

Meeting Date: Tuesday 8 December 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 10 November 2015

Report prepared by: Senior Coordinator - Governance

File No.: CLM/15/1/3/2 - BP15/1515

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 15/15, held on 10 November 2015, be confirmed.

ATTACHMENTS

1 MINUTES - Planning and Environment Committee Meeting - 10 November 2015

ITEM 1 (continued)

ATTACHMENT 1

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

Meeting Date: Tuesday 10 November 2015

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

Time: 5.00pm

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

Note: Councillor Pickering arrived at the meeting at 5.09pm during discussion on Item 2. He was not present for consideration and voting on Item 1.

Apologies: Councillors Etmekdjian and Simon.

Note: In the absence of Councillor Simon, the Deputy Chairperson – Councillor Pendleton chaired the meeting.

Staff Present: Acting Director – City Strategy and Planning, Manager – Assessment, Acting Manager – Strategic City, Supervisor – Strategic City, Assessment Officer – Town Planner, Supervisor – Environmental Assessment, Assessment Officer – Town Planner, Senior Development Engineer, Economic Development Coordinator, Planning Consultant (Creative Planning Solutions) and Senior Coordinator – Governance.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 15 September 2015

Note: Councillor Pickering was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

That the Minutes of the Planning and Environment Committee 14/15, held on 15 September 2015, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

ITEM 1 (continued)

ATTACHMENT 1

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

Note: Councillor Pickering arrived at the meeting at 5.09pm during discussion on this Item.

Note: Matthew Benson (objector representing Mark Christie), Mark Christie (objector) and Hayley Knezovic (applicant) addressed the meeting in relation to this Item.

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

Note: Photographs were tabled by Hayley Knezovic in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Chung and Yedelian OAM)

That consideration of the application be deferred for a mediation to be undertaken by the Acting Director – City Strategy and Planning with the applicant and objector and that a further report be submitted to the Planning and Environment Committee as soon as practicable.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 NOVEMBER 2015** as substantive changes were made to the published recommendation.

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

Note: Pheng Toeng (objector representing surrounding businesses and residents) and Chloe Dunlop (applicant) addressed the meeting in relation to this Item.

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

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

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

Record of Voting:

For the Motion: Unanimous

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

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

Note: Doriana Donnelly (objector representing Residents Petition Group, Meadowbank), Justyn Ng (objector) and Richard Mann and Benjamin Black (representing the applicant) addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That consideration of Local Development Application No. LDA2015/0283 at 87 Bowden Street and 2 Macpherson Street, Ryde (LOT 17 DP663261 and LOT 1 DP327005) be deferred for a meeting to be undertaken with the applicant and the Acting Director – City Strategy and Planning to discuss reducing the number of children, revisiting the level of excavation, traffic issues, the provision of a Heritage Impact Statement and other DCP non-compliances.
- (b) That a further report be presented to the Planning and Environment Committee as soon as practicable.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **24 NOVEMBER 2015** as substantive changes were made to the published recommendation.

ADJOURNMENT

The Chairperson, Councillor Pendleton moved a Motion to adjourn this meeting to reconvene at 6.30pm on Tuesday, 10 November 2015 in Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde, the time being 6.28pm.

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Pendleton and Chung)

That this meeting be adjourned and be reconvened at 6.30pm.

Record of Voting:

For the Motion: Unanimous

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

Apologies: Councillors Etmekdjian and Simon.

MEETING RECONVENED

The Meeting reconvened at 6.30pm on Tuesday, 10 November 2015 in in Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Laxale and Councillors Pendleton (Chairperson), Chung, Pickering and Yedelian OAM.

Apologies: Councillors Etmekdjian and Simon.

Staff Present: Acting Director – City Strategy and Planning, Manager – Assessment, Acting Manager – Strategic City, Supervisor – Strategic City, Assessment Officer – Town Planner, Supervisor – Environmental Assessment, Assessment Officer – Town Planner, Senior Development Engineer, Economic Development Coordinator, Planning Consultant (Creative Planning Solutions) and Senior Coordinator – Governance.

5 PLANNING PROPOSAL - PROVISION OF PARK - 45-61 WATERLOO ROAD MACQUARIE PARK

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

- (a) That the Council support the Planning Proposal for 45-61 Waterloo Road, Macquarie Park proceeding to a Gateway determination, subject to the matters identified below in item (b), on the grounds that:
 - i. The Planning Proposal will facilitate the delivery of a public park on the subject site, an identified public need in the location and as agreed in the funding agreement established between the Council and the NSW Government.

ITEM 1 (continued)

ATTACHMENT 1

- ii. The proposal is consistent with strategic direction of *A Plan for Growing Sydney*, the Ryde Local Environmental Plan 2014 and Ryde Development Control Plan Part 4.5 Macquarie Park Corridor.
- (b) That the Council support the Planning Proposal to proceed to Gateway determination subject to:
- i. Removal of the proposal to amend the Macquarie Park Corridor Parking Restrictions Map; and
 - ii. The provision by the proponent of a satisfactory Stage 1 Site Assessment Contamination Report; and
 - iii. The minimum width of the proposed park fronting Waterloo Road being 63m in accordance with the funding agreement between the Council and the NSW Minister for Planning (or as near as possible in order to cater for functions including informal sport, active and passive recreation, trade expos and events).
- (c) That Council delegate to the General Manager to finalise, prior to the submission of the Planning Proposal for a Gateway Determination:
- i. The milestone date at which provision of the site contamination report will be accepted by Council.
 - ii. Any minor adjustments to the position or dimensions of the Park that will only serve to improve the overall desired functional requirements of the Park.
- (d) That Council waive fees in the amount of \$58,000 applicable to the rezoning at the request of the proponent and in recognition of the anticipated community benefit.
- (e) The proponent is advised in writing of the Council's decision.
- (f) That the Planning Proposal is publicly exhibited as soon as practicable upon issue of the Gateway Determination.

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

6 DRAFT RYDE AFFORDABLE HOUSING POLICY

Note: Nathan Moulds, Andrew McAnulty, Michael Bolton and John Lumley (representing St Vincent De Paul Society) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Pickering and The Mayor, Councillor Laxale)

- (a) That Council endorse the public exhibition of the draft City of Ryde Affordable Housing Policy 2016 – 2031.
- (b) That a further report detailing the outcomes of the public exhibition and details on the implementation program be presented to Council in early 2016.
- (c) That the General Manager be delegated to amend, edit and design the draft City of Ryde Affordable Housing Policy to improve readability prior to the draft Policy being placed on public exhibition.

Record of Voting:

For the Motion: Unanimous

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

The meeting closed at 6.57pm.

CONFIRMED THIS 8TH DAY OF DECEMBER 2015.

Chairperson

2 95 BALACLAVA ROAD, EASTWOOD - LOT 6 DP 35226 Development Application for a new two storey boarding house comprising twelve (12) boarding rooms under State Environmental Planning Policy (Affordable Rental Housing) 2009. LDA2015/11.

Report prepared by: Creative Planning Solutions; Supervisor - Environmental Assessment

Report approved by: Manager - Assessment; Acting Director - City Strategy and Planning

File Number: GRP/09/5/6/2 - BP15/1720

1. Report Summary

Applicant: Planik Pty Ltd

Owner: Green Garden Development Pty Ltd

Date lodged: 06 January 2015 (amended plans/additional information received 12 August 2015)

This report considers a development application (DA) for the demolition of the existing building and construction of a new two-storey boarding house development comprising twelve (12) boarding rooms pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP). Of the twelve (12) boarding rooms, ten (10) are to be single rooms, two (2) are to be double rooms for a total capacity of fourteen (14) lodgers.

The DA was notified to surrounding properties in accordance with Ryde DCP 2014, and as a result, eight (8) submissions (including one letter with thirty-five (35) signatories) were received objecting to the proposed development. When amended plans were received and re-notified to neighbours, a further three (3) submissions were received (from previous objectors), all of which generally re-iterated concerns raised in their previous submission and also raising concerns about the amended plans.

The issues of concern raised by the objectors are summarised as follows:

- Visual Privacy
- Car parking
- Noise and Acoustic Privacy
- Operation and Management
- Proposed Land use along with Scale, Built Form Density and Visual Impact\
- Inconsistency with planning controls and discrepancies within submitted plans and documents
- Character – Population Density
- Landscaping/Tree Protection
- Overshadowing/Solar Access
- Ownership of surrounding land and intentions for adjoining sites

ITEM 2 (continued)

It is noted that whilst this is a significant number of issues and submissions, the comments relate to the originally submitted proposal, prior to the boarding house being rationalised and modified as a result of Council Officer's additional information request to the applicant. Therefore, many of the issues raised in the submissions are considered to have been addressed through the response to the request for additional information. Nevertheless this report has provided a detailed response to these concerns within the relevant section of this report.

The proposal has been assessed against the provisions of the ARHSEPP, and where relevant, the provisions of Ryde LEP2014 and DCP2014. The areas of non-compliance can be summarised as follows:

Non compliances justifiable:

- Site Configuration:
 - Proposed development does not include an 8m x 8m deep soil area within the rear yard.
- Setbacks:
 - Rear setback does not comply with 25% of site length.
- Landscaping
 - The front garden includes 60.42% of its area as hard paving, which is greater than the 40% maximum required.
- Internal Building Design
 - Kitchenettes do not comply with 2m² minimum and 0.5m² bench area.

Non compliances/issues to be addressed via condition:

- Car parking (recommended to be addressed via Deferred Commencement condition):
 - Located both within the front setback and western side setback,
 - Not behind front building façade.
 - Car parking located within front landscape area.
- Visual Privacy (to be addressed via Deferred Commencement condition)
 - The five (5) glazed doors which open out from the proposed living area to the communal private open space area are orientated towards the side boundary.
- Visual Privacy
 - Window to the two internal stairwells to be obscure glazing to minimise opportunity for overlooking into neighbouring property.
 - Windows of outdoor living areas orientated to side of dwelling.

ITEM 2 (continued)

- Terraces not to overlook neighbouring dwellings/private open space landscape screening condition.
- Access ways located away from windows to boarding rooms – Room 1 to have obscure glazing to proposed bathroom.
- Boarding house communal living areas are not designed to minimise impacts on neighbouring dwelling to the east including visual and acoustic privacy, openings are not considered to be orientated away from adjoining residential properties. Operational condition in relation to the use of this area is to be imposed.
- Internal Building Design
 - Avoid dark and non-visible areas.
 - Locating communal and common areas in safe and accessible locations.
 - No lighting details shown on plans for common areas etc.
- The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance on the boarding house.
- Clothes Drying Facilities
 - External clothes drying area of inadequate size as required.
 - Internal clothes drying areas are not indicated on the plans.
- Boarding House Management
 - Name and contact details of the manager to be displayed at all times.
 - Occupiers of adjacent properties to be provided with a 24hr contact number for the boarding house.

Despite the non-compliances outlined above and the issues of concern raised in the neighbour objections, the results of the development assessment have concluded that the proposal is generally satisfactory for approval as discussed in the body of the report. For this reason, the subject DA is recommended for approval subject to conditions. It is recommended that any such approval be in the form of a Deferred Commencement consent requiring the submission of amended plans for the provision of car parking behind the building line (eg in a garage or carport etc), in a manner typically associated with residential development in the R2 Low Density Residential zone.

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

Public Submissions:

- (a) Original Notification: eight (8) submissions (including one letter with thirty-five (35) signatories) were received objecting to the proposed development.

ITEM 2 (continued)

- (b) Amended Plan Notification: three (3) further submissions received (from previous objectors).

SEPP 1 (or clause 4.6 RLEP 2010) objection required? None required.

Value of works: \$1,300,000.00

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. LDA2015/011 at 95 Balaclava Road, Eastwood being LOT 6 DP 35226 be approved via a Deferred Commencement consent 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 Compliance Table ARHSEPP
- 3 Compliance Table Ryde DCP 2014
- 4 Map
- 5 A4 Plans
- 6 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Ben Tesoriero Planning Consultant
Creative Planning Solutions**

**Chris Young
Supervisor - Environmental Assessment**

Report Approved By:

**Liz Coad
Manager - Assessment**

**Meryl Bishop
Acting Director - City Strategy and Planning**

ITEM 2 (continued)

2. Site (*Refer to attached map overleaf*)

- Address** : 95 Balaclava Road, Eastwood
(LOT 6 in Deposited Plan 35226)
- Site Area** : 676.6m² (Deposited Plan)
Frontage to Balaclava Road of 18.898m
Eastern and Western side boundaries of 35.909m
Rear southern boundary of 18.88m
- Topography and Vegetation** : The subject site has a fall of approximately 2.9m from the rear boundary of site to the front boundary adjacent to Balaclava Road. Given this occurs over a distance of around 35.9m, the average gradient across the site has been calculated at approximately 8% or 1:12.5.
- In terms of site vegetation, two (2) existing trees are located on site as well as row of approximately thirty (30) large shrubs/trees in the form a boundary hedge. It is noted that one (1) tree has not been indicated on any of the plans submitted nor on the site survey – discussed later in this report.
- Existing Buildings** : A single storey brick dwelling house currently exists on the subject site.
- Planning Controls Zoning** : State Environmental Planning Policy (Affordable Rental Housing) 2009
Ryde Local Environmental Plan 2014:
Zone R2 Low Density Residential
- Other** : Ryde Development Control Plan 2014

ITEM 2 (continued)



Figure 1 - Aerial Image of subject site, including an annotation of the neighbouring properties objecting to the proposed development.

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

3. Councillor Representations

Name of Councillor: Councillor Perram

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

Date: 12 October 2015

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

On behalf of applicant or objectors? Objectors.

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

4. Political Donations or Gifts

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

ITEM 2 (continued)

5. Proposal

The proposed development includes the construction of a new two-storey boarding house with the following attributes:

- Twelve (12) boarding rooms consisting of four (4) single boarding rooms on the ground floor, six (6) single rooms and two (2) double boarding rooms on the first floor of the building.
- Two of the twelve (12) boarding rooms has been designed as being capable for occupation by a disabled person.
- The proposal includes a car parking area for parking of three (3) vehicles, with one of these spaces being a disabled parking space. The parking area also includes provision for 3 x motorcycle and 3 x bicycle parking spaces.
- The front entry terrace also includes bin storage areas.
- Access to the rear of the site is available via a gate to the side setback areas, with the eastern side access path including disabled access.
- The rear yard of the site is to include a landscaped common open space area, clothes drying area, and deep soil planting area.
- Associated works include new stormwater drainage and OSD, general site landscaping, and new 1800mm high fencing to the western and eastern side boundary and southern rear boundary. A 50% permeable 1.8m high timber batten and masonry fence will be provided along the front boundary of the site.

6. Background

The following is a brief overview of the development history relating to the proposed boarding house to be constructed on the subject site:

- LDA2015/11 was lodged with Council 6 January 2015. In summary, the original proposal provided a two-storey boarding house with 12 boarding rooms (6 x single and 6 x double rooms for a total of up to 18 boarders); vehicle access via the existing vehicle driveway at the eastern side of the property on Balaclava Road; internal and external communal areas; vehicle parking for 3 cars, 3 motorcycles and 3 bicycles.
- The DA was notified to surrounding properties in accordance with the DCP2014 on 19 January 2015, and advertised in the Northern District Times on 21 January 2015 (closing date for submissions 11 February 2015).
- In response to the notification/advertisement of the subject DA, eight (8) submissions (including one letter with thirty-five (35) signatories) were received objecting to the proposed development.

ITEM 2 (continued)

- Council Officer's assessment of the DA as originally submitted identified a number of significant non-compliances with the provisions of the ARHSEPP and also DCP2014. The following issues were included in an additional information email sent to the applicant on 1 May 2015.
 - Excessive density of occupants being proposed being eighteen (18) within twelve (12) rooms,
 - Room sizes did not comply with the provisions of the ARHSEPP,
 - Poorly articulated street façade,
 - Hard paving within front setback in excess of Council's control of 40%,
 - Side facing communal private open space,
 - Non-compliant en-suite bathrooms and kitchenettes,
 - Non-compliant car parking arrangement including number of spaces and parking located within the front setback,
 - Building Code of Australia - No Section J Report submitted
- The subject DA was referred to Council's Development Engineers, Environmental Health Officers, Consultant Landscape Architect and Arborist and Building Surveyors. The Development Engineer's referral included an additional information request from the applicant seeking removal of the eastern car parking space within the revised plans. The EHO referral included an additional information request seeking submission of a Waste Management Plan.
- Revised draft plans (preliminary) were received on 11 June 2015 which detailed the following changes:
 - Changes to separate the vehicular and pedestrian entry points to the site.
 - Addition of planting and change in paving material to delineate the parking bay and entry path.
 - Landscaping has been added within the front setback area to increase privacy and alter the space to become a communal outdoor space.
 - The front entry to the boarding house has been re designed to directly relate to the street frontage
 - Communal open space areas now include:
 - a. The area at the front of the building.
 - b. The back garden area.
 - c. To take advantage of aspect and to connect with indoor living, a small area of open space area to the side is retained, suitable for only a few chairs.
 - Architectural character of the building has been softened, and is now more domestic in appearance. This has been achieved by including eaves, adjusting the windows facing the street, and also adding a lower roof element over the entry path for scale and to identify the entry.

ITEM 2 (continued)

- Section J report provided,
- Waste Management Plan provided.

- A review of the additional information was undertaken by Council's Consultant Town Planner. It was noted that the information presented in response to the letter for additional information was not presented as final. As such the following response was issued in relation to the preliminary draft plans:
 - Ensure that correct labelling is provided on all revised architectural plans reflecting changes in room occupancy etc.
 - Provide revised side and front fencing details to comply with the fencing controls contained with the DCP2014.
 - The side setback areas should be fenced and access to communal areas provided through a lockable gate/entry. This will improve security and to discourage intruders from entering the communal private open space through the side setback areas
 - The shower sizes on plans should be reduced to 0.8m². This is to ensure that the remaining area of the bathrooms provided within the rooms comply with the 2.1m² required by Part 3.5 of DCP2014,
 - Provide a Landscape plan which includes specific planting to provide increased visual and acoustic privacy as recommended by Council's Consultant Landscape Architect as follows;
 - *Screen Planting Adjacent Terrace. The proposed Chamaeodorea seifrizii located adjacent to the side facing outdoor terrace are to be substituted for Acmena smithii var. Minor spaced at 1 metre intervals at minimum 45 litre pot size to ensure adequate privacy is provided to the adjoining allotment.*
 - Update landscape plan to include at least one (1) tree with a mature height of 10m within the front and rear setback. Council's Consultant Landscape Architect has recommended the following;
 - *Tree Planting – Front Yard. The front yard of the allotment is to include at least one (1) locally endemic tree planting which is capable of reaching a minimum 10 metres in height at maturity with a spreading canopy at a minimum 75 Litre pot size.*
 - Revised plans are to illustrate compliant external clothes drying areas in accordance with DCP2014 of 15m² (can be retractable). Internal drying facilities should also be shown on the plans for DCP compliance,
 - To increase visual privacy, window to the south west facing stairwell (W41) to be shown as obscure glazing to minimise overlooking into neighbouring property,
 - Update Plan of Management to reflect room arrangement and revised number of occupants.

ITEM 2 (continued)

- Update the Plan of Management to reflect the following hours derived from the NSW Industrial Noise Policy in relation to the use of the communal outdoor areas.
 - 7am – 10pm (Monday to Saturday) and,
 - 8am – 10pm (Sunday and Public Holidays)
- Final plans were received by Council on 12 August 2015. The information presented was considered sufficient to proceed to determine the subject application and forms the basis of discussion in this assessment report.
- In summary, the key changes in the amended plans include:
 - Reduction in the number of double boarding rooms from 6 (original proposal) to 2 (amended proposal) (ie proposal is now 10 x single boarding rooms and 2 x double boarding rooms) – thereby reducing the overall total number of boarders from 18 to 14 boarders.
 - Changing the vehicle access point (off Balaclava Road) from the eastern side of the property to the western side, together with amendment to the proposed car parking design.
- The amended plans were re-notified to neighbours and previous objectors, and a further three (3) submissions were received. These are discussed in the following section of this report.

7. Submissions

The subject DA was notified to adjoining property owners in accordance with DCP2014 – Part 2.1, Notification of Development Applications for a period from 19 January 2015 to 11 February 2015.

In response to the notification of the application, eight (8) letters were received in objection to the proposal. It is noted however that two (2) letters were received from the same address at 12A Irene Crescent and one (1) submission on behalf of residents from State Member for Ryde, Mr Victor Dominello included a letter (with petition) already submitted.

A standard letter objecting to the proposal was also submitted to Council and contained thirty-five (35) signatories. It is noted that a number of the signatures within the petition are from the same address.

The locations of these submissions are shown on the aerial photograph at **Figure 1** earlier in this report.

ITEM 2 (continued)

The key planning issues raised in the submissions regarding the proposed development are summarised and discussed as follows.

A. Visual Privacy – concerns have been raised in relation to visual privacy impacts to adjoining residential properties.

Assessing Officer Comment: A number of the submissions have raised concerns in relation to the impacts on visual privacy from the proposed development. More specifically the rear stair case windows and the communal open space at the rear of the proposed boarding house.

It is considered that there are sufficient setbacks (8m) provided between the proposed building and the rear boundary and acceptable building separation (23m) from dwellings to the rear of the site. It was also considered that although deciduous, the retention of the existing Jacaranda tree and the additional tree planting within the rear yard with a mature height of 15m will also contribute to maintaining visual privacy between the allotments.

Nevertheless, given the concern in relation to privacy impacts from the subject stairwell window it is considered that a condition be imposed for obscure glazing to be provided to both the proposed stairwells as follows (see Figure 11 and 12 later in this report).

Obscure Glazing Internal Stairwells The windows to the internal stairwells (W38 and W41) are to include privacy measures that prevent a visual connection with the adjacent dwellings and private open space. To minimise the potential for direct views, obscure glazing or similar treatment must be installed. Plans that include details demonstrating compliance with this condition are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.

In relation to visual privacy from the use of the rear private open space it is considered that the existing setbacks, proposed landscaping and proposed 1.8m lapped and capped timber fence will provide sufficient mitigation to these privacy concerns.

Based on the above, it is considered that the objector's concerns in relation to visual privacy impacts from the proposed development are either justified or satisfactorily addressed via conditions of consent.

The following air photo (see **Figure 2**) shows the approximate rear setback distance (8m), the additional distance of the neighbouring dwelling to the rear (15m), and the total building separation (approximately 23m) to illustrate the separation between the proposed building and neighbouring buildings to the rear of the site.

ITEM 2 (continued)



Figure 2 - Proposed 8m setback in relation to existing 15m setback of 12 and 12A Irene Crescent.
Total building separation of 23m.

Source: www.maps.six.gov.au edited for use by CPS

B. Car Parking and Traffic Impacts – concerns that the proposed development provides inadequate parking and that there is insufficient capacity within the surrounding streets to accommodate the additional parking traffic impacts that demand that will result from the boarding house development and that no Traffic Impact Assessment has been received.

ITEM 2 (continued)

Assessing Officer Comment: Section 2.2 Part 9.3 of DCP2014 prescribes the car parking requirements for boarding house developments within the City of Ryde. Specifically, it states that for boarding house developments in an 'accessible area' the following parking rates apply:

*At least 0.2 parking spaces / boarding room (1 space /5 boarding rooms).
In terms of dwelling size this equates to:*

- *At least 0.2 parking spaces/dwelling containing 1 bedroom*
- *At least 0.5 parking spaces / dwelling containing 2 bedrooms*
- *At least 1 parking space / dwelling containing 3 or more bedrooms*

Not more than 1 parking space for each person employed in connection with the development.

Furthermore, Section 2.3 Part 3.6 of DCP2014 indicates the following requirements for motorcycle and bicycle parking:

For every 5 boarding rooms or part thereof, area equivalent to one parking space must be provided for a bicycle parking and area equivalent to one parking space one must be provided for motorcycle parking.

Given the proposed development includes ten (10) single boarding rooms and two (2) double boarding rooms, three (3) each of car parking spaces, bicycle parking spaces, and motorcycle parking spaces would be required.

The proposed development provides three (3) each of car parking spaces, bicycle parking spaces, and motorcycle parking spaces, and therefore fully complies with the vehicle parking requirements of DCP2014.

In relation to a Traffic and Parking Impact Assessment Report it is noted that Part 9.3 Parking Controls under DCP2014 only requires a boarding house development for 30 or more bedrooms to be supported by a Traffic and Parking Impact Assessment Report, prepared by a suitably qualified person. As such a Traffic and Parking Impact Assessment report is not required for this development.

In addition, it is noted that clause 29 of the ARHSEPP provides 'Standards that cannot be used to refuse consent'. In particular, Clause 29(2)(e) indicates that a consent authority must not refuse consent to development for a boarding house undertaken pursuant to the ARHSEPP if at least 0.2 parking spaces are provided for each boarding room if the site is located within an accessible area.

ITEM 2 (continued)

As detailed later in this report, the subject site is located within an ‘accessible area’ and as such, the City of Ryde must not refuse consent to the subject boarding house on the basis of parking if it achieves the minimum 2 car parking spaces required by the ARHSEPP.

Given the proposed development provides three (3) vehicular parking spaces, one of which is a disabled space, the proposal cannot be refused on the basis of parking.

Given the above, while the concerns raised in the public submissions are understood, it is acknowledged that the proposal is in compliance with the ARHSEPP and therefore consent cannot legally be refused on the basis of parking.

In terms of Traffic Impacts, it is noted that the car parking requirements in the ARHSEPP are generally lower than other forms of residential accommodation (such as multi-dwelling housing). The reason for this relates to the demographic profile of the average boarding house lodger and the semi-permanent nature of their occupation, as well as the location of the site, and therefore it is known that car ownership and usage is relatively low. It is considered the proposed boarding house will not result in a significant increase in the number of vehicle movements that exceed the capacity of the local road network.

C. *Noise and Acoustic Privacy* – *concern that the ongoing operation of the proposed development and use of the outdoor areas including the siting of communal areas close to boundaries will result in unacceptable noise impacts on surrounding development;*

Assessing Officer Comment: In relation to noise associated with the operation of the proposed boarding house, it is important to note that the proposal remains a residential land use, and accordingly is considered to be generally consistent with other forms of residential development such as dwelling houses and dual occupancy developments.

It is also noted that the subject site is located on Balaclava Road which is identified as a classified sub arterial regional road linking two major arterial roads (Epping and Blaxland Road). As such, it is reasonable to assume the existing noise environment is considerably louder than those low density residential areas located further away from noise sources. In this regard, any minor increase in noise that may occur from the boarding house over that of a single dwelling house is considered to be acceptable given the site’s location.

ITEM 2 (continued)

It is also noted that the area most likely to be utilised as 'communal' is the paved terrace adjacent to the internal communal living area within the eastern setback. It is considered that this orientation and the fact that no communal areas face or open out to the rear will mean that the rear yard will most likely be utilised for passive individual recreation and not 'communal' activities such as BBQ's and the like.

In addition it is noted that the following conditions are recommended to ensure that the use of the communal outdoor areas is managed in such a way that respects the surrounding residents.

Use of Communal Outdoor Areas

- (a) *The use of the communal outdoor areas the boarding house are restricted to the hours stipulated within the approved Plan of Management as detailed within Condition 1 of this consent being 6am to 10pm Monday to Saturday and 8am – 10pm on Sundays and Public Holidays*
- (b) *No loud or amplified music is to be played at any time within the communal outdoor areas,*
- (c) *The use of the communal areas must be according to the House Rules contained within the approved Plan of Management as detailed within Condition 1 of this consent.*

In addition to the above the submitted Plan of Management of the proposed boarding house provide detailed information on how the proposed boarding house will operate including house rules. Based on the above, it is considered that the objector's concerns in relation to noise associated with the construction and operation of the proposed development are satisfactorily addressed via conditions of consent.

- D. *Operation and Management*** – *Concerns are raised that the details provided in Plan of Management are unsatisfactory and that there is no ability for Council to enforce its compliance. Residents have also raised concerns that the lack of an on-site manager will lead to the property falling into a state of disrepair, overgrown in much the same way as other student accommodation share houses have within the area.*

ITEM 2 (continued)

Assessing Officer Comment: It is considered that the details provided within the submitted Plan of Management of the proposed boarding house is sufficient to assess its operation and management. It is considered that the plan provides adequate safeguards to mitigate and address any impacts of the proposed boarding house on surrounding residents. The Plan of Management provides details on operation, number of lodgers, minimising and handling of complaints, house rules, fire safety, site cleaning, furniture and facilities, waste management, safety, and security.

Section 6 of the revised Plan of Management submitted following Council's additional information request details the procedures for minimising amenity impacts on residents of adjoining property. This section applies rules to apply to residents within the boarding house. These rules include

- a) *No loud music or television noise is permitted after 10.00pm.*
- b) *No parties or gatherings are permitted upon the premises after 10.00pm*
- c) *No visitors other than residents of the property are permitted after 10.00pm*
- d) *No use of the outdoor areas is permitted after 10.00pm.*
- e) *No smoking in areas which may affect the amenity of other residents of the boarding house or of residents of neighbouring properties*

In addition this section details the complaints procedure as follows.

The manager is responsible for recording any complaints in an incident register which is to be available to surrounding neighbours and Council upon request. The register shall detail how and when any complaints are dealt with.

The Resident Manager will be available during business hours 9am to 6pm, Monday to Saturday, to deal with any complaints as to the operation and management of the premises. An after hours number is to be provided, with such phone number being publicly available. There will be a register of all complaints. The register will contain –

- *Complaint date and time*
- *Name of person/police/council making the complaint*
- *Contact details*
- *Nature of the complaint*
- *Action taken (by whom and when)*
- *Outcome and/or further action required*

All complaints shall be dealt with by management within 24 hours of notification. The Incident Register is to be made available to Police and Council upon request.

ITEM 2 (continued)

House Rules are provided in section 7 of the submitted Plan of Management. The Plan of Management notes that a copy of the Plan of Management will be provided to each new lodger who will be required to sign an occupancy and house rules agreement. The plan notes that breaches will result in cessation of occupation. Nevertheless it is considered that the following operational condition be imposed to reiterate the house rules to occupants of the premises.

House Rules – A copy of the ‘House Rules’ contained within the approved Plan of Management are must be clearly displayed within the main entry area and all communal areas to ensure all occupants are aware of the house rules.

It is noted that whilst the submitted Plan of Management intends to provide internal signage indicating the property manager and contact numbers, this is not provided externally. As such the following condition of consent is recommended to ensure that residents are able to obtain up to date contact details in the event of any concerns or complaints.

Boarding House Management. The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance on the boarding house. Additionally, occupiers of all adjacent properties are to be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency.

In relation to the property falling into a state of disrepair, the Plan of Management notes the following.

“twice/month mowing and garden maintenance during spring and summer and once/ month mowing and garden maintenance during autumn and winter. The rooms, common areas, communal room and communal courtyard are to be professionally cleaned by a contractor at least once a week. The cleaning and maintenance is to occur to both the area and fixtures and fittings in the area. Pest control by a professional contractor shall be carried out at least once a year.

In addition all boarders are to be made aware, upon their entering into an agreement to occupy, of their responsibilities in relation to the maintenance and cleaning of the facility”

ITEM 2 (continued)

In regards to enforcement, the submitted Plan of Management and use of the communal outdoor areas has been included within the Conditions of Consent and as such must be complied with. Should any complaints arise in relation to non-compliance with this Plan of Management, Council may investigate and where a non-compliance is identified, impose an order on the operator to rectify the non-compliance. Should repeated breaches occur Council has the power to take appropriate action to enforce compliance. It is also noted that Schedule 2 Part 1 of the *Local Government (General) Regulation 2005* also imposes certain enforceable standards for shared accommodation.

Having regard to the above it is considered that the objector concerns in relation to the inadequacy of detail provided within the Plan of Management to be unfounded. Nevertheless two (2) additional conditions are proposed and the plan will also be included within the approved documents. As such the applicant is considered to have a legal responsibility to comply with all commitments made therein.

E. Proposed Land use along with Scale, Built Form Density and Visual Impact – *there is general concern over the commercial nature of the proposed development being for the purposes of a boarding house, and also concerns that the proposed development, particularly with twelve (12) boarding rooms, is an overdevelopment of the subject site. Concerns have also been raised in relation to visual impacts of the proposal.*

Assessing Officer Comment: In relation to the proposed land use, it is important to acknowledge that under the R2 Low Density Residential zone of the subject site, the LEP2014 identifies boarding houses as being permissible with consent. In this regard, any objection to boarding house developments within the R2 Low Density Zone is taken to be an objection to the provisions of the LEP2014, and not related specifically to the subject DA.

With regard to the physical scale of the proposed development, it is acknowledged that the LEP2014 provides a maximum floor space ratio of 0.5:1 for buildings on the subject site, along with a maximum building height of 9.5m. These, along with Council's setback controls contained within the DCP2014 are the key controls governing the scale of buildings.

The assessment of the proposal has revealed the boarding house will have a floor space ratio of 0.5:1 and building height of 7.23m. Furthermore, the proposal has been assessed as having provided greater than the DCP2014 requirements for front and side setbacks and provides a minor non-compliant rear setback. Given this, it is considered that the subject building to accommodate the boarding house is of a similar bulk and scale to that which could be developed under the local planning controls for a dwelling house, and as such is acceptable.

ITEM 2 (continued)

When looking at the number of boarding rooms proposed, it is noted that both single and double rooms is to be included. The boarding room mix is to comprise of ten (10) single rooms and two (2) double rooms. It is noted that revised plans have now reduced the number of double rooms over that originally proposed. The current proposal will also include compliant common areas, storage, parking, and circulation areas all within a compliant building envelope.

Given the above, it is considered that the density of boarding rooms within the subject building is appropriate for the subject site.

In summary, the proposal is permissible within the R2 Low Density Residential zone, is well within the bulk and scale permitted by Council's planning controls, and further provides a balanced density of boarding rooms. For this reason, the objector's issues are not supported on these matters.

Further, it is noted that Clause 29(1)(a) of the ARHSEPP states that a consent authority must not refuse consent to development for a boarding house development undertaken pursuant to the ARHSEPP on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than the existing maximum floor space ratio for any form of residential accommodation permitted on the land.

As outlined above, the floor space ratio of the proposal complies with the maximum permitted for residential development on the site, and as such, Council could not refuse the DA on the grounds of density or scale. In any case, this is not recommended as the development complies with the development controls which govern density and scale.

F. Inconsistency with planning controls and discrepancies within submitted plans and documents – Concerns have been raised in relation to the inconsistency of the DA with the provisions within the ARH SEPP and zoning objectives of the R2 Low Density Residential Zone within Ryde LEP 2014. Concerns have also been raised in relation to discrepancies within the submitted documents.

Assessing Officer Comment: A detailed assessment of this development has been made within this report and accompanying compliance checks against all relevant planning controls including the ARH SEPP, LEP2014 and DCP2014.

It is noted that the submissions have raised the following specific queries.

ITEM 2 (continued)

- 1 The Landscape Area treatment of the front setback area is not compatible with the streetscape in which the building is located. The front setback presenting to Balaclava Road provides minimal landscaping and excessive hard stand area for parking and turning purpose. Accordingly, the proposal results in non-compliance with Clause 29 (2)(b) of ARHSEPP*

Agreed. It is important that boarding house developments should maintain the existing residential character, not only in terms of built form of the proposed building, but also in terms of treatment of the front setback area. The proposed development involves dedicating most of the front setback area to hard-surfaces (car parking spaces and vehicle turning areas) with very little landscaped area, and also the erection of a 1.8m high front fence. Whilst such fencing is permitted under Ryde DCP 2014, it is considered that the development should be re-designed to ensure that the front setback area has more landscaped area and that the car spaces required for this development are provided behind the building line, similar to what would be required for other forms of residential development.

This is addressed via (a Deferred Commencement) condition of consent.

- 2 The boarding house development has a substantial bulk and scale, which is not compatible with the existing character of the area. The existing character of the area consists of mainly single detached dwellings, with a mix of medium density infill development on Balaclava Road. The design elements of the proposed building dominate and negatively impact upon the character of the existing streetscape. The poor design together with the overall form and scale present a development that fails to relate to the context of the site or aesthetic quality of the streetscape. The proposal therefore, results in non-compliance with Clause 30A- Character of Local Area requirement pursuant to the ARHSEPP.*

A Local Area Character Assessment was submitted within the Statement of Environmental Effects (SEE) accompanying the DA. Although not undertaken strictly according to the methodology set out in Schedule 2 of Part 3.5 of the DCP2014 it is considered that the assessment has satisfactorily demonstrated that the proposed development is compatible with this established local area. In addition, as noted above the proposed building satisfactorily complies with the built form controls for single dwelling houses within tDCP2014 and as such is considered to be a building consistent with the size of dwelling that may be built on the subject site. On this basis, the building is not considered out of character with the local area.

