as the roof of the development. The landscaping within the setbacks will provide a positive image and contextual fit of the development in terms of neighbourhood character. The communal open space on the roof will provide a useable area that will contribute to social opportunity for the residents as well as providing visual interest in the building.</p>	Yes
<p>Amenity Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and</p>	<p>All apartments are larger than the minimum apartment size recommended under the Residential Flat Design Code. All apartments are well proportioned to accommodate various furniture layouts over their life span. The proposal will achieve adequate levels of natural ventilation and solar access. The orientation and configuration of apartments results in minimal opportunities for overlooking between units.</p>	Yes

ITEM 2 (continued)

Planning Principle	Comment	Comply
degrees of mobility.	<p>Storage is provided to all dwellings, both internally and in the basement parking levels. In addition, all units are provided with sufficient indoor and outdoor living spaces.</p> <p>All levels within the buildings are accessible from lifts as well as each building being accessible from the street.</p>	
<p>Safety and Security Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	<p>The proposal makes a positive contribution to each street elevation with respect to safety and security. Passive surveillance opportunities are provided with balconies and windows addressing the various street frontages.</p> <p>Entrance points are clearly identified and public and private space is clearly delineated through secure entrances.</p>	Yes
<p>Social Dimensions and Housing Affordability Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing</p>	<p>The development will include the following housing mix:</p> <ul style="list-style-type: none"> • 43 x 1 bedroom apartments; • 26 x 2 bedroom apartments; and • 2 x 3 bedroom apartments. <p>The development predominantly contains one bedroom apartments. The proposed range of apartments provides a suitable mix of housing in response to current housing demand and responds to the need for economic housing choice within</p>	Yes

ITEM 2 (continued)

Planning Principle	Comment	Comply
transition, provide for the desired future community. New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.	an area with good public transport access, social and commercial facilities. The development also proposes 7 adaptable units.	
Aesthetics Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	The building aesthetics are considered appropriate. The development presents a contemporary design which is compatible with other recent developments in the immediate area. The building has a distinctive appearance which addresses the public domain as viewed from Railway Road, Underdale Lane and Faraday Lane. The proposed design features a mixture of projected and recessed characteristics and the facades all provide architectural interest.	Yes

Residential Flat Design Code

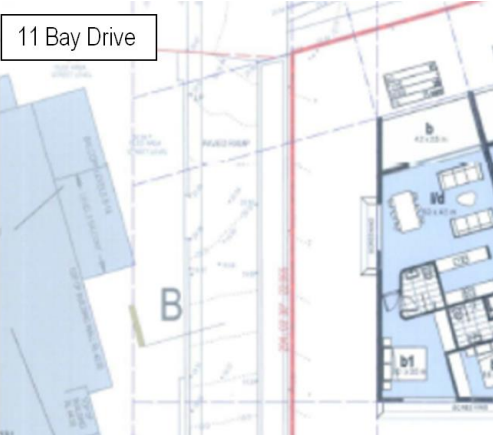
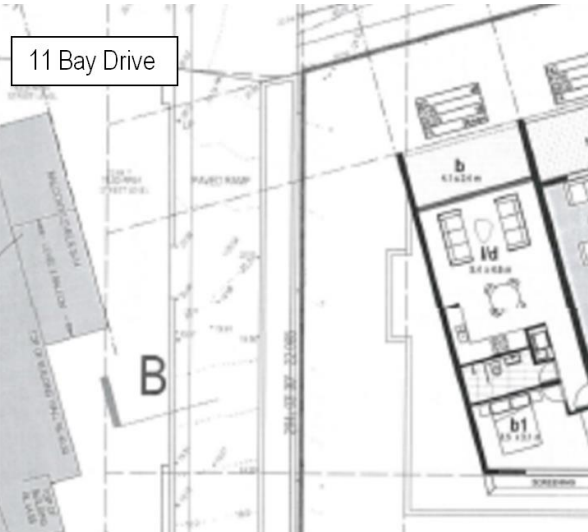
The SEPP also requires the Council to take into consideration the requirements of the Residential Flat Design Code (RFDC) with regard to the proposed residential flat building. These matters have been raised in the following table.

Primary Development Control and Guidelines	Comments	Comply
Part 01 – Local Context		
Building Height Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit.	The development will exceed the maximum height as well as the FSR under RLEP 2014. Despite this the height is consistent with the surrounding buildings and the additional height will not result in adverse impacts to the amenity of the adjoining properties. The FSR is a factor of the buildings setbacks and	Yes

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
	height. Despite the breach, the bulk and massing of the development is appropriate for the site.	
Building Depth In general, an apartment building depth of 10m to 18m is appropriate. Developments that propose wider than 18m must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	The apartment depth ranges from a minimum 8m to a maximum of 17.2m. The development will provide adequate daylight and natural ventilation.	Yes
Building Separation Building separation for buildings up to four storeys should be: -12m between habitable rooms/balconies -9m between habitable/balconies and non-habitable rooms -6m between non-habitable rooms. Building separation for buildings between five to eight storeys should be: -18m between habitable rooms/balconies -13m between habitable/balconies and non-habitable rooms -9m between non-habitable rooms. Developments that propose less distance must demonstrate that adequate daylight access, urban form and visual and acoustic privacy has been achieved.	The amended development has increased the building separation distances along Faraday Lane. The lower four storeys will be separated from 2 Underdale Lane by between 17.2m and 18.4m. The design of the upper two floors has been amended to increase the separation with 2 Underdale Lane to 18m with the exception of the lift and stairs which are separated by 17.2m. Along this elevation, the building complies with the recommended distances under the Residential Flat Design Code. A similar approach has been taken along the Underdale Lane frontage. The Urban Design Review Panel requested that the upper levels should be setback further from the street to ensure adequate building separation when 18 to 20 Railway Road is redeveloped. The upper two floors have been setback a further 1.8m from the lower building line. This results in the lower four levels achieving a setback of more than 12m and the upper floors being setback 18m. The development also complies with the required separation distances. Along the southern boundary the development was originally setback	Yes

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
	<p>between 11.5m and 12.4m from 11 Bay Drive. This is demonstrated on the following diagram.</p>  <p>Figure 13. The lower four floors have been setback between 11.5m and 12.4m from 11 Bay Drive.</p> <p>The upper two levels of the building have been amended so that the setback has been increased by a further maximum distance of 3m as demonstrated in the following diagram.</p>  <p>Figure 14. The upper two floors have been set back further, resulting in the separation distance being between 11.5m and 15.4m.</p>	

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
	<p>There is a non compliance with the building separation distances for the upper two and a small portion on the lower four floors where the separation distance is less than 12m. For the upper two floors, no windows are proposed. One window is proposed on the lower four floors in the vicinity of the non-compliances, however adequate screening has been provided to this window to prevent any overlooking issues.</p> <p>The urban form of the development is considered compatible for a high density residential area. The development will still achieve adequate daylight access.</p> <p>The non-compliance with the building separation requirements only occur along the southern boundary. Despite this, the development still provides adequate privacy, urban form and daylight access.</p>	
<p>Street Setbacks Identify the desired streetscape character. In general, no part of the building should encroach into a setback area.</p>	<p>The setback to Railway Road, Underdale Lane and Faraday Lane as required by the DCP is 4m. The development complies with this setback for Railway Road and Faraday Lane. Along Underdale Lane the ground floor has been set back 3.45m and floors 1 to 3 have been set back 2.2m. The upper floors have been set back 4m. The setback along Underdale Lane is consistent with the development at 2 Underdale Lane. This variation will ensure that the development maintains a consistent streetscape character.</p>	<p>Yes</p>
<p>Side and Rear Setbacks Relate side setbacks to existing streetscape patterns. These controls should be</p>	<p>The DCP does not specify any side or rear setback controls. The development has proposed a minimum setback of 4m to the southern boundary. This setback is</p>	<p>Yes</p>

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
<p>developed in conjunction with building separation, open space and deep soil zone controls. In general, no part of the building should encroach into a setback area.</p>	<p>consistent with other developments in the immediate area. As the development is satisfactory in terms of building separation, this setback is acceptable.</p>	
<p>Floor Space Ratio Test the desired built form outcome against the proposed floor space ratio to ensure consistency with building height, building footprint, the three dimensional building envelope and open space requirements.</p>	<p>RLEP 2014 proposes a FSR of 2.3:1. The development proposed a FSR of 2.68:1 which exceeds the control. The FSR for the site is a factor of the building setbacks and height control applicable for the site. In this development the building envelope has provided articulation on each elevation as well as variation in building height. As these aspects of the development are considered satisfactory, no objection is raised to the non-compliance with the FSR.</p>	<p>Yes</p>
<p>Part 02 – Site Design</p>		
<p>Deep Soil Zones A minimum of 25% of the open space area of a site should be deep soil zone. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration.</p>	<p>The only deep soil area is located along the southern boundary and extends for a width of 4m. This area represents approximately 11% of the open space area. Due to the site's constraints and the need to provide on site parking which extends boundary to boundary, it is not possible to increase the amount of deep soil area. This variation is considered acceptable given than the site is located in an urban area.</p>	<p>No, variation acceptable</p>
<p>Fences and Walls Fences and walls are to respond to the identified architectural character for the street and area. They are also to delineate the private and public domain without compromising safety and security.</p>	<p>The development has proposed low scale fencing along Underdale Lane and planter boxes along Railway Road and Faraday Lane that will also act as fencing. This will clearly identify the private and public domain areas of the development. Such fencing and walls will contribute to the character of the development as well as the character of the area.</p>	<p>Yes</p>

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
<p>Landscape Design Landscaping is to improve the amenity of open spaces as well as contribute to the streetscape character.</p>	<p>Landscaping along the street frontages is generally located in the planter boxes. These planter boxes not only contribute to the streetscape but also help to soften the appearance of the development and act as separation between the street and terrace area of the apartment. Landscaping has also been provided on the roof which will contribute positively to the amenity of the occupants of the development.</p>	<p>Yes</p>
<p>Open Space The area of communal open space required should generally be at least between 25% and 30% of the site area. Where developments are unable to achieve the recommended communal open space, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space.</p>	<p>Communal open space has been provided on the roof of the building. This area represents approximately 27% of the site area. In addition to this area, the development has provided each apartment with a balcony or terrace. These areas will provide acceptable residential amenity for the future occupants.</p>	<p>Yes</p>
<p>Orientation Optimise solar access to living areas and associated private open spaces by orientating them to the north and contribute positively to the streetscape character.</p>	<p>The apartments have all been orientated to address one of the three street frontages. This has resulted in 4 of the apartments on each level (other than the upper floor) having a northern aspect. The remaining apartments have either an easterly or western orientation. The orientation of the development will ensure that the development achieves acceptable daylight access. The communal open space will achieve adequate solar access.</p>	<p>Yes</p>

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
Planting on Structures In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity. The following are recommended as minimum standards for a range of plant sizes: <ul style="list-style-type: none"> • Shrubs - minimum soil depths 500 - 600mm 	The development complies with this requirement.	Yes
Stormwater Management Reduce the volume impact of stormwater on infrastructure by retaining it on site.	The development does not propose any on site detention. This is acceptable as the site is located in close proximity to Parramatta River and the existing site is fully impervious. No objection has been raised by Council's Senior Development Engineer.	No variation acceptable
Safety Optimise the visibility, functionality and safety of building entrances. Improve the opportunities for casual surveillance and minimise opportunities for concealment.	Public and private space is clearly delineated through the use of fencing and landscape elements. The proposed development is considered acceptable with regard to safety. The design provides for adequate passive surveillance of the street and communal open space. Appropriate access control is provided throughout various parts of the development, including the residential lobbies, units and basement carpark.	Yes
Visual Privacy The building separation requirements should be adopted.	Where the development does not comply with the building separation requirements, attention has been given to ensuring there will be no visual privacy issues.	Yes

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
Building Entry Ensure equal access to all. Developments are required to provide safe and secure access. The development should achieve clear lines of transition between the public street and shared private, circulation space and the apartment unit.	The proposed entry points are both legible with clear lines of vision between the entrances and the streets. The development will provide equitable access from the street to the building. Entrances are appropriately secured.	Yes
Parking Determine the appropriate car parking numbers. Where possible underground car parking should be provided.	The development complies with Council's DCP parking requirements.	Yes
Pedestrian Access Provide high quality accessible routes to public and semi-public areas of the building and the site. Maximise the number of accessible, visitable and adaptable apartments in the building.	The development provides an accessible path of travel within the building and to all communal areas within the development. The development has provided 8 adaptable apartments which satisfies Council's DCP requirements.	Yes
Vehicle Access To ensure that the potential for pedestrian / vehicle conflicts is minimised. The width of driveways should be limited to 6 metres. Vehicular entries should be located away from main pedestrian entries and on secondary streets.	The vehicular entry is 6m wide and is located along Faraday Lane. This access is adequately separated for the main pedestrian entries to the building which are located along Railway Road. The road widening along Faraday Lane should improve the visibility of pedestrians using the lane.	Yes