ITEM 2 (continued)

- 3 *In the case of development in an accessible area, at least 0.2 parking spaces are required to be provided for each boarding room, and in the case of any development, not more than 1 parking space is required to be provided for each person employed in connection with the development and who is a resident on site. With 12 units and 1 manager proposed onsite, a total of four (4) parking spaces are required to be provided. The plans provide three (3) parking spaces*

As detailed within traffic and parking response above, the revised proposal reduces the number of occupants and double rooms within the boarding house. This now provides a compliant level of parking.

- 4 *The proposal is non-compliant with the following zone objectives listed within the LEP:
The proposal fails to meet the objectives of the zone in that the proposal is not considered to be a sensitive infill development due to the streetscape, social, amenity and privacy impacts.
The proposal is not considered to be compatible with the character of the living area and of a domestic scale due to lack of covered parking spaces or garage, parking within front setbacks and number of boarding rooms proposed.*

An assessment of the proposed development against the objectives of the zone contained within the LEP2014 is contained later within this planning report. Notwithstanding, whilst the above are considered valid planning concerns they are not the listed objectives of the R2 Low Density Zone and as such the objection on the basis of non-compliance with the zone objectives is not supported.

Concerns were also raised in relation to deficiencies within the plans and documents submitted. It is noted that this concern was raised in relation to the originally submitted plans and documents which have since been revised by the applicant upon Council Officer's request. An assessment of the revised plans has deemed them to be satisfactory and suitable for a thorough planning assessment and determination.

This report and accompanying compliance tables provide a detailed assessment of the proposal, where non-compliances were identified within the original application, additional information was sought and subsequently received from the applicant. All non-compliances that have been identified have either been justified or addressed via conditions of consent. As such refusal on the basis of the non-compliances identified within the submissions is not justified.

ITEM 2 (continued)

G. Character – Population Density – *Concerns are raised in relation to the scale of the proposed development which will increase the population density and present a development out of character with the surrounding area.*

Assessing Officer Comment: As detailed above, a character assessment was submitted and considered acceptable. Whilst it is agreed that that the proposed development will increase the population within this area, it is noted that based on 2011 census data this increase is approximately 4.45% for this statistical area (bounded by Balaclava Rd , Abuklea Rd, Longview St and North Road) and only a 0.11% increase on the overall population of Eastwood. Therefore it is considered that this is only a minimal increase to overall densities and not considered out of character with the surrounding area.

Furthermore it is considered that the population remains residential and is not considered to accommodate significantly more than a multi dwelling housing development that could also be developed within the R2 Low Density Residential zone.

As detailed above, boarding houses are permissible land use within the subject zone and therefore any population increase as a result of their development is considered acceptable and in line with Council's desired future character for the R2 Low Density Residential zones given the recent gazettal of LEP2014.

Built form character has been assessed in response to the objector concerns above. In this regard, objector concerns in relation the proposed development being out of character with the surrounding low density area are not supported.

H. Landscaping/Tree Protection – *Concerns are raised in relation to the protection of the existing Jacaranda to be retained and also the lack of landscaping within the front setback area*

Assessing Officer Comment: The subject DA was referred to Council's Consultant Landscape Architect/Arborist who stated the following in relation to the protection of the existing Jacaranda within the rear yard.

ITEM 2 (continued)

Tree 3 – Located within centre of the rear yard of the allotment adjacent to the rear boundary, this is a mature multi-trunked Jacaranda mimosifolia of good health and vigour with heights of 12 metres, canopy spread of 12 metres and Diameter at Breast Height (DBH) of 150-250mm. Whilst the form of this tree has been impacted as a result of past improper pruning techniques, it provides good foliage cover to the allotment as well as screening to the adjoining developments. A review of the plans submitted indicates that this tree is to be retained as part of the proposed development.

As part of the development, a new rear paved terrace area and associated retaining wall is proposed which is located within the Tree Protection Zone of this tree. Additionally, the footings required for the retaining wall will see some minor encroachment into the Structural Root Zone. Whilst the impact may be low, it is considered necessary that a suitably qualified Arborist be engaged to provide appropriate tree protection measures and supervise works within the SRZ and TPZ to minimise any potential impacts.

Recommendation: That this tree is retained and the following condition be imposed to provide appropriate protection for this tree.

Project Arborist - A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.

In this regard it is considered that the existing Jacaranda will be suitably retained and protected by the above condition of consent.

In this regard, objector concerns in relation to landscaping are considered to have been adequately addressed by the redesign and conditions of consent.

- I. Overshadowing/Solar Access*** – Concerns are raised by the residents to the rear of the property in relation to overshadowing impacts from the proposed development as depicted in the submitted shadow diagrams.

Assessing Officer Comment: Ryde DCP 2014 does not contain any requirements regarding solar access to neighbouring properties for Boarding House developments. However, there are such requirements for dwelling house/dual occupancy developments which would be equally applicable to the proposed development.

ITEM 2 (continued)

The controls in Ryde DCP 2014 for overshadowing of neighbouring properties (in relation to dwelling houses and dual occupancy developments) are as follows:

For neighbouring properties ensure:

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

An assessment of the submitted shadow diagrams for 21 June (refer **Figures 3-5** below) illustrates that whilst there will be some overshadowing of the rear yard of 12A Irene Crescent between 12pm and 3pm, the open space receives greater than 2 hours of sunlight to at least 50% of principal open space to adjoining properties between 9am and 3pm on June 22.

Also, there will be significant overshadowing of the adjoining property to the south (No 97 Balaclava Road) at 9am, however by 12noon, the shadow from the proposed development would be completely clear of this adjoining property. Accordingly, the development would also ensure compliance with DCP 2014 in respect of this property.

ITEM 2 (continued)



Figure 3 Submitted shadow diagram at 9am illustrates no shadows (outlined in red) to properties to the rear (indicative boundaries in yellow)
Source: Submitted shadow diagram edited for use by CPS

ITEM 2 (continued)



Figure 4 Submitted shadow diagram at 12pm illustrates no shadows (outlined in red) to properties to the rear (indicative boundaries in yellow)
Source: Submitted shadow diagram edited for use by CPS



Figure 5 Submitted shadow diagram at 3pm illustrates extent of shadows (shaded in red) to properties to the rear, approximately 56m².
Source: Submitted shadow diagram edited for use by CPS

ITEM 2 (continued)

As depicted within the submitted shadow diagrams the portion of the rear yard of the dwelling to the rear impacted by shadow is relatively small, it is also considered that a portion of this shadow cast would be from the existing 1.8m high boundary fence. Given the setback to the dwelling has been measured as 15m it is considered that the rear yard will still receive adequate solar access as per the control stated above.

In this regard it is considered that the objection made in relation to the loss of solar access and overshadowing to the property to the rear is not supported.

- J. Ownership of surrounding land and intentions for adjoining sites –**
Concerns are raised within the submissions in relation to the ownership of the surrounding sites (93 and 97 Balaclava Road and 14 Irene Crescent) by the same developer and the possibility of similar boarding houses being proposed on these allotments.

Assessing Officer Comment: Any DA for development on adjoining sites will be assessed pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, including but not limited to the merits of the proposal, its permissibility and compliance with the relevant planning controls. This may also consider the cumulative impact of such accommodation.

Should any DA for a boarding house be submitted by the same applicant, then Council may seek to review the operation of the adjacent development and any complaints received in relation this development in the assessment. Nevertheless the objection is not considered a valid planning concern in relation to the subject assessment and as such has not been considered further.

Amended Plan Notification:

Amended plans and additional information was received for this DA on 12 August 2015. Neighbours were re-notified of this additional information for a period between 22 September and 7 October 2015. As a result of this re-notification, a further 3 submissions were received.

Many of these submissions re-iterated general concerns about the proposed boarding house development, as raised in submissions following the original notification period. However there were some specific issues of concern raised regarding the amended plans, and these are summarised and discussed as follows:

ITEM 2 (continued)

K. Traffic and Parking. *The revised plans relocate the driveway from the eastern side to the western side – however these do not provide any additional parking spaces or vehicle manoeuvring area; or any Traffic and Parking assessment to support the development. Furthermore, it is difficult to see how a vehicle in car space No 2 can manoeuvre in/out if car spaces 1 and 3 are occupied.*

Assessing Officer Comment: Concerns regarding the number of car parking spaces provided in this development have been addressed in submissions received regarding the original DA plans. In summary, the amount of parking provided complies with the provisions of Ryde DCP 2014 and also the ARHSEPP, and further, given such compliance, car parking issues can not be used as grounds for refusal.

In relation to concerns regarding the need for a Traffic and Parking assessment, also as noted in earlier submissions, under Ryde DCP2014 only boarding house developments for 30 or more bedrooms are required to be supported by a Traffic and Parking Impact Assessment Report. As such a Traffic and Parking Impact Assessment report is not required for this development.

It is re-iterated that the car parking requirements in the ARHSEPP are generally lower than other forms of residential accommodation (such as multi-dwelling housing). The reason for this relates to the demographic profile of the average boarding house lodger and the semi-permanent nature of their occupation, as well as the location of the site, and therefore it is known that car ownership and usage is relatively low. It is considered the proposed boarding house will not result in a significant increase in the number of vehicle movements that exceed the capacity of the local road network.

It is noted that any issues of concern regarding the design/layout of the parking area (currently proposed) will be resolved via the recommended Deferred Commencement condition, which requires provision of car parking spaces behind the building line.

L. Number of boarders. *Although the number of boarders is noted to be reduced from 18 to 14, this is not matched by any reduction in floor area (boarding room sizes). Therefore, the number of residents could remain the same as the original proposal.*

Further, despite the reduction in number of residents, this number of residents still constitutes overcrowding.

ITEM 2 (continued)

Assessing Officer Comment: The applicant's amended plan submission is accompanied by various supporting documents (eg an amended Statement of Environmental Effects, amended Plan of Management) which clearly state that the number of boarders is proposed to be reduced from 18 to 14. Compliance with this maximum number of lodgers is enforced by a condition of consent.

Concerns regarding overdevelopment of the site (both in terms of built form and number of boarders) have been addressed in objections to the original. In this regard, it is noted that the normal development controls governing bulk and scale of a building (floor space ratio, height and setbacks) are all fully complied with by the proposed development. Despite this situation of compliance with the applicable development controls, the applicant has reduced the number of boarders from 18 to 14 to address possible concerns regarding overcrowding.

M. Privacy. *The amended plans do not address privacy issues to neighbouring properties. For example, the large staircase window overlooks neighbours rear yards, and no high-sill windows are provided to minimise overlooking. Also, no landscaping or acoustic barrier is proposed between the communal open space of the development and private open space of neighbours.*

Assessing Officer Comment: Concerns regarding privacy issues (both visual and acoustic) are discussed in detail in the DCP Compliance section of this report. In summary, the issues of concern raised by objectors will be required to be addressed through design amendments to the building, and also via other conditions of consent regarding compliance with the Plan of Management, as well as particular conditions on the use of outdoor communal areas.

In particular, conditions of consent will be required for the following:

- Obscure glazing to internal stairwells (both rear southern and side western elevations)
- Obscure glazing to room 1
- Compliance with the Plan of Management
- Condition re usage of communal outdoor areas – including hours of use, no playing of loud music and compliance with “House Rules”.

It is noted that the applicant has provided an amended landscaping plan which includes additional landscaping (of dwarf Lilly Pilly plants) in the eastern side setback area (where a terrace area is to be located close to the eastern boundary). It is considered that the same type of plant should be required to be planted along the rear (southern) boundary to address the concerns raised by the neighbour. This is addressed via condition of consent.

ITEM 2 (continued)

- N. *Tree Protection.*** *The amended plans do not provide any details of protection of an existing jacaranda tree.*

Assessing Officer Comment: As noted in consideration of the same objection (see above), the protection of this Jacaranda tree is to be addressed via conditions of consent.

- O. *Garbage Bin Storage.*** *Location at the front of the site is not acceptable as it creates detrimental streetscape impacts. Bin storage areas should be relocated to be behind the side gate or suitably screened to prevent visual clutter.*

Assessing Officer Comment: The location of the bin storage area is on the eastern side of the building, and behind the building line. This bin storage area is within an enclosed structure preventing it from being visible from the street.

- P. *Communal open space.*** *The amended plans include communal open space areas within the front setback, which is not considered to be a suitable location.*

Assessing Officer Comment: It is noted that the amended plans include a notation for communal open space within the front setback. This space is not required to meet the provisions of the ARHSEPP or Ryde DCP 2014, and it is noted that compliant communal open space is provided within the rear yard (as well as the eastern side setback). Also, as noted throughout this report, it is recommended that amended plans be provided to address issues of concern regarding provision of car parking within the front setback. These amendments will address the provision of communal open space within the front setback area.

- Q. *Amended Plan of Management.*** *The amended Plan of Management submitted is not satisfactory, and cannot be relied upon to address amenity impacts resulting from the proposed development.*

Assessing Officer Comment: The amended Plan of Management has been prepared in accordance with the template for such documents (provided in Ryde DCP 2014), and includes full details of Duties of the Manager; Boarder/Lodger Information; Number of Lodgers; Minimising Impacts on Residents (including complaints management); House Rules; Fire Safety; Cleaning and Maintenance; Boarding House Furniture and Facilities; Waste Management and Recycling; and Safety and Security.

This Plan of Management document has been assessed to be satisfactory and compliant with Ryde DCP 2014. Compliance with this Plan of Management is required via a condition of consent.

ITEM 2 (continued)

- R. Driveway Re-location.** Concern is raised regarding re-location of the driveway regarding its location close to the pedestrian refuge in Balaclava Road.

Assessing Officer Comment: As shown in the following photo (also visible in the air photo in **Figure 1** earlier in this report), there is an existing pedestrian refuge in Balaclava Road which runs between the intersection with Lincoln Street (in the east) to the western boundary of the site. Its location acts as a traffic calming device, limiting the range of vehicle movements to be “left in/left out” only at this site regardless of what type of development is to occur.

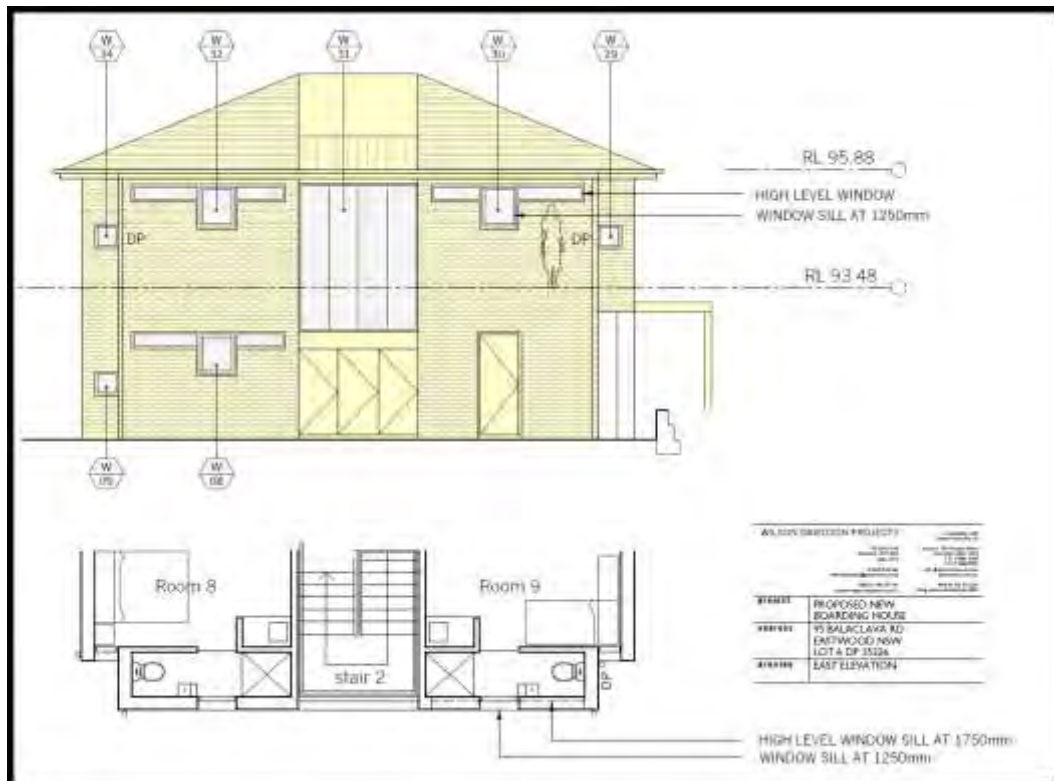


- S. Ensuite Windows.** Concern is raised regarding the size of the ensuite windows and privacy impacts upon the rear yard of the adjoining property to the south.

Assessing Officer Comment: The south elevation of the development is shown below. This shows that there are 6 windows facing the objector’s property – 3 x ensuite windows (W08, 30, and 32 – to be obscure glass), and 3 x windows to the corner of the boarding room (W09, 29 and 34). None of these windows are expected to cause excessive privacy impacts because of the small size of the windows and the fact that they are to be obscure glass for the ensuites.

The 3 boarding rooms also have other windows on this elevation, which are noted to be high level windows with sill at 1750mm (as shown in the elevation drawing below):

ITEM 2 (continued)



T. Tree Planting. Concern is raised regarding the proposed planting of an *Angophora costata* tree (shown to be planted in the south-eastern corner of the site) – in particular that there is insufficient space for planting of such a tree, and also this tree would cause excessive overshadowing of the neighbour's rear yard. Planting of a smaller tree is requested.

Assessing Officer Comment: Although it is considered that there would be sufficient space within the property for the planting of the additional tree (ie approximately 12m between the base of the jacaranda tree and the south-eastern boundary), the neighbours' concerns regarding overshadowing of their back yard from such a tree is understandable.

Accordingly, it is recommended that the following condition of consent be imposed, requiring substitution of the *Angophora costata* shown on the landscaping plan (which grows to 15m plus) with a *Glochidion ferdinandi*. The latter tree is commonly known as a Cheese Tree, which is an endemic species native to the local area and which generally grows to 8m in height.

8. SEPP1 (or clause 4.6 Ryde LEP 2014) objection required?

None required as the assessment of this DA has not identified any development standards that are required to be varied.

ITEM 2 (continued)

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) allows for the development of new generation boarding houses in residential, mixed use and some commercial zones.

The proposed development is for a new generation boarding house and has been lodged pursuant to the provisions of the ARHSEPP. Given the ARHSEPP is an environmental planning instrument, it becomes a matter for consideration in the assessment of the subject DA.

It is important to note that Clause 8 of the ARHSEPP indicates where there is an inconsistency between the ARHSEPP and any other environmental planning instrument (i.e. the Ryde LEP 2014), whether made before or after the commencement of this ARHSEPP, the ARHSEPP prevails to the extent of the inconsistency.

A full assessment of the proposed development is contained within the Compliance Check table contained in **Attachment 2**. The following provides a brief overview of the proposed development performance against the key provisions of the ARHSEPP relating to new generation boarding house developments.

- **Clause 26** prescribes those zones to which the boarding house provisions of the ARHSEPP applies. The subject site is identified as being within the R2 Low Density Residential zone under the provisions of the Ryde LEP 2014. The R2 Low Density Residential zone is a prescribed zone under Clause 26, and as such the subject site is considered to be land to which the ARHSEPP boarding house provisions apply.
- **Clause 27(1)** outlines development to which the boarding house provisions of the ARHSEPP apply. A boarding house is defined within the Dictionary of the Ryde LEP 2014 as:

boarding house means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and

ITEM 2 (continued)

(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

The proposal would meet the above definition for a 'boarding house'. As such the provisions of the ARHSEPP apply to this DA.

- **Clause 27(2)** and **Clause 27(3)** indicate that despite the provisions of Clause 27(1) the boarding house provisions of the ARHSEPP do not apply to development on land within the R2 Low Density Residential zone unless it is located within an 'accessible area' and secondly within the Sydney region.

An accessible area is defined under the ARHSEPP as:

accessible area means land that is within:

- (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or*
- (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or*
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.*

The development is located approximately 22m walking distance from a bus stop (Stop ID: 2122208) located on the northern side of Balaclava Road near the corner of Lincoln Street (ie opposite the subject site).

This bus stop on the northern side of Balaclava Road is serviced by the Sydney Buses routes 545 and 551. At least one bus per hour services the bus stop Monday to Friday between 6am and 9pm and Saturday and Sunday 8am to 6pm.

In addition, given the proposed development is to be undertaken within Eastwood, the proposal is taken to be within the Sydney region.

On the basis of the above, the boarding house provisions of the ARHSEPP apply to the proposed development.

ITEM 2 (continued)

- **Clause 28** indicates that development for the purposes of a boarding house to which the ARHSEPP applies may be carried out with consent. In this regard it is noted that the subject DA has been lodged with Council seeking consent. As such, this is consistent with the provisions of Clause 28.
- **Clause 29** provides standards that cannot be used to refuse consent. For example, a consent authority cannot refuse consent to development to which the ARHSEPP applies on the basis of bulk and scale, building height, landscaped area, solar access, private open space, parking, or accommodation size if minimum standards outlined within the ARHSEPP are met.

As indicated in the Compliance Check contained in **Attachment 2**, the proposed development achieves the minimum standards established by the ARHSEPP, so in this regard, it is acknowledged that development consent for the proposed development cannot be refused on the basis of any of the following:

- bulk and scale,
 - building height,
 - landscaped area,
 - solar access,
 - private open space,
 - parking, or
 - accommodation size.
- **Clause 30** provides minimum standards for boarding house developments under the ARHSEPP. Specifically, it states that unless the listed standards are met, a consent authority must not grant consent to an ARHSEPP boarding house development.

Again, the Compliance Check contained in **Attachment 2** provides a detailed assessment of how the proposed development performs against each of these development standards. The outcome of this assessment has determined that the proposed boarding house development satisfactorily complies with each of the specified standards.

- **Clause 30A** outlines that a consent authority must not consent to development under the ARHSEPP unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

A Local Area Character Assessment has been prepared by the applicant's town planner and is included within the submitted Statement of Environmental Effects that accompanies the subject DA.

ITEM 2 (continued)

This assessment has been reviewed as part of the assessment of the subject DA and it has been determined that it appropriately utilises the methodology set out in Schedule 2 of Part 3.5 of the DCP2014.

Although the building containing the boarding house has a contemporary style, it can reasonably be expected that as new houses replace the remaining older houses in the area over time, they too will adopt a style contemporary to the period in which they are built.

It is also important to note that the building to contain the boarding house essentially takes on the appearance of a two-storey dwelling house with compliant building heights, front and side setbacks, floor space ratio, and landscaped area. The result is a building that is considered to be compatible with the character of the local area in the required sense of it being capable of existing in harmony with the current and likely future development in the area.

(b) Ryde Local Environmental Plan 2014

Zoning

Under the Ryde LEP 2014, the zoning of the subject site is R2 Low Density Residential. Despite the proposal being lodged pursuant to the ARHSEPP, it is noted that boarding houses are a permissible form of development within the R2 Low Density Residential zone.

Aims and objectives for residential zones:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a variety of housing types.*

The proposed development is considered to satisfy the objectives for residential developments as it will provide a range of housing types for the community within a low density residential environment, and ensures the general low scale of the surrounding area is maintained via compliant building heights, floor space ratio, and satisfactory setbacks.

The proposal is not considered to detract from the streetscape and includes a form and modern appearance consistent with new and recently approved residential development in the local area.

ITEM 2 (continued)

Principal Development Standards

A full assessment of the proposal against the relevant principal development standards contained within the Ryde Local Environmental Plan 2014 (LEP2014) is illustrated in the Compliance Check held in **Attachment 2**.

RYDE LEP 2014	PROPOSAL	COMPLIANCE
Clause 4.3(2) - Height <ul style="list-style-type: none"> 9.5m overall 	7.23m	Yes
Clauses 4.4(2) & 4.4A(1) - FSR <ul style="list-style-type: none"> 0.5:1 	0.5:1 Site Area 676.583m ² (DP)	Yes

(b) Other Relevant State Environmental Planning Policies (SEPPs)

State and Sydney Regional Environmental Planning Policies

SEPP BASIX:

A compliant BASIX Certificate (No 592147M) has been submitted with the DA. A standard condition has been included in the Draft Consent requiring compliance with this BASIX certificate.

The particular arrangements of the boarding house development, includes kitchens within each boarding room. It is noted that a Building Code of Australia 2014 Section J Report has not been submitted with the subject DA to be used in conjunction with the BASIX Certificate outlined above.

Notwithstanding the above the subject DA has been referred to Council's Executive Building Surveyor who has advised there are no objections to the proposed development subject to the inclusion of conditions of consent which are outlined in the referral comments within this report.

(c) Any draft environmental planning instruments (i.e. LEPs)

No draft environmental planning instruments are applicable to the proposed development.

ITEM 2 (continued)

(d) The provisions of any development control plan applying to the land

Ryde Development Control Plan 2014

Part 3.3 Dwelling Houses and Part 3.5 Boarding Houses

The proposal has been assessed using the development controls contained in Ryde Development Control Plan 2014 (DCP2014) and a full assessment is detailed in the Compliance Checks contained in **Attachment 2**. The following is an assessment of the non-compliances of the subject DA against the key components of the DCP2014.

Non-Compliances justifiable:

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

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

Deep Soil Areas

Sections 2.6.1 of Part 3.3 of the DCP2014 prescribes development controls relating to Deep Soil Areas, specifically the DCP2014 stipulates the following:

b The deep soil area must include:

i. an area with minimum dimensions of 8 m x 8 m in the back yard; and

As assessment of the submitted architectural and landscape plans of the front garden, indicates that the deep soil area within the rear yard does not satisfy the minimum dimension requirement of 8m x 8m.

Although proposing less than the required dimension of deep soil area within the rear yard, and an area of hard paving that is above the maximum allowable, these non-compliances can be supported for the following reasons:

- The overall level of Deep Soil Areas across the site exceeds the 35% required by DCP2014. The development provides 282m² of deep soil landscaping which is 42% of the site area;

ITEM 2 (continued)

- A significant proportion of deep soil landscape area is located within the side setback areas;
- The landscaping allows for the provision of one tree within the front and rear yard with a mature height of 15m in addition to allowing for the retention of an existing Jacaranda tree within the rear yard;

In addition section 2.13 of Part 3.3 of DCP2014 prescribes development controls relating to the level of hard paving within the front setback area – which state:

- e. Provide a landscaped front garden. Hard paved areas are to be minimised, and at a maximum, are to be no more than 40% of the front garden areas.*

In relation to the front garden area it is noted that the portion of the front garden to be hard paved is calculated at 60.43% (84m²) of the total front garden area. The proposed front garden therefore exceeds the maximum of 40% hard paved area prescribed in DCP2014.

The main reason for this non-compliance is the design of the car parking area within the front setback, which results in a greater amount of hard-surface area than would be normally associated with residential development (such as a dwelling house or dual occupancy development). As noted throughout this report, it is recommended that a Deferred Commencement consent be issued, requiring amended plans which provide the required on-site car parking for the proposed development behind the building line. This requirement will result in a greater amount of landscaped area within the front setback, which is likely to ensure that the maximum 40% hard paving requirement can be met.

For the reasons outlined above, subject to the recommended conditions, it is considered the proposal satisfactorily achieves compliance with the objectives of the site configuration and landscaping objectives because the overall landscape design is considered to provide landscaping that will retain the sites ability to absorb water and allows space for the retention of existing trees and mature tree growth. In addition it is considered that the proposed landscaping will enhance the appearance and amenity of the development, and is generally in character with the locality and streetscape.

Setbacks

Section 2.9.2 of Part 3.3 of the DCP2014 prescribes controls for setbacks. Specifically, that the rear of the dwelling is to be setback from the rear boundary a minimum distance of 25% of the length of the site or 8m, whichever is greater. It is noted that 25% of the site length has been measured to be 8.9m, as such this is considered to be the required setback.

ITEM 2 (continued)

The plans submitted with the DA indicate that part of the dwelling is to be setback 7.9m from the rear boundary. Although not meeting the rear setback requirement as set out in DCP2014, this non-compliance can be supported for the following reasons:

- No unacceptable privacy or overlooking impacts are anticipated from the minor non-compliance,
- Existing and proposed landscaping including the retention of an existing mature tree within the rear yard will assist in providing appropriate screening between neighbouring properties and the subject dwelling.
- The impact of the reduced rear setback affecting the adjoining rear property is considered to be minor. Overshadowing, and privacy impacts are considered to be acceptable when having regard to the provisions of DCP2014.
- Sufficient site area still exists to provide an area for outdoor communal and private open space and landscaping within the side setbacks.
- Separation distances between neighbouring dwellings to the rear is considered acceptable and as such maintains the visual and acoustic privacy of dwellings (refer **Figure 7**).
- It is considered that the proposed development meets the objectives of the setback controls set out in the Ryde DCP 2014, specifically as the proposed development still provides an adequate area for private outdoor recreation and relaxation, provides for space for vegetation, mature trees and deep soil zones, provides adequate separation between dwellings to achieve privacy, and enables contiguous vegetation corridors across the residential blocks.

Given the above it is considered that this non-compliance can be supported in this instance.

Internal Building Design

The Table within Section 3.6 of Part 3.5 of DCP2014 prescribes development controls relating to specific rooms, areas and facilities within boarding house developments

The Table specifies that kitchenettes are to be provided with the following dimensions

2m² for any kitchenette, which must comprise a small fridge, cupboards and shelves (in addition to required wardrobe space), a microwave, and a minimum of 0.5m² bench area.

As assessment of the proposed development has revealed that all kitchenettes provided in boarding rooms have been measured to be 0.6m²

The applicant has provided additional information which illustrates that the kitchenettes and the area around them comply with the required dimensions.

ITEM 2 (continued)

However it is also noted that the ARHSEPP states:

- (3) *A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room*

As such it is considered that the subject non-compliance is justifiable as it is able to satisfy the objectives of Section 3.6 of Part 3.5 of the DCP2014. It is considered that the proposed boarding house rooms ensure that the boarding house provides facilities that are generally designed to meet the long term needs of residents whilst promoting student/lodger interaction and a sense of community and ensures that kitchens, bathrooms and laundry facilities adequately meet resident's needs.

Non-Compliances / Issues Resolved via Conditions:

Car Parking

Multiple provisions within Part 3.3 and of the DCP2014 prescribe development controls relating to the design of car parking areas. Of interest in relation to the proposed development is that which states that garages and carports are to be located 1000mm behind the front façade of the dwelling and not be visually prominent features, and also that car parking may only be in front of the dwelling if no other suitable position on the allotment.

Part 3.5 of DCP2014 also states that parking spaces and access are not to be located within communal open space areas or landscaped areas. Given that car parking is located within the front setback and that the proposed development exceeds the 40% hard paving within this area it is considered that the proposed car parking is located in an area that could otherwise be devoted to providing additional landscaped area.

An assessment of the submitted architectural plans has revealed that parking for the proposed boarding house is in the form of an uncovered hard stand parking area and as such does not incorporate a garage or car port structure. Two (2) parking spaces including one (1) accessible space is located within the front setback (see **Figure 8** below). One (1) additional car parking space and three (3) motorcycle parking spaces are located within the western side setback.

The proposed car parking design is not acceptable. In order to ensure that the proposed boarding house development is truly compatible with the low density nature of the residential environment in which it is located, it is considered necessary to ensure that such car parking is provided behind the building line (which is a requirement for single dwellings, dual occupancy developments etc). This could be achieved via a relatively small re-design of the front of the building (such as via replacement of the covered entry area with 2 car parking spaces) to ensure car

ITEM 2 (continued)

parking can be provided behind the building line. The area currently shown to be car parking can then be replaced with landscaping to enhance the appearance of the development whilst also ensuring compliance with Council’s DCP controls.

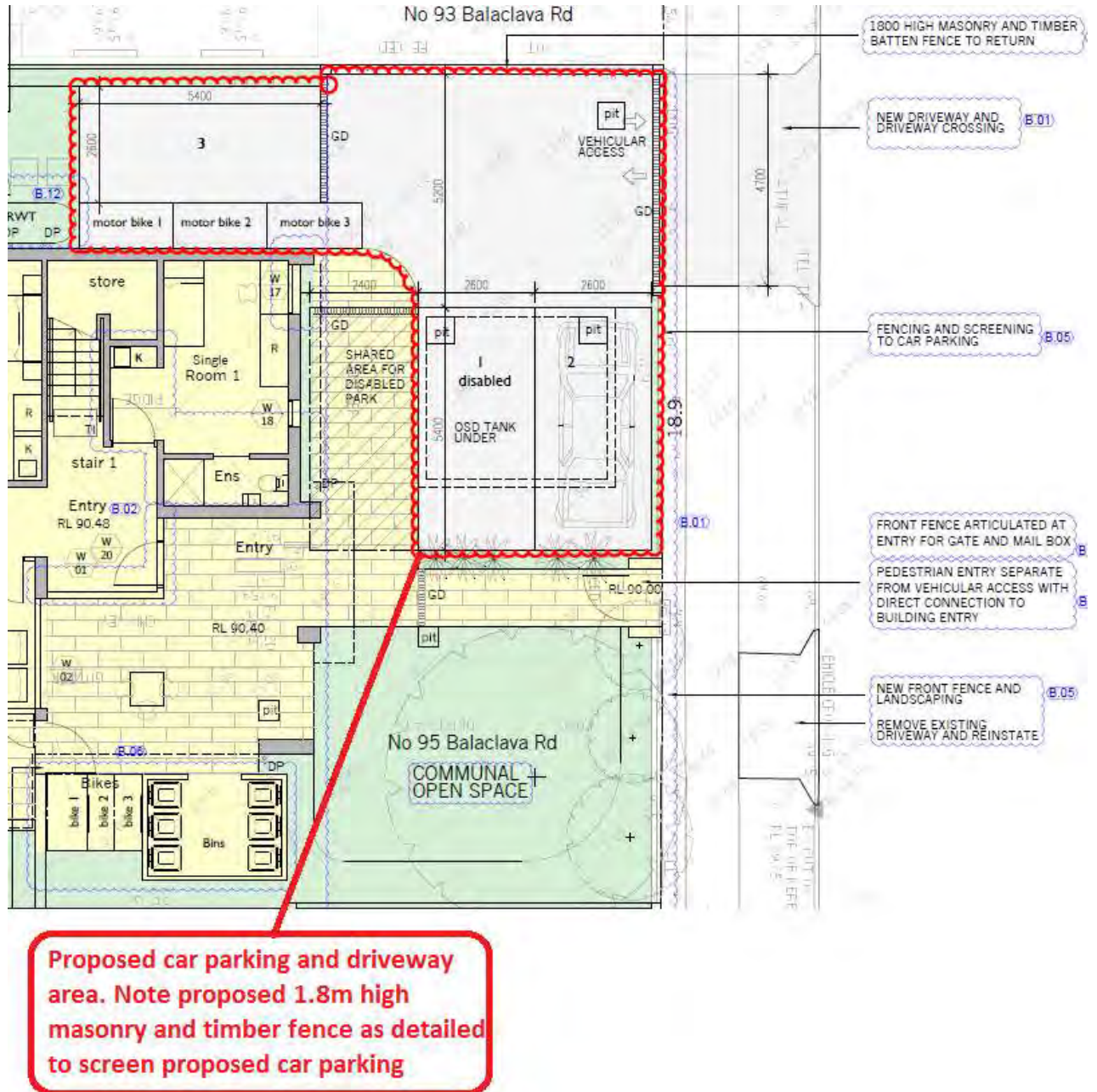
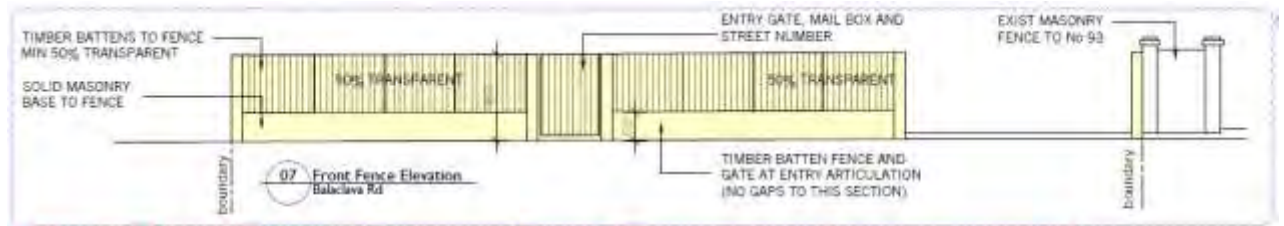


Figure 8 – Diagram showing the proposed car parking area. Noted in this diagram is how the parking area proposes to accommodate the disabled parking space and shared zone.
Source: Submitted ground floor plan edited by CPS

ITEM 2 (continued)



1.8m high and 50% transparent front fence proposed to screen car parking areas within the front setback.

Figure 9 – Diagram showing the proposed front fence to screen the proposed car parking area within the front setback.

Source: Submitted ground floor plan edited by CPS

Visual Privacy

Various provisions within Part 3.3 and 3.5 and of the Ryde DCP 2014 prescribes development controls relating visual privacy. More specifically the controls state.

Part 3.3 Dwelling Houses

- a. Orientate the windows of the main internal living spaces such as living rooms, dining rooms, kitchens, family rooms and the like, generally to the front or to the rear of allotments.*
- b. Orientate terraces, balconies and outdoor living areas to either the front or the rear of allotments, and not to the side boundaries.*

Part 3.5 Boarding Houses

Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbouring buildings and on the amenity of future residents.

Openings are to be oriented away from adjoining residential properties to minimise overlooking and maximise privacy and amenity.

The proposed development provides five (5) glazed doors open out from the internal communal living area on the eastern elevation to the communal outdoor open space which is orientated to the eastern side of the dwelling. As such the proposed side facing terrace does not comply with the above mentioned visual privacy controls and as such may impact on the visual privacy of the dwelling to the east.

ITEM 2 (continued)

It is considered that the design of the development as currently proposed in the amended plans could give rise to unacceptable visual and acoustic privacy impacts upon the neighbouring property, notwithstanding that the proposal has been amended to provide increased landscaping (see **Figure 10** below), and that no objection has been received from this adjoining property owner. It is therefore recommended that this matter be addressed via the following Deferred Commencement condition.

Communal Living Area windows. To ensure acceptable visual and acoustic privacy impacts on the adjoining property immediately to the east, the five (5) glazed doors on the eastern elevation to the communal open space shall be replaced with fixed glass windows or a single sliding door (at the southern end) that will provide a smaller opening.

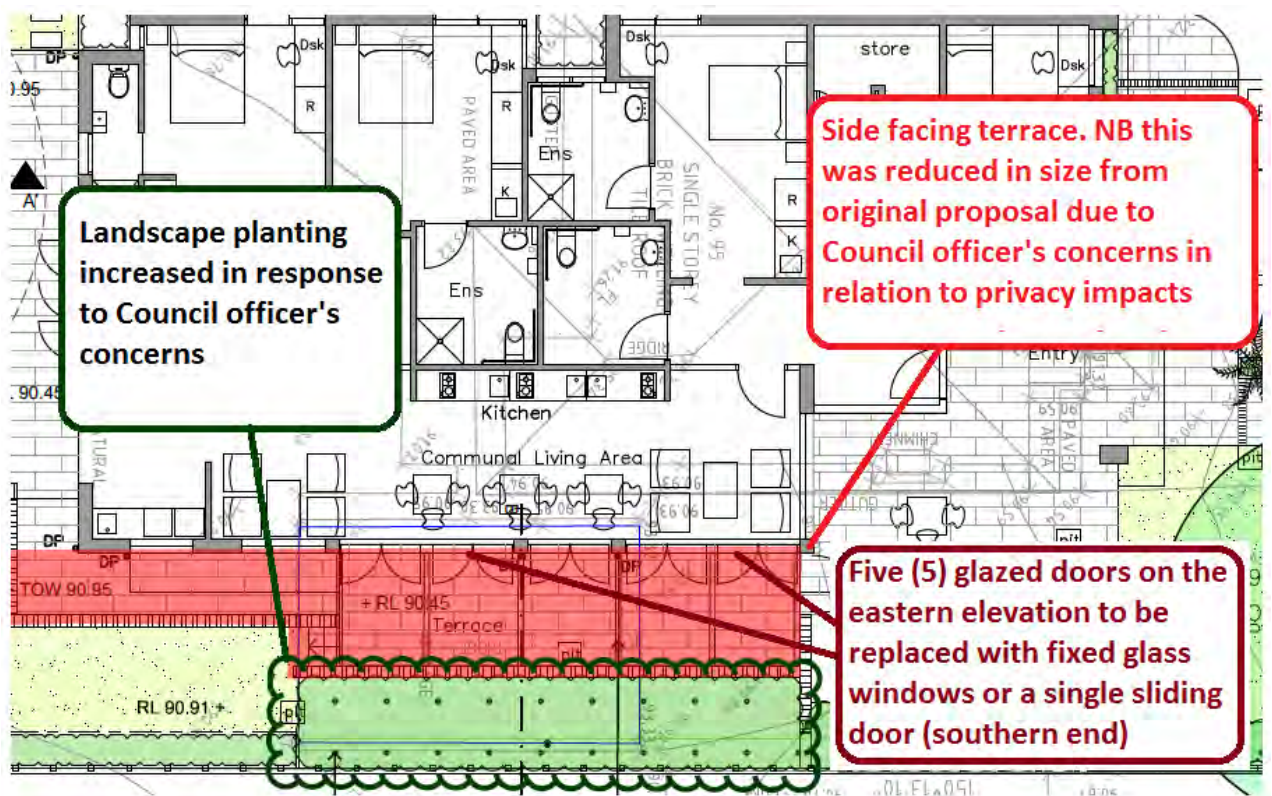


Figure 10 - Reduced side facing terrace with increased landscaping in response to Council's concerns.

Source: Submitted ground floor plan edited by CPS

ITEM 2 (continued)

Visual Privacy

Various provisions within Part 3.3 and 3.5 and of the Ryde DCP 2014 prescribes development controls relating visual privacy. More specifically the controls state.

Part 3.3 Dwelling Houses

a. Orientate the windows of the main internal living spaces such as living rooms, dining rooms, kitchens, family rooms and the like, generally to the front or to the rear of allotments.

e. Side windows are to be offset by distances sufficient to avoid visual connection between windows of the subject dwelling and those of the neighbouring dwelling.

Part 3.5 Boarding Houses

b. Accessways to the front entrance of the boarding house are to be located away from windows to boarding rooms to maximise privacy and amenity for lodgers.

c. Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbouring buildings and on the amenity of future residents.

An assessment of the submitted plans has revealed the following non compliances.

- The side and rear facing windows to the proposed stairwells W38 (rear) and W41 (side) (refer **Figures 11** and **Figure 12**) have the potential to look directly into a side facing window of the adjoining dwelling at 93 Balaclava Road and to the rear private open spaces of 12 and 12A Irene Crescent.
- Room 1 includes a front facing window in proximity to the building entrance, although it is shown to be high level it is considered that an additional privacy measure such as obscure glazing should be included to maximise the amenity to this room (**Figure 13**)

Having regard to the above non compliances the following conditions of consent are recommended to ensure that the visual privacy within the development and to adjoining properties is maintained and demonstrates compliance with the provisions of the DCP2014,

ITEM 2 (continued)

Obscure Glazing Internal Stairwells The windows to the internal stairwells (W38 and W41) are to include privacy measures that prevent a visual connection with the adjacent dwellings and private open space. To minimise the potential for direct views obscure glazing or similar treatment must be installed. Plans that include details demonstrating compliance with this condition are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.

Obscure Glazing Room 1 The north facing window to the en-suite bathroom to Room 1 identified as W18 on the approved plans, is to be modified to include privacy measures. To minimise the potential for direct views into this bathroom, obscure glazing or similar treatment must be installed. Plans that include details demonstrating compliance with this condition are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.

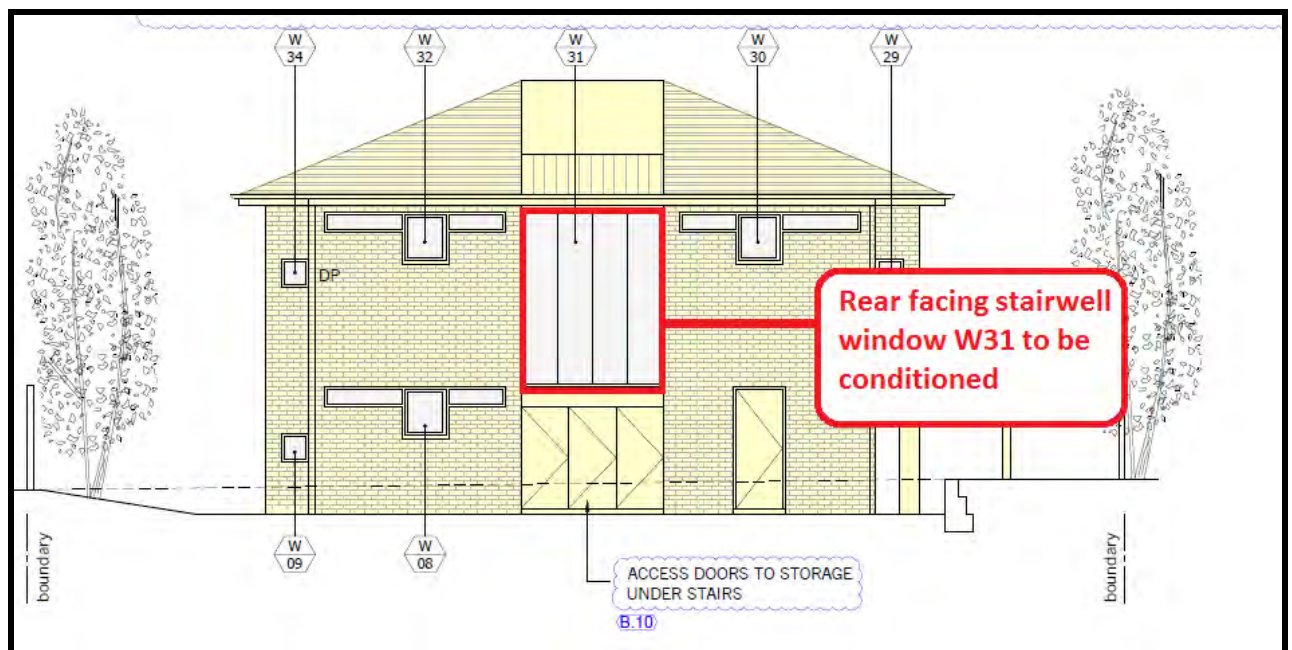


Figure 11 Rear facing stairwell window to be conditioned to incorporate obscure glazing
Source: Submitted elevation plan edited by CPS

ITEM 2 (continued)



Figure 12 Side facing stairwell window on western elevation to be conditioned to incorporate obscure glazing

Source: Submitted elevation plan edited by CPS

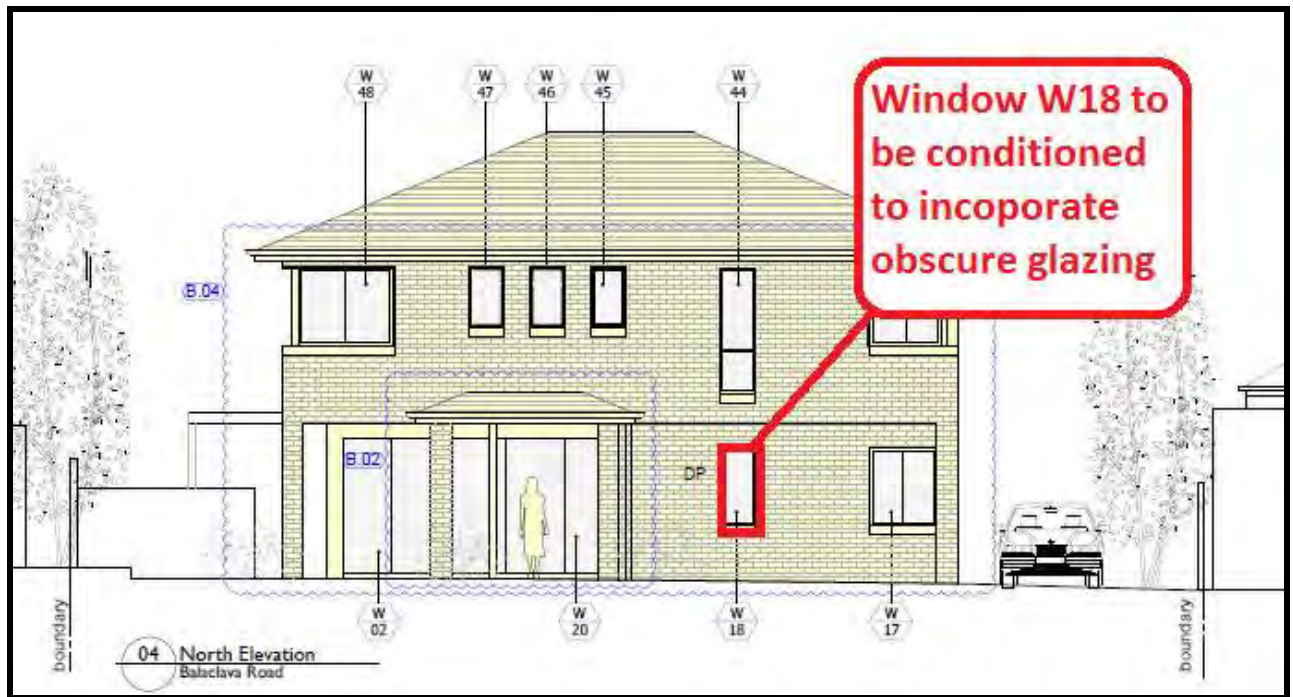


Figure 13 Front facing bathroom window on western elevation to be conditioned to incorporate obscure glazing

Source: Submitted elevation plan edited by CPS

ITEM 2 (continued)

Acoustic Privacy

Section 3.2 of Part 3.5 of the DCP2014 prescribes development controls relating to the Privacy (Visual and Acoustic) and Amenity. This is to ensure all new boarding houses provide an acceptable level of safety, amenity and privacy for occupants and also adjoining properties. One particular component of this is acoustic privacy and ensuring that boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbouring buildings and on the amenity of future residents.

As detailed above the proposed development provides five (5) glazed doors which open out from the internal communal living area on the eastern elevation to the communal outdoor open space which is orientated to the eastern side of the dwelling. It is considered that the use of these areas may have an impact on the acoustic privacy of the neighbouring dwelling to the east as well as the other occupants within the proposed boarding house.

It is noted that the submitted Plan of Management states the following in relation to minimising the impacts on residents.

So as to minimise impacts upon the residents of adjoining premises as well as residents of the building the following rules are to apply:

- a) *No loud music or television noise is permitted after 10.00pm.*
- b) *No parties or gatherings are permitted upon the premises after 10.00pm.*
- c) *No visitors other than residents of the property are permitted after 10.00pm.*
- d) *No use of the outdoor areas is permitted after 10.00pm.*
- e) *No smoking in areas which may affect the amenity of other residents of the boarding house or of residents of neighbouring properties.*

Furthermore the 'House Rules' within the POM states the following

The communal indoor areas are only to be used between the hours of 6am – 10pm.

The communal outdoor areas are only to be used between the hours of 7am – 10pm (Monday to Saturday) and, 8am – 10pm (Sunday and Public Holidays).

The submitted Plan of Management will be included within Condition 1 of the consent and can only be amended with the agreement of Council in writing. Copies of the approved Plan of Management must be provided to the relevant managing agent, and are required to be on display and available at all times to lodgers.

ITEM 2 (continued)

Notwithstanding the above it is recommended that the following specific conditions of consent are imposed to safeguard the acoustic amenity of adjacent residential properties and to ensure that the boarding house operates consistently in accordance with its Plan of Management and good neighbour obligations therein.

Approved number of residents. *The approved number of occupants within the Boarding House must not exceed fourteen (14) persons at any time.*

Use of Communal Outdoor Areas

- (a) *The use of the communal outdoor areas the boarding house are restricted to the hours stipulated within the approved Plan of Management as detailed within Condition 1 of this consent being 7am to 10pm Monday to Saturday and 8am – 10pm on Sundays and Public Holidays*
- (b) *No loud or amplified music is to be played at any time within the communal outdoor areas,*
- (c) *The use of the communal areas must be according to the House Rules contained within the approved Plan of Management as detailed within Condition 1 of this consent.*

Internal Building Design

Section 3.6 of Part 3.5 of the DCP2014 prescribes development controls relating to the internal building design of boarding house developments. This is to ensure all new boarding houses provide an acceptable level of safety, amenity and privacy for occupants and also adjoining properties. Particular components of this control seek to avoid dark and less visible areas, and locate communal and common areas in safe and accessible locations. Also outlined are provisions for lighting to common areas be provided in a fashion that maintains safety and security, without compromising on the amenity of occupants or properties adjoining the development.

An assessment of the subject DA has revealed that whilst gates are shown to be provided to the side and rear these gates are not shown to be lockable. Furthermore these areas may potentially provide dark and non-visible areas. In addition the subject DA has failed to identify specific details on the common area lighting arrangements for the proposed development.

Accordingly, the following conditions of consent are recommended to ensure that proposed side entry gates are lockable, sensor lighting is provided to these concealed side setback entry points and that the lighting arrangements for the proposed development are designed to comply with the provisions of the Ryde DCP 2014, and achieve the performance criteria outlined above:

ITEM 2 (continued)

Lockable side entry gates. *The side gates shown on the submitted ground floor plans within the eastern and western side setback providing access to the private open space areas of the boarding house must be provided with a keypad locking mechanism to prevent unauthorised access into these areas. Details indicating compliance with this condition shall be submitted to the Principal Certifying Authority prior to the issue of a **Construction Certificate**.*

Sensor Lighting – *Sensor lighting is to be provided to the side entry gates within the eastern and western side setback areas. Details are to be submitted to the Principal Certifying Authority for approval prior to the issue of a **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents or boarding rooms within the development.*

Lighting of common areas (driveways etc). *Details of lighting for internal driveways, common areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents or boarding rooms within the development.*

Clothes Drying Facilities

Similar to communal kitchens, the Table within Section 3.6 of Part 3.5 of DCP2014 also prescribes development controls relating to drying facilities for boarding houses. Specifically, external and internal drying facilities are to be provided as follows:

- 15m² external clothes drying area for every 12 residents in an outdoor area (can be retractable).

An assessment of the submitted plans has revealed that the external clothes drying area is approximately 8m² in area. Given the proposed development includes up to fourteen (14) residents, the amount of external drying area is considered to be insufficient. Accordingly, the following condition of consent is recommended to address this issue:

Clothes Drying Facilities. *An external clothes drying area is to be provided with minimum area of 15m² that is accessible for all residents in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2015. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.*

ITEM 2 (continued)

Boarding House Management

Section 4 of Part 3.5 of the DCP2014 provides development controls relating to the management of boarding houses to ensure they are well maintained and operated in a manner that ensures a high level of amenity for the occupants as well as for adjoining residents.

Specifically it is indicated that the name and contact details of the boarding house manager or managing agent be displayed all times externally at the front entrance on the boarding house.

It is also specified that occupiers of adjacent properties be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency.

It is noted that that subject DA does not detail on the plans or within the accompanying documentation that these management controls will be satisfactorily complied with. As such, it is considered appropriate that the following condition be included as an operational condition of consent:

Boarding House Management. The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance on the boarding house. Additionally, occupiers of all adjacent properties are to be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency.

Waste Minimisation and Management

Section 2.3 of Part 7.2 of the DCP2014 provides development controls relating to waste minimisation and management to ensure the boarding house encourages source separation of waste, reuse, and recycling by ensuring appropriate storage and ensure appropriate, well-designed waste storage and collection facilities are provided and are accessible to occupants and service providers.

An assessment of the proposed development does not detail any allowance made for the storage of green waste. As such it is considered that the following condition be recommended.

Green Waste: Allowance must be made within the proposed garbage area for the storage of Green Waste in accordance with the Ryde Development Control Plan 2014. Details demonstrating compliance are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

ITEM 2 (continued)

Section 94 of the Environmental Planning and Assessment Act 1979

Council' Section 94 Development Contributions Plan

Council's Section 94 Development Contributions Plan requires a contribution for the provision of various additional services required as a result of increased development. Boarding house developments are charged at a rate of \$7080.77 per bedroom (ie total of \$84,969.24 for this development), minus a credit of \$20,000 for the existing dwelling on this property.

The contributions that are payable with respect to the increase housing density on the subject site (*being for residential development outside the Macquarie Park Area*) are as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$13,733.62
Open Space & Recreation Facilities	\$33,809.51
Civic & Urban Improvements	\$11,499.21
Roads & Traffic Management Facilities	\$1,568.54
Cycleways	\$979.86
Stormwater Management Facilities	\$3,114.34
Plan Administration	\$264.16
The total contribution is	\$64,969.24

A condition for the payment of a Section 94 Contribution of **\$64,969.24** has been included in the draft conditions of consent.

Note: The above calculation has been reviewed by two Assessment Officers. A detailed copy of rates and calculation spreadsheet has been placed on the relevant development application file.

10. Likely impacts of the Development

(a) Built Environment

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken as part of the completed assessment of the proposed development.

The resultant impacts of the proposed boarding house on the built environment are considered to result in a development that is consistent with the desired future character of the low density residential area, and consistent with the nature of development in Ryde and the wider local government area.

ITEM 2 (continued)

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

(b) Natural Environment

Given the nature of the proposed development being for the construction of a new boarding house that within an existing suburban environment, and given the development includes vegetation removal that has been assessed as satisfactory by Council's Consultant Landscape Architect, it is considered there will be no significant negative impact upon the natural environment as a result of the proposal.

11. Suitability of the site for the development

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies one (1) environmental constraint affecting the subject property being Urban Bushland – Non Conservation. As detailed above the proposed development was referred to Council's Consultant Landscape Architect/Arborist who has no objections to the proposed tree removal subject to the imposition of conditions of consent.

In this regard the subject site is considered to be suitable when having regard to environmental planning hazards.

The proposed boarding house is a permissible form of development on the subject site, both under the ARHSEPP for which LDA2015/0011 has been lodged, and also under the provisions of the LEP2014. Further the subject site is located in an 'accessible area' when having regard to its proximity to public transport services and the provisions of the ARHSEPP.

The subject site has also been determined to be compatible with the character of the local area. This is because the building to accommodate the boarding house is of a bulk and scale that is consistent with the provisions of the local planning controls, and in harmony with the low density residential environment surrounding the site.

Given the above, it is considered that the proposed development is suitable for the subject site.

12. The Public Interest

The development substantially complies with the provisions of the ARHSEPP and also Council's current development controls. Additionally, it has been determined that the proposed built form is in keeping with the existing and desired future character of the low density residential area.

In this regard, it is considered that approval of the subject DA would be in the public interest.

ITEM 2 (continued)

13. Consultation – Internal and External

Internal Referrals

Senior Development Engineer: The proposed boarding house development was referred to Council's Senior Development Engineer who has reviewed the revised plans and provided the following comment.

The initial engineering review noted several concerns regarding vehicle access which are reviewed in the context of the revised plans. Council's Planner has also advised that the parking in the front setback is not permitted under the DCP and therefore will be seeking further revisions by way of a condition of deferred commencement. These matters are reviewed;

- The revised development now seeks to accommodate 14 lodgers in 12 boarding rooms. As the application has been made under the provisions of the SEPP (Affordable Rental Housing) which warrants at least 0.2 spaces per boarding room, the development therefore warrants 3 parking spaces. Council's Planner has advised that an appropriate arrangement in terms of Planning would be to provide a double garage on the western side of the dwelling and an open, external carspace adjoining this.*
- In light of the above, the potential need for a turning bay in the property is considered. A review of the traffic conditions along the site frontage notes that Balaclava Road incorporates a traffic and parking lane in each direction. There is a centre median spanning the site frontage preventing right in – right out access. There is also a length of No Stopping restrictions in effect along the parking lane fronting the site, extending beyond the site frontage in both directions. With the vehicle travel lane offset 2m. from the kerb and demarcated with a solid line, the arrangement allows a vehicle to reverse out of the site into the parking lane with ideal sight distance to approaching traffic. As such, the need for a turning bay is not required.*

Recommendation

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

Building Surveyor: The proposed development was referred to Council's Building Surveyor who has provided no objection to the proposed development subject to Council's standard building conditions.

ITEM 2 (continued)

Environmental Health Officer: The development application was referred to Council's Senior Environmental Health Officer who has provided the following comments.

I note that the proposal is for the demolition of the existing dwelling and the construction of a new two storey boarding house with 12 bedrooms with ensuites and a total of 14 occupants proposed, a communal kitchen/living/dining area and communal laundry.

The single rooms are proposed to be 12m² and the double rooms are proposed to be 16m².

Waste Management

The bins are proposed to be located at the front of the property adjacent to 97 Balaclava Road, with kerb side collection proposed. 97 Balaclava Road, Eastwood is currently unoccupied.

Contamination

The site is currently used as a residential premises for over 15 years and appears to have been vacant land prior to the construction of the residential premises. Whilst Council is required to consider SEPP 55, the site appears to be going from a residential land use to another residential land use and therefore is not likely to require a contamination report unless any contamination is uncovered during the demolition and excavation process.

Asbestos

I note that due to the age of the house there is the potential for the construction materials to contain asbestos and any sheds or similar structures to have also been built with asbestos containing materials. Therefore it is recommended that prior to demolition, a hazardous materials survey be conducted to verify whether or not there is any asbestos containing materials on the existing premises to ensure that the appropriate measures can be undertaken. In addition, a licensed asbestos removals contractor may be required with all demolition undertaken in compliance with Work safe requirements and the waste can be disposed of at a suitably licensed trade waste facility.

Appropriate conditions of consent have been recommended by Council's Senior Environmental Health Officer and these are included in the Draft Conditions at **Attachment 1**.

Consultant Landscape Architect: The proposed development and revised landscape design were referred to Council's Consultant Landscape Architect who has provided the following comments.

ITEM 2 (continued)

This assessment considers the proposed tree removal, impact on existing trees and landscaping as part of a DA for the construction of a new two storey boarding house at the subject site 95 Balaclava Road, Eastwood. Removal of approximately thirty (30) screening trees/shrubs along the front and return boundaries has been supported as has the retention of one (1) existing mature tree within the rear yard. Given works are to take place within the Tree Protection Zone of the tree to be retained, a condition has been recommended that appropriate protection & supervision be undertaken to minimise construction related impacts. It is noted that one (1) tree was observed within the front yard straddling the common boundary with 97 Balaclava Road however has not been shown on any plans submitted. As such it is unclear whether this tree is to be removed or retained. Given the poor health of this tree, removal has been recommended regardless of the outcome of the proposal due to its likelihood to fail. The proposed landscaping is generally considered to be satisfactory, however concern has been raised in relation to the level of hard paving within the front yard which significantly exceeds the maximum allowable as per the Ryde DCP 2014.

In this regard Council's Consultant Landscape Architect has recommended that the following condition be imposed.

Project Arborist - A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.

External Referrals

None.

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.

ITEM 2 (continued)

16. Other Options

None relevant.

17. Conclusion

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

It is noted that although some non-compliances with the DCP2014 were identified, these were either considered to either be justifiable given the circumstances of the subject site and the nature of the boarding house development proposed, or alternatively addressed via imposition of consent conditions.

Despite the proposed boarding house development being lodged pursuant to the provisions of the ARHSEPP, the design of the boarding house is considered to be consistent with the desired future character of the low density residential areas, and consistent with the nature of modern development in the Ryde and wider local government area.

On the above basis, LDA2015/11 at 95 Balaclava Road, Eastwood is recommended for approval subject to conditions.

ITEM 2 (continued)

ATTACHMENT 1

**DRAFT CONDITIONS OF CONSENT
95 BALACLAVA ROAD, EASTWOOD
LDA2015/11**

DEFERRED COMMENCEMENT

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

1. **Amended Plans.** The submission of amended plans that comply with the following requirements. These changes will result in changes to the design of the approved development:

(a) **Vehicle Access and Parking.** The submitted plans must revise the parking arrangement to ensure that all parking is removed from the front setback. Revised plans incorporating the following revisions and requirements must be submitted to Council for approval prior to the issue of the development consent;

- A double garage is to be provided in the proposed building footprint, generally located in the area originally designated as "Single Room 1". The garage must be designed in accordance with AS 2890.1, is to provide clear internal dimensions of at least 5.4m wide by 5.4m long and is to have a garage door entrance width no less than 4.8m wide.
- A single open carspace is to be provided on the western side of the development footprint. The carspace must be designed for accessibility having a minimum clear internal width of 3.6m and 5.4m long. The finished surface is to comprise of permeable pavers to minimise stormwater runoff.
- A new driveway ramp and crossover is to be centrally aligned with all spaces to ensure that each have an efficient path of access and egress.
- The development is to provide 3 motorcycle spaces aligned perpendicular to the driveway, located between the driveway entry and pedestrian entry. Variation to this location may be considered by Council on review of the submitted plans.

(b) **Communal Living Area windows.** To ensure acceptable visual and acoustic privacy impacts on the adjoining property immediately to the east, the five (5) glazed doors on the eastern elevation to the communal open space shall be replaced with fixed glass windows or a single sliding door (at the southern end) that will provide a smaller opening.

ITEM 2 (continued)

ATTACHMENT 1

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

GENERAL

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

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

Document Description	Date	Plan No/Reference
Site Plan, Floor and Roof Plan	TBA	TBA (refer to Deferred Commencement condition above)
Sections and Elevations	TBA	TBA (refer to Deferred Commencement condition above)
Stormwater Drainage Plan Details and Notes	27/11/2014	H-01
Landscape Plans	05/08/2015	LSK 0000
Tree Protection and Demolition Plan	05/08/2015	LSK 0001
Plan of Management	July 2015	Planik Pty Ltd
BCA Compliance Assessment	03/08/2015	BCA Certifiers
Accessibility Report	05/12/2015	Eric Martin & Associates

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** (Unless an amended BASIX Certificate is required to comply with the Deferred Commencement requirements of this consent). Compliance with all commitments listed in BASIX Certificate(s) numbered 592147M, dated 16 December 2014.
4. **Approved number of residents.** The approved number of occupants within the Boarding House must not exceed fourteen (14) persons at any time.

ITEM 2 (continued)

ATTACHMENT 1

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

Protection of Adjoining and Public Land

6. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
7. **Hoardings.**
- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
8. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
9. **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. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

Works on Public Road

11. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

ITEM 2 (continued)

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12. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

General Engineering Conditions

13. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 "Public Domain Works", except otherwise as amended by conditions of this consent.
14. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
15. **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.
16. **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.

Environmental Health Conditions

17. **Sanitary facilities** - Sanitary facilities must be provided in accordance with the requirements of the *Building Code of Australia*.
18. **Construction of the Communal Kitchen** -The walls of communal kitchens must be constructed of solid construction and finished in a surface which can be easily and effectively cleaned.
- a) The ceiling shall be designed and constructed such that it is free from cracks and crevices where pests can breed and finished in a surface which can be easily and effectively cleaned.

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- b) The floor of the communal kitchens shall be constructed of a durable, impervious material that is non-slip and capable of being easily cleaned with water.
 - c) The kitchen shall be adequately ventilated in compliance with AS1668.
 - d) The kitchen shall be separated from all sanitary and waste facilities, not open to the external environment and maintained free from pests, dirt, dust.
19. **Construction of the Communal Laundry** - The floors of all laundry areas must be constructed of a durable, impervious material that is non-slip and capable of being easily cleaned. The laundry areas shall be adequately ventilated in compliance with AS 1668.
20. **External garbage storage areas** - External areas used for the storage of garbage must comply with Council's Development Control Plan 2014:
- a) be roofed and paved with concrete
 - b) graded to a grated drain connected to the sewerage system
 - c) Provided with a hose cock adjacent to the garbage storage area to facilitate cleaning of the containers and storage area
 - d) Not create a nuisance to neighbouring properties, therefore be located away from window and doors of the neighbouring premises so as to reduce odour.
21. **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 and comply with the Plumbing and Drainage Code.

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.

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

ITEM 2 (continued)

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- (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
23. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
24. **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.
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. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
28. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

Imported fill

29. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
30. **Imported fill – validation.** All imported fill must be supported by a validation from a qualified environmental consultant that the fill constitutes Virgin Excavated Natural Material. Records of the validation must be provided upon request by the Council.

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31. **Delivery docket to be provided.** Each load of imported fill must be accompanied by a delivery docket from the supplier including the description and source of the fill.
32. **Delivery docket – receipt and checking on site.** A responsible person must be on site to receive each load of imported fill and must examine the delivery docket and load to ensure that only Virgin Excavated Natural Material that has been validated for use on the site is accepted.
33. **Delivery docket – forward to PCA on demand.** The delivery docket must be forwarded to the Principal Certifying Authority within seven (7) days of receipt of the fill and must be produced to any authorised officer who demands to see them.

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.

34. **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	\$13,733.62
Open Space & Recreation Facilities	\$33,809.51
Civic & Urban Improvements	\$11,499.21
Roads & Traffic Management Facilities	\$1,568.54
Cycleways	\$979.86
Stormwater Management Facilities	\$3,114.34
Plan Administration	\$264.16
The total contribution is	\$64,969.24

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

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

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

35. **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**.
36. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
37. **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**. (other buildings with delivery of bricks or concrete or machine excavation)
38. **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
39. **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**.

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40. **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.

41. **Road and rail noise/vibration.** The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.
42. **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**.
43. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.
44. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, common areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents or boarding rooms within the development.
45. **Sensor Lighting –** Sensor lighting is to be provided to the side entry gates within the eastern and western side setback areas. Details are to be submitted to the Principal Certifying Authority for approval prior to the issue of a **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents or boarding rooms within the development.

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46. **Obscure Glazing Internal Stairwells** The windows to the internal stairwells (W38 and W41) are to include privacy measures that prevent a visual connection with the adjacent dwellings and private open space. To minimise the potential for direct views, obscure glazing or similar treatment must be installed. Plans that include details demonstrating compliance with this condition are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.
47. **Obscure Glazing Room 1** The north facing window to the en-suite bathroom to Room 1 identified as W18 on the approved plans, is to be modified to include privacy measures. To minimise the potential for direct views into this bathroom, obscure glazing or similar treatment must be installed. Plans that include details demonstrating compliance with this condition are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.
48. **Clothes Drying Facilities.** An external clothes drying area is to be provided with minimum area of 15m² that is accessible for all residents in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2015. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.
49. **Green Waste.** Allowance must be made within the proposed garbage area for the storage of Green Waste in accordance with the Ryde Development Control Plan 2014. Details demonstrating compliance are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.
50. **Lockable Side Entry Gates.** The side gates shown on the submitted ground floor plans within the eastern and western side setback providing access to the private open space areas of the boarding house must be provided with a keypad locking mechanism to prevent unauthorised access into these areas. Details indicating compliance with this condition shall be submitted to the Principal Certifying Authority prior to the issue of a **Construction Certificate**

Engineering Conditions

51. **Boundary Alignment Levels.** The applicant is to apply to Council for site specific boundary alignment levels prior to the issue of the Construction Certificate. The application would need to be accompanied by engineering plans of any civil works along the frontage of the development site. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.

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52. **Vehicle Footpath Crossing(s).** Concrete footpath crossings and associated gutter crossovers must be constructed fronting the approved vehicle access location(s). The crossing(s) must be constructed in plain reinforced concrete with location, design and construction shall conform to Council requirements and AS 2890.1 – 2004 (Offstreet Parking). Accordingly, prior to issue of Construction Certificate an application shall be made to Council's Public Works division for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.
53. **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).
54. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the kerb in Balaclava Road generally in accordance with the plans by AKY Civil Engineering Pty Ltd. (Refer to Project No. 14106 Dwgs H-01 Rev D dated 6 August 2015).

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a chartered civil engineer and comply with the following;

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
 - The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
55. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by NSW Department – Office of Environment and Heritage and must contain the following information;
- Existing and final contours
 - The location of all earthworks, including roads, areas of cut and fill
 - Location of all impervious areas
 - Location and design criteria of erosion and sediment control structures,

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- Location and description of existing vegetation
- Site access point/s and means of limiting material leaving the site
- Location of proposed vegetated buffer strips
- Location of critical areas (drainage lines, water bodies and unstable slopes)
- Location of stockpiles
- Means of diversion of uncontaminated upper catchment around disturbed areas
- Procedures for maintenance of erosion and sediment controls
- Details for any staging of works
- Details and procedures for dust control.

The ESCP must be submitted with the application for a Construction Certificate. This condition is imposed to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

Environmental Health Conditions

56. **Garbage storage details** - Details of the proposed garbage room or storage area must be submitted for approval with the application for the Construction Certificate. Such details must include:
- a) the specifications and layout of all proposed waste storage and handling equipment; and
 - b) the access to the collection point.
57. **Construction Standards for places of shared accommodation:** The building shall be designed, constructed and maintained to comply with the Local Government (General) Regulation 2005.

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.

58. **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

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- (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.
59. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
60. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

61. **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.

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- (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.
62. **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.
63. **Project Arborist** - A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.
64. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Any doors/gates on the boundary must be installed so they do not open onto any footpath.
65. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property. Levels of the footpath paving shall conform with levels issued by Council's Engineering Services Division.

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.

66. **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*.
67. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.

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68. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
69. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
70. **Construction materials.** All materials associated with construction must be retained within the site.
71. **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.
72. **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.
73. **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".
74. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.
75. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

ITEM 2 (continued)

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Engineering Conditions

76. **Erosion and Sediment Control Plan – Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.
77. **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 AKY Civil Engineering Pty Ltd. (Refer to Project No. 14106 Dwgs H-01 Rev D dated 6 August 2015) submitted in compliance to the condition labelled “Stormwater Management.”.