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
Part 3 Building Design		
Apartment Layout Single aspect apartments should be limited in depth to 8m from a window. The minimum sizes of the apartments should achieve the following; 1 bedroom – 50m ² 2 bedroom – 70m ² 3 bedroom – 95m ²	The apartment sizes are as follows: 1 bedroom - 50m ² to 65m ² 2 bedroom - 70m ² to 84m ² 3 bedroom – 105m ² to 106m ² . All of the apartments comply with the minimum requirements. The units demonstrate adequate levels of internal amenity. The development does incorporate 4 single aspect apartments on each level of the building. The majority of these apartments do not exceed a depth of 8m. For that area which does exceed 8m in depth, the floor plan has provided a storage area in this space. The rest of the apartment will receive adequate daylight and ventilation.	Yes
Apartment Mix The development should provide a variety of types.	The development contains 43 x 1 bedroom, 26 x 2 bedroom and 2 x 3 bedroom apartments. Council's controls do not require a particular mix of apartment sizes. The mix as proposed will provide a variety of unit sizes within the development as well as the smaller sized apartments providing affordable accommodation.	Yes
Balconies Where private open space is not provided, primary balconies with a minimum depth of 2 metres should be provided.	Each unit is provided with a primary balcony that is accessed from the main living areas of the apartments. All balconies have a minimum depth of 2.5m.	Yes

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
<p>Ceiling Heights The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level FCL).</p> <ul style="list-style-type: none"> In residential flat buildings in mixed use areas: 3.3m minimum for ground floor to promote future flexibility of use in residential flat buildings or other residential floors in mixed use buildings. In general, 2.7m minimum for all habitable rooms on all floors, 2.4m is the preferred minimum for all non-habitable rooms, however 2.25m is permitted. 	<p>The development has proposed the ground floor with a floor to ceiling height of 3.7m and 3.3m. This is due to the step in the building. The upper floors have proposed a 2.7m floor to ceiling height. The development complies with the Residential Flat Design Code requirements as well as the DCP requirements.</p>	<p>Yes</p>
<p>Flexibility Provide apartment layouts which accommodate the changing use of rooms.</p>	<p>All apartments are of an appropriate size and layout to allow for flexibility in changing use of rooms through furniture layouts. All adaptable units provide sufficient opportunity for reconfiguration of apartments to suit the requirements of disabled persons.</p>	<p>Yes</p>
<p>Ground Floor Apartments Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.</p>	<p>The development complies with this requirement as all of the ground floor apartments which adjoin a street frontage have a separate entry direct from the road as well as an entry via the residential lobby. This will assist in providing street activation. The development has provided a total of eight adaptable apartments. Two of these are located on the ground floor.</p>	<p>Yes</p>

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
<p>Internal Circulation In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.</p> <p>Increase amenity and safety of circulation spaces by providing generous corridor widths and ceiling heights, appropriate levels of lighting including the use of natural daylight.</p>	<p>The building has provided two lobbies. From these lobbies a total of 10 and 3 apartments are accessed. The northern part of the building will exceed the number of units to be accessed via a single core. This part of the building has incorporated two cross over apartments which means that the number of floors that do not comply with the requirement is restricted to three. The internal circulation space is 1.5m in width and has access to daylight and ventilation. This will add to the amenity and sense of safety within this circulation space. Given these factors, this variation can be supported.</p>	<p>No. Variation acceptable</p>
<p>Storage In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> • one bedroom apartments - 6.0m³ • two bedroom apartments - 8.0m³ • 3 bedroom apartments – 10m³. 	<p>The development complies with the required storage requirements. At least 50% of the storage has been provided within the apartment and the remaining 50% within the basement.</p>	<p>Yes</p>
<p>Acoustic Privacy Apartments within a development are to be arranged to minimise noise transitions.</p>	<p>Where possible, the apartments have been arranged with the living areas adjacent to living area. The applicant has also submitted an Acoustic Report as the site is affected by noise from the Northern Line rail corridor. This report has identified appropriate construction for glazing and the external walls and the roof/ceiling systems. A condition of consent will be imposed to require the development to comply with the recommendations of the Acoustic Report. (See condition number 39).</p>	<p>Yes</p>

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
<p>Daylight Access Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid winter.</p> <p>Limit the number of single aspect apartments with a southerly aspect to a maximum of 10% of the total units proposed.</p>	<p>85% of the apartments will receive three hours of solar access. The development does not incorporate any south facing apartments.</p>	<p>Yes</p>
<p>Natural Ventilation Building depths which support natural ventilation typically range from 10 to 18 metres. 60% of residential units should be naturally cross ventilated. 25% of kitchens should have access to natural ventilation.</p>	<p>The development has provided natural cross ventilation to 67% of the apartments and 26% of the kitchens has access to natural ventilation.</p>	<p>Yes</p>
<p>Awning Awnings are to encourage pedestrian activity on streets by providing awnings to retail strips.</p>	<p>The development does not propose any awnings on the buildings. This is consistent with the DCP requirements.</p>	<p>Yes</p>
<p>Facades Facades are to be of appropriate scale, rhythm and proportion which respond to the building's use and the desired contextual character.</p>	<p>The design of the facades incorporates a number of different building elements including recesses and projections for the facades of the building with the use of balconies and screening. The building finishes will be alucobond (this is a light aluminium composite material consisting of two aluminium cover sheets and a core material usually made of polyethylene) and glazing.</p>	<p>Yes</p>

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
Roof Design Roof design is to relate to the desired built form as well as the size and scale of the building.	The simple flat roof design is well integrated with the overall building design. Materials, colours and finishes of the roof and top floor complement the overall aesthetics.	Yes
Energy Efficiency Incorporate passive solar design techniques to optimize heat storage in winter and heat transfer in summer. Improve the control of mechanical space heating and cooling.	The energy efficiency of the buildings is consistent with the requirements under BASIX.	Yes
Maintenance The design of the development is to ensure long life and ease of maintenance.	The proposal is considered acceptable in terms of building maintenance.	Yes
Waste Management A waste management plan is to be submitted with the development application.	A Waste Management Plan has been submitted with the DA.	Yes

Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

ITEM 2 (continued)**(c) Relevant REPs**

There are no relevant REP's that affect the site.

(d) Any draft LEPs**Ryde Local Environmental Plan 2014**

RLEP 2014 contains a saving provision that affects DAs that were lodged before the gazettal of RLEP 2014. This saving provision requires DAs to be determined as if RLEP 2014 had not commenced and are considered to be a draft planning instrument.

The zoning of the property is B4 Mixed Use under RLEP 2014. The proposed development is permissible with consent.

As part of RLEP 2014, the height control for the site has been increased from 15.5m to 21.5m and a floor space ratio control included for the site.

The issue of height has already been discussed earlier in the report. The development does propose breaches to the maximum height control however this is considered satisfactory in respect to Clause 4.6 which allows variations to the controls to be considered.

RLEP 2014 also has introduced a floor space ratio applicable for the site. The floor space ratio control identified for the site is 2.3:1. The development has proposed a gross floor area of 5142m². This equates to a floor space ratio of 2.68:1. The development exceeds this control by 726m². This plan also permits variations to development standards under clause 4.6. This planning instrument has the status of a draft planning instrument so it is a matter for Council to determine how much weight should be given to this requirement.

The floor space ratio of the development is determined by the building envelope of the development which is controlled by the setback and height provisions. As previously advised the development complies with the required setback provisions contained in DCP 2014 and the building separation requirements in the Residential Flat Design Code. The overall height of the building is consistent with the adjoining developments. Due to the design of the building the extent of overshadowing is also considered satisfactory. Reducing the floor space within the building would result in a development that is lower than the adjoining buildings.

ITEM 2 (continued)

The applicant has also proposed to enter into a Voluntary Planning Agreement with Council where the applicant intends to provide Council with an accessible one bedroom apartment and associated parking space within the development that Council can use as affordable housing. This is considered to be in the public interest and as demonstrated throughout the report the proposed development is consistent with the zone objectives and the objectives for the floor space ratio control.

The issue of FSR was also considered by the Urban Design Review Panel. The Panel advised that they “would be less concerned with the additional FSR if there were no impacts from the basement and if an upper level setback at levels 4 and 5 were included to increase separation across Underdale Lane.” The DA plans have reduced the extent of basement that breaches natural ground level and planter boxes have been provided to reduce the visual impact of any breaches. The plans have also increased the setbacks on levels 4 and 5 in line with the Panel’s direction.

In the circumstances of the case, the floor space ratio is acceptable and can be supported by Council.

(e) Any DCP

City of Ryde DCP 2014

The following sections of DCP 2014 are relevant to the proposed development.

Part 4.2 Shepherd’s Bay Meadowbank

General Development Controls

Control	Comments	Comply
4.1 – The Public Domain Interface		
<i>Mixed Use Development</i>		
Mixed-use development will comprise a combination of medium and high density residential development with compatible employment related activity. Compatible employment related activities include: <ul style="list-style-type: none"> ▪ restaurants and cafés ▪ small scale retail establishments such as convenience stores ▪ small commercial offices 	The DCP aims to encourage Shepherd’s Bay as a vibrant, attractive, safe and economically viable urban village, characterised by a mix of residential, commercial and retail uses. The DCP wants development to incorporate mixed uses so that they can compatibly coexist either horizontally on adjacent parcels of land or vertically within the same building. The development has proposed an entirely residential building. (Two of the apartments are identified as home offices however these apartments are residential in nature and are not considered to be	Yes

ITEM 2 (continued)

Control	Comments	Comply
and studios <ul style="list-style-type: none"> ▪ professional suites ▪ home offices. 	true home offices). An entirely residential development is consistent with the development at 2 Underdale Lane. Other recent developments at 4 to 8 Angas Street and 3 to 13 Angas Street have incorporated home offices on the ground floor of the building. If these apartments are not used as home offices they will also be entirely residential developments. The adjoining development to the south being 11 Bay Drive has incorporated residential and commercial land uses fronting Bay Drive and the Plaza in the middle of the site. Despite being an entirely residential development, the development satisfies this requirement as mixed uses are located horizontally on adjacent parcels of land.	
Ground floor apartments are to be of flexible design to facilitate change of use and ensure privacy for occupants.	The ground floor apartments have been designed so that their use could be flexible in the future. The apartments have a floor to ceiling height of either 3.3 or 3.7m which exceeds a typical residential building and would suit either commercial or retail uses. Also, all of the ground floor apartments have a direct access to the street rather than having to access the site via the lobby area.	Yes
Private living spaces and communal or public spaces should be clearly identified and defined.	The development has clearly identified and defined the private areas and the communal areas that form part of the development.	Yes
<i>Public Domain, Access and Pedestrian & Cyclist Amenity</i>		
The achievement of maximum heights and density is contingent on meeting the public domain provisions of this plan and all public domain items being provided by the proponent.	The DCP identifies that road widening is required for Faraday Lane and Underdale Lane. This is proposed and has been discussed in further detail below. Conditions of consent would also be imposed to require the applicant to complete a new footpath along Railway Road in accordance with Council's Public Domain Manual. (See condition number 62, 63 and 113).	Yes

ITEM 2 (continued)

Control	Comments	Comply
<p>New development must be provided with a minimum of one barrier free access point to the main entry.</p>	<p>The development has proposed two pedestrian entry points from Railway Road to the building. Both of these entry points will provide barrier free access points.</p>	<p>Yes</p>
<p>Publicly accessible pedestrian and cycle ways must be provided through large sites (even if not envisioned by this plan).</p>	<p>Figure 4.2.03 refers to the public domain upgrades required. This plan does not require the site to provide any publicly accessible pedestrian or cycleway. In addition, the site is not considered to be a large site.</p>	<p>Yes</p>
<p>Constitution Road, Faraday Lane, Underdale Lane and Porter Street are to be widened. The design of new roads, shared ways footpaths and cycle paths shall be in accordance with Figure 4.2.03, Figure 4.2.04, Figure 4.2.05 and Figure 4.2.06 and the Ryde Public Domain Technical Manual.</p>	<p>The development has proposed land dedication of 2.6m wide strip along Faraday Lane. Conditions of consent will be imposed to ensure this dedication occurs and to require this strip of land to be upgraded to reflect Council's Public Domain Plan. (See condition number 62, 63 and 113).</p> <p>The DCP has identified the existing width of Underdale Lane as being 9.5m and has proposed to increase this width to 11.5m. To ensure equitable dedication for both sides of the road, this would mean that 1m of every site along Underdale Lane should be dedicated to Council. This has not occurred at 2 Underdale Lane however there is a 1.2m right of footway in front of this development. During the design process of this site, the applicant was concerned that if 1m of road widening was dedicated to Council this would result in an inconsistency with the road alignment as well as the building alignment for Underdale Lane which would ultimately adversely impact on the streetscape. A more appropriate form of development is one that is consistent with the width of the footpath and setbacks as 2 Underdale Lane. The development has</p>	<p>Yes</p>

ITEM 2 (continued)

Control	Comments	Comply
	<p>proposed to increase the width of the footpath along Underdale Lane by 1.25m to ensure consistency with the adjoining development. The setback of the development will be 2.2m which also ensures consistency with 2 Underdale Lane. It is recommended that a condition be imposed to require a 1.25m right of footway along the Underdale Lane frontage. This is consistent with the adjoining development as well as ensuring that Council satisfies the intent of the clause to improve the streetscape or Underdale Lane. (See condition number 111).</p>	
<p>The design and location of vehicle access to developments should minimise conflicts between pedestrian and vehicles on footpaths, particularly along high volume pedestrian streets.</p>	<p>Vehicular access to the car parking facilities is provided via a new entry/exit driveway located at the southern end of the Faraday Lane frontage. Faraday Lane is the most appropriate access point for the site due to the levels of the site. The design is in accordance with the relevant Australian Standard to ensure that the development minimises conflict between pedestrians and vehicles.</p>	<p>Yes</p>
<p>Service vehicle access is to be combined with parking access and limited to a maximum of one access point per building.</p>	<p>The development complies with this requirement.</p>	<p>Yes</p>
<p>Wherever practicable, vehicle access is to be a single crossing, perpendicular to the kerb alignment.</p>	<p>The development complies with this requirement.</p>	<p>Yes</p>
<p>Vehicle access ramps parallel to the street frontage will not be permitted.</p>	<p>The vehicular access ramp is perpendicular to the kerb alignment. The development complies with this requirement.</p>	<p>Yes</p>

ITEM 2 (continued)

Control	Comments	Comply
Vehicle entries are to have high quality finishes to walls and ceiling as well as high standard detailing. No service ducts or pipes are to be visible from the street.	A condition of consent will be imposed to ensure that the walls of the ramp which will be visible from Faraday Lane have high quality finishes and do not contain any service ducts or pipes. (See condition number 48).	Yes
The ground floor of all development is to be flush with the street footpath for the predominant level of the street frontage and at the main entry to the building.	The site slopes from Underdale Lane to the south. To ensure that the development complies with this requirement, the building has been designed to step along Railway Road. This ensures the main entries will be at ground level and the predominant part of the ground floor flush with the street footpath.	Yes
Recesses for roller doors and fire escapes are to be wide and shallow to provide for personal security. Narrow, deep recesses are to be avoided.	The development has proposed the security door for the garage 6m from the Underdale Lane frontage. This will enable a vehicle to get off the road while waiting for the garage door to open. The width of this entry will be 6m so it should not affect personal security.	Yes
Implementation – Infrastructure, Facilities and Public Domain Improvements		
The public land such as the road verge adjoining a development site is to be embellished and if required dedicated to Council as part of any new development. The design and construction of the works are to be undertaken in accordance with section Figure 4.2.03, Figure 4.2.04, Figure 4.2.05, Figure 4.2.06 and Figure 4.2.08.	The development has proposed to dedicate 2.6m along Faraday Lane. These dimensions are consistent with Council's requirements. Conditions of consent have been imposed to require this area to be upgraded to Council's requirements. (See conditions number 56, 57 and 104).	Yes

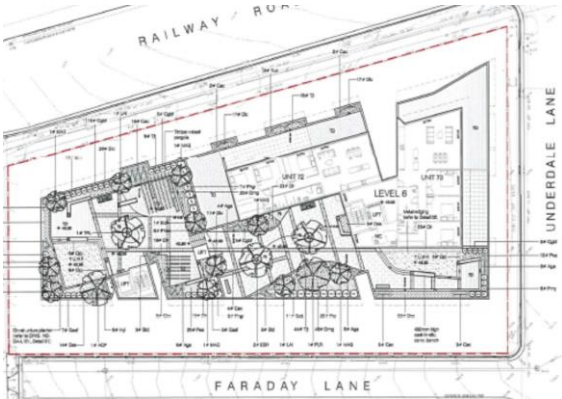
ITEM 2 (continued)

Control	Comments	Comply
The Access Network being the roads, pedestrian connections and open space network as shown on Figure 4.2.03 is to be embellished if required and dedicated to Council as part of the new development. The design and construction of the works are to be undertaken in accordance with Ryde Public Domain Technical Manual and section 4.1.2 of this DCP.	As detailed above, conditions of consent have been imposed to require this area to be upgraded to Council's requirements. (See condition number 62, 63 and 113.	Yes
Section 94 contributions still apply throughout the area, notwithstanding any land dedications, public domain improvements, infrastructure provision etc as required by this DCP.	An appropriate condition of consent will be imposed on the development consent to reflect the required Section 94 contributions. (See condition number 30).	Yes
Views & Vistas		
Panoramic views of Parramatta River are to be maintained from Faraday Park, Settlers Park, Anderson Park, and Helene Park.	The development will not interfere with any views from the listed parks.	Yes
Development is to ensure that vistas towards Parramatta River are maintained.	Views of Parramatta River from the nearby residential flat buildings will not be affected by this development.	Yes
Development must reflect the topography of the area taking into consideration views from the Rhodes Peninsula, Railway Bridge and Ryde Bridge.	The development has reflected the topography of the area by ensuring that the ground level is as close as possible to the street level. This has been achieved by providing a step in the building. The development will not adversely affect the views from the Rhodes Peninsula, Railway Bridge or Ryde Bridge.	Yes

ITEM 2 (continued)

Control	Comments	Comply
Maintain views for pedestrians and cyclists along the public open space to the Parramatta River.	The development will not adversely affect the views for pedestrians and cyclists along the public open space adjacent to Parramatta River.	Yes
New buildings are to take into account the existing views on the subject site and adjoining sites.	The development will not materially affect the views of adjacent properties.	Yes
Orientate new development to take advantage of water views and vistas.	Views towards Parramatta River from the proposed development will be significantly restricted due to the surrounding developments. The development has however been orientated to each street frontage.	Yes
New developments are not to materially compromise views of the northern ridgeline of Meadowbank.	As the development is consistent with the heights of adjoining buildings, it will not materially compromise views of the northern ridgeline of Meadowbank.	Yes
Landscaping & Open Space		
All development proposals are to be accompanied by a Landscape Plan prepared by a qualified and suitably experienced landscape architect. This is to include an Arborist report in respect of trees.	The development has provided a landscape plan. As there are no trees on the site, it was not necessary to provide an Arborist report.	Yes
Roof gardens are encouraged and must be considered in any landscaping plan.	The development has proposed a roof garden on level 6 of the building. The roof garden can be accessed by both of the lifts within the building. The roof garden intends to provide areas for passive and active recreational areas that can be used by the residents of the building. On structure planters will be provided to accommodate a mix of evergreen and deciduous trees as well as small shrubs, ground covers and accent plants. The roof garden will also provide outdoor	Yes

ITEM 2 (continued)

Control	Comments	Comply
	<p>seating areas with electric barbeques. These spaces will be covered by timber and steel pergolas.</p>  <p>Figure 15. Details of the roof garden.</p>	
<p>All existing mature trees that enhance the quality of the area are to be retained.</p>	<p>There are no existing trees on the site.</p>	<p>NA</p>
<p>Provide adequate deep planting zones above car parking and other concrete and similar structures to allow sustainable planting.</p>	<p>Due to the size of the site, the basement car park occupies the predominant part of the site. There is a 4m wide strip of deep soil planting along the southern boundary of the site. The substation is located in this space as there is no other opportunities to locate this on the site. The substation will be adequately screened to ensure that there will be minimal visual impact. Other deep planting zones have been provided with the provision of the planter boxes.</p>	<p>Yes</p>
<p>Provide at ground floor level, where possible, open space for dwelling units and contiguous open garden areas to create common large landscaped space.</p>	<p>The ground floor has proposed individual terraces for the ground floor apartments. Planting in these spaces will consist of small shrubs within on structure planters over the basement car park. This planting will contribute positively to the streetscape. However due to the constraints of the size of the site, the development will not provide common large landscaped areas other than the roof of the building.</p>	<p>Yes</p>

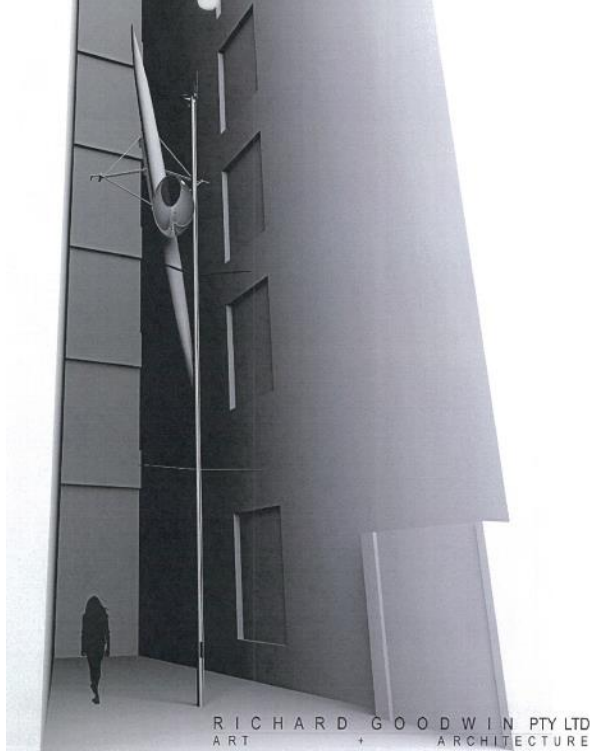
ITEM 2 (continued)

Control	Comments	Comply
<p>Where appropriate, developments should incorporate landscaping like planter boxes integrated into the upper levels of building to soften building form.</p>	<p>The type of development does not incorporate planter boxes into the upper levels of the buildings. To assist in reducing the massing of the buildings, articulation in the form of balconies and varied setbacks has been used. The buildings also demonstrate strong vertical and horizontal elements. The scale, rhythm and proportions of the building are considered appropriate without the need to add planter boxes to the upper levels of the buildings.</p>	<p>Yes</p>
<p>Building setbacks are to allow for landscaping/planting as in Section 4.2.2 Setbacks. For corner buildings a reduction of the landscape setback on one side will be considered on its merit.</p>	<p>Due to the provision of the car park most of the landscaping within the setback area will be provided in planter boxes. This will achieve the landscape objective of softening the appearance of the building.</p>	<p>Yes</p>
<p>Where a proposal involves redevelopment of a site the developer shall arrange for electricity and telecommunications utilities to be under-grounded along the entire length of all street frontages. Such utility modifications will be carried out to the satisfaction of the responsible authority (eg. Energy Australia). This is to improve the visual amenity of the area and allow street trees to grow unimpeded.</p>	<p>Any approval will be conditioned to require undergrounding along all three street frontages. (See condition number 62).</p>	<p>Yes</p>
<p>Permeable landscape surface materials are to be maximised, to allow maximum penetration of stormwater and urban runoff. Recommended permeable landscape materials include</p>	<p>The developer has complied with this requirement.</p>	<p>Yes</p>

ITEM 2 (continued)

Control	Comments	Comply
gravel, loosely fitting pavers, stepping stones, vegetative groundcover such as grass, creepers and shrubs.		
Street Furniture & Public Art		
All development proposals are to be accompanied by a landscape plan, prepared by a qualified and suitably experienced landscape architect, indicating how public domain improvements including paving, street furniture and lighting will be incorporated into the development.	The applicant has provided a plan in respect of the public domain. This plan fails to include all of the required tree planting along Underdale Lane and Faraday Lane. Appropriate conditions of consent have been imposed to require amended public domain plans to be submitted. (See condition number 62 and 63).	Yes
Public domain finishes including the style, colour and installation methods of street furniture, paving and street lighting shall be in accordance with Ryde Public Domain Technical Manual.	This will be addressed by appropriate conditions of consent. (See condition number 62 and 63).	Yes
Public art is to be provided in accordance with Council's Public Art Policy. Developers must examine opportunities to incorporate public art in both internal and external public spaces and indicate how public art will be incorporated into major developments.	The applicant has proposed to incorporate public art at the northern most entry to the building. The public art will consist of a sculpture which comprises an alloy anodized yacht mast, a mirror and a single rowing scull, fabricated in stainless steel and bronze. These elements are proposed to be pirouette together and suspended from the building by a web of stainless steel yachting features. This plan has been approved by Council's Senior Community Planner.	Yes

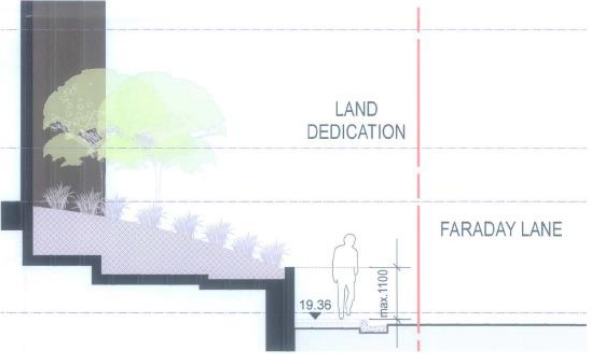
ITEM 2 (continued)

Control	Comments	Comply
	 <p data-bbox="708 1149 1316 1211">Figure 16. Proposed public art to be erected near the main pedestrian entry of the building.</p>	
Safety		
Public spaces need to be designed to meet Crime Prevention Through Environmental Design (CPTED) Principles.	The development does not propose any public spaces within the development. The development has however been designed to allow for casual surveillance from the apartment over the public spaces outside of the site.	NA
Open sightlines and landscaping needs to be provided that allows for high levels of public surveillance by residents and visitors.	The landscaping along the street frontages will not obscure sight lines from or towards the development. In addition, the design also allows for casual surveillance from the apartments to the public spaces by residents and visitors.	Yes
Lighting is to be provided to all pedestrian ways, building entries, corridors, laundries, lifts, stairwells, driveways and car parks to ensure a high level of safety and security for residents and visitors at night.	Appropriate conditions will be imposed to require external lighting to the development. (See condition number 83).	Yes

ITEM 2 (continued)