Environmental Health Conditions

78. **Discovery of Additional Information -** Council and the Principal Certifying Authority (if Council is not the RCA) 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.
79. **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.
80. **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.
81. **Contaminated soil -** All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines* (DECCW, 2009) before being transported from the site.
82. **Transportation of wastes -** All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
83. **Disposal of asbestos wastes -** All asbestos wastes must be disposed of at a landfill facility licensed to receive asbestos waste.

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84. **Surplus excavated material** - All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site.
85. **Imported fill** - All imported fill must be validated in accordance with the *Contaminated Sites Sampling Design Guidelines* (EPA, 1995) by an experienced environmental consultant, and a copy of the validation report must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the fill is used.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

86. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in the BASIX Certificate(s) for this development.
87. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
88. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

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89. **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.

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

Engineering Conditions

91. **Redundant Footpath Crossing.** The existing footpath crossing(s) and associated gutter crossover(s) which are not accessing approved vehicle access points must be removed and restore kerb and gutter, verge and footway to match existing adjoining sections. All new levels and materials must be flush and consistent with adjoining sections and all costs are to be borne by the applicant. The works must be completed to Councils satisfaction, prior to the issue of the Final Occupation certificate.
92. **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.

ITEM 2 (continued)

ATTACHMENT 1

93. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's terms for these systems as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title.
94. **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 2014, Part 9.3 “Car Parking”.
 - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council’s DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
 - c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
 - d) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual “*Managing Urban Stormwater: Soils and Construction*” by the NSW Department – Office of Environment and Heritage and the City of Ryde DCP 2014, Part 8.1 “Construction Activities”.
 - e) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council’s satisfaction.

ITEM 2 (continued)

ATTACHMENT 1

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

Environmental Health Conditions

96. **Laundry facilities** - Washing machines and sinks shall be provided at a rate of one tub per ten rooms or one tub per twelve occupants (whichever is the greater) with a minimum WELS rating of 4 stars on the washing machines. Hot and Cold water shall be supplied to all washing machines and sinks.

Internal clothes drying facilities shall be provided at a rate of one dryer per 10 rooms with a minimum energy star rating of 4 stars and shall be rated no less than one star below the maximum available energy star rating available at the time of installation

97. **Kitchen facilities**— The communal kitchen facilities must include:
- a) a minimum of one sink per six occupants with hot and cold running water provided to the sink,
 - b) a minimum of one stove top cooker per 6 occupants with adequate ventilation,
 - c) a minimum of one oven per 12 occupants,
 - d) a minimum of a refrigerator with storage space of 0.13m³ per person unless one bar fridge is provided in each bedroom,
 - e) a minimum of one freezer with storage space of 0.05m³ per occupant, storage for dry goods of 0.03m³ per person and exhaust ventilation,
 - f) A lockable drawer or cupboards for food storage shall be provided in the kitchen per guest.

OPERATIONAL CONDITIONS

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

98. **Plan of Management.** The operation of the approved Boarding House shall fully comply with the Plan of Management dated July 2015 and submitted with the Development Application.

ITEM 2 (continued)

ATTACHMENT 1

99. Use of Communal Outdoor Areas

- (a) The use of the communal outdoor areas the boarding house are restricted to the hours stipulated within the approved plan of management as detailed within Condition 1 of this consent being 6am to 10pm Monday to Saturday and 8am – 10pm on Sundays and Public Holidays
- (b) No loud or amplified music is to be played at any time within the communal outdoor areas,
- (c) The use of the communal areas must be according to the House Rules contained within the approved Plan of Management as detailed within Condition 1 of this consent.

100. Boarding House Management. The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance on the boarding house. Additionally, occupiers of all adjacent properties are to be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency.

101. Standards for places of shared accommodation - The premises must comply with the standards for places of shared accommodation under the *Local Government (General) Regulation 2005*.

102. Storage and disposal of wastes - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

103. Waste containers - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.

104. Recyclable wastes - Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.

105. Used sharps - Used sharps must be placed into a sharps container immediately after use. The container must comply with the requirements of Australian Standards AS 4031-1992 '*Non-reusable containers for the collection of sharp medical items used in health care areas*' or AS 4261-1994 '*Reusable containers for the collection of sharp medical items used in health care areas*' and be securely sealed with a lid before disposal.

106. Disposal of liquid wastes - All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the requirements of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.

ITEM 2 (continued)

ATTACHMENT 1

107. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
108. **Air pollution** - The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
109. **Standards of air impurities not to be exceeded** - Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
110. **Trade waste permit** - The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
111. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
112. **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*.
113. **Noise from public entertainment** — NO public entertainment systems or speaker systems shall be installed on the premises without the prior approval of Council.
114. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:
 - a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).
 - b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
 - c) The transmission of vibration to any place of different occupancy.

ITEM 2 (continued)

ATTACHMENT 1

115. **Notification of boarding house details** - The proprietor of the Boarding House shall notify the particulars of the Boarding House in accordance with the Boarding Houses Act 2012 and subsequent Regulations. A copy of the Notification and particulars shall be submitted to Council.
116. **Clean water only to stormwater system** - Only clean unpolluted water is permitted to enter Council's stormwater drainage system.
117. **Clean-up materials to be kept on premises** - An adequate supply of suitable clean up materials must be kept on the premises for cleaning up accidental spills.
118. **Cleaning wastes and spills** - All cleaning wastes and spills must be collected and disposed of in an environmentally acceptable manner.
119. **Public Health:** The premises shall be maintained in accordance with the requirements of the Public Health Regulation 2012.
120. **Standards for places of shared accommodation** - The premises must comply with the Boarding House Act 2012, Boarding House Regulation 2013 and the standards for places of shared accommodation under the *Local Government (General) Regulation 2005*. The maximum number of lodgers shall not exceed the requirements of *Local Government (General) Regulation 2005*.
- A sign indicating the permissible maximum length of time during which a person may board or lodge in the premises must be conspicuously displayed to public view outside the premises.
 - A schedule showing the numeral designating each bedroom and dormitory and the number of persons permitted to be accommodated in each must be conspicuously displayed on the premises.
 - Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom. A copy of this schedule shall be provided to Council.
121. Adequate light and ventilation must be maintained in the premises.
122. Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin.
123. The floor of any kitchen must have an approved impervious surface.

ITEM 2 (continued)

ATTACHMENT 1

124. All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.
125. Pans, receptacles or other waste storage devices must be kept covered and all waste must be deposited in appropriate pans, receptacles or other waste storage devices.
126. Appropriate furniture and fittings must be provided and maintained in good repair.
127. If the place is one in which persons may board or lodge for 7 days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom and dormitory windows for privacy must be provided for the occupants.

ADVISORY NOTES

Health Inspection Services:

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

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

ITEM 2 (continued)

ATTACHMENT 2

COMPLIANCE TABLE (Affordable Rental Housing SEPP 2009)

LDA No:	LDA2015/0011
Date Plans Rec'd	6 January 2015 – revised plans August 2015
Address:	95 Balaclava Road, Eastwood
Proposal:	Demolition and construction of a two-storey 12 room boarding house under the State Environmental Planning Policy (Affordable Rental Housing) 2009.
Constraints Identified:	Urban Bushland – non conservation

ARH SEPP 2009 Division 3	Proposed	Compliance
26 Land to which Division applies		
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones: (a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential, (e) Zone B1 Neighbourhood Centre, (f) Zone B2 Local Centre, (g) Zone B4 Mixed Use.	Subject site is identified as being zoned R2 Low Density Residential under the Ryde LEP 2014.	Yes
27 Development to which Division applies		
(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses. A 'boarding house' is defined under the RLEP2010 as: <i>boarding house means a building that:</i> <i>(a) is wholly or partly let in lodgings, and</i> <i>(b) provides lodgers with a principal place of residence for 3</i>	(1) The SEE submitted with the subject development application specifies that the proposal is for the purposes of a 'boarding house' A review of the plans submitted as part of the proposed development indicates the proposal would meet the definition for a 'boarding house' under the provisions of the 'Standard Instrument'. Note: Pursuant to clause 4 of	Yes

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ATTACHMENT 2

ARH SEPP 2009 Division 3	Proposed	Compliance
<p><i>months or more, and</i> <i>(c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and</i> <i>(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,</i> <i>but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.</i></p>	<p>the ARHSEPP a word or expression used in the ARHSEPP generally has the same meaning as it has in the standard instrument (as in force immediately before the commencement of the Standard Instrument (Local Environmental Plans) Amendment Order 2011) unless it is otherwise defined in this Policy.</p>	
<p>(2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.</p> <p>accessible area means land that is within:</p> <p><i>(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or</i> <i>(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or</i> <i>(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both</i></p>	<p>(2) Subject site is within zone R2 Low Density Residential under the Ryde LEP 2014. It is however within an 'accessible area' for the following reasons:</p> <ul style="list-style-type: none"> • The development is located approximately 22m walking distance (see Figure 2 below) from a bus stop (Stop ID: 2122208) located on the northern side of Balaclava Road near the corner of Lincoln Street. • This bus stop on the northern side of Balaclava Road is serviced by the Sydney Buses routes 545 and 551 At least one bus per hour services the bus stop Monday to Friday between 6am and 9pm and Saturday and Sunday 8am to 6pm. 	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

ARH SEPP 2009 Division 3	Proposed	Compliance
<p><i>days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.</i></p> <p>walking distance means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.</p> <p>regular bus service means any regular passenger service conducted by bus (including any transitway service).</p> <p>regular passenger service means a public passenger service conducted according to regular routes and timetables, but does not include a tourist service or a long-distance service.</p>		
<p>(3) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.</p>	<p>(3) Subject site is located within the Sydney region</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

ARH SEPP 2009 Division 3	Proposed	Compliance
		

Figure 2. Distance to nearest bus stop (ID 212218)

28 Development may be carried out with consent		
Development to which this division applies may be carried out with consent.	Noted, the proposed boarding house is the subject of a development application (LDA2015/011) and as such is seeking development consent.	Noted.
29 Standards that cannot be used to refuse consent		
<p>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</p> <p>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</p>	<p>(a) The maximum floor space ratio for residential accommodation permitted on the subject site, per the Ryde LEP 2014 is 0.5:1, as is</p>	Yes

ITEM 2 (continued)

ATTACHMENT 2

ARH SEPP 2009 Division 3	Proposed	Compliance
<p>(b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or</p> <p>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</p> <p>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</p> <p>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</p>	<p>detailed in the DCP Compliance Table an FSR of 0.5:1 is proposed by the subject development application.</p> <p>(b) Proposed development is not within a zone in which no residential accommodation is permitted.</p> <p>(c) Proposed development is not within a zone in which residential flat buildings are permitted.</p>	<p>N/A</p> <p>N/A</p>
<p>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p> <p>(a) Building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental</p>	<p>(a) Under the Ryde LEP 2014, the maximum height allowed on the subject site is 9.5m. The proposal is for a building with a</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

ARH SEPP 2009 Division 3	Proposed	Compliance
<p>planning instrument for any building on the land,</p> <p>(b) Landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p> <p>(c) Solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p> <p>(d) Private Open Space if at least the following private open space areas are provided (other than the front setback area): (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers, (ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</p> <p>(e) Parking If: (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for</p>	<p>maximum height of 7.23m as detailed in the Ryde DCP 2014.</p> <p>(b) the revised landscape treatment of the front setback area is considered to be now compatible with the streetscape as it will include open lawn and vegetation planting consistent with that of the appearance of single dwellings houses where are prevalent in the local area.</p> <p>(c) One communal living room is proposed in the subject development application. The submitted shadow diagrams indicate that the rear private open space of the subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21 (d)</p> <p>(h) One area of POS in excess of 20m² is provided to the lodgers with minimum dimension of greater than 3m in the rear yard.</p> <p>(ii) No accommodation provided for boarding house manager.</p> <p>(e)</p> <p>(i) 2.4 spaces required for 12 boarding rooms. 3 spaces proposed</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

ARH SEPP 2009 Division 3	Proposed	Compliance
<p>each boarding room, and (ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and (iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p> <p>(f) Accommodation size If each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or (ii) 16 square metres in any other case</p>	<p>NOTE: Sufficient on-site parking provided but concerns exist re design and location within front setback area. To be addressed via Deferred Commencement condition. See Report for details.</p> <p>(ii) Proposed development is in an accessible area.</p> <p>(iii) No parking space is proposed to be provided for employees, as no persons employed are proposed to reside within the subject boarding house.</p> <p>(f) (i) All single boarding rooms are at least 12m² (ii) All double boarding rooms are at least 16m².</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p>	<p>(3) Private kitchen and bathroom facilities are provided in each room, as well a common facilities adjacent to the proposed living room.</p>	<p>Yes</p>
<p>(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</p>	<p>(4) Noted, the proposed boarding house is the subject of a development application (LDA2014/0451) and will be determined against the standards within subclause (1), (2), the Ryde LEP 2014, and Ryde DCP 2014.</p>	<p>Noted.</p>

ITEM 2 (continued)

ATTACHMENT 2

ARH SEPP 2009 Division 3	Proposed	Compliance
30 Standards for boarding houses		
<p>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</p> <p>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</p> <p>(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,</p> <p>(c) no boarding room will be occupied by more than 2 adult lodgers,</p> <p>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</p> <p>(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,</p> <p>(f) (Repealed)</p> <p>(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for</p>	<p>(1)</p> <p>(a) Proposed boarding house with 12 rooms. One (1) communal living room is provided located at the rear of the dwelling on the ground floor.</p> <p>(b) No boarding room proposed to have a floor area of more than 25m²</p> <p>(c) No boarding room proposed to be occupied by more than 2 adult lodgers.</p> <p>(d) Adequate bathroom and kitchen facilities are provided for all lodgers in each boarding room along with common kitchen and water closet adjacent to the living room.</p> <p>(e) Boarding house proposed to house a maximum of 14 lodgers.</p> <p>(g) Proposed boarding house is not on land zoned primarily for commercial purposes.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 2

ARH SEPP 2009 Division 3	Proposed	Compliance
<p>residential purposes unless another environmental planning instrument permits such a use,</p> <p>(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</p>	<p>(h) 12 boarding rooms proposed.</p> <p>Requirement: 2 bicycle and 2 motorcycle spaces.</p> <p>Proposed: Parking space for 3 bicycles and 3 motorcycles. (as above, concerns regarding car park design within front setback to be addressed via Deferred Commencement Condition)</p>	<p>Yes</p>
<p>(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.</p>	<p>(2) Proposed development is not for purposes of minor alterations or additions to an existing boarding house.</p>	<p>N/A</p>
30A Character of local area		
<p>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</p>	<p>A Local Area Character Assessment is contained within the Statement of Environmental Effects submitted with the development application. Although not undertaken strictly according to the methodology set out in Schedule 2 of Part 3.5 of the Ryde DCP 2014 it is considered that the assessment has satisfactorily demonstrated that the proposed development is compatible with this established local area.</p>	<p>Yes</p>

Summary of Issues/Non compliances:

- *No non-compliances with the provisions of the ARHSEPP identified.*

ITEM 2 (continued)

ATTACHMENT 3

COMPLIANCE TABLE (Ryde DCP 2014)

LDA No:	LDA2015/0011
Date Plans Rec'd	6 January 2015
Address:	95 Balaclava Road, Eastwood
Proposal:	Demolition and construction of a two-storey 12 room boarding house under the State Environmental Planning Policy (Affordable Rental Housing) 2009.
Constraints Identified:	Urban Bushland – non conservation.

Part 3.5 of the Ryde DCP 2014 provides the development controls which are applicable to boarding house developments in the City of Ryde. However, as per Section 1.6 of the Part, applicable controls for boarding houses are also contained within:

- Part 3.3 Dwelling Houses and Dual Occupancy (Attached),
- Part 3.4 Multi Dwelling Housing [for Low Density Residential zone] in 3.0 Development Types,
- all parts in 4.0 Urban Centres, and
- all parts in 5.0 Special Areas with respect to local area character; and
- Part 7.1 Energy Smart, Water Wise; Part 7.2 Waste Minimisation and Management; and Part 9.3 Parking Controls.

As such, the following tables brings together the applicable development controls from across all Parts of the Ryde DCP 2014 and assesses the proposed development performance against each of these controls.

Ryde DCP 2014	PROPOSED	COMPLIANCE
Part 3.3 – Dwelling Houses and Dual Occupancy (attached)		
Section 2.1 Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is considered to be consistent with the desired future character of the low density residential area as detailed further in this table, and also in the character assessment when responding to Condition 30A of State Environmental Planning Policy (Affordable Rental Housing) 2009.	Yes

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
Section 2.2 Dwelling Houses		
<ul style="list-style-type: none"> - To have a landscaped setting which includes significant deep soil areas at front and rear. 	<p>Front and rear gardens proposed.</p> <p>Concerns regarding carpark design and location within front setback area, to be addressed via Deferred Commencement condition. Refer to report for more detail.</p> <p>Additional deep soil areas to be provided within the front yard in addition to the areas provided within the rear garden capable of supporting a variety of vegetation including trees with a mature height of 10-15m.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Maximum 2 storeys. 	<p>Proposal is for a two storey boarding house.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Dwellings to address street 	<p>The boarding house development is considered to adequately address Balaclava Road through provision of appropriate windows on both the first and ground floor facing the street, clear sightlines to the front door. As such it appears consistent with other dwelling houses within the street.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Garage/carports not visually prominent features. 	<p>Two car parking spaces are located within the front setback which includes shared area for accessible parking, an additional space is provided within the side setback.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
	<p>Concerns regarding carpark design and location within front setback area, to be addressed via Deferred Commencement condition. Refer to report for more detail.</p>	
<p>Section 2.4 Public Domain Amenity</p>		
<ul style="list-style-type: none"> • Streetscape <ul style="list-style-type: none"> - Front doors and windows are to face the street. Side entries to be clearly apparent. - Single storey entrance porticos. - Articulated street facades. 	<p>Front door of the boarding house does not face Balaclava Road however it is considered to be clearly apparent from the street frontage. A side entry is also proposed into the communal open space area and lounge which is accessed via an opening adjacent to the disabled parking space within the eastern side setback is also easily identifiable. Front facing windows of the proposed dwelling house are to a bedroom on both the ground and first floor. Side entry is clearly identifiable.</p> <p>Entry not considered to take the form of a two storey entrance portico.</p> <p>Additional info has been received which details a more articulated street façade.</p>	<p style="text-align: center;">Yes</p> <p style="text-align: center;">N/A</p> <p style="text-align: center;">Yes</p>
<ul style="list-style-type: none"> • Public Views and Vistas <ul style="list-style-type: none"> - A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict 	<p>No water views are available from the street across the site.</p>	<p style="text-align: center;">N/A</p>

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
views. – Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. – Fence 70% open where height is >900mm	N/A see above. N/A see above.	N/A N/A
<ul style="list-style-type: none"> • Pedestrian & Vehicle Safety – Car parking located to accommodate sightlines to footpath & road. – Fencing that blocks sight line is to be splayed. 	Concerns regarding carpark design and location within front setback area, to be addressed via Deferred Commencement condition. Refer to report for more detail. Fencing is 1.8m and 50% open. Council's Development Engineer has assessed the proposal a deemed it to be satisfactory, subject to conditions.	Yes Yes
Section 2.5 Site Configuration		
<ul style="list-style-type: none"> • Deep Soil Areas – 35% of site area min. – Min 8x8m deep soil area in backyard. – Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls). 	284 ² approx. (42% of site area). Proposal does not includes a deep soil area in the backyard with min dimensions of 8m x 8m. Revised plans submitted as part of the additional information package have revealed that the front yard does consists of adequate deep soil area	Yes No Justifiable Yes
<ul style="list-style-type: none"> • Topography & Excavation Within building footprint: – Max cut: 1.2m	Max cut approx. 470mm rear south east corner of the	Yes

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Max fill: 900mm <p>Outside building footprint:</p> <ul style="list-style-type: none"> - Max cut: 900mm - Max fill: 500mm <ul style="list-style-type: none"> - No fill between side of building and boundary or close to rear boundary - No fill in overland flow path <ul style="list-style-type: none"> - Max ht retaining wall 900mm 	<p>ground floor. Max fill: approx. 100mm at front north west corner of the ground floor</p> <p>Max cut: approx. 150mm. Minimal fill outside building envelope proposed.</p> <p>No fill proposed between side of building and boundary.</p> <p>No overland flow path on site</p> <p>Plans indicate retaining walls within the rear garden at a maximum height of 500mm</p>	<p>Yes</p> <p>Yes Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
Section 2.7 Floor Space Ratio		
<ul style="list-style-type: none"> - Ground floor - First floor - Total (Gross Floor Area) - Less 36m² (double) or 18m² (single) allowance for parking <p>FSR (max 0.5:1)</p> <p>Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.</p>	<p>160m² 184m² m²</p> <p>N/A open parking spaces proposed</p> <p>0.5:1 (area from DP1046404 – 676.583m²)</p>	<p>Yes</p>
Section 2.8 Height		
<ul style="list-style-type: none"> - 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL). - 1 storey maximum above attached garage incl semi-basement or at-grade garages. <p>Wall plate</p>	<p>Proposal is for a two storey boarding house</p> <p>No garage proposed.</p>	<p>Yes</p> <p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - 7.5m max above FGL or - 8m max to top of parapet. <p>NB: <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i></p>	<p>TOW RL: 95.88 FGL below (lowest point): RL: 90.46 TOW Height = 5.42m maximum</p>	<p>Yes</p>
<ul style="list-style-type: none"> - 9.5m Overall Height <p>NB: <i>EGL – Existing ground Level</i></p>	<p>Max point of dwelling RL: 97.78</p> <p>EGL below ridge (lowest point) RL: 90.55</p> <p>Overall Height (max)= 7.23m</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Habitable rooms to have 2.4m floor to ceiling height (min). 	<p>Habitable rooms have a minimum ceiling height of 3m on the ground floor and 2.4m on the first floor.</p>	<p>Yes</p>
Section 2.9 Setbacks		
<ul style="list-style-type: none"> • Front <ul style="list-style-type: none"> - 6m to façade (generally) - Garage setback 1m from the dwelling facade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements e.g. RWT,A/C 	<p>7.6m minimum Concerns regarding carpark design and location within front setback area, to be addressed via Deferred Commencement condition. Refer to report for more detail.</p> <p>Refer above N/A</p> <p>Front setback includes a screened car parking area. OSD is located beneath the hard stand area, however it will be screened by landscaping and will not detrimentally impact the streetscape.</p>	<p>Yes Yes (condition)</p> <p>N/A</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • Side <ul style="list-style-type: none"> ○ Two storey dwelling - 1.5m to wall, includes balconies etc. • Rear <ul style="list-style-type: none"> - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: 8.9m is 25% of site length. 	<p>3.5m minimum.</p> <p>8m proposed (25% of site length is 8.90m).</p>	<p>Yes</p> <p>No Justifiable</p>
Section 2.10 Car Parking & Access		
<ul style="list-style-type: none"> • General <ul style="list-style-type: none"> - Dwelling: 2 spaces max, 1 space min. - Where possible access off secondary street frontages or laneways is preferable. - Garage or carport may be in front if no other suitable position, no vehicular access to side or rear - Max 6m wide or 50% of frontage, whichever is less. Note: 9.45m is 50% of site frontage. - Behind building façade. 	<p>Proposal is subject to parking rates for boarding houses as detailed in the ARH SEPP and Part 3.5 of Ryde DCP 2014</p> <p>No secondary street frontages or laneways are available to subject site.</p> <p>Concerns regarding carpark design and location within front setback area, to be addressed via Deferred Commencement condition. Refer to report for more detail.</p> <p>No garage or carport proposed as such it is considered that the subject control is not applicable.</p> <p>Two of the three car spaces are provided within the front setback and as such are not located behind the front building elevation.</p> <p>Concerns regarding carpark design and location within</p>	<p>N/A</p> <p>N/A</p> <p>No (addressed via condition)</p> <p>N/A</p> <p>No (addressed via condition)</p>

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • Garages <ul style="list-style-type: none"> - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and not be recessed more than 300mm behind the outside face of the building element immediately above. - Garage windows are to be at least 900mm away from boundary. - Free standing garages are to have a max GFA of 36m². - Solid doors required - Materials in keeping or complementary to dwelling. • Parking Space Sizes (AS) <ul style="list-style-type: none"> - Double garages: 5.4m w (min) - Internal length: 5.4m (min)\ • Driveways <ul style="list-style-type: none"> - Extent of driveways minimised 	<p>front setback area, to be addressed via Deferred Commencement condition. Refer to report for more detail.</p> <p>Refer above. Concerns regarding carpark design and location within front setback area, to be addressed via Deferred Commencement condition. Refer to report for more detail.</p> <p>No garage doors proposed</p> <p>.</p> <p>Refer above parking area is open hardstand and garage/carport is proposed</p> <p>.</p> <p>No garage proposed</p> <p>Refer above</p> <p>Refer above</p> <p>2.3m widths 5.4 length</p> <p>No garage proposed</p> <p>No garage proposed</p> <p>Concerns regarding carpark design and location within front setback area, to be addressed via Deferred Commencement condition. Refer to report for more</p>	<p>No (to be addressed via condition)</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/a</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>No (addressed via condition)</p>

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
	detail.	
Section 2.12 Landscaping		
<ul style="list-style-type: none"> • Trees & Landscaping - Major trees retained where practicable. - If bushland adjoining use native indigenous species for 10m from boundary - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access). 	<p>The proposed development has been referred to Council's Landscape Architect and Arborist for comment who raise no issues with the subject development subject to the imposition of one (1) condition of consent.</p> <p>No bushland adjoining however it is noted that the site has been identified on Council's Environmental Constraint Mapping (held on file) to contain urban bushland non conservation. However it is noted that a review of this map shows that this bushland is predominantly located on both adjacent allotments. The proposed development has been referred to Council's Consultant Landscape Architect who has no issues with the subject development and proposed tree removal subject to the imposition of one (1) condition of consent.</p> <p>Proposal includes physical connection between boarding house and outdoor spaces in the form of an outdoor patio</p> <p>Obstruction free pathway provided on the western side of the dwelling. However a</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. 	<p>lockable gate is provided for security to the communal open space areas.</p> <p>Revised landscape plan shows that front yard has a tree capable of complying.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Backyard to have at least 1 tree with mature ht of 15m min and a spreading canopy. 	<p>Existing mature tree to be retained in addition the proposed development has been referred to Council's Consultant Landscape Architect who has provide one condition of consent in relation to its retention.</p> <p>It is noted that an additional tree with mature height of 12-15m has been shown within the rear yard in the revised landscape plan.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. 	<p>The proposed development has been referred to Council's Consultant Landscape Architect who has provided no objection to the proposed landscaping subject to the imposition of specific conditions of consent.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - OSD generally not to be located in front setback unless under driveway. 	<p>OSD located in front setback beneath the two proposed car parking spaces.</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Landscaped front garden, with max 40% hard paving. 	<p>Concerns regarding carpark design and location within front setback area, to be addressed via Deferred Commencement condition. Refer to report for more detail.</p>	<p>No (condition)</p>

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • Landscaping for lots with Urban Bushland or Overland Flow constraints - Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from building adjoining bushland. - No fill allowed in overland flow areas. - Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water. 	<p>Refer above, urban bushland non conservation identified.</p> <p>The proposed development has been referred to Council's Consultant Landscape Architect who has raised no objection to the proposed development subject to the imposition of specific conditions of consent.</p> <p>Not within area subject to overland flow. Refer above</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p>
<p>Section 2.13 Dwelling Amenity</p>		
<ul style="list-style-type: none"> • Daylight and Sunlight Access - Living areas to face north where orientation makes this possible. - Increase side setback for side living areas (4m preferred) where north is the side boundary. 	<p>North is the front corner boundary. The living area to the side of the boarding house includes multiple north east facing windows and considered to allow sufficient sunlight and daylight access to this area.</p> <p>The ground floor side facing living area faces north east. It is noted that the ground floor side facing living area is setback 4m and as such considered to comply. The north east facing wall of room 9 at the first floor is setback 3.528 however is not considered a living.</p>	<p>Yes</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> - Subject dwelling north facing windows are to receive at least 3 hrs of sunlight to a portion of their surface between 9am and 3pm on June 21. - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. <ul style="list-style-type: none"> • Visual Privacy <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. 	<p>Proposed development does not include any north facing living room windows. Living room windows are orientated north-east</p> <p>The submitted shadow diagrams indicate that the rear private open space of the subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</p> <p>The submitted shadow diagrams indicate that more than 2 hours of sunlight to at least 50% of adjoining principal open space to adjoining properties between 9am and 3pm on June 22.</p> <p>The submitted shadow diagrams indicate that the adjoining N-E facing windows of 93 Balaclava Road receive at least 3 hours sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <p>Five (5) glazed doors open out from the communal living area to the communal outdoor open space which is orientated to the side of the dwelling.</p> <p>It is noted that following a request for additional information that the side facing terrace has been</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No Justifiable</p>

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>- Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space.</p> <p>- Side windows offset from adjoining windows.</p>	<p>reduced in depth by approximately 600mm and increased landscape planting provided.</p> <p>The reduction in size of the terrace area has been offset by a new outdoor living area/communal open space within the front setback as well as a large rear yard. It is further noted that the development has reduced the number of occupants from 16 to 14.</p> <p>North-east living area window faces the private open space of the adjoining property No.97 Balaclava Road. As noted above the north east side facing living area has been reduced in size which has increased the amount of landscape screen planting as such it is considered that privacy impacts have been adequately mitigated.</p> <p>At ground floor, there are no side facing windows that align with adjoining windows. At first floor, the high sill height of bedrooms will not allow for any overlooking. The main window of concern is the side facing window to the proposed stairwell, it is considered that this window has the potential to look directly into a side facing window of the adjoining dwelling at 93 Balaclava</p>	<p>Yes</p> <p>No Condition</p>

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>- Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space.</p> <ul style="list-style-type: none"> • Acoustic Privacy <ul style="list-style-type: none"> - Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings e.g.: place adjoining living areas near each other and adjoining bedrooms near each other. • View Sharing <ul style="list-style-type: none"> - The siting of development is to provide for view sharing. • Cross Ventilation <ul style="list-style-type: none"> - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation. 	<p>Road. As such it is considered that this window be conditioned to be obscure glazing</p> <p>As detailed the proposed side facing communal open space area may result in some overlooking of the private open space of the neighbouring dwelling to the east.</p> <p>As noted above the north east side facing living area has been reduced in size which has increased the amount of landscape screen planting as such it is considered that privacy impacts have been adequately mitigated.</p> <p>Proposed development is not dual occupancy, but rather a boarding house development. Nevertheless, boarding rooms have been designed to correlate kitchen areas etc. to minimise transmission of noise to quieter areas of the boarding rooms.</p> <p>No significant views have been observed from the subject site.</p> <p>Opportunities exist for cross-ventilation given the design of the proposed building to accommodate the boarding house.</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
Section 2.14 External Building Elements		
<ul style="list-style-type: none"> • Roof - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. - Attic to be within roof space 	<p>Articulated roof proposed. Pitched roof design eaves 450mm</p> <p>No proposed trafficable terrace. Skylights provided</p> <p>skylights proposed.</p> <p>No attic proposed.</p>	<p>Yes Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
Section 2.15 Fences		
<ul style="list-style-type: none"> • Front/return: - To reflect design of dwelling. - To reflect character and height of neighbouring fences. - Max 900mm high for solid (picket can be 1m). - Max 1.8m high if 50% open (any solid base max 900mm). - Retaining walls on front building max 900mm. - No colourbond or paling - Max pier width 350mm. • Side/rear fencing: - 1.8m max o/a height. 	<p>Brick front fence reflects design As above.</p> <p>n/at</p> <p>Proposed 1.8m front fence will be 50% open standard condition to comply As above.</p> <p>As above.</p> <p>As above.</p> <p>1.8m timber paling fence shown on submitted plans</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</p>
Part 3.5: Boarding Houses		
Section 2.3 Development subject to provisions of Part 2 of the ARHSEPP		
(a) All boarding house developments are to be designed to be compatible with the character of the local area.	Proposed boarding house development is considered to be generally compatible with the character of the local area in regards to its scale and architectural design and presentation to Balaclava Road. This is because the	Yes

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<p>(b) Where external changes, including building and/or construction work, are proposed, a Local Area Character Statement is to be prepared and submitted with the development application.</p>	<p>building to contain the boarding house essentially takes on the appearance of a two-storey dwelling house with compliant building heights, setbacks, and floor space ratio. Although the development has a contemporary style, it can be expected that as new houses replace the remaining old original houses in the area over time, they too will adopt a style contemporary to the period in which they are built. In this regard, the result is a building that is considered to be compatible with the character of the local area in the required sense of capable of existing in harmony with existing and likely future development.</p> <p>A Local Area Character Assessment is contained within the Statement of Environmental Effects submitted with the development application. Although not undertaken strictly according to the methodology set out in Schedule 2 of Part 3.5 of the Ryde DCP 2014 it is considered that the assessment has satisfactorily demonstrated that the proposed development is compatible with this established local area.</p>	<p>Yes</p>

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<p>(c) Boarding house development located in the vicinity of a Heritage Item or within a Heritage Conservation Area must be designed sympathetically to the significance of the Heritage Conservation Area/Item.</p>	<p>Proposed site is not within the vicinity of a heritage item or heritage conservation area.</p>	<p>N/A</p>
<p>(d) The design of boarding house development is to take into consideration any desired future character objectives of urban centres identified under the RLEP2014, RLEP (Gladesville Town Centre and Victoria Road Corridor) 2014 and Part 4 Urban Centres of this DCP.</p>	<p>The proposed site is not within any of the urban centres identified in the Ryde LEP 2014 or Ryde DCP 2014.</p>	<p>N/A</p>
<p>Size and Scale</p>		
<p>(e) In the R1 General Residential and R2 Low Density Residential zones, a maximum number of 12 bedrooms per boarding house will be permitted.</p>	<p>12 bedrooms proposed.</p>	<p>Yes</p>
<p>(f) Notwithstanding compliance with numerical standards under the ARHSEPP and LEP, applicants must demonstrate that the bulk and relative mass of development is acceptable for the street and adjoining dwellings in terms of:</p>	<p>See Part 3.3 of Ryde DCP 2014 Compliance check above.</p>	<p>Yes</p>
<p>(i) Overshadowing and privacy</p>	<p>As above</p>	<p>Yes</p>
<p>(ii) Streetscape (bulk and scale)</p>	<p>As above</p>	<p>Yes</p>
<p>(iii) Building setbacks</p>	<p>As above</p>	<p>Yes</p>
<p>(iv) Parking and traffic generation</p>	<p>As above</p>	<p>Yes</p>
<p>(v) Landscape requirements</p>	<p>As above</p>	<p>Yes</p>
<p>(vi) Visual impact and impact on existing views (this must address view sharing)</p>	<p>As above</p>	<p>Yes</p>

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<p>(vii) Any significant trees on site, and</p> <p>(viii) Lot size, shape and topography.</p> <p>Parking and Traffic</p> <p>(g) Parking spaces and access are not to be located within communal open space areas or landscaped areas.</p> <p>(h) Notwithstanding the requirements of Part 9.3 Parking Controls under this DCP, a boarding house development for 30 or more bedrooms is to be supported by a Traffic and Parking Impact Assessment Report, prepared by a suitably qualified person.</p>	<p>As above</p> <p>As above</p> <p>Concerns regarding carpark design and location within front setback area, to be addressed via Deferred Commencement condition. Refer to report for more detail.</p> <p>Proposal is for boarding house with 12 bedrooms.</p>	<p>Yes</p> <p>Yes</p> <p>No (addressed via condition)</p> <p>N/A</p>
Section 3.2 Privacy (Acoustic and Visual) and Amenity		
<p>(a) The main entrance of the boarding house is to be located and designed to address the front (street) elevation.</p> <p>(b) Access ways to the front entrance of the boarding house are to be located away from windows to boarding rooms to maximise privacy and amenity for lodgers.</p>	<p>The building is considered to adequately address Balaclava Road through provision of appropriate windows on both the first and ground floor facing the street, clear sightlines to the front door as well as the proposed parking areas. As such it appears consistent with other dwelling houses within the street.</p> <p>Room 1 includes a front facing window in proximity to the building entrance, however it is shown to be high level. As this window is to a bathroom it is considered</p>	<p>Yes</p> <p>Partial non compliance Condition</p>

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<p>(c) Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbouring buildings and on the amenity of future residents.</p> <p>(d) An acoustic report prepared by a suitably qualified acoustic consultant may be required where there is the potential for noise impacts on occupants and neighbours.</p>	<p>that this window be conditioned to be obscure glazing.</p> <p>See Part 3.3 of the Ryde DCP 2014 Compliance Check above. It is noted that five (5) glazed French doors open out to the communal open space area which was reduced in size following a request for additional information. The reduction in overall depth of this communal open space area has retained a greater proportion of the side setback for landscaping as shown in the submitted landscape plan.</p> <p>No acoustic report submitted, it is considered that this is not required because of the relatively modest size of the development</p> <p>However, as noted above it is recommended that operational conditions be imposed to restrict the use of this out door area as per the submitted plan of management.</p> <p>Additionally, the subject development application has been referred to Council's Environmental Health Officers who have recommended a number of conditions.</p>	<p>Yes</p> <p>N/A</p>