Control	Comments	Comply
4.2 – Architectural Characteristics		
Height		
<p>The maximum building height is to comply with the heights shown in DRLEP 2013. Buildings must comply with the maximum number of storeys shown in Figure 4.2.10.</p>	<p>The issue of height has already been addressed in this report. The height is considered to be satisfactory. The DCP identifies that the development must not exceed a maximum of six storeys. The development contains part six and part seven storeys. In this instance the DCP control (based on storeys) conflicts with the height provisions of RLEP 2014 (based on metres). The DCP provision has no effect to the extent that it is “inconsistent or incompatible” with RLEP 2014 pursuant to Clause 74C(5) of the EP&A Act, 1979. The height of this building is consistent with the desired future character of the area despite the number of storeys.</p>	<p>Yes</p>
<p>The ground floor height shall be four metres floor to floor regardless of use.</p>	<p>To respond to the topography of the site the building has been stepped. This has resulted in the floor to floor height being 4m for the majority of the ground floor. The southern portion of the building which contains 3 apartments on the ground floor will have a floor to floor height of 3.65m. The lower floor height will comply with the ceiling heights permitted by the RFDC and would still allow for flexibility in the use of the ground floor. This height is acceptable for the above reason.</p>	<p>Yes</p>
<p>Any car parking above ground will have a minimum three metres (floor to underside ceiling) to allow for potential future conversion.</p>	<p>Due to the fall of the land, basement level 1 will exceed natural ground level along Faraday Lane and Railway Road. The greatest breach of NGL is along Faraday Lane where the basement level will exceed NGL by a maximum of 3m. This area does not have the potential to be converted to another use as access to the basement would not be possible. The impact of the basement above NGL has been reduced with the provision of planter boxes to soften the impact.</p>	<p>Yes</p>

ITEM 2 (continued)

Control	Comments	Comply
	 <p>Figure 17. Section taken along Faraday Lane in the vicinity of the vehicular entrance showing the planter box and wall to soften the appearance of the car park.</p>	
Setbacks		
Setbacks must be consistent with the setback map. New development to have 4m setbacks.	The development has complied with the 4m setback to all elevations with the exception of Underdale Lane. The lower four floors of the development have been setback 2.2m to Underdale Lane. This setback is consistent with the development at 2 Underdale Lane. To maintain a consistent streetscape, this setback is appropriate.	No. Variation acceptable
Roof Form		
The use of solar panels on roofs is permitted where possible.	The application does not include the provision for the installation of solar roof panels. This may be considered at a future date and if it is considered to be feasible and desirable, this work would be permissible under the Infrastructure SEPP.	NA
Attic roofs are to be avoided—as they are not in character with the locale.	No attic roofs are proposed.	NA
Building Articulation		
Building facades should be articulated within a 3-metre zone to provide entries, external balconies, porches, glazed balcony enclosures, terraces, verandahs, sun shading elements etc.	Building articulation has been provided to all elevations. The articulation involves the use of balconies as well as indents in the building.	Yes

ITEM 2 (continued)

Control	Comments	Comply
Penthouses should be set a minimum of four metres from any building façade.	This is applicable to the seventh storey. This floor has been setback between 3.8m to 4m to Railway Road, 3.95m to Underdale Lane and 6.3m to Faraday Lane. There is a minor variation along Railway Road and Underdale Lane. The purpose of the control is a streetscape control to reduce the bulk of the building as viewed by a pedestrian. As the variations are minor in nature, this objective is satisfied and no objection is raised to the control.	No. Variation acceptable.
Articulate buildings to respond to orientation, views, breezes, privacy, views, acoustic requirements, street widths and the relationship of the building to external garden spaces.	The development complies with this requirement.	Yes
Articulate buildings vertically and horizontally: materials and building setbacks on the upper storeys are to be used to reduce the perceived bulk of buildings.	The building has been articulated vertically as well as horizontally by the use of materials, finishes and indents. The development complies with this requirement.	Yes
Provide and denote entries along street frontages and public domain spaces where appropriate.	Entries will be clearly identifiable from the public domain.	Yes
Buildings are to address streets, open spaces and the river foreshore. Street frontages are to be parallel with or aligned to the street alignment.	Street frontages are parallel with the street alignment. Each building is orientated to the street frontage that it adjoins.	Yes
Provide balconies and terraces, particularly where buildings overlook public spaces.	Each apartment has been allocated a balcony or terrace. These balconies and terraces are provided along all street frontages of the development.	Yes
All facades visible from the public domain are to be durable, low maintenance and of high quality.	The development complies with this requirement.	Yes

ITEM 2 (continued)

Control	Comments	Comply
External glass to be non-reflective and have a maximum of 20% tint.	This matter can be addressed as a condition of consent. (See condition number 36).	Yes
<i>Private and Communal Open Space</i>		
No more than 50% of communal open space provided at ground level shall be paved or of other non-permeable materials.	The development does not provide any communal space on the ground floor. This clause is not applicable to the proposed development.	Yes
Landscaping to be in accordance with approved landscape plan.	Any approval would be conditioned to require landscaping to be provided prior to the occupation of the development. (See condition number 99).	Yes
<i>Energy Efficient Design</i>		
Residential development must be designed in accordance with principle outlined in the Building Sustainability Index (BASIX).	The applicant has submitted a BASIX Certificate which demonstrates that the development complies with the requirements.	Yes
<i>Noise and Vibration Attenuation</i>		
New residential developments, including those within a mixed-use building, are required to consider noise attenuation and acoustic treatment in their design. New units are to be constructed in accordance with: - AS 3671-1989 and -AS 3671-1987.	The applicant has submitted an Acoustic Report which has considered the Interim Guidelines for Development Near Rail Corridors and Busy Roads. The report has concluded that the development would be affected by road and traffic noise. However, if the development complies with the recommendations contained in the report in respect to glazing, walls, roof and ceiling construction, the development will comply with relevant acoustic criteria. The development is unlikely to be affected by train vibration impacts so no vibration attenuation treatment is required. A condition of consent will be imposed to ensure that the development will comply with the recommendations of the Acoustic Report. (See condition number 39).	

ITEM 2 (continued)

Control	Comments	Comply
<i>On site Loading and unloading facilities</i>		
All new buildings are required to provide on-site loading and unloading facilities. Loading docks shall be located in such a position that vehicles do not stand on any public road, footway, laneway or service road and vehicles entering and leaving the site move in a forward direction.	As the development is entirely residential, no on site loading or unloading facilities have been provided. This is consistent with Council's Car Parking DCP 2010. The development has however incorporated a loading bay for the collection of rubbish. This could be used for small trucks for loading and unloading.	Yes
<i>Flooding and Stormwater</i>		
Development must comply with Part 8.6 Floodplain Management of this DCP.	The site is not located within a flood area. This clause is not applicable to the development.	Yes

Precinct Specific Development Controls

The Meadowbank Employment Area consists of eight precincts that are differentiated by land-use, urban form and district character. Each precinct has additional and specific planning principles and planning and urban design controls that are to be applied to the precinct. The site is located within Precinct 1: Station. The planning principles and controls are contained in the following table.

Control	Comments	Comply
Views from the Parramatta River must be protected and not be interrupted by a continuous line of buildings.	The site is surrounded by roads and a pedestrian link. This will prevent the development from being seen as a continuous line of building when viewed from Parramatta River.	Yes
Apartments fronting the main railway line at the western side of the Precinct must be treated with suitable acoustic glazing and appropriate solar control. The use of recessed balconies and winter gardens is encouraged to counter the western orientation.	To ensure that the development is not affected by noise from the railway line, the Acoustic Report has identified appropriate construction for glazing, external walls and the roof/ceiling systems. A condition of consent will be imposed to require the development to comply with the recommendations of the Acoustic Report. (See condition number 39).	Yes

ITEM 2 (continued)

Control	Comments	Comply
	The development has incorporated recessed balconies along the western elevation.	
Awnings are required on Railway Road with a minimum height to the underside of 3.2m. Awnings are to allow for street tree planting.	An awning can only be provided where the DCP permits zero setbacks. For this site, the DCP requires a 4m setback to Railway Road which will not permit an awning to be provided.	NA
Properties between Angas Street and Faraday Lane, between Constitution Road and Underdale Lane, must be accessed from Angas Street.	This requirement is not applicable to the proposed development.	NA

Part 7.2 – Waste Minimisation and Management

A concept Waste Management Plan has been submitted with the development application. The information generally satisfies the requirements of this part of the DCP.

Part 8.1 – Construction Activities

The main construction issues relevant to this proposal will be managing water quality by preventing soil erosion, the management of construction traffic and parking of builder's vehicles, construction noise, dust and the like.

These matters have been addressed by way of appropriate conditions of consent.

Part 9.2 – Access for People with Disabilities

The DCP requires that the residential flat buildings must provide an accessible path of travel to all units as well as the provision of 7 adaptable units. The applicant has provided an Access Review Report which demonstrates that the development will comply with the access requirements as well as providing 7 adaptable apartments. A condition of consent has been imposed to ensure that the development complies with the appropriate access standards. (See condition numbers 37 and 38).

ITEM 2 (continued)

Part 9.3 - Car Parking

The Car Parking DCP requires parking to be provided at the following rates:

- 0.6 to 1 space per one bedroom dwelling
- 0.9 to 1.2 spaces per two bedroom dwelling
- 1.4 to 1.6 spaces per three bedroom dwelling
- 1 visitor space per 5 dwellings.

The applicant originally proposed to provide 9 car parking spaces off site on the other side of Railway Road. This was not acceptable to Council's Officers and the applicant amended the development to provide all car parking on the site.

The development contains a total of 71 apartments comprising of 43 x 1 bedroom apartments, 26 x 2 bedroom apartments and 2 x 3 bedroom apartments. Car parking is to be provided at the following rates:

	Lower limit	Upper limit
1 bedroom units	25.8	43
2 bedroom units	23.4	31.2
3 bedroom units	2.8	3.2
Visitors	14.2	14.2
Total	66.2	91.6

The development has proposed 91 car parking spaces. These will be allocated as 77 residential spaces and 14 visitors. The development complies with the required car parking requirements.

Bicycle parking is to be provided at a rate of 1 space for every 10 car parking spaces. This results in the development being required to provide nine bicycle spaces. The development has proposed 12 spaces. (See condition number 13).

Section 94 Development Contributions Plan 2007 (Amendment 2010)

Development Contributions Plan – 2007 (2010 Amendment) allows Council to impose a monetary contribution on developments that will contribute to increased demand for services as a result of increased development density / floor area.

ITEM 2 (continued)

The contributions that are payable with respect to the increased floor area are based on the following figures being outside Macquarie Park:

Contribution Plan	Contributions	Total
Community and Cultural Facilities	\$171,043.52	
Open Space and Recreation Facilities	\$421,074.65	
Civic and Urban Improvements	\$143,215.77	
Roads and Traffic Management Facilities	\$19,535.37	
Cycleways	\$12,202.73	
Stormwater Management Facilities	\$38,786.56	
Plan Administration	\$3,289.90	
Grand Total		\$809,148.50

Notes:

- The December 2014 rates have been applied to the development.

Condition 30 requiring the payment of a Section 94 contribution has been included in the recommendation of this report which will further be indexed at the time of payment if not paid in the same quarter. This condition has required the Section 94 Contribution to be paid prior to the issue of any Construction Certificate for the buildings.

10. Likely impacts of the Development

Many of the impacts have already been discussed in the report. The greatest impacts are likely to be due to increased traffic and overshadowing.

In terms of traffic, the development is likely to result in 14 vehicle trips per hour in the AM peak period and 11 vehicle trips per hour in the PM peak period. These figures are based on a worst case scenario and have not considered any traffic generated by the existing development on the site. The traffic generated from the development is relatively minor and that the road system is able to accommodate the increase. This has been supported by Council's Traffic Engineer.

The development will result in overshadowing during mid winter. This overshadowing will affect the adjoining residential flat building at 11 Bay Drive, 13 Bay Drive and 2 Underdale Lane. The shadow impact is not a consequence of the building exceeding the maximum height control. As previously advised where this building exceeds the control it is well setback from the boundaries and does not contribute to overshadowing to the adjoining developments.

The balconies and windows along the northern elevation of 11 Bay Drive will receive at least 2 hours of sunlight during midwinter. Both of the buildings at 13 Bay Drive and 2 Underdale Lane will be affected by overshadowing in the afternoons. This impact will be restricted to the lower 5 levels of the buildings.

ITEM 2 (continued)

The extent of overshadowing onto the adjoining development is a consequence of the height of the building being consistent with the 21.5m height control. As the development complies with the building separation requirements permitted by the Residential Flat Design Code, the shadow impact cannot be avoided.

11. Suitability of the site for the development

The subject site is considered suitable for the proposed development for the reasons outlined below.

The site is not affected by any overland flow or other natural constraint.

The site is zoned B4 Mixed Use under RLEP 2010 and RLEP 2014, which permits the development of residential flat buildings. Accordingly, the proposed development is considered suitable with respect to land use permissibility.

The development is also unlikely to have an adverse impact on the amenity of the area.

12. The Public Interest

The development is considered to be in the public interest as it is consistent with the desired future character of the area.

13. Consultation – Internal and ExternalInternal Referrals

Senior Development Engineer: No objections are raised subject to appropriate conditions of consent. (See condition numbers 15 to 19, 45 to 49, 63 to 66, 85 to 89, 98 to 100).