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Section 3.3 Accessibility		
<p>(a) All boarding house developments are to be accompanied by an Accessibility Report which addresses the accessibility requirements for people with disabilities, where required, under the BCA and Disability (Access to Premises – Buildings) Standards 2010.</p>	<p>An Accessibility Statement has been submitted with the subject DA and BCA Compliance Report. The Report provides a brief assessment of the accessibility requirements under the BCA and DDA.</p> <p>Additionally, the subject development application has been referred to Council's Building Surveyors who have stated that the report submitted sets out the legislative requirements, the technical details of which are to be provided and will be assessed at the CC stage.</p>	<p>Condition</p>
Section 3.4 Waste Minimisation and Management		
<p>(a) Waste storage and recycling facilities shall be provided on the premises in accordance with the requirements for boarding houses contained in Part 7.2 Waste Minimisation and Management of this DCP</p>	<p>See Part 7.2 below.</p>	<p>noted</p>
Section 3.5 Sustainability and Energy Efficiency		
<p>A BASIX Certificate is to be submitted with the Development Application.</p>	<p>BASIX Certificate and Section J report submitted that demonstrates compliance with thermal, energy and water.</p> <p>Additionally, the subject development application has been referred to Council's Environmental Health Officers/Building Surveyors who have indicated that the proposed development is satisfactory subject to conditions.</p>	<p>Yes</p>

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Section 3.6 Internal Building Design		
<p>(a) As a minimum, in the R2 Low Density Residential zone (and where Class 1b under the BCA) boarding houses shall make provision for the following facilities within each building;</p> <p>(i) storage for occupants;</p> <p>(ii) laundry facilities;</p> <p>(iii) sanitary facilities.</p> <p>(d) All boarding house developments are to be designed to optimise safety and security, both internal to the development and for the public domain by employing design criteria including:</p> <p>(i) maximising overlooking of public and communal spaces while maintaining internal privacy;</p> <p>(ii) avoiding dark and non-visible areas;</p>	<p>Proposed storage areas are considered appropriate for the development (2 storerooms provided on the ground</p> <p>Adequate laundry facilities are proposed.</p> <p>Adequate sanitary facilities are proposed.</p> <p>Boarding house design maximises overlooking of public and communal spaces to ensure appropriate passive surveillance of such areas while maintaining internal and cross boundary privacy through utilisation of obscure glazing where necessary.</p> <p>Side entrances to the proposed boarding house may potentially provide a potential dark and non-visible areas however this can be mitigated via conditions of consent for lockable front side access gates plus sensor lighting to ensure front of site is adequately lit.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes, subject to conditions of consent</p>

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(iii) locating communal and common areas in safe and accessible locations;	Communal and common areas including side entranceways are considered to be safe and accessible subject to conditions stated above.	Yes, subject to conditions of consent
(iv) providing lighting appropriate to the location and desired activities;	No lighting details provided. To be conditioned utilising Council's standard conditions.	Yes, subject to conditions of consent
(v) providing clear definition between public and private spaces.	Clear definition between public and private spaces provided. The building typically takes on the appearance of a two storey dwelling house, and as such the typical public and private land definitions associated with dwelling houses are inherent in the design of the proposed development.	Yes
Specific Rooms, Areas and Facilities (e) The development is to be designed to meet the requirements identified in the following table.	See assessment below.	
(i) Bedrooms / Boarding Rooms: (a) Boarding rooms are to be designed as the principal place of residence for occupants.	Boarding house has been designed as a principal place of residence for occupants, including bedrooms with kitchens and bathrooms, along with common kitchen, living room, laundry, private open space and storage. This design is considered to cater to the needs of occupants to ensure the boarding house is capable of being used as a place of residence.	Yes

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<p>(b) No boarding rooms shall open directly onto communal living, dining and kitchen areas.</p> <p>(c) Each boarding room (excluding any private kitchen or bathroom facilities) must comply with the minimum areas identified in the ARHSEPP. Plans shall clearly show the size and maximum occupation of each room. Boarding rooms less than the minimum size will not be supported.</p> <p>(d) Where additional facilities are proposed in boarding rooms, the following additional gross floor areas apply:</p> <p>(i) Minimum 2.1m² for any ensuite, which must comprise a hand basin and toilet; plus</p> <p>(ii) 0.8m² for any shower in the ensuite (in addition to above); plus</p> <p>(iii) 1.1m² for any laundry, which must comprise a wash tub and washing machine; plus</p> <p>(iv) 2m² for any kitchenette, which must comprise a small fridge, cupboards and shelves (in</p>	<p>Boarding rooms do not open onto kitchen/dining areas.</p>	<p>Yes</p>
	<p>All boarding rooms excluding any private kitchen or bathroom facilities have a minimum of 12m².</p>	<p>Yes</p>
	<p>All ensuite bathrooms other than the proposed accessible en suites provide 2.1m²</p> <p>It is also noted that the ARH SEPP states that</p> <p><i>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room</i></p>	<p>Yes</p>
	<p>All exceed 0.8m².</p>	<p>Yes</p>
	<p>Not provided</p>	<p>N/A</p>
	<p>All kitchenettes provided in boarding rooms have been measured to be 0.6m²</p>	<p>No Justifiable</p>

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<p>addition to required wardrobe space), a microwave, and a minimum of 0.5m² bench area.</p>	<p>The applicant has provided additional information which illustrates that the kitchenettes and the area around them comply with the required dimensions. However it is also noted that the ARH SEPP states that</p> <p><i>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room</i></p> <p>As such it is considered that the subject non-compliance is justifiable.</p>	
<p>(ii) Communal Living Rooms (a) Indoor communal living rooms/areas are to be located: (i) near commonly used spaces, such as kitchen, laundry, lobby entry area, or manager's office; (ii) adjacent to the communal open space; and (iii) where they will have a minimal impact on bedrooms and adjoining properties in terms of noise generation.</p>	<p>Living room is located adjacent to the laundry, veranda and kitchenette.</p> <p>Living room is adjacent to the communal open space. The location of the proposed communal living room is provided adjacent to communal open space at the side of the development.</p>	<p>Yes</p> <p>Yes</p> <p>No Condition</p>
<p>(b) Class 1b boarding houses must have indoor communal living areas of a minimum 12.5m² or 1.25m²/resident, whichever is greater. Class 3 Boarding Houses must provide a common living area a minimum 15m² in</p>	<p>Living room is measured as exceeding 20m².</p>	<p>Yes</p>

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<p>area, with a further 15m² provided for each additional 12 persons thereafter.</p> <p>Note: 14 residents proposed, therefore 22.5m² of indoor communal living areas required.</p> <p>(c) Openings are to be oriented away from adjoining residential properties to minimise overlooking and maximise privacy and amenity.</p>	<p>The rear living room includes (5) five a north-east side facing glazed French doors orientated towards the side boundary and opening out to a communal open space area. It is noted that the reduction in size of this terrace allows for more landscaping planting between the terrace and the boundary will reduce potential privacy impacts. Operational condition proposed to ensure that this outdoor area is not utilised after 10pm.</p>	<p>No Condition</p>
<p>(iii) Communal Kitchen and Dining Areas</p> <p>(a) Where communal kitchens are provided, they are to be in a location accessible to all residents.</p> <p>(b) A communal kitchen area is to be provided with a minimum area of 6.5m² in total or 1.2m² for each resident occupying a boarding room that does not contain a kitchenette, whichever is greater, and is to contain:</p> <p>(i) One sink for every 6 people,</p>	<p>Accessible location in main living area. Accessibility Report submitted that has been assessed by Council's Building Surveyor who has indicated no objection to the proposed development subject to conditions.</p> <p>Communal kitchen area exceeds > 6.5m².</p>	<p>Yes</p> <p>Yes</p>

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<p>or part thereof, with running hot and cold water; and (ii) One stove top cooker for every 6 people, or part thereof, with adequate exhaust ventilation.</p>	<p>Three (3) sinks provided (requires 3 sinks).</p>	<p>Yes</p>
<p>(c) A combined kitchen and dining area must have a minimum area of 15m² with an additional 1m² per room in a development that contains 12 or more bedrooms.</p>	<p>Three (3) stove top cookers provided Approx. min. 15m² provided</p>	<p>Yes Yes</p>
<p>(d) No bathrooms, toilets or boarding rooms shall open directly on to communal kitchen facilities.</p>	<p>No bathrooms, toilets or boarding rooms open directly on to communal kitchen.</p>	<p>Yes</p>
<p>(e) Where food is proposed to be provided as part of Boarding House operations, or is for sale, kitchen and food areas shall comply with the National Code for the Construction and Fitout of Food Premises and be provided with sufficient ventilation in accordance with the BCA.</p>	<p>Not proposed within subject boarding house.</p>	<p>N/A</p>
<p>(f) Kitchen facilities shall be available for all lodgers 24 hours per day/ 7 days per week.</p>	<p>Kitchen available 24/7. However it is noted that communal areas are not to be used after 10pm as per the submitted plan of management.</p>	<p>Yes</p>
<p>(iv) Bathroom Facilities</p>	<p>The proposed development includes en-suite bathrooms in each of the boarding rooms, and one communal accessible Powder Room with a toilet and washbasin is provided adjacent to communal living area in an accessible location.</p>	<p>N/A</p>
<p>(a) In all boarding houses communal bathroom facilities must be in an accessible location for all occupants 24 hours per day. (b) Bathrooms should be a minimum of 5m².</p>	<p>No communal bathrooms proposed – see above.</p>	<p>N/A</p>

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<p>(c) Where ensuite bathroom facilities are provided in boarding rooms, the overall facilities must comply with the minimum facility requirements for the total occupancy of the overall premises.</p>	<p>The proposed development includes en-suite bathrooms in each of the boarding rooms. As assessed the proposed bathrooms (excluding showers and accessible en-suite bathrooms) do not comply however when combined with the showers the bathrooms comply with the combined size requirement. Also it is noted that the development is not required by the ARH SEPP to provide these facilities within individual rooms.</p>	<p>Yes</p>
<p>(v) Laundries and Drying Facilities</p>		
<p>(a) Laundry and drying facilities are to be provided for all lodgers. Where lodgers do not have their own laundry facilities, the following is to be provided:</p>		
<p>(i) A minimum space of 4m² for every 12 lodgers; an additional 3m² for every additional 12 lodgers or part thereof;</p>	<p>7m² of laundry facilities is provided. (7m² required).</p>	<p>Yes</p>
<p>(ii) 15m² external clothes drying area for every 12 residents in an outdoor area (can be retractable). (iii)</p>	<p>Whilst the plans detail that the proposal provides 30m² of external drying area, measurement of the washing line area reveals this to be a noncompliance. It is therefore recommended that this non-compliance be addressed by a condition of consent.</p>	<p>No Condition.</p>
<p>(b) Outside drying areas shall be located in a communal open space in a location which maximises solar access and ensures that the usability of the</p>	<p>Outside drying area is located in the rear POS in a location which maximises solar access.</p>	<p>Yes</p>

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<p>space is not compromised.</p> <p>(c)</p> <p>(d) Internal drying and laundry facilities shall be located in a safe and accessible location for all residents, and separate from communal kitchen facilities.</p> <p>(vi) Management Office Design</p> <p>(a) Where management offices are to be provided, they are to be located at a central, visible point which is convenient to occupants of and visitors to the boarding house.</p>	<p>Internal drying facilities are shown within the proposed laundry.</p> <p>No management office required due to size of the proposed boarding house development.</p>	<p>Yes</p> <p>N/A</p>
Section 4.0 Management		
<p>(a) All boarding houses are required to be managed by a manager who has overall responsibility including the operation, administration, cleanliness, maintenance and fire safety of the premises. Management arrangements are to be set out in a Plan of Management.</p> <p>(b) A Plan of Management is to be submitted with each Development Application for a boarding house. The Plan of Management, as a minimum, must address the ongoing management and operational aspects of the boarding house identified in the template attached to this Part (refer Schedule 2 Template for Plan of Management).</p>	<p>Boarding house proposed to be managed by an off-site manager, as covered in the Plan of Management submitted by the applicant. This plan will be included as part of Condition 1 thus binding the operator to this Plan of Management.</p> <p>A Plan of Management has been submitted as part of the proposed development which has been assessed as satisfactory when having regard to the template contained within Schedule 2 of Part 3.5 of the Ryde DCP 2014.</p> <p>This plan will be included as part of Condition 1 thus binding the operator to this Plan of Management.</p>	<p>Yes</p> <p>Yes</p>

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<p>(c) The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance on the boarding house.</p> <p>(d) Occupiers of adjacent properties are to be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency.</p>	<p>The managers name is provided Mr Cruz Liangjie Chen 0451860992 cruzchen@hotmail.com however plans do not detail where this will be provided. In this regard an appropriate condition on consent is considered to address this non compliance</p> <p>The submitted plan of management states that an after-hours number will be provided and publicly available. It is considered that this form part of the condition of consent referred to above</p>	<p>No Condition</p> <p>Yes Condition</p>
<p>Part 7.2 – Waste Minimisation and Management</p>		
<p>Section 2.3 All Developments</p>		
<p>(a) Developments must provide space on-site for the sorting and storage of waste in containers suitable for collection.</p> <p>(b) The size of storage areas and number of storage containers required must be sufficient to handle and store the waste likely to be generated and stored on the premises between collections.</p>	<p>Space on-site is provided for the sorting and storage of waste shown on the submitted plans as a bin enclosure along the eastern side boundary within the front setback area</p> <p>Proposal requires 40L per person per week of general waste & 35L per person per week of recyclable waste = 720L general waste and 630L recyclable.</p> <p>480 general 240 compostable 720 recyclable</p> <p>Despite this, Council's Environmental Health Officer's have assessed the proposed development and</p>	<p>Yes</p> <p>Yes</p>

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<p>(c) Additional space must be provided for the storage of bulky wastes where appropriate.</p> <p>(d) Allowance must be made for the storage of green waste where relevant.</p> <p>(e) All waste containers must be stored within the boundaries of the site unless otherwise approved by Council under Section 68 of the Local Government Act 1993.</p> <p>(f) All applications for development, including demolition, construction and the ongoing use of a site/premises, must be accompanied by:</p> <p>(i) a Site Waste Minimisation and Management Plan (SWMMP);</p> <p>(ii) location and design details of waste storage facilities on the site.</p> <p>(g) In all development, waste and recycling storage areas and facilities should be provided and be located in positions that:</p> <p>(i) provide easy, direct and convenient access for the users of the facility;</p> <p>(ii) permit easy transfer of bins to the collection point if relocation of bins is required;</p>	<p>determined the proposed waste arrangements to be satisfactory, subject to specific conditions of consent. In this regard, to proposal is considered to satisfactorily comply.</p> <p>No significant bulky waste likely to be generated by proposed boarding house.</p> <p>Not shown</p> <p>All waste containers proposed to be contained within the site.</p> <p>A SWMMP has been submitted</p> <p>Location details of waste storage facilities have been provided.</p> <p>Proposed garbage area located in easy, direct and convenient location.</p> <p>Proposed garbage area permits easy transfer of bins</p>	<p>N/A</p> <p>Condition</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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(iii) permit easy, direct and convenient access for collection service providers;	to collection point (street kerb).	Yes
(iv) do not intrude on car parking, landscaping, access and turning areas required for the type and scale of development;	Proposed garbage collection will utilise street kerb collection by private contractor,	Yes
(v) do not reduce amenity (minimises the potential for noise, odour and other amenity and environmental impacts on residents and other occupants);	Proposed garbage storage area does not intrude on car parking, landscaping, access or turning areas.	
(vi) maximize protection of trees and significant vegetation.	Proposed garbage storage area is also unlikely to affect neighbours as garbage area contained within a screened enclosure.	Yes
(h) In cases where the waste storage areas and facilities are likely to be visible from the street, the design and location of waste storage areas/facilities should be such that they compliment the design of both the development and the surrounding streetscape. Design elements such as fencing, landscaping and roof treatments may be used.	No impact on trees on site. Waste storage area will not be visible from street due to screened enclosure for the bin area.	Yes Yes
(i) No incineration devices are permitted.	No incineration devices proposed.	N/A
(j) A collection point for waste collection is to be identified on the plans submitted with the development application. The collection point must be conveniently located for users and services purposes and sited so that waste collection vehicles do not impede the access to the	Proposed garbage collection will utilise street kerb collection by appointed waster contractor	Yes

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<p>site or car parking facilities when servicing the bins so that waste can be safely and easily collected.</p> <p>(k) The path for wheeling bins between the waste and recycling storage room/area and the vehicle collection point must be free of steps and kerbs and, in the case of residential development, of a gradient of less than 14:1, and for all other development types, of a grade to the satisfaction of Council. The waste storage area must be as close as practicable to the collection point.</p>	<p>Proposed path from storage area to street kerb is free of steps and kerbs and gradient less than 1:14</p>	<p>Yes</p>
<p>(l) Access driveways and service areas for waste collection vehicles must be designed in accordance with Australian Standard AS 2890.2-2002 <i>Parking Facilities – Part 2: Off-street commercial vehicle facilities</i>.</p>	<p>No waste collection vehicles entering the site. Bins to be moved to kerb by site manager in accordance with the details provided in the SWMMP</p>	<p>Yes</p>
<p>(m) All waste facilities must comply with the Building Code of Australia (BCA) and all relevant Australian Standards (AS).</p>	<p>The proposal has been referred to Council's Building Surveyor and Environmental Health Officers who have indicated no objection to the proposed development subject to conditions.</p>	<p>Yes</p>
<p>(n) Heritage conservation considerations may alter requirements of this Part in the refurbishment of existing buildings. Designs should be discussed with Council's Heritage Advisor.</p>	<p>Subject site is not located near any heritage items or within a heritage conservation area.</p>	<p>N/A</p>

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<p>(o) Any equipment, such as volume reducing equipment, will be required to be installed in accordance with the manufacturer's instructions.</p> <p>(p) Where commercial food preparation is carried out on the premises, the waste storage area is to be designed with a cover to exclude rainwater and a floor to be graded and drained to the sewerage system. The area is to be readily accessible for servicing and suitably screened from public view.</p>	<p>No equipment required to be installed.</p> <p>No commercial food preparation proposed to be carried out on site.</p>	<p>N/A</p> <p>N/A</p>
Section 2.4 – Demolition and Construction		
<p>(a) Demolition activity must comply with relevant Australian Standards and WorkCover requirements.</p> <p>(b) Demolition is to be carried out using the process of deconstruction where materials are carefully dismantled and sorted. A Demolition Work Plan is required to be submitted.</p> <p>(c) A dedicated area is to be allocated on-site for the stockpile of materials for reuse, recycling or disposal and for site waste bins (for surplus and unwanted materials).</p> <p>(d) Construction materials are to be stored away from the waste materials stored on-site for collection to enable easy access for waste collectors.</p>	<p>Demolition proposed</p> <p>As above.</p> <p>Noted, to be covered by Standard Condition.</p> <p>Noted, to be covered by Standard Condition.</p>	<p>Condition to comply</p> <p>Refer above</p> <p>Yes</p> <p>Yes</p>

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Ryde DCP 2014	PROPOSED	COMPLIANCE
Section 2.6 Multi Dwelling Housing developments (3 or more dwellings) and Residential Flat Buildings (up to 3 storeys)		
<ul style="list-style-type: none"> • All Developments (a) Space must be provided inside each dwelling for receptacles to store garbage and recycling material. The area is to have the capacity to store two day's worth of materials. • Individual Bin Storage – smaller scale developments (b) Multi Dwelling Housing developments that do not meet the requirements for individual bin storage, and Residential Flat Developments of up to 3 storeys, must have communal bin storage areas designed and constructed in accordance with Schedule 4: S4.1. Residential Bin Storage Areas. • Communal Bin Storage – larger scale developments (c) Multi Dwelling Housing developments that do not meet the requirements for individual bin storage, and Residential Flat Developments of up to 3 storeys, must have communal bin storage areas designed and constructed in accordance with Schedule 4: S4.1. Residential Bin Storage Areas. (d) Communal bin storage areas are to be located so as they can be screened from the street and in a position which is convenient for users and waste collection staff. (e) To facilitate servicing by waste collection staff, communal bin storage areas must not be 	<p>SWMMP details that space available to store up to seven (7) days worth of garbage and recycling materials.</p> <p>Not applicable as individual bin storage is not proposed.</p> <p>Proposal complies with Schedule 4.</p> <p>Communal bin storage is screened by timber enclosure and in a position which is convenient for users and waste collection staff.</p> <p>Communal bin storage area <15m from kerb.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>more than 15 metres from the street kerb.</p> <p>(f) For developments where bulk bins are provided for waste (i.e. 660/1100 litre skip bins) the bulk bins should be contained within waste and recycling storage rooms designed and constructed in accordance with the requirements of Schedule 4 (refer S4.2 Waste and Recycling Storage Rooms).</p> <p>(g) For developments comprising 30 or more dwellings, a separate room or undercover caged area of a minimum 5 square metres, with instructive signage must be provided for the storage of bulky discarded items such as furniture and white goods, awaiting Council pickup, to prevent illegal dumping in the public domain. Bulky items storage areas should be located adjacent to waste storage areas.</p> <p>(h) Where collection vehicles are required to drive into a property to collect waste and recycling, adequate access must be provided for the users, waste collection staff and collection vehicles, and:</p> <p>(i) the site must be designed to allow collection vehicles to enter and exit the property in a forward direction with minimal need for reversing and to be operated with adequate clearances; and</p> <p>(ii) the access and manoeuvring space are to be suitable for the collection vehicle</p>	<p>Bulk bins not provided.</p> <p>Not applicable to subject proposal.</p> <p>Collection vehicles not required to drive into property.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>in terms of pavement strength, spatial design, access width and clearances. Appendix C Collection Vehicles and Appendix D Vehicle access/Turning Circles under the Better Practice Guide for Waste Management in Multi-Unit Dwellings, DECC 2008 are to be used as a guide.</p>		
Part 8.2 – Stormwater Management		
<ul style="list-style-type: none"> • Stormwater - Drainage is to be piped in accordance with Part 8.2 – Stormwater Management. 	<p>Application has been referred to Council's Development Engineer who has indicated no objection to the proposed development, subject to conditions.</p>	<p>Yes</p>
Part 9.2 – Access for People with Disabilities		
<p>Accessible path required from the street to the front door, where the level of land permits.</p>	<p>Accessible path from the street to the front door, provided.</p>	<p>Yes</p>
Part 9.3 – Parking Controls		
Section 2.2 Residential Land-Uses		
<ul style="list-style-type: none"> • Boarding Houses – accessible area: (a) At least 0.2 parking spaces / boarding room (1 space /5 boarding rooms). In terms of dwelling size this equates to: <ul style="list-style-type: none"> (i) At least 0.2 parking spaces/dwelling containing 1 bedroom (ii) At least 0.5 parking spaces / dwelling containing 2 bedrooms (iii) At least 1 parking space / dwelling containing 3 or more bedrooms 	<p>3 spaces required for 12 boarding rooms. 3 spaces proposed – It is noted that according to the breakdown below and the number of 1 and 2 bedroom units being provided, the proposed boarding house would be required to provide a minimum of three (3) spaces. Ten (10) one bed = 2 spaces Two (2) two bed = 1 spaces.</p> <p>Concerns regarding carpark design and location within front setback area, to be</p>	<p>Yes (addressed via condition)</p>

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
(b) Not more than 1 parking space for each person employed in connection with the development.	<p>addressed via Deferred Commencement condition. Refer to report for more detail.</p> <p>0 employee spaces as no employees are proposed to reside at the subject boarding house development.</p>	Yes
Section 2.7 Bicycle Parking		
(b) Bicycle and motor cycle parking is to be provided for boarding house development in accordance with the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009, and Part 3.6 Boarding Houses under this DCP.	<p>ARHSEPP requires 3 bicycle parking spaces and 3 motorcycle parking spaces.</p> <p>The submitted plans show that 3 bicycle spaces are proposed and 3 motorcycle spaces are proposed.</p>	Yes
(c) Bicycle parking should be designed in accordance with AS 2890.3 Parking facilities - Bicycle parking facilities.	To be addressed via standard condition.	Yes
(d) Bicycle parking and access should ensure that potential conflicts with vehicles are minimised.	Bicycle parking and access will not conflict with vehicles.	Yes
(e) Bicycle parking is to be secure and located undercover with easy access from the street and building entries.	Bicycle parking is located satisfactorily undercover in a secure location outside of the view from the public domain.	Yes
(f) Bicycle parking is to be located in accordance with Safer by Design principles	Bicycle parking is considered to be safe and in a secure located outside of the view from the public domain.	Yes
(h) Provide secure bicycle storage in all residential developments except for developments with a minimum of 600m ² , dwelling houses and multi-unit (villa) housing.	Not applicable as subject site exceeds 600m ² .	N/A

ITEM 2 (continued)

ATTACHMENT 3

Ryde DCP 2014	PROPOSED	COMPLIANCE
Part 9.5 – Tree Preservation		
<p>Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.</p> <p>Note: A site analysis is to be undertaken to identify the site constraints and opportunities including trees located on the site and neighbouring sites. In planning for a development, consideration must be given to building/site design that retains healthy trees, as Council does not normally allow the removal of trees to allow a development to proceed. The site analysis must also describe the impact of the proposed development on neighbouring trees. This is particularly important where neighbouring trees are close to the property boundary. The main issues are potential damage to the roots of neighbouring trees (possibly leading to instability and/or health deterioration), and canopy spread/shade from neighbouring trees that must be taken into account during the landscape design of the new development.</p>	<p>Significant tree to be retained within the rear yard. Existing Cypress Pines to be removed along Balaclava Road Boundary.</p> <p>Council's Consultant Landscape Architect has assessed the proposed tree removal and has noted that</p> <p><i>Removal of approximately thirty (30) screening trees/shrubs along the front and return boundaries has been supported as has the retention of one (1) existing mature tree within the rear yard. Given works are to take place within the Tree Protection Zone of the tree to be retained, a condition has been recommended that appropriate protection & supervision be undertaken to minimise construction related impacts. It is noted that one (1) tree was observed within the front yard straddling the common boundary with 97 Balaclava Road however has not been shown on any plans submitted. As such it is unclear whether this tree is to be removed or retained. Given the poor health of this tree, removal has been recommended regardless of the outcome of the proposal due to its likelihood to fail.</i></p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 3

BASIX	PROPOSAL	COMPLIANCE
All ticked "DA plans" commitments on the BASIX Certificate are to be shown on BASIX Cert 592147M dated 16 December 2014	<p>BASIX commitments indicated on plans. To be read in conjunction with Section J BCA Report submitted with the development application.</p> <p>Note that the BCA report states that the plans do not show details of construction to confirm BCA requirements for energy efficiency</p>	To Comply
<ul style="list-style-type: none"> • RWT 2800L 	4000 RWT proposed	Yes
<ul style="list-style-type: none"> • Thermal Comfort Commitments: <ul style="list-style-type: none"> - Single Phase Air Con living areas - Construction - TCC – Glazing. 	To Comply	Yes
<ul style="list-style-type: none"> • HWS Solar Gas Boosted 	To Comply	Yes
<ul style="list-style-type: none"> • Natural Lighting Principal Dwelling <ul style="list-style-type: none"> - Kitchen - bathrooms (1) 	To Comply. To Comply	Yes Yes Yes
Water Target 40	Water:40	Yes
Energy Target 35	Energy:36	Yes
Correct description of property/proposal on 1 st page of Certificate.	Correct details shown	Yes

ITEM 2 (continued)

ATTACHMENT 3

Summary of Issues/ DCP Non compliances:

Non compliances justifiable:

- Site Configuration:
 - Proposed development does not include an 8m x 8m deep soil area within the rear yard.
- Setbacks:
 - Rear setback does not comply with 25% of site length.
- Landscaping
 - The front garden includes 60.42% of its area as hard paving, which is greater than the 40% maximum required.
- Visual Privacy
 - The five (5) glazed doors which open out from the proposed living area to the communal private open space area are orientated towards the side boundary.
- Internal Building Design
 - Kitchenettes do not comply with 2m² minimum and 0.5m² bench area.

Non compliances/issues to be addressed via condition:

- Car parking:
 - Located both within the front setback and western side setback,
 - Not behind front building façade.
 - The maximum width of the undercroft garage opening is 6.3m, which is greater than the 6m maximum required.
 - Car parking located within front landscape area.
 - Visual Privacy
 - Window to the two internal stairwells to be obscure glazing to minimise opportunity for overlooking into neighbouring property.
 - Windows of outdoor living areas orientated to side of dwelling.
 - Terraces not to overlook neighbouring dwellings/private open space landscape screening condition.
 - Access ways located away from windows to boarding rooms – Room 1 to have obscure glazing to proposed bathroom.
 - Boarding house communal living areas are not designed to minimise impacts on neighbouring dwelling to the east including visual and acoustic privacy, openings are not considered to be orientated away from adjoining residential properties.
- Operational condition in relation to the use of this area is to be imposed.

ITEM 2 (continued)

ATTACHMENT 3

- Internal Building Design
 - Avoid dark and non-visible areas.
 - Locating communal and common areas in safe and accessible locations.
 - No lighting details shown on plans for common areas etc.

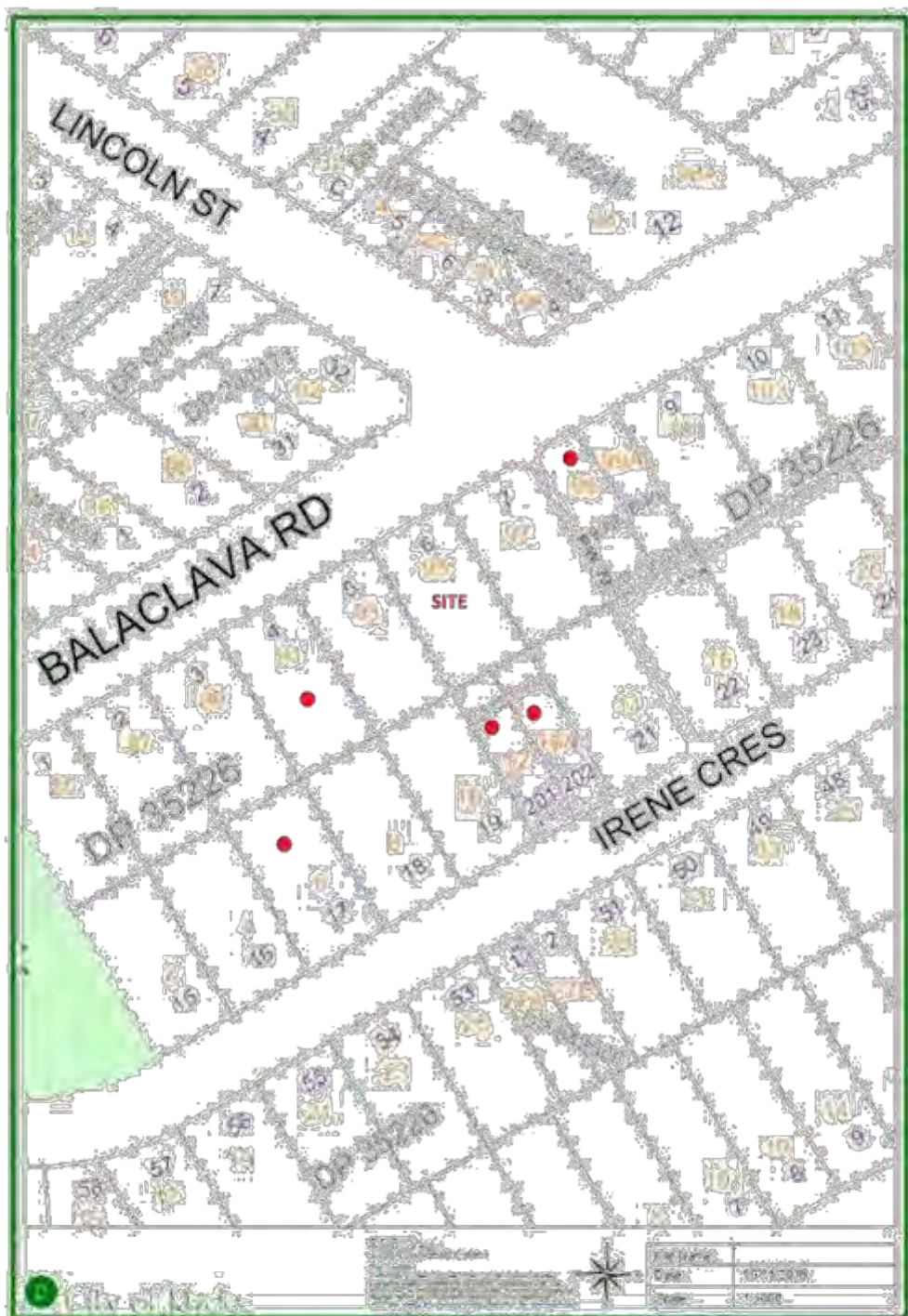
- The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance on the boarding house.

- Clothes Drying Facilities
 - External clothes drying area of inadequate size as required.
 - Internal clothes drying areas are not indicated on the plans.

- Boarding House Management
 - Name and contact details of the manager to be displayed at all times.
 - Occupiers of adjacent properties to be provided with a 24hr contact number for the boarding house.

ITEM 2 (continued)

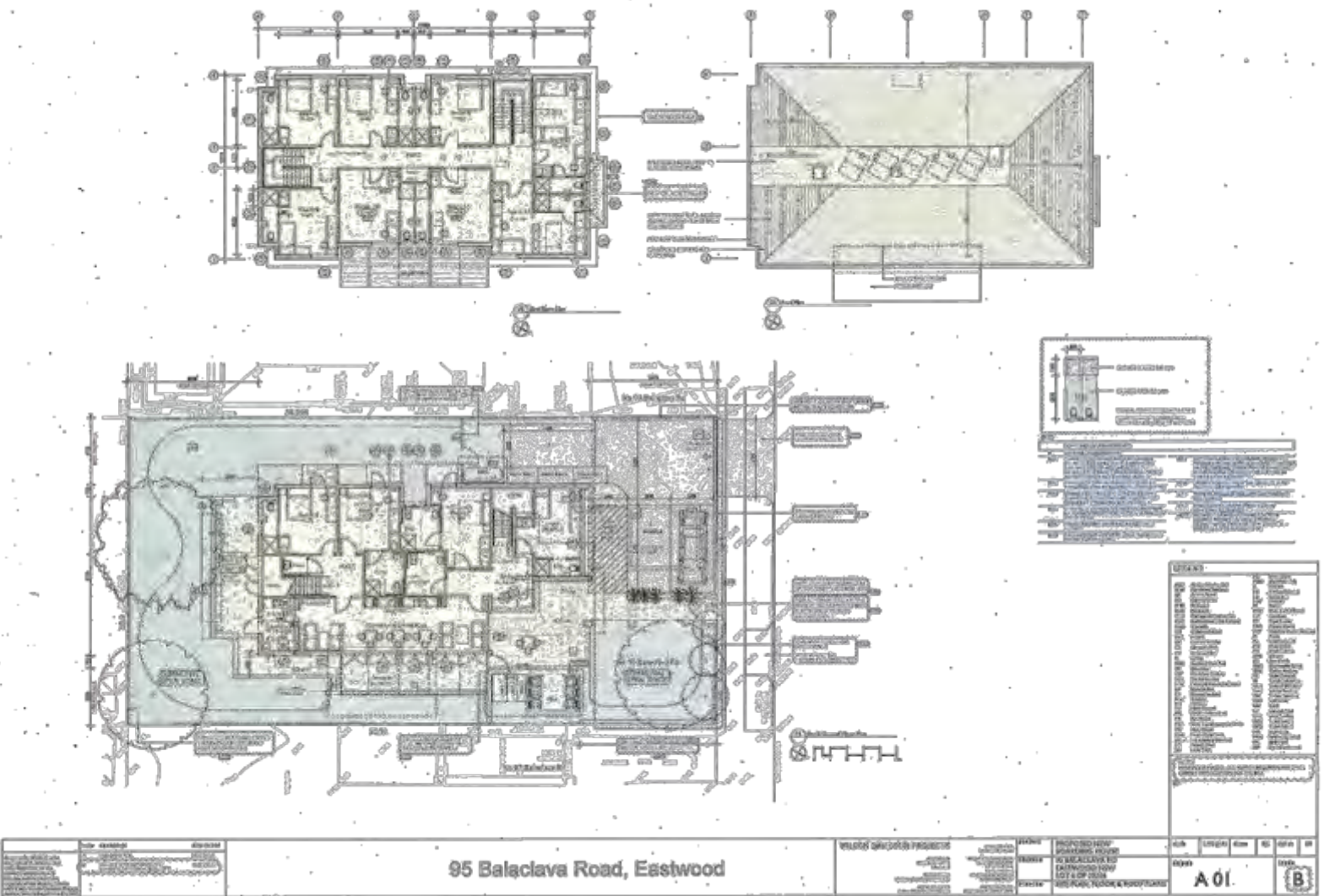
ATTACHMENT 4



● Indicates submission made (in some cases, multiple submissions were received from the same sender)

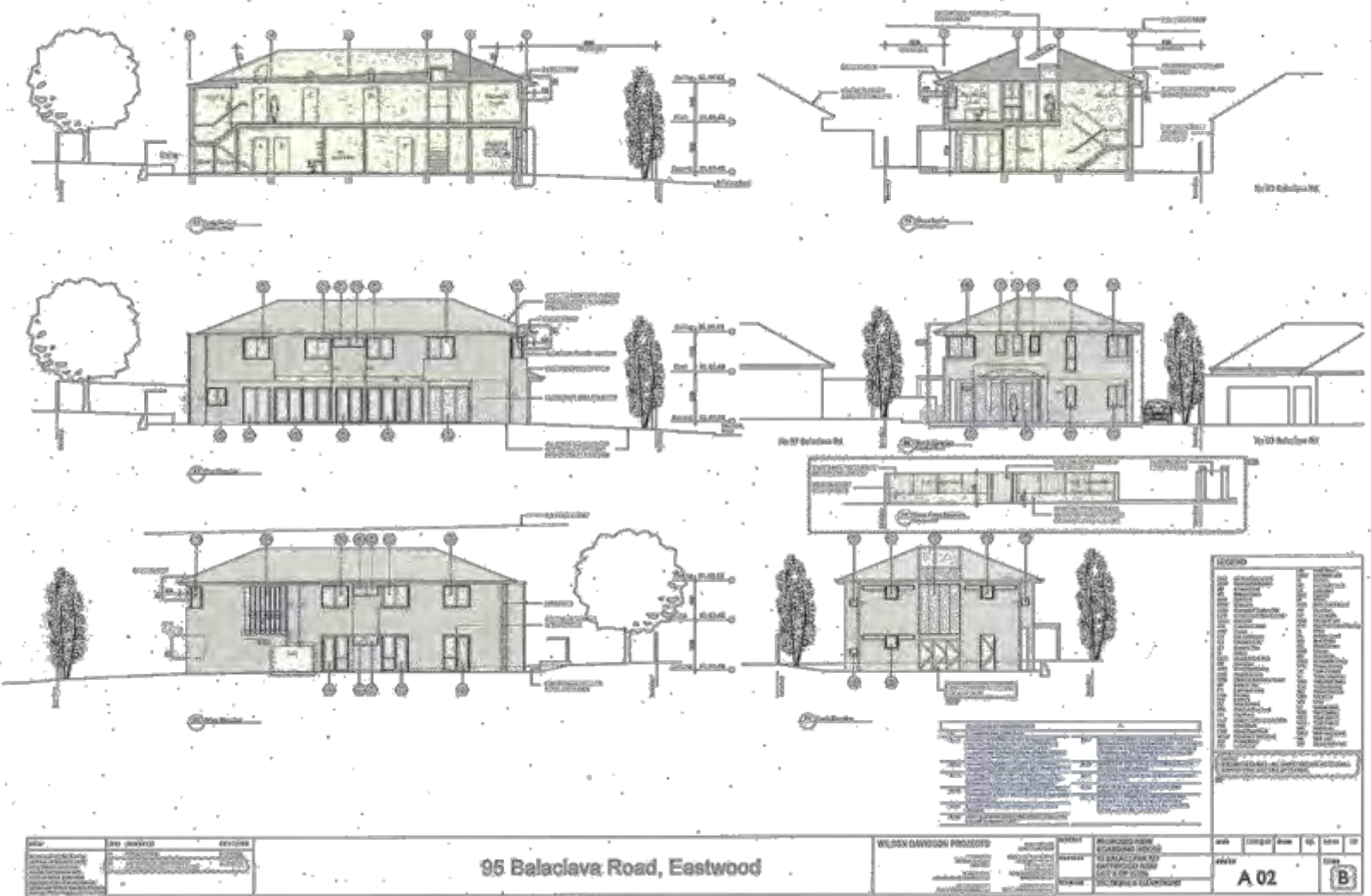
ITEM 2 (continued)

ATTACHMENT 5



ITEM 2 (continued)

ATTACHMENT 5



**3 38 CONRAD STREET, NORTH RYDE - LOT 23 DP 222878. Section 96(1A)
Application to modify consent for alterations and additions to dwelling.**

Report prepared by: Creative Planning Solutions; Supervisor - Environmental Assessment

Report approved by: Manager - Assessment; Acting Director - City Strategy and Planning

File Number: GRP/09/5/6/2 - BP15/1721

1. Report Summary

Applicant: Robert Carbone

Owner: Robert and Susana Carbone

Date lodged: 28 April 2015 (amended plans and support information received 14 August and 2 September 2015)

This report considers an application for modifications to development consent LDA2011/0343 pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (the Act) at No.38 Conrad Street, North Ryde. The proposed modifications are as follows:

- Conversion of a previously approved garage to a sitting room with approved elevated driveway to be used for vehicle parking for one (1) vehicle;
- Amended profile of elevated concrete driveway to incorporate a new pedestrian path and relocated entry to the dwelling;
- New carport atop of the elevated structure within the front setback;
- Relocation of planter beds within the front setback area, and deletion of front stairs from the elevated driveway to the lower ground entrance;
- Internal amendments to the existing dwelling, including new walls, windows etc.;
- New workshop within the revised driveway structure envelope;
- Deletion of approved swimming pool and replacement with additional patio area, landscaping and turf; and
- Various amendments to external landscaping works and retaining walls to the front of dwelling-house (some already constructed).

The subject Section 96 application was notified in accordance with the Ryde Development Control Plan 2014 (DCP2014) from 22 May 2015 to 8 June 2015. In response one (1) submission from a planning consultant on behalf of the neighbouring property at No.36 Conrad Street was received objecting to the development.

ITEM 3 (continued)

Following a letter to the applicant raising issues with the originally lodged proposal not being considered 'substantially the same development', as required by Section 96 of the Act, amended plans were received and renotified from 17 August 2015 and 1 September 2015. One (1) further/revised submission was received in response to these amended plans from the neighbour at No.36 Conrad Street. The issues of concern raised in both submissions are summarised as follows:

- Proposed was still not considered to be 'substantially the same development' by the objector;
- Claimed breaches of the Act with the applicant's private certifier issuing an incorrect Construction Certificate for LDA2011/0343;
- Appearance/Visual Impact of the modified proposal;
- Privacy impacts;
- Pedestrian Safety impacts;
- Suggestions for alternative design options;
- Development engineering and landscaping concerns; and
- Requested conditions of consent should the proposal be approved.

It is also noted that as part of the assessment of the Section 96 application, Council undertook multiple meetings with both the applicant and neighbouring objector from no 36 Conrad Street, which included site inspections from properties.

A detailed assessment of the Section 96(1A) modification application to consent LDA2011/0343 has determined the proposed modifications will have minimal environmental impact, and subject to conditions, be substantially the same development pursuant to Section 96(1A)(a)(b) of the Act.

The conditions recommended to be imposed on the proposal for it to be considered to have minimal environmental impact and be 'substantially the same development' relate to:

- Deletion of the proposed carport atop of the structure within the front setback;
- Installation of a privacy screen for part of the northern elevation of the structure where the vehicle is to be parked to reduce opportunities for overlooking and to address visual impact;
- Provision of a revised landscape plan for Council's approval prior to the issue of CC, with a focus for landscape planting on the northern side boundary adjacent to the structure for screening to No.36 Conrad Street;
- Limiting parking on the structure to one (1) vehicle to ensure compliance with the relevant parking space requirements under Australian Standard 2890.1 2004; and
- Delineating the proposed pedestrian entry from the car parking component on the structure by way of bollards, low wall, planter or similar.

ITEM 3 (continued)

The current Section 96 application presents a further opportunity to impose conditions which will help address issues of concern regarding the approved development and also the current Section 96 modifications. With the applicant's submission of revised plans, and with the imposition of conditions referenced above (refer to report for more detail), it is considered that the Section 96 application is able to be supported and therefore approval is recommended.

Reason for Referral to Planning and Environment Committee: Requested by the Mayor, Councillor Laxale.

Public Submissions: Two (2) submissions received – one (1) each in relation to the original Section 96 plans and revised Section 96 plans. (refer to Attachment 1 for submissions received.)

SEPP 1 (or clause 4.6 RLEP 2014) objection required? Not applicable

Value of works – Original DA: \$300,000

RECOMMENDATION:

This assessment report has considered the submitted documentation and makes the following recommendations to Council:

- (a) That Section 96 application MOD2015/0077 to LDA2011/0343 at No.38 Conrad Street, North Ryde being LOT 23 DP 721631 be **APPROVED** in the following manner:

- **Condition 1** is deleted and replaced with:

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

Document Description	Date	Plan No/Reference
Ground Floor/Site Plan	02/09/2015	A1.01, Revision D
Lower Ground Floor/Site Plan	13/08/2015	A1.02, Revision C
Elevations & Section	02/09/2015	A1.03, Revision D

ITEM 3 (continued)

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

- (a) **BASIX.** All revised BASIX commitments are to be detailed on the Construction Certificate plans and be submitted to Council for approval prior to the issue of a **Construction Certificate**.
- (b) **Carport** - the proposed carport forward of the building line is not approved and shall be deleted from the submitted plans. Plans detailing this change are to be submitted to Council for approval prior to the issue of a **Construction Certificate**.
- (c) **Privacy Screen – Northern Boundary.** A 1.8m high fully opaque (translucent) or fixed louvered privacy screen be installed along the northern edge of the proposed parking structure for a length extending 5.4m from the building façade with compliant vehicle barriers required where the vertical fall to the adjacent ground level exceeds 600mm under Australian Standards 2890.1-2004. Plans that include details demonstrating compliance with this condition are to be submitted and approved by Council prior to the issue of a **Construction Certificate**.
- (d) **Revised Landscape Plan.** A revised landscape plan for the site that is prepared by a suitably qualified landscape architect is to be submitted to Council for approval prior to the issue of **Construction Certificate** for the works covered in Condition 1 of this consent. The revised landscape plan is to ensure semi-established fast growing plants are planted along the northern boundary (between the street boundary and the front of the dwelling) to provide screening to the adjoining property at No.36 Conrad Street.
- (e) **Pedestrian Pathway** - Physical separation be placed between the pedestrian and driveway components of the elevated parking structure via a low level wall, bollard, or planter etc. Plans detailing compliance with this condition are to be submitted to Council for approval prior to the issue of a **Construction Certificate** works covered in the plans under Condition 1.

Number of Car Parking Spaces - One (1) motor vehicle, boat or other vehicle is permitted to park on the elevated parking structure at any one time.

ITEM 3 (continued)

- **Condition 7** is deleted and replaced with the following:
 - The development is to be carried out in compliance with BASIX Certificate No. A177112_02 dated 07 May 2015.
- **Condition 21** is deleted.
- **ALL** other conditions remain unaltered and must be complied with.

That the objectors be advised of Council's decision.

ATTACHMENTS

- 1 Compliance Table
- 2 Submission from Daintry Associates Pty Ltd (on behalf of neighbour at No 36 Conrad Street)
- 3 Map
- 4 A4 Plans
- 5 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Ben Tesoriero Planning Consultant
Creative Planning Solutions**

**Chris Young
Supervisor - Environmental Assessment**

Report Approved By:

**Liz Coad
Manager - Assessment**

**Meryl Bishop
Acting Director - City Strategy and Planning**

ITEM 3 (continued)

2. Site (Refer to attached map overleaf)

Address : No.38 Conrad Street, North Ryde (LOT 23 DP 222878)

Site Area 600.705m²
Curved frontage to Conrad Street of 11.12m
Rear boundary 43.16095m
Northern side boundary 24.270m
Southern side boundary of 30.3149m

Note: All areas and dimensions sourced from Deposited Plan 222878.

Topography and Vegetation : The topography of the site falls steeply from a height of RL47.7 at the street front boundary, to a height of approx. RL45 at the northern corner of the site. This occurs over a distance of approximately 20m for an average gradient of around 1:7.5.
No existing significant vegetation has been identified on the site. It is noted that adjacent to the site on the neighbouring allotment at No.36 Conrad Street are a number of mature height *cypress pine* trees.

Existing Buildings : Elevated single storey dwelling house, tandem garage.
N.B. some parts of the approved DA under LDA2011/0343 including retaining walls within the front setback have been constructed.

Planning Controls Zoning : R2 – Low Density Residential under Ryde Local Environmental Plan 2014

Other : Ryde Development Control Plan 2014
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
Constraint – Easement

ITEM 3 (continued)



Figure 1 - Aerial Image of subject site including an annotation of the neighbouring property objecting to the proposed development by way of submission to Council as part of the notification of the Section 96.

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

ITEM 3 (continued)



Figure 2 – View of subject site from the Conrad Street frontage. Noted in this image is the existing garage on the ground floor of the dwelling. Also noted is the existing front balcony which demonstrates a prevailing level of overlooking inherent to subject site and adjoining property at No.36 Conrad Street.
Source: CPS photograph

3. Councillor Representations

Name of Councillor: The Mayor Councillor Laxale

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

Date: 7 August 2015

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

On behalf of applicant or objectors? Applicant

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

4. Political Donations or Gifts

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

ITEM 3 (continued)

5. Proposal

This report considers an application for modifications to development consent LDA2011/0343 pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (the Act).

The proposed modifications were originally described within the applicant's submitted SEE as follows:

- Deletion of the swimming pool from the scope of works;
- Amended rear landscaping, patio and courtyard area to replace pool;
- The retention of the front sitting room and adjoining Bedroom 1 on the western façade;
- Retention of existing entry located on the ground floor;
- Deletion of the approved garage and relocation of the required car spaces onto the driveway area;
- Amended profile to concrete driveway within front setback area;
- Relocation of planter bed along concrete driveway to front setback area;
- Deletion of existing external stair to front façade;
- Deletion of existing stair within front setback landscape area; and
- Internal changes to lower ground workshop.

It is noted from the above that the SEE stated the lower ground workshop was approved in the previous DA under LDA2011/0343. A review of the file notes indicate that whilst the workshop was originally proposed, it was deleted from the proposal prior to determination by Council. The workshop is therefore **not approved** by LDA2011/0343 and should be assessed as a new modification. Also not approved is the planter bed on the driveway.

Further revised plans were submitted on 14 August and 2 September 2015 following comments from Council Officers. The final plans included the following amendments to the submitted design.

The new single off street car space is proposed to be located on the suspended concrete driveway with the inclusion of a light weight carport roof structure over. To minimise the perceived bulk and scale of the carport when viewed from the street or adjoining neighbours, the post supports are to be setback approx. 1m from the edge of the roofing to enable the roof to cantilever over the car space.

The revised plans also show that the setbacks of the elevated parking structure from the northern boundary revert back to the setbacks approved in LDA2011/343. The 1.8m privacy screen has also reverted back to a 1m fence as per the approved LDA2011/343.

ITEM 3 (continued)

6. Background

The following provides a brief history on the originally approved DA, and subsequent events that have led to the lodgement of the subject Section 96(1A) application by the applicant:

Original DA - LDA2011/0343

Alterations and additions to an existing dwelling including new pool and deck.

The original DA was approved subject to conditions on 29 November 2011. Importantly for the subject Section 96 application, the DA approved an elevated concrete driveway structure extending from the street frontage to a new garage located on the upper floor of the dwelling house – refer **Figure 3** below.

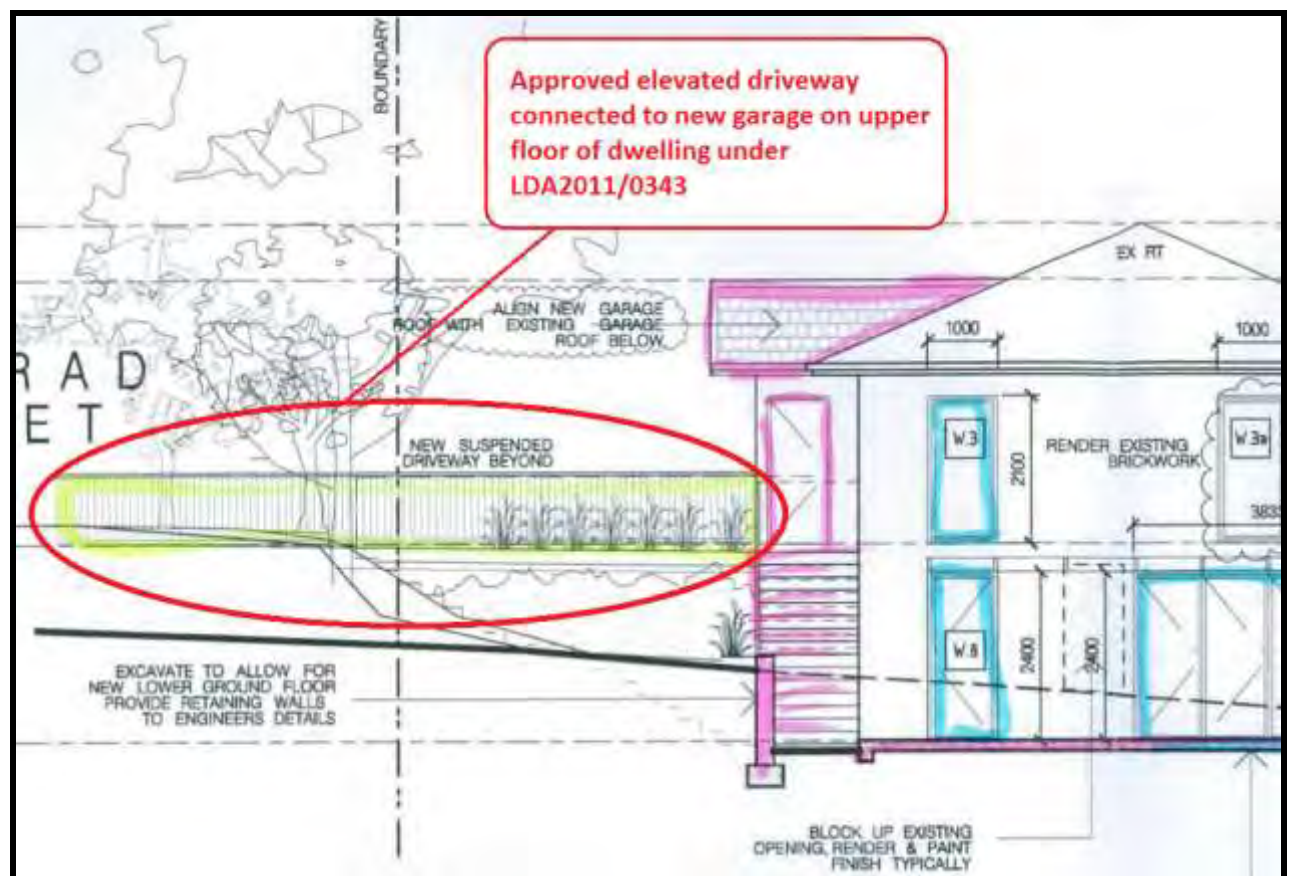


Figure 3 – Extract of elevation from stamped plans of LDA2011/0343 showing the approved elevated driveway structure connecting to the garage on the upper floor of the dwelling.

Source: CPS photograph

ITEM 3 (continued)

Also of particular note for discussion later within this report are the following conditions of consent which were imposed:

- 21** ***Privacy Screening** – Semi established fast growing plants are to be planted along the northern boundary (Between the street boundary and the front of the dwelling façade) to provide privacy screening to the adjoining property at No.36 Conrad Street. Planting is to take the form of dense hedging with a maximum height of 3m and spacing of plants to 1 metre. Details are to be submitted and approved by Council or an accredited certifier prior to the release of a **Construction Certificate**.*
- 60** ***Stormwater Disposal** – Stormwater runoff from all roof areas of the site shall be collected and piped by a charged storm water system to Conrad Street via a rainwater tank in accordance with BASIX (where applicable) and the City of Ryde Development Control Plan 2010: Part 8.2 Stormwater Management. Stormwater runoff from other low lying impervious areas e.g. driveways etc are to be collected and piped to an absorption system located at the rear of the site.*

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

Post DA Approval

Since approval of the DA, and then subsequent issue of the Construction Certificate (CC), the applicant has commenced construction on site with some excavation and construction of retaining walls (now subject to this application), removal of the entrance stairs to the front balcony and tree removal (refer above). It is noted that construction of the retaining walls on the subject site differ in height and location to those approved within LDA2011/0343, however these are consistent with the subject Section 96(1A) application.

There have also been multiple correspondences from/on behalf of the neighbour at No 36 Conrad, repeating objections that they made about approval of the original DA in general, raising concerns that the Construction Certificate plans (first approved 20 December 2013, and then amended CC plans approved 17 February 2015, both by AR Building Certifiers) contain significant unapproved variations from the approved DA plans, and also their concerns that the owner/builder cannot be trusted to build in accordance with the approved CC (or DA) plans.

ITEM 3 (continued)

It is noted that enforcement actions have been undertaken through Council's Environmental Health and Building team in particular regarding non-conformity of the approved CC with the approved DA. As a result, the Private Certifier has been requested to withdraw the CC by letter dated 22 April 2015. In response, the applicant has lodged the subject Section 96 application (the subject of this report) – and if this Section 96 application is approved then a new Construction Certificate will be required as it proposes further changes to what was approved in both the original DA and the most recent CC approvals.

Council's Environmental Health and Building Compliance Officers have accordingly suspended any further enforcement actions pending the outcome of this Section 96 application.

Subject Section 96(1A) Application - MOD2015/0077

The Section 96(1A) modification seeks permission to, *inter alia*, remove the approved garage at Level 1 and vary the design of the proposed elevated driveway. Deletion of the previously-approved pool, external landscaping and minor internal modifications to the dwelling are also proposed.

The application was placed on notification between 22 May and 8 June 2015. In this period one (1) submission was received from planning consultants on behalf of the adjoining owners at No.36 Conrad Street. A response to the issues raised within the submission is provided later in this assessment report.

Meeting with applicant - 18 June 2015

On 18 June 2015, Council Officers (Team Leader Assessment and Consultant Town Planner) met with the applicant (and their project architect and PCA) at their property, to discuss the submission received on behalf of the neighbour.

In this meeting the applicant discussed the historical acrimony between themselves and the neighbouring owners and expressed frustration at inability to resolve the issue(s) relating to their application, and move forward with construction.

Council Officers explained the requirement for Section 96 applications to be substantially the same development as that originally approved, and also discussed details of the neighbours' concerns in relation to the Section 96 application, as covered their submission see discussion later in this report). The applicant was also clearly advised that it was a fundamental requirement for CC plans to be consistent with the approved DA plans

Following discussion of the neighbour's concerns to the applicant, the applicant was requested to provide Council with a written response to their neighbour's submission.

ITEM 3 (continued)

A letter dated 22 June 2015 was received by Council in response to the objector's submission from the applicant. A summary of the key points of this letter and an Assessment Officer response is also provided later in this report.

Meeting with objector (No.36 Conrad Street) - 13 July 2015

Council Officers (Team Leader Assessment and Consultant Town Planner) met with the neighbour and their consultant planner at No.36 Conrad Street. This meeting provided Council's Consultant Planner an opportunity to listen the objectors concerns and to also undertake an inspection of the internal and external areas of the dwelling potentially impacted by the subject Section 96 application. The historical acrimony between the neighbours was similarly mentioned by the objectors during this meeting.

It was pointed out in this meeting by Brett Daintry (Planning Consultant acting on behalf objector) that in issuing the CC the private certifier had breached Clause 145 and 146 of the *Environmental Planning and Assessment Regulations 2000* (the Regulations) due to inconsistency with the approved DA plans. The meeting also presented an opportunity to go through the objections raised in their submission to Council.

The objectors presented anecdotal evidence that the applicant often parked more than two vehicles and a boat both on the subject site and the street. The objectors also noted that the applicant had wilfully removed tree branches of significant trees overhanging their property.

The objector also presented a document which detailed the extent of inconsistencies between the Section 96 and the approved DA. It was requested by Council that this be included as part of the submission. This additional information was received by Council on 13 July 2015. The neighbour submission and applicant response is discussed within the submission section of this report.

Additional Information/Withdrawal Email - 24 July 2015

Following Council's assessment of the originally submitted Section 96 application, it was considered the issues with the proposed modification were significant, and unable to be supported. Council conveyed to the applicant that its main concern was that the deletion of the proposed garage and the use of the elevated structure as a parking platform for two (2) vehicles does not satisfy the 'substantially the same development' tests that apply to Section 96(1A) applications before a proposal can be assessed on its merits.

Council also outlined that even if it were to be considered substantially the same development, it was Council's opinion that the subsequent impacts of the enlarged structure meant the proposal could not be supported on its merits.

ITEM 3 (continued)

It was therefore recommended the Section 96(1A) application be withdrawn. Should it not be withdrawn, Council advised it would continue to determine the application based on the information currently provided.

Meeting with Applicant - 3 August 2015

Council Officers (Team Leader Assessment and Consultant Town Planner) met with the applicant at the Ryde Planning & Business Centre on 3 August 2015. In this meeting the applicant was advised that Council could not support the subject Section 96 as it did not constitute substantially the same development.

The applicant stated that maintaining their off street parking was paramount. The applicant was requested to consider an alternate driveway design provided by the objector (generally to the south/western side of the dwelling, instead of the approved elevated driveway on the western side). The applicant advised this was not possible as retaining walls had already been constructed within the front setback.

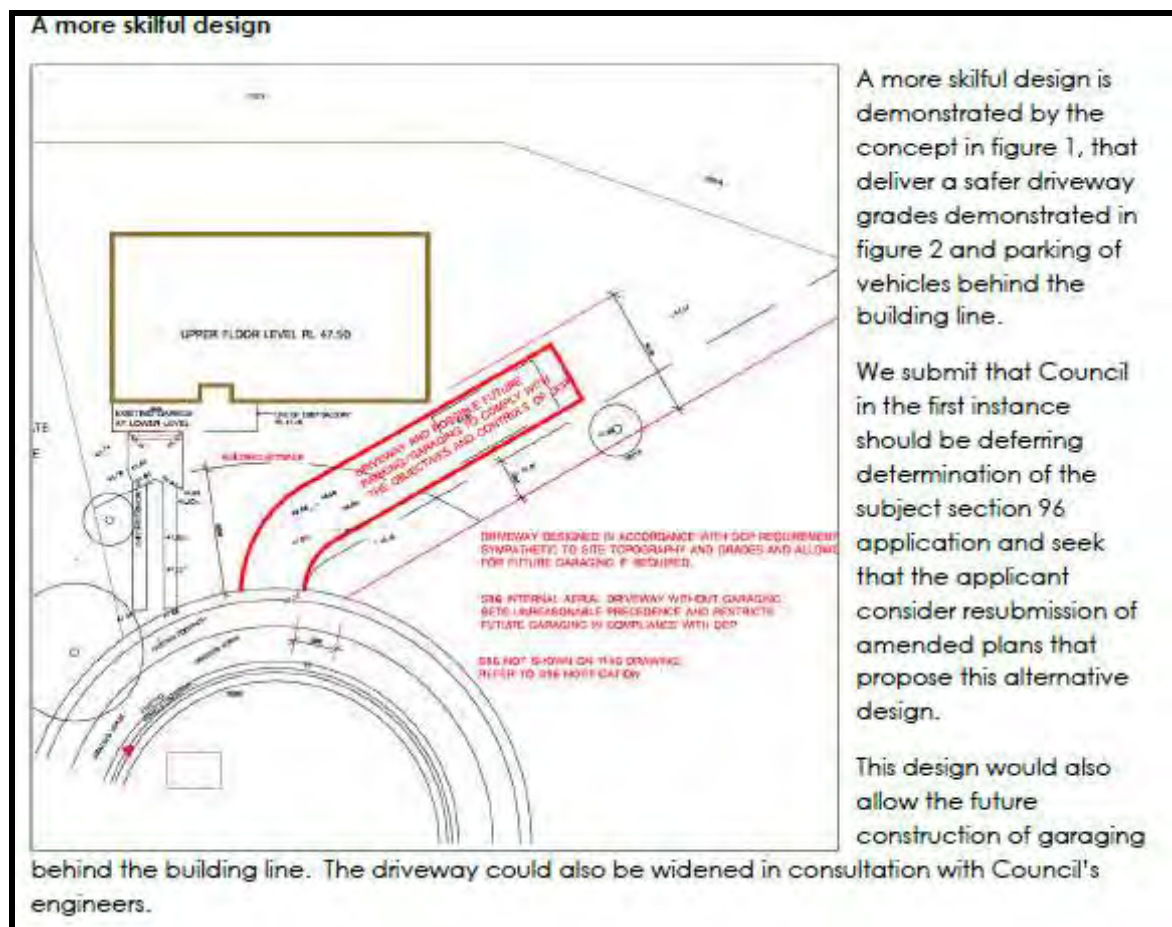


Figure 4 - An alternative driveway design submitted by the objectors.

Source: Objector submission

ITEM 3 (continued)

The applicant emphasised that they needed to relocate the dwelling entry back to the first floor, and as such required the elevated access to be maintained. The applicant also stated the costs of the works associated with strengthening the existing timber floor framing to accommodate the garage at first floor level (as per LDA2011/0343) was not practical or feasible – and this was a key reason why it is now proposed to revert the use of the first floor of the dwelling to living area floor space (ie sitting room) instead of a garage.

Council advised the applicant that it would be unlikely that the development would be approved in its current form and that any amendment would require the elevated driveway structure to maintain an adequate setback from the northern boundary. Council saw less of an issue with the proposed driveway being extended to the south to accommodate the required pedestrian entry as the main impacts on the neighbour at No.36 Conrad Street are to the northern boundary.

The applicant asked whether Council would consider erection of a carport on top of the elevated driveway/parking platform. The applicant was advised that issues regarding increased visual bulk and scale impacts on the neighbouring property would need to be considered, together with compliance with the front setback requirements of Council's DCP 2014.

Revised Plans - 14 August 2015 (further revised on 2 September 2015)

Revised plans were received by Council on 14 August 2015 (and then further amended following a Council request for additional detail on 2 September 2015). These plans illustrate the elevated structure's setback to the northern boundary being more consistent with the setback shown on the original approved DA plans. In addition it is noted that the driveway has been extended to the south to incorporate a more legible pedestrian entry, with separation provided by virtue of a wall at the driveway crossover. A plan of the driveway showing the revised setback of the driveway is shown below.

The revised plans show that the 1.8m visual privacy screen has been deleted and replaced with a 1m fence and railing more consistent with the original consent. The plans also show a new carport structure as discussed in the meeting on 3 August 2015. The applicant's revised elevation (showing the location of the 1.8m high privacy screen to be required as a condition of consent) is shown below.

ITEM 3 (continued)

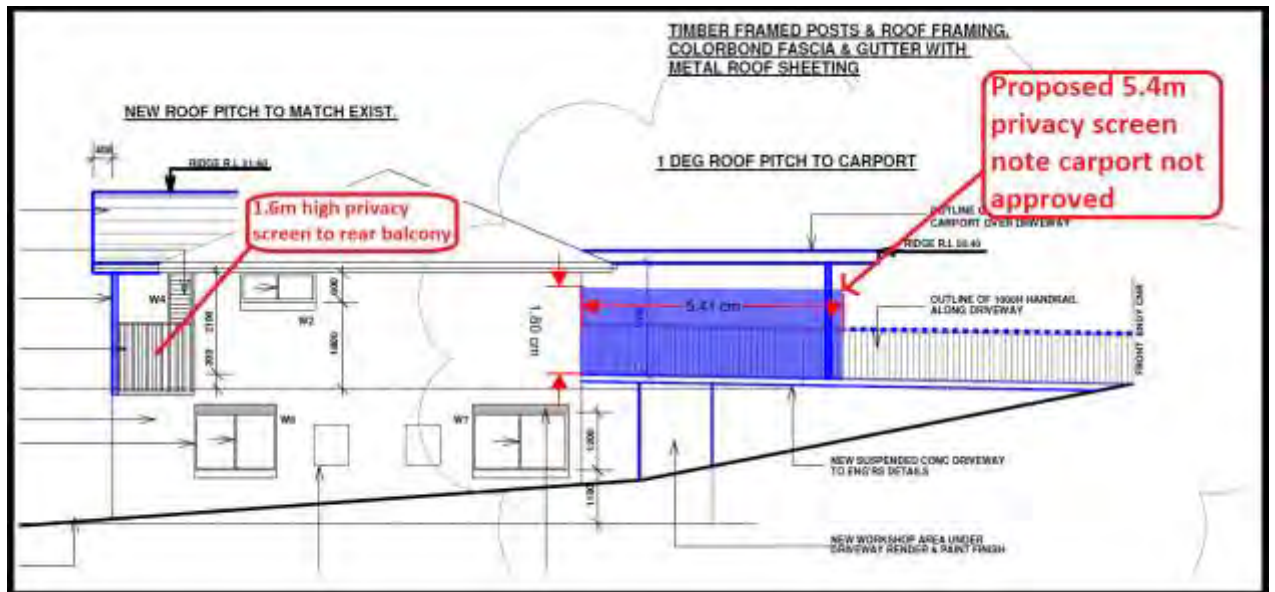


Figure 5 - Proposed 1.8m privacy screen provided for 5.4m (standard car space length) from the building façade. Note the carport is not approved, but the balcony privacy screen is considered acceptable.

Source: submitted architectural plans edited by CPS

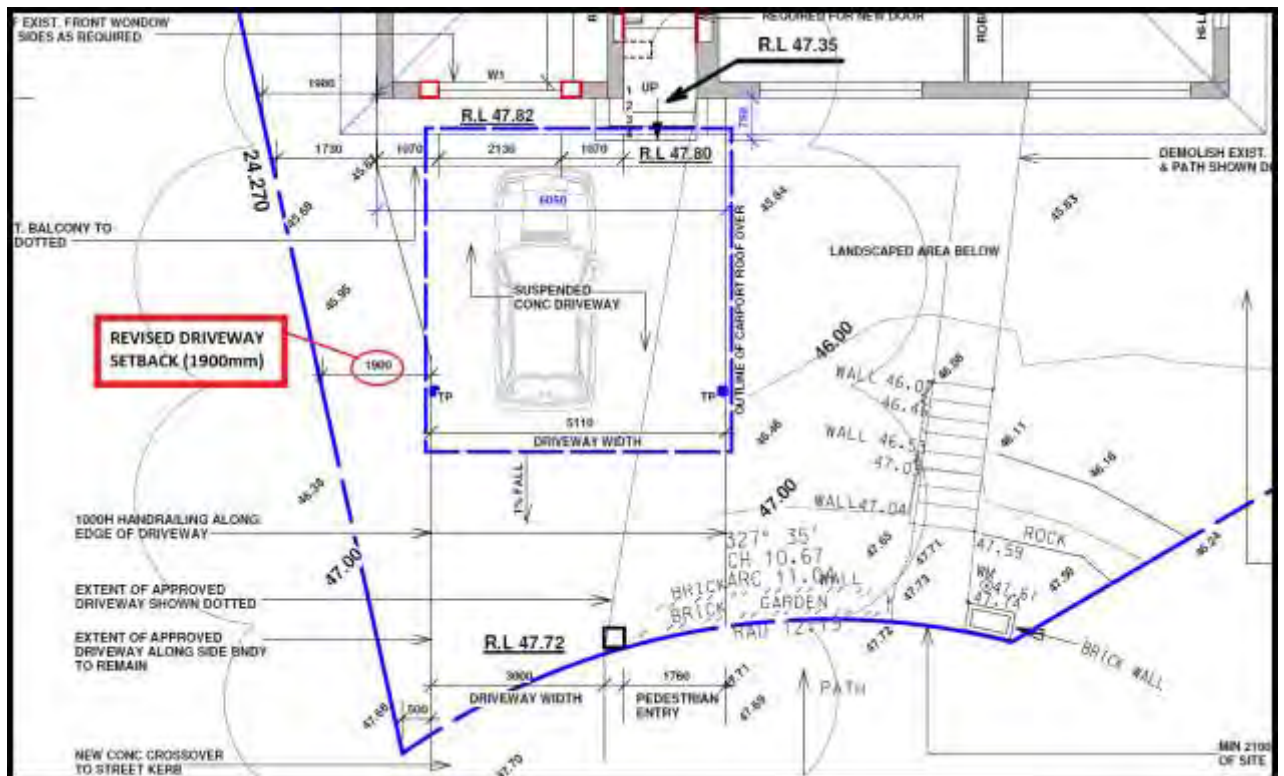


Figure 6 – Plan showing side setbacks of proposed driveway.

ITEM 3 (continued)

A measurement of the revised plans has revealed that the structure can now only accommodate parking for one (1) vehicle according to the minimum dimensions provided within the DCP2014, which are based on the Australian Standard.