Environmental Health Officer: No objections are raised subject to appropriate conditions of consent. (See condition numbers 14, 23 to 29, 56 to 60, 97 to 98, 108, 117 to 118).

Traffic Engineer: No objections are raised subject to appropriate conditions of consent. (See condition numbers 64, 95, 109 and 110).

Manager Waste: No objections are raised subject to appropriate conditions of consent. (See condition numbers 114, 119).

Senior Planner Community and Culture: No objections are raised to the development subject to condition 115.

ITEM 2 (continued)

Section Manager – Asset Networks: No objections are raised subject to appropriate conditions of consent. (See condition numbers 61 65, 111 to 112).

17. Conclusion

The development proposes variations to the height and floor space ratio controls contained in the applicable planning instruments. Despite these variations, the built form is compatible with the adjoining buildings and the intended character of the area. The building provides adequate separation distances as required by the Residential Flat Development Control Plan and Council's DCP setback requirements.

The applicant has offered to enter into a VPA with Council which will provide Council with an apartment that will be used as affordable housing as well as dedicating a portion of Faraday Lane to Council for road widening. This provides a significant public benefit to Council and the community.

The development application is recommended for approval subject to appropriate conditions of consent.

ITEM 2 (continued)

ATTACHMENT 1

CONDITIONS OF CONSENT

DEFERRED COMMENCEMENT CONDITION

This consent is not to operate until the applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

1. The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:
 - a. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
 - b. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - c. Cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail tunnel. All measurements are to be verified by a Registered Surveyor.
 - d. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and tunnel location.
 - e. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

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:

ITEM 2 (continued)

ATTACHMENT 1

Document Description	Date	Plan Number
Cover Plan	Sept 2014	DA00 Issue B
Basement 03	Sept 2014	DA03 Issue A
Basement 02	Sept 2014	DA04 Issue B
Basement 01	Sept 2014	DA05 Issue B
Ground Floor Plan	Oct 2014	DA06 Issue C
Level 1	Sept 2014	DA07 Issue A
Level 2	Sept 2014	DA08 Issue A
Level 3	Sept 2014	DA09 Issue B
Level 4	Sept 2014	DA10 Issue B
Level 5	Sept 2014	DA 11 Issue B
Level 6	Sept 2014	DA12 Issue B
Roof	Sept 2014	DA 13 Issue B
West and east elevations	Sept 2014	DA14 Issue B
North and south elevations	Sept 2014	DA15 Issue B
Sections	Sept 2014	DA16 Issue B
Cross ventilation diagrams	Sept 2014	DA18 Issue B
Finishes Schedule	June 2014	DA20 Issue A
Planter Sections	Oct 2014	DA24 Issue A
Planter Sections	Oct 2014	DA 25 Issue A
Landscape Plan: Ground floor + typical detail	7/7/14	DA-L101 Rev A
Landscape Plan: Level 06 + typical detail	7/7/14	DA-L102 Rev A
Landscape composite plan: ground floor + Level 06	7/7/14	DA-L103 Rev A

2. **Voluntary Planning Agreement** – Prior to the issue of any Construction Certificate, the Voluntary Planning Agreement between the Council of the City of Ryde and DEP Shepherd Bay Pty Limited, John O'Brien and Joanne Rhook and that relates to the development application the subject of this consent, must be lodged for registration on the title of the property.
3. The applicant is to comply with all of the VPA obligations entered into between Council and DEP Shepherd Bay Pty Limited, John O'Brien and Joanne Rhook.
4. **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.
5. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 555606M_04, dated 16 September 2014.

ITEM 2 (continued)

ATTACHMENT 1

6. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
7. **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.
8. **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.
9. **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.
10. **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.
11. **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.
12. **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.
13. **Parking/bicycle Spaces.** Ninety one (91) parking spaces are to be provided, with seventy seven (77) spaces for residents and fourteen (14) for visitor parking. The car parking spaces are to be clearly line marked with the visitor spaces clearly marked "Visitor Parking". Twelve (12) bicycle spaces are to be provided within the development. Details demonstrating compliance are to be shown on the Construction Certificate plans.

ITEM 2 (continued)

ATTACHMENT 1

14. **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. If additional information is discovered about site contamination, the proponent must comply with any reasonable requirements of Council.
15. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements specified within Council's Development Control Plan 2014 Part 8.5 Public Civil Works except otherwise as amended by conditions of this consent.
16. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
17. **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.
18. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.
19. **Engineering plans assessment and works inspection fees –** The applicant is to pay to Council for assessment of all engineering and public domain plans and works inspection fees, in accordance with Council's Schedule of Fees & Charges, prior to any approval being granted by Council.

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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ATTACHMENT 1

20. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work or excavation 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 adjoining property advising of the date the work is due to commence.
21. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
22. **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.
23. **Waste management plan.** A Demolition Waste Management Plan for the management of demolition material must be prepared and submitted to Council prior to the commencement of works.
24. **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.
25. **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.
26. **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.
27. **Disposal of demolition waste.** All demolition waste 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.

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ATTACHMENT 1

28. **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.
29. **Classification of wastes** - All wastes including soil excavated during demolition or construction work must be assessed and classified in accordance with the *Waste Classification Guidelines* (DECCW, 2009) before being transported from the site.

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.

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$171,043.52
Open Space & Recreation Facilities	\$421,074.65
Civic & Urban Improvements	\$143,215.77
Roads & Traffic Management Facilities	\$19,535.37
Cycleways	\$12,202.73
Stormwater Management Facilities	\$38,786.56
Plan Administration	\$3,289.90
The total contribution is	\$809,148.50

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

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

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

31. **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**.
32. **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)
33. **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
34. **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.
35. **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 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.

36. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.

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ATTACHMENT 1

37. **Disabled access:** Prior to the issue of a Construction Certificate, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate Drawings fully comply with the Building Code of Australia and Australian Standards AS1428.1, AS4299, AS1735.12 and AS2890.6. The report is to be provided to the PCA and Council (if Council is not the PCA).
38. **Adaptable Units:** A total of 7 adaptable units are to be provided within the development. These apartments are to comply with all of the spatial requirements as outlined in AS4299. Details demonstrating compliance is to be provided on the Construction Certificate plans. Prior to the issue of the Construction Certificate, a suitably qualified access consultant is to certify that the development achieves the spatial requirements of AS4299.
39. **Acoustic Requirements.** The recommendations contained in Section 4.3 of the Acoustic Report prepared by Acoustic Logic dated 23 June 2014 are to be demonstrated on the Construction Certificate plans. Details indicating compliance with these requirements are to be submitted to the PCA prior to the Construction Certificate being issued. Prior to the occupation of the development, a suitably qualified acoustic consultant is to verify that the development complies with these recommendations in the above report.
40. **Sydney Trains.** An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines".
41. **Sydney Trains.** Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the PCA with the application for a Construction Certificate.
42. **Sydney Trains.** The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains.

The PCA is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
43. **Sydney Trains.** If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The PCA is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

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ATTACHMENT 1

44. **Sydney Trains.** Prior to the issuing of a Construction Certificate the applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The PCA is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
45. **Sydney Trains.** If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The PCA is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
46. **Design verification:** Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.
47. **Service infrastructure/utilities:** All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to the issue of the Construction Certificate.
48. **Vehicular entry.** The vehicular entry is to have high quality finishes and detailing to the walls and ceiling. No service ducts or pipes are to be provided within the vehicular entry. Details demonstrating compliance is to be submitted on the Construction Certificate plans.
49. **BASIX Details to be included on the Construction Certificate:** The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
50. **Soil Depth Over Structures.** Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Residential Flat Design Code. Information verifying that the development complies with these requirements to be provided on the Construction Certificate plans.

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51. **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) To facilitate vehicle access to/ from ramps in the basement garage levels, the ramps must have a splay, no less than 1m by 1m. , on the inside swept path of a vehicle where possible. Specific locations include the base of the ramp leading to basement lower level 2 and the crest of the ramp leading to the upper basement level 01.
- b) The visitor space No. 6 is allocated as a disabled space however is impractical due to the convoluted access to/ from the space. Given this demand is served by the provision of visitor space No. 4, the space should be reconfigured as a standard carspace.

These amendment(s) must be clearly marked on the plans submitted with the application for a Construction Certificate.

52. **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 development's stormwater management system must be submitted with the application for a Construction Certificate.

Stormwater runoff on the site shall be collected and piped by gravity flow to Councils inground drainage infrastructure located in Faraday Lane, generally in accordance with the plans by Engineering Studio (Civil & Structural) (Refer to Project No. 14335 Dwgs C00.01 & C02.01– C05.01 Rev C dated 9 July 2014).

The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer with NPER registration with Engineers Australia and comply with the following;

- The certification must state that the submitted design (including any associated components such as 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 City of Ryde – DCP 2014 Part 8.2 (Stormwater Management).
- 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 generally preserve the pre-developed groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network as well as avoid impacts such as foundation consolidation that may result from dewatering practises.

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ATTACHMENT 1

53. **Stormwater Management – Connection to Council Drainage System.** The connection to Council's inground stormwater drainage infrastructure located in Faraday Lane will require the assessment, approval and inspection by Council's Public Works section to ensure the integrity of this Council asset is maintained. Engineering plans detailing the method of connection and an inspection fee in accordance with Council's current fees and charges must be paid to Council prior to the issue of the Construction Certificate. Council must be notified when the connection has been made to the pit / pipe and an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval.
54. **Geotechnical – Design, Certification and Monitoring Program.** The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Civil or Structural Engineer specialising in geotechnical and the hydrogeological field to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

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

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- details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

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

55. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work (within the zone of influence of excavation), namely 11 Bay Drive. A copy of the dilapidation survey is to be submitted to the Accredited Certifier *and Council* prior to the release of the Construction Certificate.
56. **Mechanical ventilation details** - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted for approval with the application for the Construction Certificate. Such details must include:
- (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems; and
 - (b) A design certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and the conditions of this Consent.
57. **Detailed site investigation report** – Following the demolition of the current buildings on the site, the proponent must submit a detailed site investigation report for Council's consideration. This report is to be submitted to Council prior to the issue of any Construction Certificate. The detailed site investigation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate and clearly state that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use.
58. **Remediation of land following detailed site investigation** - If required by the detailed site investigation report, the land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

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

Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of *State Environmental Planning Policy No. 55 - Remediation of Land*.

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All remediation work must be carried out in accordance with the requirements of:

- (a) *State Environmental Planning Policy No. 55 - Remediation of Land*;
- (b) any relevant guidelines published by the NSW Environment Protection Authority; and
- (c) any council policy or development control plan relating to the remediation of land.

59. **Council may require site audit report** - If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the detailed site investigation and/or validation report.
60. **Evidence of connection by gravity flow** - Documentary evidence from a professional hydraulic engineer or other suitably qualified person demonstrating that all of the premises will be connected directly to the sewerage system by gravity flow must be submitted with the application for the Construction Certificate.
61. **Roadway Excavation.** The proposed development will result in substantial excavation adjacent to the roadway (or road embankment). The applicant shall construct a retaining wall within the property to support the roadway (or road embankment). The proposed excavation has been approved subject to the following matters being satisfied:-
- a) The owner lodging with Council a \$50,000 cash bond or bank guarantee, prior to the issue of a construction certificate, to ensure that the work is carried out in accordance with the approved plans. The bond will be refunded upon satisfactory completion of the retaining wall.
 - b) Fully detailed design drawings and calculations shall be prepared by a Geotechnical Engineer for the retaining wall and submitted to Council for approval prior to the issue of a Construction Certificate
 - c) On completion of construction of the retaining wall a Geotechnical Engineers Certificate shall be submitted to Council which states that the engineer has inspected the work during construction and that the works have been carried out in accordance with the approved design. If no certificate is produced on completion of the retaining wall, then no further work shall proceed on the site until such certificate is produced.
 - d) If the certificate referred to above is found to be unacceptable, no work shall proceed on the site until the applicant has satisfied Council's Group Manager Public Works that the retaining wall has been constructed in accordance with the approved design.
 - e) The applicant shall inform Council at least seven (7) days before commencing any excavation works.

These conditions are to ensure that the applicant and or landowner complies with Section 91 of the Roads Act 1993 and provides adequate support for the public road. The applicant should also be aware that under Section 93 of the Roads Act 1993 Council may direct the landowner to fill an excavation that threatens the stability of the roadway.

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62. **Public domain** - The public domain is to be upgraded in Faraday Lane, Underdale Lane and Railway Road frontages of the development site, in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank, unless varied by the requirements listed below. This work is to include but not be limited to paving, multifunction light poles, street furniture and plantings. A Public Domain plan is to be submitted to Council for approval by Council, as the Road Authority, prior to the issue of the Construction Certificate.