The assessment herein is based on the latest plans and revisions received from the applicant on 14 August 2015, and further amended by the applicant on 2 September 2015.

7. Submissions

The original proposal submitted with the Section 96(1A) application was notified to adjoining property owners in accordance with the DCP 2014 – Part 2.1, Notification of Development Applications for a period from 22 May to 8 June 2015. In addition, the revised plans received by Council on 14 August 2015 (amended on 2 September 2015) were re-notified between 17 August 2015 and 1 September 2015.

In response, multiple submissions were received from the owner(s) of the neighbouring property to the north of the subject site (No. 36 Conrad Street) as shown on the aerial photograph at **Figure 1** earlier in this report. Submissions received were dated as follows:

- Submission by Daintry Associates dated 8 June 2015 on behalf of the owner of No.36 Conrad Street;
- Response to neighbour submission by the owners of No.38 Conrad Street on 22 June 2015,
- Revised submission by Daintry Associates dated 18 September 2015 in relation to the amended plans notified on 17 August 2015.

The key planning issues raised in the neighbour submissions are summarised and discussed below. Following this, the applicant's response is discussed.

A. *Not substantially the same development.* *The objector states that the application seeks to essentially and materially change the essence from a driveway accessing a garage to an elevated double carport forward of the building line. Both quantitatively and qualitatively this is not substantially the same development.*

Assessment Officer Comment: As detailed later in this report (Discussion on Section 96 of the Environmental Planning & Assessment Act), the originally submitted proposal for the Section 96 application was not considered substantially the same development. Following the applicant's submission of the revised plans, it is now considered that the proposal is capable of satisfying the substantially the same development test, subject to a condition recommending deletion of the carport atop the elevated parking platform, and limiting parking on the platform to one (1) vehicle.

ITEM 3 (continued)

Accordingly the objector contention that the proposal does not constitute substantially the same development is considered to be addressed via imposition of the recommended conditions of consent.

B. Breaches of the Environmental Planning and Assessment Act. *The objector claims the Section 96 application seeks to regularise a breach of council's development consent that has been altered in breach of clause 145 and clause 146 of the Regulations by the Accredited Certifier issuing the Construction Certificate (CC).*

Assessment Officer Comment: Under Section 145 and 146 of the Regulations it is necessary for CC plans to be 'not inconsistent' with the stamped approved plans.

A review of the CC Drawings held on file has revealed that the PCA engaged by the applicant has utilised the originally submitted DA plans, titled Revision A and dated 25/06/11 for the CC. However, these plans are clearly marked superseded on Council's file, with amended plans forming part of the development consent under LDA2011/0343.

The originally submitted Section 96 plans were based off the superseded DA plans, and hence the CC plans which present a considerably different driveway design and setback to that which was approved by Council within under LDA2011/0343.

This issue was raised in Council's additional information letter sent to the applicant on 24 July 2015. The revised Section 96 plans from the applicant now reflect the originally approved setback to the northern boundary with the neighbour at No.36 Conrad Street, and state that semi-established plants are to be planted between the front boundary and the front building line.

With the amended plans submitted by the applicant, the proposed Section 96 modifications are assessed from the basis of the approved plans under LDA2011/0343.

With regard to whether the PCA has incorrectly issued the applicant's CC, it is noted that Compliance Officers in Council's Environmental Health and Building Team are currently undertaking an investigation into this matter and reserve the right to take action should it be proven that the CC has been issued inconsistent with the approved development.

In any case, if the current Section 96 application is to be approved by Council, then a further amended Construction Certificate (with plans consistent with the current Section 96 application) will be required.

ITEM 3 (continued)

C. Appearance/Visual Impact *The objectors have raised the concern that the revised design of proposed elevated driveway not only appears visually intrusive within the streetscape but when viewed from the dining and living areas within No.36 it will be visually obtrusive.*

Assessment Officer Comment: When considering the visual impact of the proposal, it is first important to remember that the elevated structure is essentially already approved, and although not constructed, could be carried out in accordance with the approval under LDA2011/0343.

It is also important to consider the practical operation of the elevated structure if it were to be constructed and used as per the approved DA. For example, as commonly found with most dwelling houses, it would be reasonable to expect that a motor vehicle could be parked in front of the garage, thus meaning the approved elevated driveway could act as a platform for the parking of a motor vehicle akin to that which is now proposed under the Section 96 application.

The originally submitted Section 96 application proposed to delete the garage, and then enlarge the elevated driveway structure so as to accommodate two (2) motor vehicles. This enlarged structure was also to be shifted closer to the neighbour's boundary at No.36 Conrad Street.

It was agreed that the enlarged elevated structure will have a greater visual impact on the neighbouring property at No.36 Conrad Street. For this reason, the issue of visual impact was raised with the applicant in correspondence from Council.

In response, the applicant submitted revised plans which moved the structure away from the neighbouring property boundary, and also limits parking on the structure to one (1) motor vehicle. This therefore would result in a visual outcome essentially the same as that approved under LDA2011/0343. The applicant also added a new carport on top of the elevated structure.

The carport adds further bulk and scale to an approved element that is of considerable scale in the context of the site – see **Figure 7** below. For this reason, it has been recommended that approval of the Section 96 be on the condition that this carport is excluded from the plans via the conditions below:

Carport - the proposed carport forward of the building line is not approved and should be deleted from the submitted plans. Plans detailing this change are to be submitted to Council for approval prior to the issue of a Construction Certificate.

Given the above it is considered that the visual impacts of the structure, as identified by the objector, can be appropriately mitigated by conditions of consent.

ITEM 3 (continued)

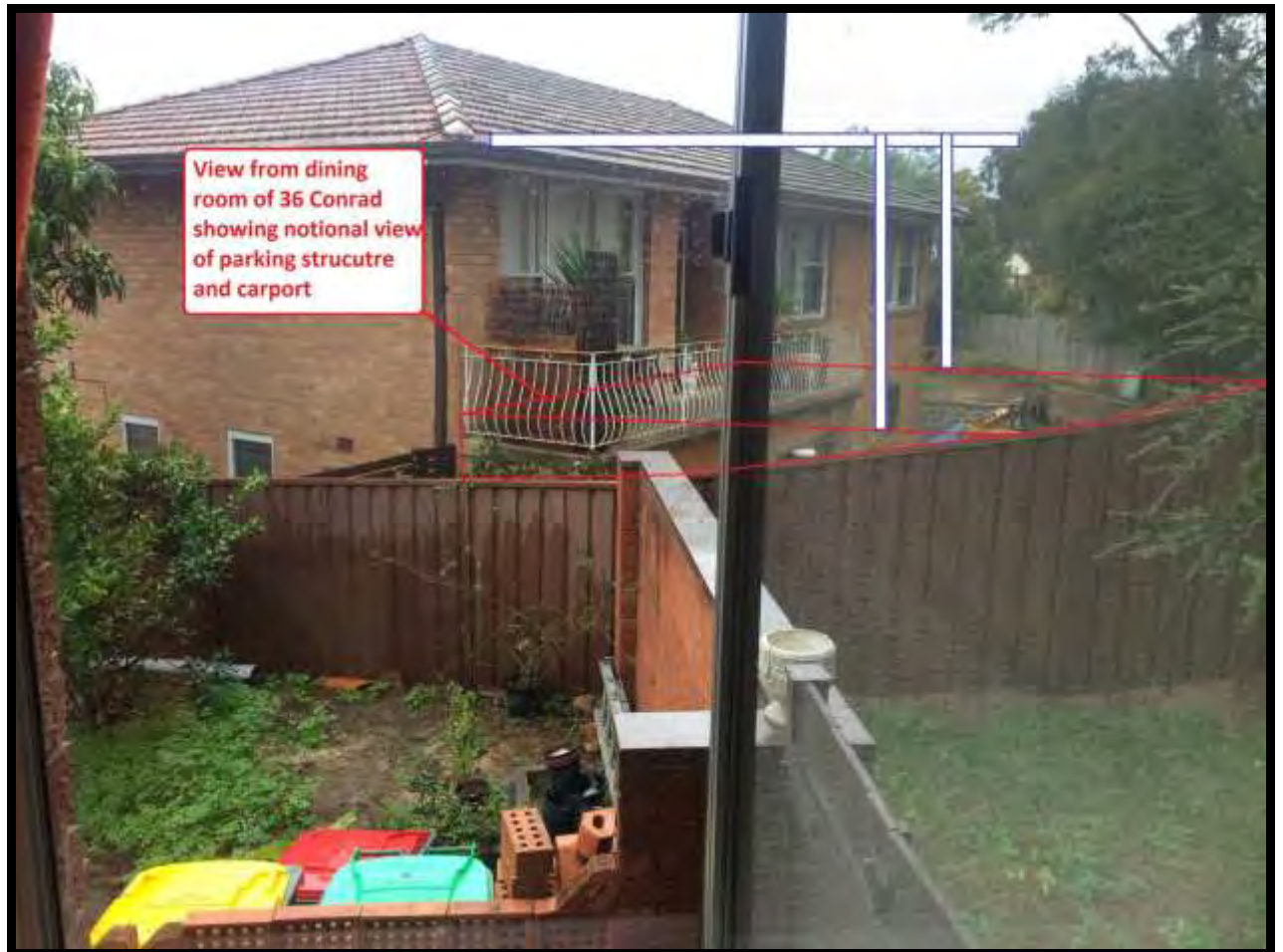


Figure 7 – View from the elevated ground floor dining room of 36 Conrad Street. An indicative location of parking structure and carport is shown.

Source: CPS photograph – edited for diagrammatic purposes.

- D. Privacy Impacts.** *The proposed elevated hardstand area is worse than a terrace or balcony as it will also become the elevated entry to the house and if the garage is not to be constructed then the existing garage should be retained.*

Assessment Officer Comment: The elevated structure, as already approved, will present the opportunity for some overlooking of the adjoining property at No.36 Conrad Street. This is partly due to the elevated structure, and partly due to the topography of the land and the subdivision layout.

With the applicant's modified plans for the Section 96 application, the elevated structure is now setback from the northern side boundary with No.36 Conrad Street consistent with that of the previously approved DA, whereas originally the Section 96 application proposed it closer to the northern boundary. Further, given the pedestrian entry to the dwelling is on the southern side of the structure, it is considered overlooking opportunities are now clearly limited.

ITEM 3 (continued)

In practice, the dwelling entry will more than likely be screened by the vehicle parked in this location - which as stated will be consistent with the existing and approved arrangement which would have no doubt resulted in one (1) vehicle parked in the garage and one parked in tandem in front of the garage.

In addition, the following condition is proposed for a 1.8m high opaque or fixed louvered privacy screen from the building line along the northern edge of the structure. This screen will ensure visual privacy is maintained to the living areas and private open space of the adjacent dwelling and private open space area.

Privacy Screen – Northern Boundary. A 1.8m high fully opaque (translucent) or fixed louvered privacy screen be installed along the northern edge of the proposed parking structure for a length extending 5.4m from the building façade with compliant vehicle barriers required where the vertical fall to the adjacent ground level exceeds 600mm under Australian Standards 2890.1-2004. Plans that include details demonstrating compliance with this condition are to be submitted and approved by Council prior to the issue of a **Construction Certificate**.

- E. Pedestrian Safety** - *The proposal does not comply with Part 3.3 Clause 2.5.3. of the DCP requiring fences to be splayed (ie to ensure pedestrian safety).*

Assessment Officer Comment: Pedestrian safety was raised as a significant issue when assessing the originally submitted plans which proposed a 1.8m high privacy screen for the full length of the structure along its northern edge. The applicant was also advised that this screen was unacceptable due to its visual impacts on the built environment and streetscape.

The revised plans now detail a 1m fence height consistent with the fence approved in LDA2011/0343. Given that the driveway cross over has been significantly reduced and that the fence runs along the structure and not the boundary, it is considered unreasonable to splay this fence to the boundary without providing additional hardstand in the area of the splay. It is therefore considered that by providing a fence consistent with the previous approval along the northern edge of the structure to the front boundary, the application is acceptable when having regard to pedestrian safety.

Furthermore, the subject Section 96 application has been reviewed by Council's Senior Development Engineer and is satisfied with the modified design when having regard to pedestrian safety.

- F. Stormwater Impacts.** *There must be no services or pipes located within the area between the elevated hardstand and the northern boundary with No.36 as these services or pipes would conflict with the provision of landscaping required by condition 21 of the original development consent.*

ITEM 3 (continued)

Assessment Officer Comment: The proposed Section 96 modification did not include any stormwater plans or details. This is because the following condition (60) relating to stormwater disposal is already in place under the consent for LDA2011/0343 which requires engineering plans and certification to be submitted with the CC application. The current Section 96 application does not propose any additional works that require further stormwater details (compared to the original DA approval). Condition 60 reads as follows.

Stormwater Disposal. *Stormwater runoff from all roof areas of the site shall be collected and piped by a charged stormwater system to Conrad Street via a rainwater tank in accordance with BASIX (where applicable) and the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. Stormwater runoff from other low lying impervious areas e.g driveways etc are to be collected and piped to an absorption system located at the rear of the site. Accordingly engineering plans including engineering certification indicating compliance with this condition are to be submitted with the construction certificate application.*

As part of the assessment of the subject DA, the proposal has been reviewed by Council's Senior Development Engineer who has indicated that the maintenance of the existing condition above with the approval of the subject Section 96 application would be satisfactory to ensure stormwater disposal on site remains acceptable.

Additionally, Council's Consultant Landscape Architect has also undertaken a review of the subject DA with regard to landscape planting, in particular landscape planning along the northern boundary with No.36 Conrad Street. The Consultant Landscape Architect is satisfied that a condition be included to provide a revised landscape plan to that approved with the original DA as part of the CC for the Section 96 works.

- G. A more skillful driveway design – the objector has proposed an alternative design whereby the driveway extends to the south of the existing dwelling at a reduced gradient.**

Assessment Officer Comment: The alternative design suggested by the objector was put to the applicant in a meeting on 3 August 2015 - refer **Figure 4** above. The applicant advised that this is not feasible because site preparatory works have already been undertaken including the construction of retaining walls which would conflict with this alternative arrangement.

ITEM 3 (continued)

While one may argue whether the alternative design presents a better outcome or not, it is important to remember this assessment relates to an assessment the proposed modifications within the revised Section 96 plans only, and does not undertake an assessment of alternative hypothetical options.

H. Requested design changes. *In their submission the objector has made a number of suggested design changes. Each of these is discussed below.*

1. *The proposed elevated hardstand parking area must be setback not less than 2m from the northern boundary of the site abutting No.36 at any point.*

Assessment Officer Comment: The revised plans (see **Figure 5** above) now detail setbacks that are generally consistent with the originally approved development. These are now proposed to be 1900mm (1.9m) at the widest point and 500mm from the northern boundary (at the front boundary). Given the angle of the allotment's northern boundary it is considered that the existing setbacks approved by the original development are generally appropriate and that setting the structure 2m for its entire length would require additional internal and external changes to the development that would be onerous.

Given that the setbacks now remain unchanged from the original approval which was assessed by Council as acceptable, the objectors request that the structure be setback 2m from the northern boundary is not supported.

Nevertheless additional conditions relating to visual privacy and use of the structure have been recommended – refer to comments earlier.

2. *Proposed Workshop - proposed room under the proposed elevated hardstand area being deleted from the plans and the rain water tanks being located in accordance with drainage details together with pumps under the elevated hardstand area.*

Assessment Officer Comment: The existing approved setbacks of the structure are maintained, and the enlargement of the structure is to occur only to the south where it will have minimal impacts on the adjacent property. The proposed workshop beneath the hardstand area will have no windows, and the entrance is on the southern elevation away from the objector's property boundary. In this regard it is considered the proposed workshop will have minimal impacts on privacy or amenity of the adjoining property.

With regard to rainwater tanks and pumps, it is noted that Condition 60 of the original consent relating to stormwater disposal will remain. Further this has been assessed by Council's Development Engineer as being satisfactory with regard to the stormwater disposal on the site as part of the Section 96 application.

ITEM 3 (continued)

3. *Landscaping - landscape plan be submitted including provision for screen planting consistent with condition 21 of the original development consent and a Blueberry Ash (*Elaeocarpus reticulatus*), minimum 100 litre pot size, is to be planted in the location where the pre-existing tree was unlawfully removed.*

Assessment Officer Comment: The following revisions to Condition 21 of LDA2011/0343 has been recommended to include the submission of a landscape plan for Council approval prior to the issue of a CC for the Section 96 works. This is because the modification proposes changes to the landscaping on the site, however little detail is provided by way of planting.

Revised Landscape Plan. *A revised landscape plan for the site that is prepared by a suitably qualified landscape architect is to be submitted to Council for approval prior to the issue of **Construction Certificate** for the works covered in Condition 1 of this consent. The revised landscape plan is to ensure semi-established fast growing plants are planted along the northern boundary (between the street boundary and the front of the dwelling) to provide screening to the adjoining property at No.36 Conrad Street.*

In respect of the objector's comment stating the pre-existing tree (within the northern side setback adjacent to the driveway) has been unlawfully removed, it is noted that this tree was removed in accordance with *Tree Management Application No:TMA2012/0005* (dated 7 March 2012). This approval required the replacement of the *Cupressus spp.* (Cypress) tree with one (1) *Syzygium paniculatum* (Lilly Pilly) which was to be verified by Council six (6) months after the approval.

The tree removal consent was valid until 21 March 2013. It is noted however that this replacement tree has not been planted.

Given the above it is considered that the objector's request for a revised landscape plan is reasonable and agreed with. As such this has been included in a revised Condition 21. This condition is considered appropriate given that changes to the landscaping are proposed within this Section 96(1A) application.

The objector comments relating to unlawful removal of trees is considered to have been addressed via the applicant's tree management application.

4. *A 1.8m high translucent or solid privacy screen be detailed along the length of the proposed hardstand parking area together with compliant vehicle barriers required where the vertical fall to the adjacent ground level exceeds 600mm under AS 2890.1-2004.*

ITEM 3 (continued)

5. *A 1.8m high translucent or solid privacy screen be erected to the balcony off the master bedroom.*

Assessment Officer Comment: In respect to recommendations under number 4 from the objector, a condition has already been discussed and is proposed for a 1.8m high privacy screen to address potential overlooking from the elevated structure. This screen will help minimise overlooking given the new use of the structure as a parking platform rather than a driveway. This is shown in **Figure 5** above.

In respect of the proposed 1.6m privacy screen to the rear facing balcony, this is considered an appropriate privacy treatment and it is not considered necessary to raise this to 1.8m. This is because the average eye level of a person is closer to 1.6m rather than 1.8m. The 1.6m high rear balcony privacy screen is also shown in **Figure 5**.

6. *Tree Protection Zones - setback from the driveway to the nearest significant tree so as to ensure that any excavation does occur in the TPZ or root mapping to ensure excavation in the TPZ will not damage the tree – see **Figure 8**.*

Assessment Officer Comment: It is considered that the above comments from the applicant are already addressed by the approved plans indicating tree retention and Condition 53 of the consent for LDA2011/0343 which states:

***Tree Condition** should any major tree roots be encountered during development work in that area is to cease and will need to be checked by a suitably qualified Arborist or Landscape Consultant. Their requirements are to be carried out as necessary prior to work continuing.*

ITEM 3 (continued)



Figure 8 - Cypress Tree requested to be protected by existing Condition 53.
Source: CPS photography

- I. Visual Privacy – Windows.** All north facing windows to have a minimum window sill height of 1.7m above the finished floor level unless fixed and translucent glassing is provided.

Assessment Officer Comment: An analysis of the proposed windows on the northern elevation has revealed that the first floor window is a highlight window with a sill height of 1.8m. The ground floor windows are considered to be acceptable - refer **Figure 9**. This is because there is currently a 1.8m boundary fence which will prevent overlooking into the neighbouring private open space. Further an analysis of the southern elevation of the adjacent dwelling reveals that living area windows are located at the first floor and due to the site orientation, these windows face the street frontage and front setback areas of No.38 Conrad Street not the side boundary.

ITEM 3 (continued)

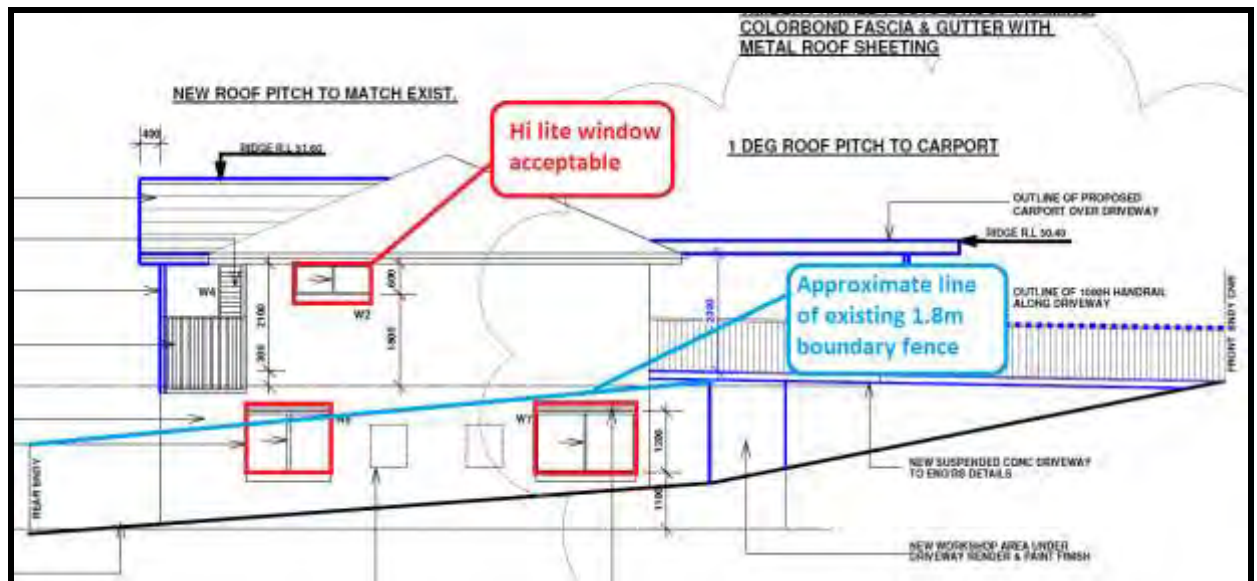


Figure 9 - Northern elevation windows with indicative location of existing 1.8m boundary fence considered acceptable for maintaining visual privacy from the ground floor windows.

Source: submitted architectural plans edited by CPS

The following photograph illustrates the existing fence providing adequate mitigation to visual privacy - refer Figure 10.

Accordingly the proposed changes by the objector to the north facing ground floor windows are considered unreasonable in the circumstances of the site, and as such are not supported.

ITEM 3 (continued)

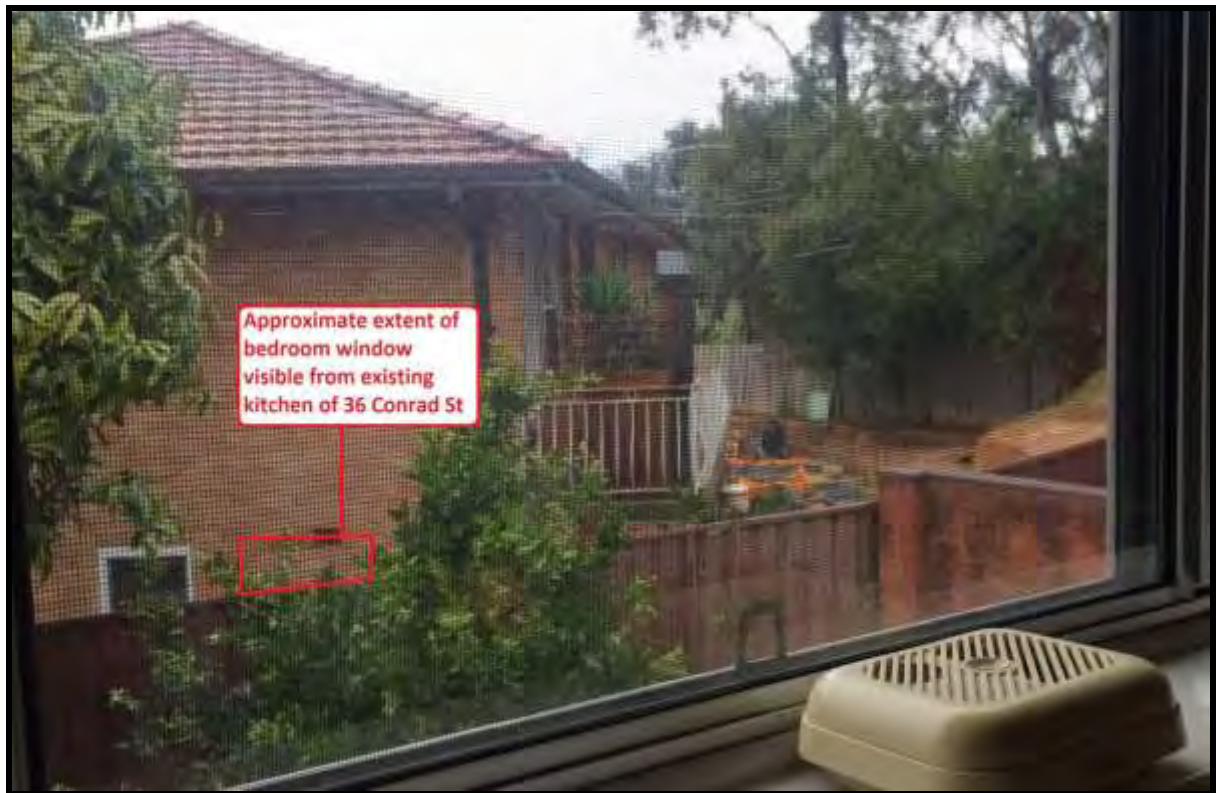


Figure 10 - View from elevated Kitchen window of 36 Conrad of proposed ground floor bedroom window. Note that ground floor of 36 Conrad Street is significantly elevated and due to the poor orientation of both allotments within the existing subdivision pattern, extensive views into neighbouring front and side yards is unavoidable.

Source: CPS photography

J. Requested Conditions – *The objector has recommended a number of conditions of consent. These have been listed below, followed by a comment from the assessing officer as to whether these conditions are supportable.*

1. *Reference to the final approved plans.*

Assessment Officer Comment: Agreed. The most recently submitted plans (i.e. the amended plans submitted with the Section 96 application) will become the final approved plans and detailed within a revised Condition 1.

2. *Prior to the commencement of any works the applicant must procure a new Construction Certificate for the works under the amended development consent.*

Assessment Officer Comment: Agreed. A new Construction Certificate will be required for all work approved by this modification.

ITEM 3 (continued)

3. *A separate application being lodged with and approved by Council under the Roads Act 1993, prior to the issue of any Construction Certificate under the amended development consent, for the driveway crossing and the location of the stormwater discharge from the site to the road. The applicant is advised that Council will only approve a new layback being setback not less than 2m from the prolongation of the north boundary line and that stormwater discharged from the site must be discharge to the road gutter on the southern side of the proposed driveway.*

Reason for this Condition: This condition has been imposed to ensure that the new driveway and hardstand area are setback not less than 2m from the northern boundary of the site to No.36, to comply with Part 3.3 Clause 2.5.3 of the DCP and to ensure that no stormwater pipes or excavation occurs within the TPZ of the street trees (without root mapping and hand excavation) or within the 2m setback area required to be landscaped in accordance with Condition 21 of the original development consent and approved landscape plans.

Assessment Officer Comment: Council's standard conditions in relation to approvals under the Roads Act were imposed in LDA2011/0343 and will remain in place as part of the Section 96 approval.

As discussed earlier, the objector's request to increase the setback of the entire structure is not supported as the structure provides setbacks that are now consistent with the already approved setbacks under LDA2011/0343.

The modification has been reviewed by Council's Senior Development Engineer who has indicated that no additional conditions of consent are required from an engineering perspective over that included within the original consent.

As also discussed earlier, Condition 21 of LDA2011/0343 has been revised to include the requirement for a revised landscape plan to be submitted to Council for approval prior to the issue of construction certificate for the works subject to the Section 96 application.

4. *Conditions under section 109H of the Act that reinforce the amendments requested to be made in 1 to 7 and prohibiting the issue of any occupation certificate until all the works have been completed including;*

ITEM 3 (continued)

- a. *The driveway and stormwater connection within the road are completed to Council's satisfaction in accordance with Council's approval under the Roads Act 1993 noting that the driveway must be located not less than 2m south of the prolongation of the northern boundary to the kerb and gutter and stormwater must discharge on the southern side of the driveway layback.*
- b. *elevated hardstand parking area must be setback not less than 2m from the northern boundary of the site abutting No.36 at any point*
- c. *the rain water tanks being located in accordance with drainage details together with pumps under the elevated hardstand area*
- d. *compliance with the approved landscaping plan including the planting of a Blueberry Ash (*Elaeocarpus reticulatus*), minimum 100 litre pot size, between the driveway and the north boundary where the pre-existing tree was unlawfully removed.*
- e. *1.8m high translucent or solid privacy screen being erected along the length of the hardstand parking area integrated with compliant vehicle barriers required where the vertical fall to the adjacent ground level exceeds 600mm under Australian Standards 2890.1-2004*
- f. *1.8m high translucent or solid privacy screen being erected along the length of the balcony off the master bedroom.*

Assessment Officer Comment: It is considered that Council's standard conditions will adequately ensure that all conditions issued under this modification to consent LDA2011/0343 will form part of the Construction Certificate and subsequent issue of any Occupation Certificate.

Nevertheless, the historical differences between the approved DA plans and the applicant's Construction Certificate are noted. However, it is also noted that if the subject Section 96 application is approved, it will be necessary for the applicant to obtain a further amended Construction Certificate that is consistent with the approved DA plans as amended by the current Section 96 application.

Applicant response to Neighbour Submission

A letter was received by Council dated 22 June 2015 from the applicant in response to the objector's submission. A summary of the key points of this letter and the Assessment Officer response is provided below.

ITEM 3 (continued)

1. *Feel the suggestions made by the objectors is unjustifiable to all parties involved in the modification,*

Assessment Officer Comment: Noted

2. *Cypress tree removed (with council's consent)*

Assessment Officer Comment: Agreed that approval was received from Council to remove this tree, refer TMA2012/005, detailed above,

3. *All appropriate measures have been made to ensure maximum privacy along the boundary including 1.6m privacy screen. Suggested objector provide their own screening if still unsatisfied,*

Assessment Officer Comment: A 1.6m balcony screen has been deemed satisfactory for the balcony as this is an appropriate height for the average human eye level to prevent overlooking.

For the elevated parking structure, the 1.8m high screen adjacent to the vehicular parking area, dropping down to a height of 1m for the balance of the structure is considered adequate for visual privacy and screening of the vehicle parked.

Having regard to the above, the proposed privacy screens are consider to be a balanced measure to address both overlooking and visual impact.

4. *Suggested that the driveway is to provide off street parking for their vehicles which they are 'entitled' to in Ryde and to provide the main dwelling entry.*

Assessment Officer Comment: Dwellings are not 'entitled' to two (2) car parking spaces under the DCP2014. Dwelling houses may provide parking for up to two (2) vehicles provided the spaces are located within a garage or a carport behind the front building elevation. DCP2014 states that parking within the front setback will only be permitted where there is no other suitable position on the allotment.

It is considered that both the approved DA subject to this modification and the existing garage on the ground level sufficiently demonstrate that it is possible for parking to be provided within a garage behind the front building elevation.

Therefore, the view that the applicant is 'entitled' two (2) car parking spaces is not supported. It is now noted that the revised plans received by Council show that one (1) space is now proposed on the elevated structure.

ITEM 3 (continued)

5. *Noted that no condition was imposed stating that the driveway has to have a 2m offset from the adjoining boundary.*

Assessment Officer Comment: Whilst no specific condition was imposed requiring this setback it is noted that the stamped approved plans show that the driveway is setback approximately 2m from the adjoining northern boundary. These plans formed part of Condition 1 of consent LDA2011/343. The setback shown on the approved plans is therefore a requirement of the conditions of consent of the approved development under LDA2011/0343 by virtue of Condition 1.

Therefore, the contention that this setback was not imposed by a condition of consent is not supported. It is noted that the approved setback within LDA2011/0343 has now been re-incorporated into the revised plans for the Section 96 application.

6. *Noted that ‘people do not socialise on driveways, they simply park their cars and walk into their home,’ and as such cannot understand why privacy is an issue.*

Assessment Officer Comment: In *Meriton v Sydney City Council* [2004] NSWLEC 313, Dr John Roseth Senior Commissioner noted that

When visual privacy is referred to in the context of residential design, it means the freedom of one dwelling and its private open space from being overlooked by another dwelling and its private open space.

The judgment also noted that

“The use of a space determines the importance of its privacy. Within a dwelling, the privacy of living areas, including kitchens, is more important than that of bedrooms. Conversely, overlooking from a living area is more objectionable than overlooking from a bedroom where people tend to spend less waking time.”

It is agreed that people do not socialise on driveways, and that this area is an area where ‘people tend to spend less waking time’ – ie only using the driveway space to park a vehicle and then to walk in to the dwelling via the front door. The lodgement of the current Section 96 application presents the opportunity to impose further conditions to address potential privacy impacts. As such conditions of consent are recommended to mitigate this overlooking impact as detailed earlier within this assessment report.

ITEM 3 (continued)

It is therefore considered that on balance the potential impacts on privacy are a relevant concern in the context of this Section 96 application and as such the view that privacy is not an issue is not supported – hence justification for the recommended conditions imposed.

7. *Workshop does not intrude on the streetscape as is cannot be seen and within the 6m offset.*

Assessment Officer Comment: It is generally agreed that the proposed workshop will have minimal visual impact on the street as it is part of the revised driveway structure. As the driveway has been enlarged to the south and the original approved setbacks to the north now respected, it is considered that the workshop does not materially contribute to an increased visual impact on the neighbouring property.

As such this assessment considers that the proposed workshop beneath the parking structure is generally acceptable.

8. *Recommended conditions of amended development consent' provided by the objector are unjustifiable.*

Assessment Officer Comment: Noted. Any conditions imposed on the development will be for a planning purpose and will relate to the subject Section 96 application. Conditions will be based on this assessment report and any referrals received.

Nevertheless, points raised within the submission(s) have been considered in the assessment of the subject Section 96 application as required by Section 79C(1)(d) of the Act. Where proposed conditions by the objector are considered to have merit, these have incorporated into the draft consent.

8. SEPP1 (or clause 4.6 RLEP 2014) objection required?

Not required.

9. Policy Implications

Environmental Planning and Assessment Act 1979

Section 96 (1A) - Modifications involving minimal environmental impact

In accordance with Section 96(1A) of the Act, Council may consider a modification of development consent provided:

- The proposed development is of minimal environmental impact;

ITEM 3 (continued)

- The proposed development is substantially the same as the approved;
- The application for modification has been notified in accordance with the regulations; and
- Council has considered any submissions regarding the proposed modification.

Section 96(3) also requires Council to consider relevant matters referred to in Section 79C(1) in assessing and application for modification of development consent.

In the 1999 case *Moto Projects (No 2) Pty Ltd v North Sydney Council*, the Land and Environment Court (LEC) gave some guidance on the legal tests that need to be satisfied before a modification application can be considered on its merits. Essentially one should undertake the following when assessing Section 96 applications:

- Consider the numerical differences in all key aspects of the development;
- Consider non-numerical factors (e.g. in visual impact, traffic impacts or changed land uses);
- Consider any changes relating to a material and essential feature of the approved development.

It is also acknowledged that there are two separate legal tests that apply to Section 96 applications before the consent authority can ultimately determine the application on its merits.

The first of these tests is whether a proposal can only be regarded a modification if it involves “alteration without radical transformation” (*Sydney City Council v Ilenace Pty Ltd* [1984]). The second test is if the proposed modification is proposing more than mere correction of minor errors, the consent authority must also be “satisfied” that the modified development proposal will be “substantially the same development” as that approved under the original development consent.

In **Attachment 2**, a quantitative and qualitative analysis has been undertaken in relation to the revised plans submitted by the applicant as part of the Section 96 application. The results of the analysis have determined the revised plans are capable (subject to conditions) of being substantially the same development, and not a radical transformation of the alterations and additions to the dwelling house approved under LDA2011/0343.

It is acknowledged that the originally submitted plans for the Section 96 application were assessed as not constituting ‘substantially the same development’ because of the increased visual impact the original plans demonstrated. This was essentially because the proposal enlarged the elevated structure and placed it closer to the northern boundary. Additionally, the original plans proposed to accommodate two (2) parking spaces on the structure and include a 1.8m high fence along the entirety of the northern side of the structure.