The plans shall include all details relevant to the public domain works including:

- a) The provision of street trees in Underdale Lane in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank.
- b) The construction of grey granite footway along the Railway Road, Faraday Lane and Underdale Lane frontages of the site in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank.
- c) The construction of grey granite paving in Railway Road at the junction of the Upgraded Link 3 in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank.
- d) The replacement of the existing asphalt and brick banding section on the footpath in Railway Road at the southern extent of the site (being the junction of the pedestrian pathway) with a grey granite footway and grey granite banding.
- e) The undergrounding of all telecommunication and utility services along the Faraday Lane, Underdale Lane and Railway Road frontages of the site. Plans prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network are to be submitted to Council and Ausgrid for approval prior to commencement of work.
- f) The provision of new street lighting serviced by metered underground power and on multifunction poles (MFP), to be designed and installed to Australian Standard AS1158.3.1-1999 Road Lighting, with vehicular luminance category V5 and pedestrian luminance category P2. Lighting upgrade shall be in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank. Plans are to be submitted to Council for approval prior to lodgement of the scheme with Ausgrid for their approval. Prior to submission of the plans to Council liaison with Council's Public Works Group is advisable so as to obtain Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter box.

Note: Council has prepared a schema for the provision of the street lighting on MFPS. A copy of the schema can be made available to the electrical design consultant upon request to Council's Public Works Group.

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63. **Public Infrastructure Works** – Engineering drawings prepared by a Chartered Civil Engineer (with NPER registration with Engineers Australia) are to be submitted to Council for approval prior to issue of a Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 Public Civil Works & Part 8.2 - Stormwater Management where applicable.

The drawings shall include plans, sections, existing and finished levels, new property alignment, and other relevant details for the following works:

- a) The proposed improvements in Faraday Lane along the frontage of the development to provide a road carriageway width of 6.5m between kerbs and a footway width of 3.0m in accordance with DCP 2014 Part 4.2 Shepherd's Bay, Meadowbank Figure 4.2.04a.
 - b) The proposed improvements along the frontage of the development in Underdale Lane to provide a road carriageway width, kerb and gutter alignment and footway width consistent with that provided along the section of Underdale Lane at No. 2 Underdale Lane.
 - c) The removal of all redundant vehicular crossings and the construction of new kerb and gutter along the Railway Road, Faraday Lane and Underdale Lane frontages of the site. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter.
 - d) The extent of road pavement reconstruction along the Railway Road, Faraday Lane and Underdale Lane frontages of the site.
 - e) The installation of a new threshold across the Railway Road entrance to Underdale Lane in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank.
 - f) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to council and their requirements being fully complied with.
64. **Vehicle Footpath Crossings** - Footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicular traffic. The crossing(s) are to be constructed to match the paving style along the frontage of the development site and conform to the boundary alignment levels issued by Council's Public Works Division. The location, design and construction shall comply with the City of Ryde Development Control Plan 2014 Part 8.3 Driveways and Part 8.5 - Public Civil Works, and all relevant Australian Codes and Standards.

In order to avoid the access driveway looking like a public road, kerbs shall not be returned to the boundary alignment line.

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The applicant shall provide Council with certification from a Chartered Civil Engineer (with NPER registration with Engineers Australia) confirming that the vehicle crossing design meets Council requirements and the relevant standards, prior to the issue of the Construction Certificate.

65. **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 shall be accompanied by engineering plans of the proposed civil works along the frontage of the development site. The Council issued levels shall be incorporated into the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.

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.

66. **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.

67. **Excavation adjacent to adjoining land**

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

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68. **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.
69. **Construction Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Management Plan (CMP) must be submitted to Council for approval by Council's Public Works section, prior to the commencement of any works on the site. The CMP 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 CMP 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.
- Be in accordance with Council's DCP 2014 Part 8.1 (Construction Activities)
- 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.
- Take into consideration the construction effects of current or potential development on adjoining sites and specify a contingency plan to be undertaken.

Structures or works on Council property (such as hoardings, scaffolding, shoring or excavation), 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.

70. **Ground Anchors.** The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's Public Works department, as per the provisions of Section 138 of the Roads Act. The application for consent must include detailed structural plans prepared by a chartered structural engineer, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is subject to the applicant paying all applicable fees in accordance with Council's Management Plan.

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71. **Dilapidation Report.** To ensure Council's infrastructures are adequately protected a dilapidation report on the existing public infrastructure in the vicinity of the proposed development and within 100m of the site is to be submitted to Council. The report shall detail, but not be limited to the location, description and photographic record of any observable defects but to the following infrastructure where applicable.

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

The report is to be submitted to Council's Public Works Department, prior to works commencing with another similar report submitted at completion and prior to issue of Occupation Certificate. The reports shall be used by council to assess whether restoration works will be required prior to the issue of the Occupation Certificate.

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

72. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by Engineering Studio (Civil & Structural) (Refer to Project No. 14335 Dwgs C00.01 & C01.01 Rev C dated 9 July 2014) 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. Any dewatering of the site involving the pumping of site water to a kerb inlet pit, will require implementation of soil and sediment settlement / filtration measures as well as consent from Council under Section 138 of the Roads Act.

73. If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

DURING CONSTRUCTION

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

ITEM 2 (continued)

ATTACHMENT 1

74. **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*.
75. **Construction noise.** The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
76. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
77. **Construction materials.** All materials associated with construction must be retained within the site.
78. **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.
79. **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.
80. **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".
81. **CCTV Cameras.** CCTV cameras will be required to be installed in the following locations:
- The residents carpark;
- The ground floor lobby and lifts
- The car park entry/exit points.
Digital technology will be required to be used to record images from the camera and this is to be located in a secure location. The surveillance equipment will need to be able to zoom in and out on a person without losing focus. It must be maintained in working order at all times and installed by a qualified and reputable company.

ITEM 2 (continued)

ATTACHMENT 1

82. **Car parking security.** Vehicular entry to residential parking and visitor's parking areas is to be through a secured roller shutter with an intercom system for visitor's access. The doors are to be controlled by locksets such as remote or card operating electronic lock sets. The phasing of the roller door needs to minimise the opportunity for unauthorised pedestrian access after a vehicle enters/exits the car park.
83. **Lighting.** Lighting is to be provided around the site and all lighting is to comply with the following requirements:
- Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
 - A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
 - Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal gardens.
 - Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.
84. **Graffiti.** All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.
85. **Security.** To enhance the physical security of doors, all glass doors are to be laminated and the main entry/exit doors to individual units on the ground floor, including balcony doors and fire exit doors to the development are to be fitted with a single cylinder lockset (Australian and New Zealand Standard - Lock Sets), which comply with the Building Code of Australia. Windows to individual units on the ground floor should also be fitted with key operated locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.
86. **Intercom System.** Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development. An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.
87. **Balcony doors to units.** Balcony doors to units are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units.
88. **Unit windows.** The windows to individual units are to be fitted with key operated locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units.

ITEM 2 (continued)

ATTACHMENT 1

89. **Lift access and security.** Electronic access controls are to be installed on the lift. The equipment should include card readers to restrict access to the level a resident residents on, to the car parking levels and to the Ground Floor.
90. **Studies.** All studies within the development are to be provided with the internal joinery for the construction of a desk and storage areas. At no times are the studies to be used as a bedroom.
91. **Construction of garbage rooms.**All garbage rooms must be constructed in accordance with the following requirements:
- a. 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.
 - b. The floor waste must be provided with a fixed screening in accordance with the requirements of Sydney Water Corporation.
 - c. 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.
 - d. The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with light coloured washable paint.
 - e. 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.
 - f. 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.
 - g. The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation.
 - h. The room must be provided with adequate artificial lighting.
 - i. A hose cock must be provided in or adjacent to the room to facilitate cleaning.
92. **Traffic Management.** Any traffic management procedures and systems must be in accordance with *AS 1742.3 1996* and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

Accordingly, a detailed plan of traffic management prepared by a traffic engineer including certification indicating compliance are to be submitted with the Construction Certificate application.

ITEM 2 (continued)

ATTACHMENT 1

93. **Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.
94. **Geotechnical – Implementation of Geotechnical Monitoring.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.
95. **Construction Management Plan – Compliance.** All works and construction activities are to be undertaken in accordance with the approved Construction Management Plan (CMP). All controls in the CMP 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 CMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
96. **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 Engineering Studio (Civil & Structural) (Refer to Project No. 14335 Dwgs C00.01 & C02.01– C05.01 Rev C dated 9 July 2014) submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in connection to the trunk drainage system.
97. **Mechanical ventilation of rooms** - If the airborne noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed.
98. **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.

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.

ITEM 2 (continued)

ATTACHMENT 1

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.

99. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
100. **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.
101. **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**.
102. **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.
103. **BASIX Commitments.** Prior to the issue of the Occupation Certificate, the Principle Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the approved BASIX Certificate. Note: Certificates from suitably qualified persons are to be submitted to the Principle Certifying Authority (if Council is the PCA) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.
104. **Design Verification.** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential flat development achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard

ITEM 2 (continued)

ATTACHMENT 1

to the design quality principles set out in Part 2 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154 of the *Environmental Planning and Assessment Regulations 2000*.

105. **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.
106. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to Section 88 E of the Conveyancing Act (1919), providing for the ongoing maintenance of the 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 88 E instrument are to be in accordance with the Council's draft terms for these systems as specified in City of Ryde DCP 2010 - 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.
107. **Compliance Certificates – Engineering.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
 - a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and the City of Ryde DCP 2010, Part 9.3 “Car Parking”.
 - b) Confirming that the Stormwater Management system (including any ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2010, Part 8.2, “Stormwater Management” 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 the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.

ITEM 2 (continued)

ATTACHMENT 1

- d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of *AS 3500.3 - 2003* (National Plumbing and Drainage Code) and the relevant sections of the City of Ryde DCP 2010, Part 8.2 “Stormwater Management” and associated annexure.
 - e) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual “*Managing Urban Stormwater: Soils and Construction*” by the NSW Department – Office of Environment and Heritage and the City of Ryde DCP 2010, Part 8.1 “Construction Activities”.
 - f) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
 - g) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
 - h) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council’s satisfaction.
108. **Certification of mechanical ventilation work** - Where any mechanical ventilation systems have been installed or altered, an installation certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
109. **Signage and Line Marking - Internal.** The applicant must submit to, and have approved by Council, a signage and line marking plan for the operation of the basement levels, specifically addressing the concerns regarding the ramp operation prior to the issue of an Occupation Certificate.
110. **Signage and Line Marking - External.** The applicant must submit to, and have approved by Council, a signage and line marking plan identifying the proposed parking restrictions and line markings, prior to the issue of an Occupation Certificate.
111. **Road widening – Faraday Lane** - The dedication of a strip of land for the widening of Faraday Lane to provide a road carriageway width of 6.5m between kerbs and a footway width of 3.0m in accordance with DCP 2014 Part 4.2 Shepherd’s Bay, Meadowbank Figure 4.2.04a. The dedication and associated administrative registration costs where applicable shall be borne by the applicant and should only be initiated after Council has provided written confirmation of a satisfactory final inspection and acceptance of the completed public infrastructure works.

ITEM 2 (continued)

ATTACHMENT 1

112. **Right of Footway (Limited in Stratum) - Underdale Lane** – A Right of Footway (Limited in Stratum) of minimum 1.2m wide shall be created along the Underdale Lane frontage of the development site consistent with that created at No. 2 Underdale Lane. The dedication and associated administrative registration costs where applicable shall be borne by the applicant and should only be initiated after Council has provided written confirmation of a satisfactory final inspection and acceptance of the completed public infrastructure works.
113. **Public Domain – Work as Executed plan** – A works-as-executed plan for works carried out in the public domain must be provided to Council and endorsed by Council, as the Road Authority, prior to the issue of the Occupation Certificate. All public domain works are to be completed to Council's satisfaction prior to the issue of the Occupation Certificate.
114. **Indemnity.** As it will be necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must indemnify Council and its contractor in writing against claims for damage to the driveways and manoeuvring areas. Evidence that this has occurred is to be issued to the PCA and Council prior to the issue of any Occupation Certificate.
115. **Public Art.** Prior to the issue of any Occupation Certificate, the public art is to be completed in accordance with plan and documentation provided by Richard Goodwin Pty Ltd.

OPERATIONAL CONDITIONS

116. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- 77 residential spaces
 - 14 visitor spaces.
117. **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*.
118. **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).

ITEM 2 (continued)

ATTACHMENT 1

- (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.


119. **Hard Waste Storage Room.** Only material contained with the bulky goods room on the ground floor will be collected. No material is to be left outside of this room as this would impede access to the waste room. Consideration should be given to providing a second bulky goods room for the storage of bulky goods. If a second room is provided, material from this room will be required to be transported to the bulky goods room adjacent to the waste room for collection by the building manager.
120. **VPA requirements.** The affordable housing unit identified in the VPA referred to in condition 2 is to be dedicated to Council prior to the earlier occurrence of the issue of any Occupation Certificate for any part of the development or the occupation of any part of the development.

PRIOR TO SUBDIVISION CERTIFICATE

121. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.
122. **Final plan of subdivision – title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.
123. **Section 88B Instrument.** The submission of an Instrument under Section 88B of the Conveyancing Act 1919 plus 3 copies, creating Easements, Positive Covenants and Restrictions on Use. This Instrument shall nominate the City of Ryde as the authority empowered to release, vary or modify the terms of the Instrument.
124. **Completion of the Development.** The development is to be completed in accordance with the requirements of this development consent before the issue of any Subdivision Certificate.

ITEM 2 (continued)

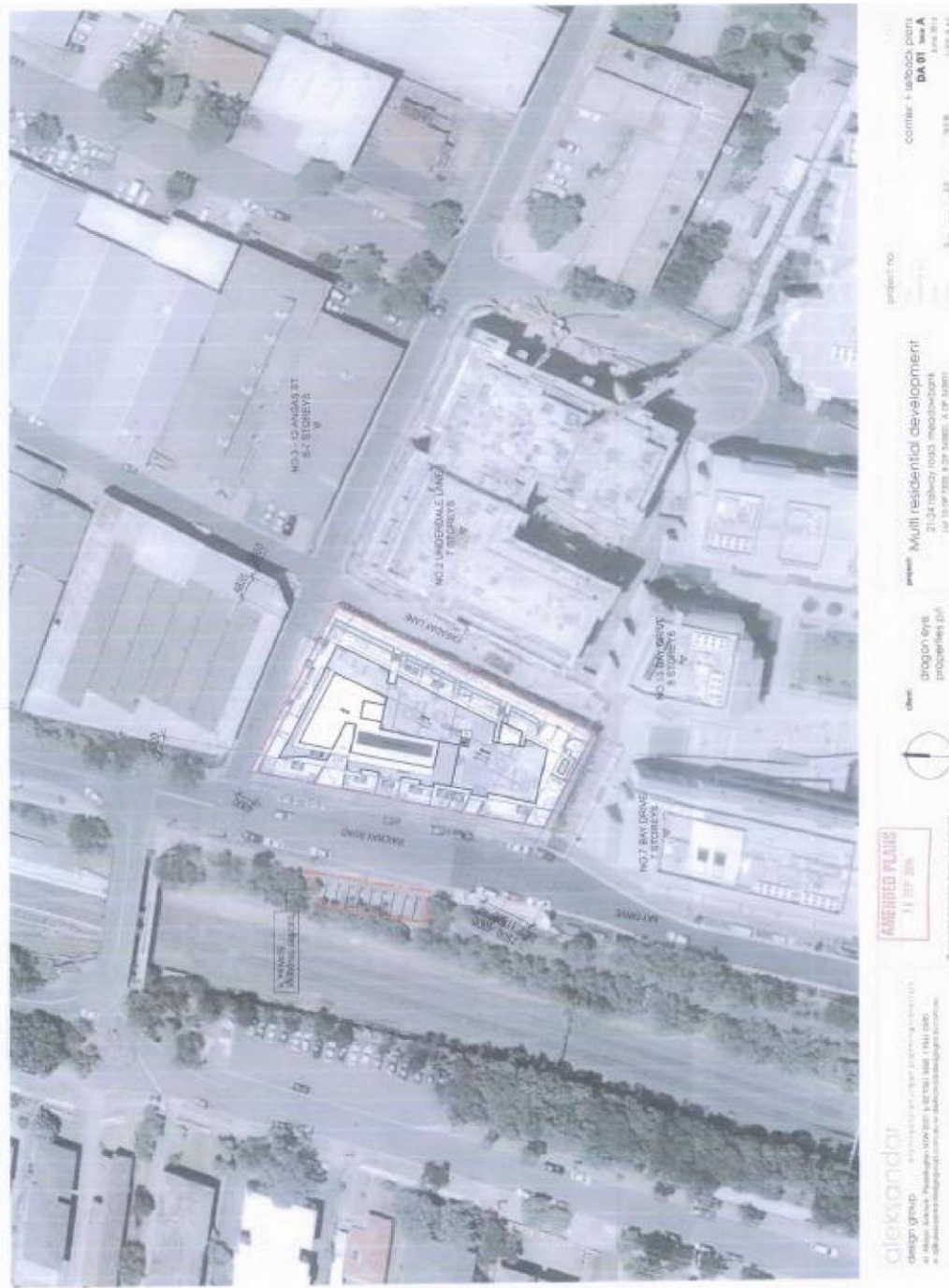
ATTACHMENT 2

 Indicates submissions received. (Other submission received outside map area)



ITEM 2 (continued)

ATTACHMENT 3



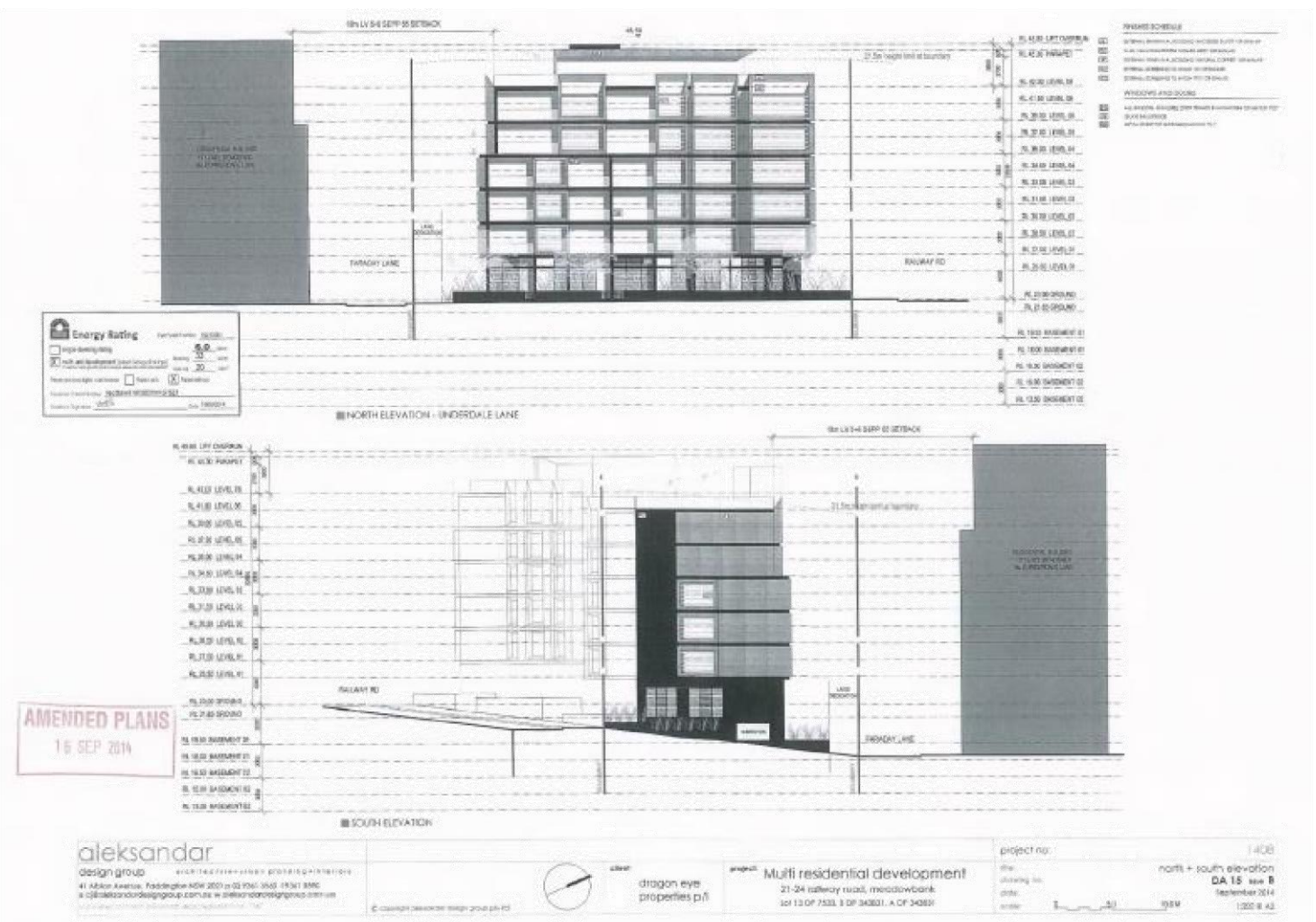
ITEM 2 (continued)

ATTACHMENT 3



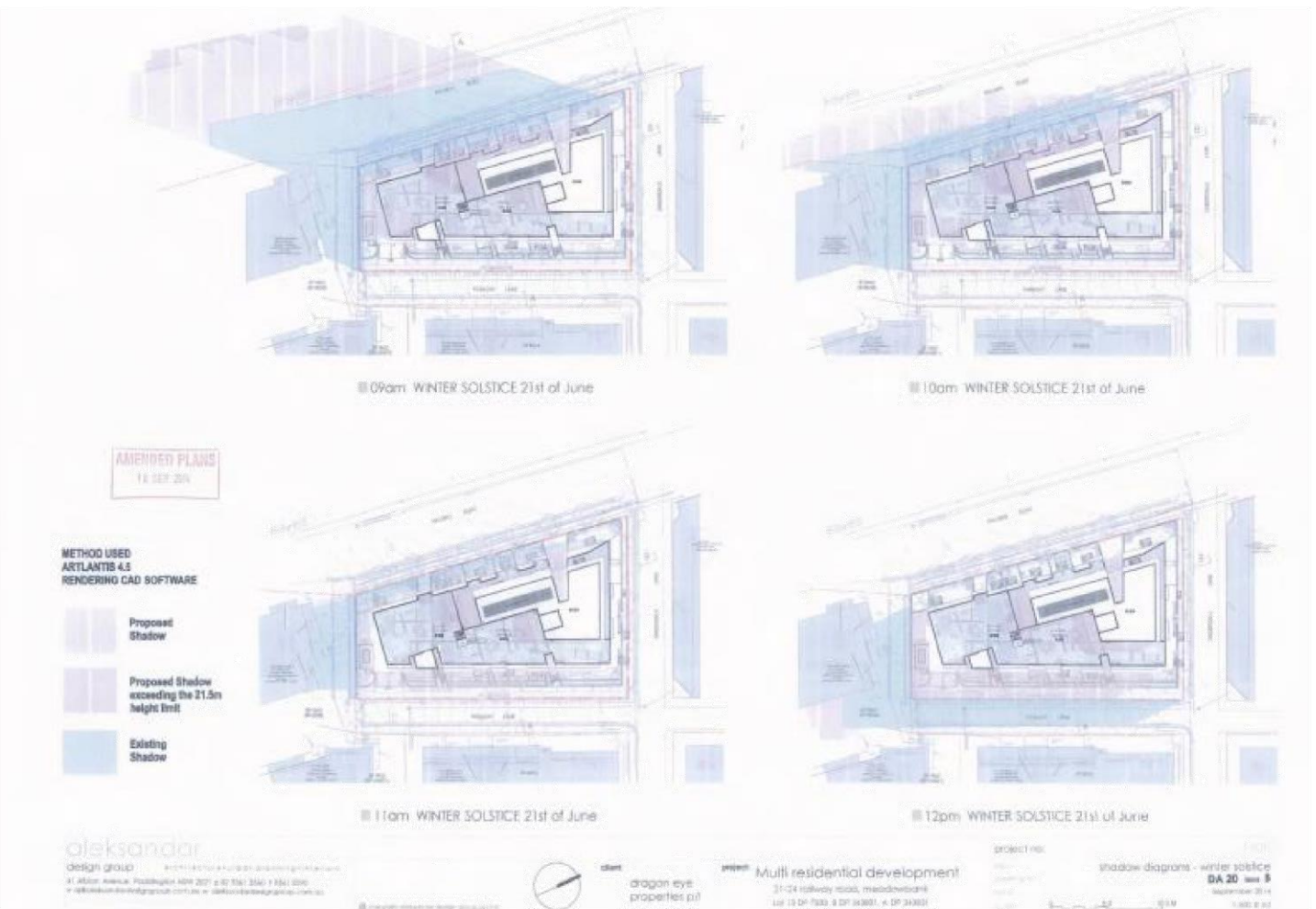
ITEM 2 (continued)

ATTACHMENT 3



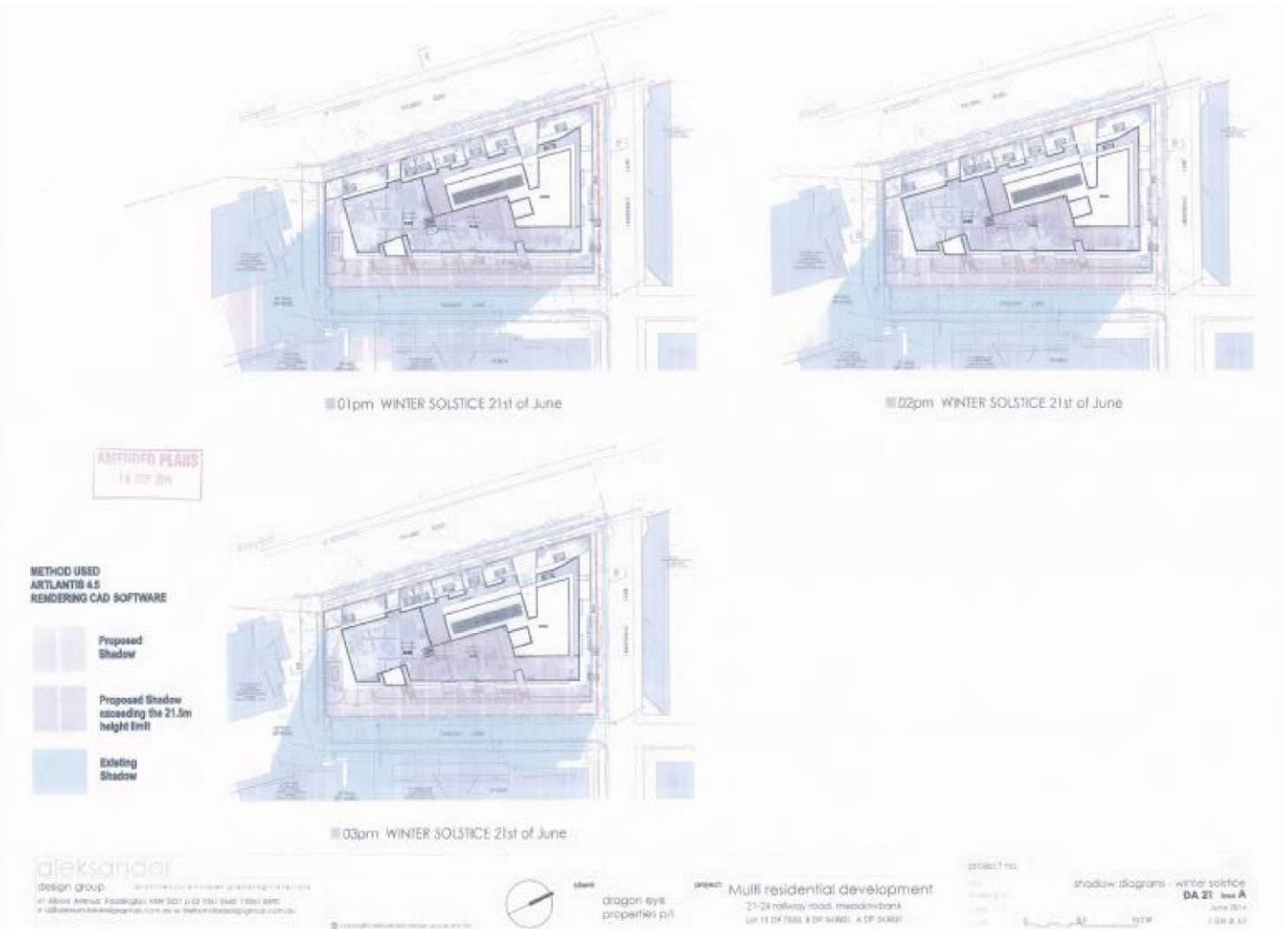
ITEM 2 (continued)

ATTACHMENT 3



ITEM 2 (continued)

ATTACHMENT 3



3 3/35 FOURTH AVENUE DENISTONE. SP 54777. Application pursuant to Section 96(1A) of the Environmental Planning and Assessment Act, 1979 to amend the approved Doctors Surgery. DA1995/0424. Section 96 MOD2014/0170.

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

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

File Number: GRP/09/5/6/2 - BP15/69

1. Report Summary

Applicant: J P Hickey Building Services P/L

Owner: The Owners Strata Plan 54777

Date lodged: 20 October 2014

This report considers a Section 96 (1A) application for the extension of weekend hours of operation of an approved doctor's surgery. The current weekend hours are 9am to 12noon on Saturdays, and the current application proposes the hours of 8am to 6pm on Saturdays and Sundays.

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 do not involve any building works and will not impact on the privacy and amenity of the adjoining properties.

The Section 96 (1A) application has been notified to neighbours in accordance with Ryde DCP 2014, and two (2) submissions were received including a petition containing ten (10) signatures, which oppose the development on the following grounds:

- Traffic generation and parking
- Safety of staff

The Section 96 (1A) application is recommended for approval.

Reason for Referral to Development Committee: Petition received (two (2) submissions including a petition containing ten (10) signatures).

SEPP 1 (or clause 4.6 RLEP 2010) objection required? No

Value of works? \$1,290

ITEM 3 (continued)**RECOMMENDATION:**

(a) That the Section 96 application to modify Local Development Application No. MOD2014/0170 at 35 Fourth Avenue, Denistone being SP 54777 be approved subject to the modification of condition 16 as follows:

16. **Hours of operation.** The hours of operation are to be restricted to:
- 7:30am to 6pm (Monday-Friday)
 - 8am to 6pm (Saturday and Sunday)

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

ATTACHMENTS

- 1 Map
- 2 Applicant's Response to Petition – CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL
- 3 Petition - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

Lauren Franks
Assessment Officer - Town Planner

Chris Young
Team Leader - Assessment

Report Approved By:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager Environment and Planning

ITEM 3 (continued)

2. Site (Refer to attached map)

Address	:	3/35 Fourth Avenue, Denistone (SP 54777)
Site Area	:	812.23m ² Frontage: 20.115m Depth: 40.235m
Topography and Vegetation	:	Slight slope towards front boundary being Fourth Avenue. Two (2) medium sized trees and shrubs within front setback area.
Existing Buildings	:	Two (2) storey medical centre comprising parking on the ground floor and commercial space on the first floor.
Planning Controls	:	Ryde LEP 2014
Zoning	:	SP2 Infrastructure
Other	:	Ryde DCP 2014



Aerial photo of subject site and surrounds.

ITEM 3 (continued)



View of medical centre on the site from Fourth Avenue.

ITEM (continued)

3. Councillor Representations:

Nil.

4. Political Donations or Gifts

None disclosed in applicant's Section 96 submission or in any submission received.

5. Proposal

The proposal involves extension of the hours of operation of the doctor's surgery within the medical centre. Currently, hours of operation are:

- Monday to Friday: 7:30am to 6pm;
- Saturday: 9am to 12noon; and
- No Sunday trading.

ITEM 3 (continued)

The applicant seeks an extension to these approved hours of operation to:

- Monday to Friday: 7:30am to 6pm; and
- Saturday and Sunday: 8am to 6pm.

6. Background

The original development application (DA1995/424) was approved on 11 October 1995 to erect a medical centre containing six (6) suites with hours of operation as follows:

- 8:30am to 5:30pm (Monday-Friday)
- 9am to 12noon (Saturday)

An initial Section 96 application was approved on 29 February 1996 to modify the hours of operation to:

- 7:30am to 6pm (Monday-Friday)
- 9am to 12noon (Saturday)

A 2nd Section 96 application was approved on 1 November 2010 to delete four (4) conditions related to previous requirements that the use of the land and premises is restricted to medical practitioners employed by or holding appointments at Ryde Hospital.

7. Submissions:

The proposal was notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. Notification of the proposal was from 24 October 2014 until 10 November 2014.

Two (2) submissions were received including a petition containing ten (10) signatures. A copy of the petition is attached to this report (See **Attachment 1**). This was provided to the applicant to enable him to address the issues. The applicant's response to the submissions received is held at **Attachment 2**. The issues raised in the submissions are discussed as follows:

A. Traffic Generation & Parking

Concerns are raised that the extension of weekend trading will disrupt local residents through increased traffic generation and reducing the availability of on-street parking.

ITEM 3 (continued)

Assessment Officer's Comment

The following photos have been taken at 10:30am on a typical weekday (Thursday) and a Saturday and Sunday to demonstrate the availability of on-street parking and parking within the grounds of the medical centre:

Thursday 22 January – 10:30am



In front of Ryde Hospital looking west along Fourth Avenue towards Ryde Medical Centre.



Looking east along Fourth Avenue at intersection with Ryedale Road. Ryde Medical Centre located on right.



Looking south along Fourth Avenue at intersection with Ryedale Road. Ryde Medical Centre located on left.



Carpark adjoining Ryde Medical Centre for patient use.

ITEM 3 (continued)

Saturday 24 January – 10:30am



In front of Ryde Hospital looking west along Fourth Avenue towards Ryde Medical Centre.



Looking east along Fourth Avenue at intersection with Ryedale Road. Ryde Medical Centre located on right.



Looking south along Fourth Avenue at intersection with Ryedale Road. Ryde Medical Centre located on left.



Carpark adjoining Ryde Medical Centre for patient use.

ITEM 3 (continued)

Sunday 25 January – 10:30am



In front of Ryde Hospital looking west along Fourth Avenue towards Ryde Medical Centre.



Looking east along Fourth Avenue at intersection with Ryedale Road. Ryde Medical Centre located on right.



Looking south along Fourth Avenue at intersection with Ryedale Road. Ryde Medical Centre located on left.



Carpark adjoining Ryde Medical Centre for patient use.

Further to these photos, the applicant has also submitted photos taken on a Saturday at 9:30am (see **Attachment 2**).

Matters concerning traffic generation and availability of parking have been reviewed by Council's Senior Development Engineer with the following comments made in relation to vehicle access and parking:

"The applicant has indicated that business activities will involve single patients visiting a specialist on site on half hourly appointments. As such the anticipated parking demand (in the worst case) would be some 4 spaces.

ITEM 3 (continued)

The site is noted to have an open parking area with ability to accommodate some 30 vehicles and an underground basement parking with capacity at around 20 spaces.

In response to concerns regarding parking impacts, the applicant has provided photos of the property taken on a Saturday morning (29 November 2014) indicating that the parking area is mostly vacant. Accordingly there is no reason to suggest that the proposal will have a parking impact to the surrounding community.”

In regards to traffic generation, Council’s Senior Development Engineer has stated:

“Given the patient turnover of half hour appointments, traffic generation from the site, in the worst case, may generate 4 vehicle trips per hour. This is very minor degree of traffic movements unlikely to impact the operation or safety of the surrounding road network.”

Therefore, overall it is considered that the proposal is acceptable in terms of traffic and parking generation and that the proposed increased weekend hours would only have a minor impact in terms of additional traffic and parking.

B. Safety

Concerns are raised for the safety of one (1) female psychiatrist and one (1) female staff member as Suite 3 is located in the centre of the building away from both entrances.

Assessment Officer’s Comment

The applicant has responded to this issue by stating:

“Security concerns (theft, vandalism, personal security) are the business of the owners and tenants rather than Ryde City Council.

(Issues relating to security) were discussed and unanimously agreed upon in our approach to these issues in our Body Corporate meeting of October 2014.”

The design and layout of the medical centre was assessed as part of the original development application (DA). Weekend hours of operation will not extend beyond 6pm (which is the same time approved for weekday trading). This closing time is not considered to increase the opportunity for crime to occur on the site. Further, it is the responsibility of the business owner to provide a safe working environment for staff.

ITEM 3 (continued)**8. SEPP 1 (or Clause 4.6 RLEP 2014) objection required?**

None required.

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

The modification of the approved doctor's surgery is permissible within the SP2 Infrastructure (Health Services Facility), subject to the approval of Council.

The objectives of the SP2 Infrastructure zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To ensure the orderly development of land so as to minimise any adverse effect of development on other land uses.

Assessment Officer's Comments:

Extension of the doctor's surgery's hours of operation does not compromise the ability of the medical centre to achieve the objectives of the zone. No building works are proposed and the extension of hours relates to weekends only where volumes of traffic and demand for parking is at its lowest.

Whilst the medical centre is primarily surrounded by land zoned R2 Low Density Residential, it does adjoin Ryde Hospital which is also zoned SP2 Infrastructure. Ryde Hospital has an emergency department that is open 24 hours a day and visiting hours between 11am and 8pm (excluding 1pm to 3pm) daily. It is therefore considered the proposal's request to increase weekend hours of operation is consistent with development zoned SP2 Infrastructure.

Mandatory Requirements

The proposal is not affected by any controls within the Ryde LEP 2014 other than matters that are discussed elsewhere within the body of this report.

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

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

- (a) The development to which the consent as modified relates is 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 approval** provides for a doctor's surgery.

The **proposed modifications** relate to extension of hours of operation. There will be no building works involved with the height, building footprint and appearance of the development remaining the same.

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

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.

Any draft Local Environmental Plans (LEPs)

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

ITEM 3 (continued)**Any Development Control Plan**

There is no part of Ryde DCP 2014 that is relevant to this application.

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 extension of hours of operation does not impact landscaping or any other condition imposed on the original consent or previous Section 96 consents.

11. Suitability of the site for the development

A review of Council's Map of Environmentally Sensitive Areas (held on file) identifies that the subject site is not affected by any natural environmental constraints. The subject site does however; adjoin a local heritage item, being "Denistone House" and "Trigg House" situated within the grounds of Ryde Hospital. As no building works are proposed, no adverse impact will occur to these heritage items.

12. The Public Interest

It is acknowledged the increase in weekend hours of operation will have a minor impact on demand for parking and traffic generation. However, it is considered the benefits to the public far outweigh any negative aspect of the proposal as it provides patients with a wider range in days and times available to them when needing to see a specialist.

13. Consultation – InternalInternal Referrals

Senior Development Engineer: Referral to Council's Senior Development Engineer was undertaken to respond to the traffic and parking issues raised in submissions. The following comments were provided:

Vehicle Access and Parking

The applicant has indicated that business activities will involve single patients visiting a specialist on site on half hourly appointments. As such the anticipated parking demand (in the worst case) would be some 4 spaces.

ITEM 3 (continued)

The site is noted to have an open parking area with ability to accommodate some 30 vehicles and an underground basement parking with capacity at around 20 spaces. In response to concerns regarding parking impacts, the applicant has provided photos of the property taken on a Saturday morning (29 November 2014) indicating that the parking area is mostly vacant. Accordingly there is no reason to suggest that the proposal will have a parking impact to the surrounding community.

Traffic Generation

Given the patient turnover of half hour appointments, traffic generation from the site, in the worst case, may generate 4 vehicle trips per hour. This is very minor degree of traffic movements unlikely to impact the operation or safety of the surrounding road network.

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

None relevant.

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) application is recommended for approval subject to the amendment of one (1) condition.

ITEM 3 (continued)

ATTACHMENT 1

● Indicates submissions received