ITEM 3 (continued)

The modified plans have now significantly reduced the visual impact of the proposal by maintaining a northern side setback consistent with the plans approved under LDA2011/0343, reducing the fence to a height of 1m consistent with LDA2011/0343, and also reducing parking to one (1) vehicle only. Combined with the conditions to delete of the proposed carport atop of the elevated structure, and the limitation of parking to comply with the relevant Australian Standards, it is now considered the proposal is capable of being considered substantially the same development due to the comparable visual impact.

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2014

Zoning

Under the Ryde Local Environmental Plan 2014 (LEP2014) the zoning of the subject site is R2 Low Density Residential. The proposal, being alterations and additions to a dwelling house is permissible with consent under this zoning.

Objectives for R2 Low Density Residential Zones

- To provide for the housing needs of the community within a low density residential environment
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a variety of housing types.

The proposal for modification to development consent LDA2011/0343 is considered to generally satisfy the objectives for residential developments as it will provide for the needs of the community within a low density residential environment. Further the proposal will not impact on the provision of other land uses within the local area to meet the day to day needs of residents.

Development Standards

RYDE LEP 2014	PROPOSAL	COMPLIANCE
4.3(2) Height 9.5m overall	6.85m	Yes
4.4(2) & 4.4A(1) FSR 0.5:1	0.38:1	Yes

ITEM 3 (continued)

(b) Relevant State Environmental Planning Policies (SEPPs)

State and Sydney Regional Environmental Planning Policies

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

As covered by Clause 55A(3) of the Environmental Planning and Assessment Regulation 2000, if an amendment or variation of a DA, or of any accompanying document, results in the proposed development differing in any material respect from the description contained in a current BASIX certificate for the development, the application to amend or vary the DA must have annexed to it a replacement BASIX certificate whose description takes account of the amendment or variation.

A revised BASIX Certificate (No. A177112_02 dated 07 May 2015) has been submitted with the subject Section 96 application. In respect to the revised BASIX certificate it is noted that the swimming pool has been deleted and the rainwater tank no longer a commitment. Nevertheless a review of the revised plans has revealed that the commitments listed still relate to the previous BASIX certificate in respect of the swimming pool and rainwater tank.

For this reason the following condition requiring the plans to list the revised BASIX commitments is recommended, as well as a condition to update the BASIX Certificate within the original consent.

BASIX. All revised commitments are to be detailed on the plans and submitted to Council for approval prior to the issue of a **Construction Certificate**.

BASIX. Compliance with all commitments listed in BASIX Certificate(s) numbered No. A177112_02 dated 07 May 2015.

(c) Any draft LEPs

No draft LEPs currently exist.

(d) The provisions of any development control plan applying to the land

Ryde Development Control Plan 2014

Part 3.3 Dwelling Houses and Dual Occupancy Attached

The proposal has been assessed using the development controls contained in the Ryde Development Control Plan 2014 (DCP2014). A full assessment is detailed in the Compliance Check table in **Attachment 2**. The following is an assessment of the non-compliances of the subject Section 96 application against the key components of the DCP2014 that are considered to apply to the development.

ITEM 3 (continued)

Non-Compliances: Not Justifiable

Proposed Carport

Multiple controls within DCP2014 provide controls relating to garages and carports. In summary these controls generally state that carports:

- Must not be visually prominent features;
- Must be no higher than 4.5m above ground level;
- Must be setback 1m from the dwelling façade however can be in front if no other suitable position on the allotment.

An assessment of the proposed carport has revealed it is to be approximately 5m above ground level, and entirely forward of the dwelling façade. Further, given the existing dwelling house includes a garage behind the building line, and also given LDA2011/0343 accommodated a garage behind the building line it is not agreed that no other suitable position could have been made for the carport on the allotment.

With regard to the above, the proposed carport has therefore been assessed as unsupportable as it will be a visually prominent feature in the street and when viewed from adjoining property, particularly No.36 Conrad Street who have objected to the proposal based on visual impact.

Having regard to the above the following condition is proposed to be included in the draft consent.

Carport – The carport shown on the submitted plans A1.01 Ground Floor and Site Plan REV C and A1.03 Elevations REV C and marked in red on the plans is not approved.

Non Compliances - Justifiable

Setbacks – Front Setback

Section 2.8.1 of Part 3.3 of DCP2014 prescribes development controls for front setbacks. Specifically, the control states that the front setback is to be free of structures, and ancillary elements such as rainwater tanks and air conditioning units. The exception is car parking structures which comply with section 2.11.

An assessment of the proposed development has revealed that the front setback contains an ancillary element in the form of a workshop beneath the proposed car parking structure.

ITEM 3 (continued)

Although not complying with the front setback control, this non-compliance with Council's controls can be supported for the following reasons:

- The workshop is located fully beneath the elevated parking platform and does not protrude beyond the proposed envelope of the structure;
- It is noted that there are no windows to this structure and the entrance is on the southern elevation of the structure. In this regard there will be minimal impacts on privacy from the use of this workshop;
- Whilst still being located forward of the main building line the workshop is setback 6.5m from the boundary and as such beyond the minimum front setback of 6m under DCP2014.

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

In this regard an assessment of the proposed development against the objectives of the front setback controls contained within DCP2014 has determined the following:

The workshop will not prevent the transition between public and private space. The setback is consistent with what is currently approved by LDA2011/0343. The workshop does not prevent the provision of a front garden as it is below the parking structure.

Whilst workshop is part of a structure that could be considered a visually prominent element within the streetscape, it is noted that a structure is already approved and if constructed would have a similar visual prominence. Nevertheless it is considered that the proposed workshop within the envelope of this structure does not necessarily increase its visual prominence - refer to **Figure 11** below.

Given the above it is considered that the proposed front setback is justifiable in this instance, particularly having regard to the provisions of Section 79C(3A)(b) the Environmental Planning and Assessment Act 1979.

ITEM 3 (continued)

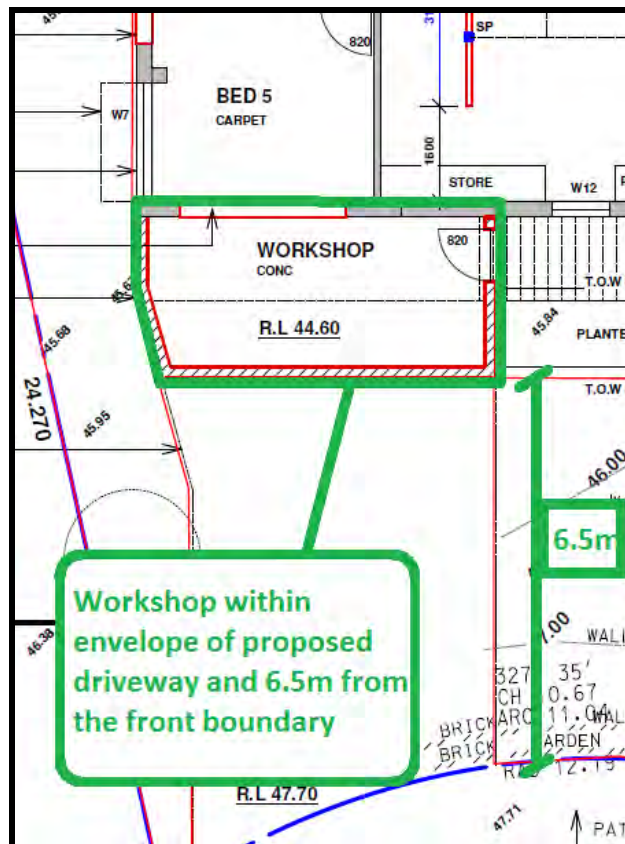


Figure 11 - Workshop shown within the envelope of the driveway and 6.5m from the front boundary. Note that the door to workshop opens to the south and that no windows are proposed.
Source: Submitted plans by applicant edited for diagrammatic purposes by CPS.

Non Compliances – Resolved by Condition

Front Setback and Car Parking

Section 2.9.1 of the DCP2014 provides controls in relation to front setbacks. The introduction to these controls states that:

- The general 6m front setback provides sufficient space at the front to park a car in the driveway.

The revised plans have indicated that one (1) car space is now proposed on the elevated parking structure which is consistent with the intent of this control and what would be reasonably expected under the approved DA - i.e. one car parked in front of the garage.

As covered earlier within this report, despite the structure being used for car parking and not a driveway it can be considered substantially the same development given only one (1) car is to be parked on the elevated structure.

ITEM 3 (continued)

It is noted that according to the Australian Standard, two (2) vehicles would not be able to fit on the structure either side by side or in tandem. Nevertheless, to ensure that only one (1) motor vehicle, boat or trailer is parked on the structure at any one time, the following conditions of consent are recommended.

Number of Car Parking Spaces - One (1) motor vehicle, boat or other vehicle is permitted to park on the elevated parking structure at any one time.

Pedestrian Pathway - Physical separation be placed between the pedestrian and driveway components of the elevated parking structure via a low level wall, bollard, or planter etc. Plans detailing compliance with this condition are to be submitted to Council for approval prior to the issue of a **Construction Certificate** works covered in the plans under Condition 1.

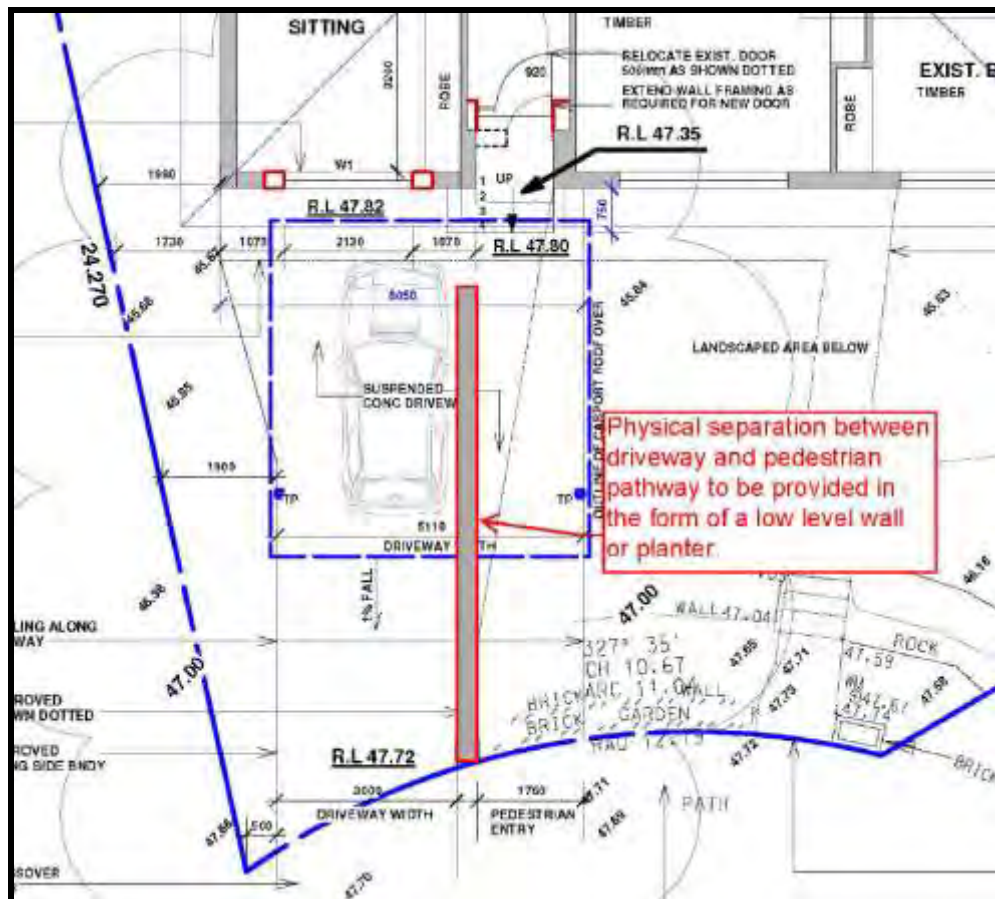


Figure 12 - Physical separation between driveway and pedestrian pathway in the form of a low level wall or planter to be provided by a condition of consent.

Source: submitted architectural plans edited by CPS

ITEM 3 (continued)

Landscaping

Section 2.13 of the DCP2014 provides controls in relation to landscaping. The controls state that

h. The front garden is to have at least 1 tree capable of a minimum mature height of 10m with a spreading canopy.

i. Where the backyard does not have a mature tree at least 15 m high, plant a minimum of one large canopy tree in the back yard. The tree is to be capable of a mature height of at least 15 m and is to have a spreading canopy. The tree is to be located in the 8 m x 8 m deep soil area

In addition to the above, a condition was included in the previous development consent (LDA2011/0343) to ensure that privacy screening was to be planted along the northern boundary (between the street boundary and the front of the dwelling). This planting was to satisfy the objective of the then DCP2010 to provide privacy between adjoining dwellings and their private open space.

It is noted that no landscape plan has been received as part of the Section 96 application despite there being changes to the landscaping arrangements on the site as part of the works associated with the Section 96 proposal - i.e. enlarged driveway structure and deletion of swimming pool etc.

In this regard it is considered that the below condition requiring a revised landscape plan be submitted to Council for approval prior to the issue of CC is appropriate.

Revised Landscape Plan. *A revised landscape plan for the site that is prepared by a suitably qualified landscape architect is to be submitted to Council for approval prior to the issue of **Construction Certificate** for the works covered in Condition 1 of this consent. The revised landscape plan is to ensure semi-established fast growing plants are planted along the northern boundary (between the street boundary and the front of the dwelling) to provide screening to the adjoining property at No.36 Conrad Street.*

Visual Privacy

Section 2.14.2 of Part 3.3 of DCP2014 prescribes development controls relating to visual privacy. Specifically, the DCP2014 stipulates the following:

- a. Orientate terraces, balconies and outdoor living areas to either the front or the rear of allotments, and not to the side boundaries.*
- b. Terraces and balconies are not to overlook neighbour's living areas and private open space.*

ITEM 3 (continued)

It is noted that the 1.8m privacy fence from the originally submitted plans has been reduced to 1m which is consistent with the previously approved structure.

Nevertheless the objector has made it clear that they favour a 1.8m screen to maintain privacy across the entire length of the structure, however have also objected to the imposing visual impact of the structure which was in part exacerbated by the 1.8m privacy screen.

In this regard it is considered that the following condition requiring this 1m fence be increased 1.8m for just 5.4m (standard car length) be imposed to maintain visual privacy whilst also reducing the visual bulk and scale of the structure. The Northern Elevation drawing, edited to show the required 1.8m high privacy screen (5.4m long), is shown at **Figure 5** (above).

Privacy Screen – Northern Boundary. A 1.8m high fully opaque (translucent) privacy screen be installed along the northern edge of the proposed parking structure for length extending 5.4m from the building façade. Plans that include details demonstrating compliance with this condition are to be submitted and approved by Council prior to the issue of a **Construction Certificate**.

10. Likely impacts of the Development

(a) Built Environment

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken as part of the overall assessment of the subject Section 96 application. This has included a compliance check against all relevant planning controls and a detailed assessment report.

The resultant impacts of the proposed modification on the built environment are considered to result in a development that is generally consistent with the previous approval and the desired future character of the low density residential areas, and consistent with the nature of development in North Ryde and wider Ryde local government area.

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

ITEM 3 (continued)

(b) Natural Environment

Given the nature of the proposed development being for the modification of an existing development approval, and the overall development includes only minimal vegetation removal with compensatory planting to be conditioned, it is considered there will be no significant impact upon the natural environment as a result of the proposal.

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 subject to any environmental constraints.

Given the proposal is considered to constitute 'substantially the same development' the proposal is therefore considered to remain suitable for the site, as was determined the case under LDA2011/0343.

12. The Public Interest

The modification of DA2011/0343 complies with Council's current development controls, and, subject to imposition of specific conditions of consent, includes a built form that is in keeping with the existing and desired future character of the low density residential area. For this reason the proposal is considered to be in the public interest.

13. Consultation – Internal and External

Internal Referrals

No formal referrals of the subject Section 96 application have taken place. However, as part of the assessment of the application, the Consultant Assessing Officer has taken advice from Council's Senior Development Engineer on relevant engineering matters, and also taken advice from Council's Consultant Landscape Architect on matters relating to site landscaping.

The advice provided has been that the proposal is satisfactory from an engineering and landscape architectural perspective, subject to the conditions of consent recommended within this report.

External Referrals

None.

ITEM 3 (continued)

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

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

16. Other Options

The recommendation of this report is approval of the Section 96 application. However, the following options may also be considered in the determination of the subject Section 96 application.

Option 1

This assessment has determined that whilst the current modifications propose a different parking arrangement to what was approved within LDA2011/0343 the proposal is, on balance considered to constitute substantially the same development from a quantitative and qualitative assessment.

It is considered that approving the application will result in the most balanced outcome to both the applicant and objector. This is because the specific conditions listed below will ensure the modification has minimal additional impacts on the adjacent property whilst still allowing the applicant to modify their approved alterations and additions to reflect their needs and move forward with their renovations.

In this regard, Option 1 recommends Council **APPROVE** the Section 96 modification subject to the following conditions:

BASIX. All revised commitments are to be detailed on the plans and submitted to Council for approval prior to the issue of a **Construction Certificate**.

BASIX. Compliance with all commitments listed in BASIX Certificate(s) numbered No. A177112_02 dated 07 May 2015.

Carport - the proposed carport forward of the building line is not approved and should be deleted from the submitted plans. Plans detailing this change are to be submitted to Council for approval prior to the issue of a **Construction Certificate**.

ITEM 3 (continued)

Privacy Screen – Northern Boundary. A 1.8m high fully opaque (translucent) or fixed louvered privacy screen be installed along the northern edge of the proposed parking structure for a length extending 5.4m from the building façade with compliant vehicle barriers required where the vertical fall to the adjacent ground level exceeds 600mm under Australian Standards 2890.1-2004. Plans that include details demonstrating compliance with this condition are to be submitted and approved by Council prior to the issue of a **Construction Certificate**.

Revised Landscape Plan. A revised landscape plan for the site that is prepared by a suitably qualified landscape architect is to be submitted to Council for approval prior to the issue of **Construction Certificate** for the works covered in Condition 1 of this consent. The revised landscape plan is to ensure semi-established fast growing plants are planted along the northern boundary (between the street boundary and the front of the dwelling) to provide screening to the adjoining property at No.36 Conrad Street.

Number of Car Parking Spaces - One (1) motor vehicle, boat or other vehicle is permitted to park on the elevated parking structure at any one time.

Pedestrian Pathway - Physical separation be placed between the pedestrian and driveway components of the elevated parking structure via a low level wall, bollard, or planter etc. Plans detailing compliance with this condition are to be submitted to Council for approval prior to the issue of a **Construction Certificate** works covered in the plans under Condition 1.

Option 2

Another option available for Council is full approval of the Section 96 application as currently proposed – ie including the carport proposed on top of the approved elevated driveway, and without the additional conditions as has been recommended within this report as summarised above.

This option is not recommended, as it is considered that this would not adequately satisfy the objectors concerns with regard to the visual impact of the proposal in particular the carport on top of the approved driveway, and as such could potentially not be within the public interest.

ITEM 3 (continued)

Option 3

Another option for determination of this Section 96 application is **refusal**.

However it should be noted that this option would still enable the applicant to construct the elevated driveway structure in accordance with LDA2011/0343, and in practice would still enable the parking of a motor vehicle on the elevated driveway structure. Nevertheless given that the applicant has stated that the DA as approved is not feasible, it may leave the applicant with an unworkable consent.

17. Conclusion

The proposal has been assessed pursuant to the provisions of Section 96(1A), and also by using the heads of consideration listed in Section 79C of the Act.

With regard to Section 96(1A), the Assessment Officer is satisfied that a quantitative and qualitative assessment of the revised plans enables the proposal to be considered substantially the same development, subject to conditions, for the following reasons:

- The revised design provides for one (1) car parking space in front of the main building line. It is considered that the previously approved development for a first floor garage would have resulted in a similar arrangement which is consistent with the intent of Council's front setback controls within DCP2014. Further the revised plan includes a modified layout of the structure to ensure that it maintains a consistent setback with the northern boundary, and reduced fencing height consistent with that approved under LDA2011/0343.
- The other modifications to the dwelling house, workshop, removal of the swimming pool, and associated works are considered to be minor do not impact on the ability of the proposal to remain substantially the same as that approved under LDA2011/0343.

The conditions required to be imposed on the proposal for it to be considered 'substantially the same development' relate to:

- Deletion of the proposed carport atop of the structure;
- Installation of a privacy screen for part of the northern elevation of the structure where the vehicle is to be parked to reduce opportunities for overlooking and to address visual impact.
- Provision of a revised landscape plan for Council's approval prior to the issue of CC, with a focus for landscape planting on the northern side boundary adjacent to the structure for screening to No.36 Conrad Street;
- Limiting parking on the structure to one (1) vehicle to comply with the relevant parking space requirements under the Australian Standard; and

ITEM 3 (continued)

- Delineating the proposed pedestrian entry from the car parking component on the structure by way of bollards, low wall, planter or similar.

The assessment of the proposal with regard to the heads of consideration under Section 79C of the Act has determined that the proposal satisfactorily complies with the provisions of LEP2014 and DCP2014. Further it is been determined that the impacts of the proposed modification on the built and natural environment are minimal, and capable of being mitigated against by imposition of the recommended conditions, and the continued application of the existing conditions of consent under LDA2011/0343.

On the above basis it is recommended that subject Section 96(1A) application be **APPROVED**.

ITEM 3 (continued)

ATTACHMENT 1

Quality Certification

Assessment of a Dual Occupancy (attached), Single Dwelling House, Alterations & Additions to a Dwelling House and ancillary development

LDA No:	MOD2015/0077 to LDA2011/0343
Date Plans Rec'd	Original Plans – 28 April 2015. Revised Plans – 14 August 2015 (further amended on 2 September 2015 following Council request).
Address:	38 Conrad Street, East Ryde
Proposal:	Demolition, new part 2, part 3 storey dwelling, pool and front and side fences.
Constraints Identified:	None

COMPLIANCE CHECK

Environmental Planning and Assessment Act 1979

The following provides a quantitative and qualitative assessment of the proposal to ascertain whether the meets the 'substantially the same development' test and can be considered as a Section 96(1A) application.

Component	LDA 2011/0343	S.96 Modification	Comment
Size of driveway structure	35m ²	53.74m ²	<p>As detailed earlier within this report it is proposed to increase the size of the driveway structure by 53.54% or 18.7m²</p> <p>Whilst this is an increase in size over what was originally approved within LDA2011/0343, the revised S.96 plans show the structure has been widened to the south only (i.e. away from the neighbouring property at No.36 Conrad Street) to include the</p>

ITEM 3 (continued)

ATTACHMENT 1

Component	LDA 2011/0343	S.96 Modification	Comment
			pedestrian entry to the dwelling which has been relocated from the ground floor.
Gross Floor Area – Total	204.99m ²	229.29m ²	<p>The amended driveway profile and deletion of the approved garage will result in an increase in overall GFA and useable floor area. This is because the deletion of the proposed garage and retention of this area as sitting/bedroom will result in this area being counted as floor area. The addition of the proposed workshop beneath the approved elevated driveway will also contribute to the overall increase in GFA.</p> <p>Whilst it is acknowledged that the original dwelling layout provides a sitting room in this location it is noted that the original dwelling layout also provided off street parking within a garage on the ground floor. The approved development also provided off street parking in the form of a garage, albeit at the first floor with access from the approved elevated driveway. The new application increases the GFA within the dwelling by deleting the garage.</p>
Floor space ratio	0.34:1	0.38:1	As indicated above, the increase in floor area will result in minor increase in the floor space ratio of the proposed development. This minor increase is considered to result

ITEM 3 (continued)

ATTACHMENT 1

Component	LDA 2011/0343	S.96 Modification	Comment
			in a proposed floor space ratio that remains well below the control within the Ryde LEP 2014 of 0.5:1.
Side Setbacks Driveway (North)	Minimum (measured from driveway structure) – 0.55m Max 2.2m	Minimum (measured from driveway structure) – 0.6m Max 2m	The revised driveway profile results in a structure which provides approximately the same setback of the structure to the northern boundary.
Parking Spaces	One space within approved 1 st floor garage and one parked on the driveway	One space on proposed amended driveway profile	<p>The Section 96 application proposes to delete the approved garage construct a car port forward of the front building line and park one (a) vehicle on the amended elevated driveway</p> <p>Specifically, from a quantitative perspective, one less parking space is being proposed, however it is noted that the space does not comply with the RDCP2014 which allows an off street car parking space to be either in an enclosed structure or roofed open structure (car port) <u>behind</u> the front building line.</p> <p>Nevertheless it is considered that this proposal is consistent with the intent of this control and what would be reasonably expected by the approved DA (ie.one car parked in tandem in front of the garage).</p>
Fence along northern edge of parking/driveway structure	1m along northern boundary	1m along northern boundary (revised	No change

ITEM 3 (continued)

ATTACHMENT 1

Component	LDA 2011/0343	S.96 Modification	Comment
		plans)	
Driveway crossover	4m	3.3m (driveway only) 5.5m driveway and pedestrian entry.	The driveway crossover has been reduced however this takes into account a pillar shown on the revised plans separating the pedestrian entry to the vehicle entry.

RYDE LEP 2014	PROPOSAL	COMPLIANCE
4.3(2) Height <ul style="list-style-type: none"> 9.5m overall 	6.85m	Yes
4.4(2) & 4.4A(1) FSR <ul style="list-style-type: none"> 0.5:1 	0.38	Yes

RYDE DCP 2014	PROPOSED	COMPLIANCE
Part 3.3 – Dwelling Houses and Dual Occupancy (attached)		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed modifications which include a new enlarged driveway structure, car port and car parking arrangement forward of the building line is considered to be consistent with the approved development in setback to the northern boundary.	Yes
Dwelling Houses		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Landscape area will remain generally consistent with previous approval	Yes
- Maximum 2 storeys.	2 storeys unchanged	Yes
- Dwellings to address street	Dwelling addresses the street	Yes

ITEM 3 (continued)

ATTACHMENT 1

RYDE DCP 2014	PROPOSED	COMPLIANCE
<p>- Garage/carports not visually prominent features.</p>	<p>Enlarged driveway structure, car port and car parking arrangement is considered to be visually prominent in front of the main building line however is nevertheless consistent the driveway structure with the previously approved structure in its setback to the northern boundary.</p> <p>The proposed carport is considered visually prominent and not supported.</p>	<p>No Not Justifiable (for carport)</p>
<p>- a. Alterations and additions visible from the public domain are to be designed so that the finished building appears as an integrated whole. This may require the addition to have a façade and materials consistent with the existing house.</p>	<p>Whilst the driveway structure is not seen to be designed so that the building appears an integrated whole. It was approved in LDA2011/0343/ The proposed car port is not considered to be an integrated element and as such is not supported.</p>	
<p>- b. Alterations and additions are to improve the amenity and liveability of dwellings and sites, including practical and useable external spaces.</p>	<p>It is considered that the proposed modifications are able to generally maintain amenity either through the retention of the approved components assessed as satisfactory under the previous DA, or can be appropriately conditioned to improve amenity to the adjacent dwelling.</p>	
<p>- c. Alterations and additions are to meet the controls for dwelling houses set out in section 2.2.1</p>	<p>Refer above</p>	<p>No</p>

ITEM 3 (continued)

ATTACHMENT 1

RYDE DCP 2014	PROPOSED	COMPLIANCE
Public Domain Amenity		
<ul style="list-style-type: none"> • Streetscape <ul style="list-style-type: none"> - Front doors and windows are to face the street. Side entries to be clearly apparent. - Single storey entrance porticos. - Articulated street facades. 	<p>Front entrance generally faces the street although it is noted that entry doorway does not.</p> <p>Single storey entrance provided.</p> <p>Generally articulated and remains generally consistent with previous approval.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> • Public Views and Vistas <ul style="list-style-type: none"> - A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. - Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. 	<p>No water views</p> <p>Although the DCP mainly refers to water views it is considered that the modification to enlarge the driveway structure, proposed carport and use of the approved structure for car parking in front of the front building elevation will obstruct some natural residential views across the site from the living areas of the adjacent residential dwelling at 36 Conrad Street.</p> <p>The structure is nevertheless consistent the driveway structure with the previously approved structure in its setback to the northern boundary and can be conditioned to provide privacy and maintain views across the structure.</p>	<p>N/A</p> <p>No Not Justifiable (for carport)</p>

ITEM 3 (continued)

ATTACHMENT 1

RYDE DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Fence 70% open where height is >900mm 	<p>The proposed carport is considered visually prominent and not supported.</p> <p>1m fence not 70% open however consistent with previous approval</p>	<p>N/A 1m fence approved as part of LDA 2011/0343</p>
<ul style="list-style-type: none"> • Pedestrian & Vehicle Safety - Car parking located to accommodate sightlines to footpath & road. 	<p>proposed 1m fence not 70% open however consistent with previous approval</p>	<p>Yes</p>
<ul style="list-style-type: none"> - Fencing that blocks sight line is to be splayed. 	<p>Refer above not splayed</p>	<p>Could be conditioned if approved</p>
<p>Site Configuration</p>		
<ul style="list-style-type: none"> • Deep Soil Areas - 35% of site area min. - Min 8x8m deep soil area in backyard. - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls). 	<p>Over 40% of site area provided 8 x 8m deep soil generally provided Only hard paved areas include driveway, pedestrian entry and garden walls. **%</p>	<p>N/A Yes Yes</p>
<ul style="list-style-type: none"> • Topography & Excavation Within building footprint: <ul style="list-style-type: none"> - Max cut: 1.2m - Max fill: 900mm Outside building footprint: <ul style="list-style-type: none"> - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary 	<p><900mm</p> <p>no additional fill within footprint</p> <p>Cut <900mm Max fill: <500mm no change refer above no change</p>	<p>Yes N/A Yes Yes N/A</p>

ITEM 3 (continued)

ATTACHMENT 1

RYDE DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - No fill in overland flow path - Max ht retaining wall 900mm 	<p>Subject site has not been identified as being affected by overland flow.</p> <p>retaining walls already constructed although it is noted that some of the retaining wall and stairs up to landscaped area that were not part of the original approval have also been constructed and the maximum height of these walls appears to be 1.5m which is a greater non compliance than that which was approved in LDA2011/0343</p>	<p>Yes</p> <p>Yes</p>
Floor Space Ratio		
<ul style="list-style-type: none"> - Lower Ground (Basement) - Ground floor - First floor - Detached car parking structures - Outbuildings (incl covered pergolas, sheds etc) - Total (Gross Floor Area) - Less 36m² (double) or 18m² (single) allowance for parking <p>FSR (max 0.5:1)</p> <p>Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.</p>	<p>160m²</p> <p>168m²</p> <p>176m²</p> <p>504m²</p> <p>468m²</p> <p>FSR: 0.38:1</p>	<p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 1

RYDE DCP 2014	PROPOSED	COMPLIANCE
Height		
<ul style="list-style-type: none"> - 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL). - 1 storey maximum above attached garage incl semi-basement or at-grade garages. - Outbuildings, including garages and carports 4.5m <p>Wall plate (Ceiling Height)</p> <ul style="list-style-type: none"> - 7.5m max above FGL or - 8m max to top of parapet. <p>NB: <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i></p> <ul style="list-style-type: none"> - 9.5m Overall Height <p><i>NB: EGL – Existing ground Level</i></p>	<p>Two storey dwelling no change.</p> <p>Not proposed</p> <p>due to car port being at the second level the height of the structure has been measured to be RL50.4 which is approximately 5.05m above EGL of RL45.35</p> <p>Given that this structure is forward of the building line and contributes to an element that is enlarged in structure and changed in its purpose the height of the car port is not justifiable. The car port structure is not supported.</p> <p>no changed to approved.</p> <p>No change to existing approved height</p>	<p>Yes</p> <p>N/A</p> <p>No not Justifiable</p> <p>N/A</p> <p>N/A</p>
<ul style="list-style-type: none"> - Habitable rooms to have 2.4m floor to ceiling height (min). 	<p>Minimum 2.4m provided</p>	<p>Yes</p>
Setbacks		
<ul style="list-style-type: none"> • Side ○ Single storey dwelling - 900mm to wall, includes balconies etc. 		

ITEM 3 (continued)

ATTACHMENT 1

RYDE DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> ○ First floor addition - 150mm to wall, includes balconies etc. 	<p>Minimum setback provided 0.64m between the driveway fence at the front boundary to the northern boundary Non-compliance approved in LDA 2011/034.</p> <p>Maximum setback to driveway structure 2m</p>	<p>Yes</p>
<ul style="list-style-type: none"> ○ Two storey dwelling - 1500mm to wall, includes balconies etc. ● Front - 6m to façade (generally) - Garage setback 1m from the dwelling facade 	<p>As above.</p> <p>no change to approved development Elevated car park and car port set wholly forward of the building line.</p> <p>It considered that both the previous approval and existing dwelling provide car parking for at least one vehicle behind the building line which demonstrates that the site is capable of this provision.</p> <p>Nevertheless the revised plans and documentation show that one (1) car only will be parked on the structure which is consistent with the intent of this control and what would be reasonably expected by the approved DA (ie.one car parked in front of the garage).</p> <p>It is considered that this non compliance can be dealt with by condition of consent.</p>	<p>Yes</p> <p>Yes</p> <p>No Condition</p>

ITEM 3 (continued)

ATTACHMENT 1

RYDE DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements e.g. RWT,A/C • Rear <ul style="list-style-type: none"> - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: 13.75m is 25% of site length. 	<p>car parking structure at first floor and as such this control is not applicable.</p> <p>Front setback generally free of ancillary elements however it is noted that this elevated parking structure creates an additional significant ancillary element</p> <p>Unchanged from previous approval.</p>	<p>N/A</p> <p>No (already part of approved plans)</p> <p>N/A</p>
<p>Battle-axe (hatchet shaped)</p> <ul style="list-style-type: none"> - Setback min 8m from front allotment. A single storey garage or outbuilding may be located within this setback. 	<p>Not a battle axe allotment</p>	<p>N/A</p>
Car Parking & Access		
<ul style="list-style-type: none"> • General <ul style="list-style-type: none"> - Dwelling: 2 spaces max, 1 space min. - Where possible access off secondary street frontages or laneways is preferable. - Garage or carport may be in front If no other suitable position, no vehicular access to side or rear i. there is no other suitable position on the allotment; ii. there is no vehicular access to the rear or side of the allotment; and iii. it is preferred that a garage or 	<p>1 space provided forward of the building line on the elevated car parking structure. However it is noted that The general 6 m front setback provides sufficient space at the front to park <u>a</u> car in the driveway.</p> <p>No secondary street frontage</p> <p>Elevated car park and car port set wholly forward of the building line.</p> <p>Carport not justifiable as it is considered that both the previous approval and existing dwelling provide car parking for at least one</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>No Not justifiable</p>

ITEM 3 (continued)

ATTACHMENT 1

RYDE DCP 2014	PROPOSED	COMPLIANCE
<p>carport in front of a dwelling be a single car width.</p> <p>- Max 6m wide or 50% of frontage, whichever is less.</p> <p>- Behind building façade.</p> <p>• Garages</p> <p>- Garages setback 1m from façade.</p> <p>- Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above.</p> <p>-</p> <p>- Garage windows are to be at least 900mm away from boundary.</p> <p>- Solid doors required</p> <p>- Materials in keeping or complementary to dwelling.</p>	<p>vehicle behind the building line which demonstrates that the site is capable of this provision.</p> <p>Nevertheless the revised plans and documentation show that one (1) car only will be parked on the structure which is consistent with the intent of this control and what would be reasonably expected by the approved DA (ie.one car parked in front of the garage).</p> <p>6.050m which incorporates pedestrian entry to the dwelling, condition requiring physical separation is to be imposed.</p> <p>car port set wholly forward of the building line.</p> <p>As above</p> <p>As above</p> <p>No garage proposed</p> <p>refer above</p> <p>N/A</p>	<p>No Condition</p> <p>Not Justifiable</p> <p>Not Justifiable N/A</p> <p>N/A</p> <p>N/A N/A</p>

ITEM 3 (continued)

ATTACHMENT 1

RYDE DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> • Parking Space Sizes (AS) Double garages: 5.4m w (min) - Internal length: 5.4m (min) • Driveways - Extent of driveways minimised 	<p>As above</p> <p>5.1m beneath car port width does not comply for two spaces</p> <p>Complies for one vehicle only</p> <p>Although the structure has been enlarged this is to accommodate a new pedestrian entry to the dwelling. Whist not minimised it is considered that appropriate conditions will ensure that the driveway itself is minimised and physically separated from the pedestrian pathway.</p>	<p>no condition</p> <p>Yes Condition</p> <p>No condition</p>
Landscaping		
<ul style="list-style-type: none"> • Trees & Landscaping - Major trees retained where practicable. - If bushland adjoining use native indigenous species for 10m from boundary - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access). - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. - Backyard to have at least 1 tree with mature ht of 15m min and a spreading canopy. - Hedging or screen planting on boundary mature plants reaching no 	<p>No trees to be removed.</p> <p>Proposal includes physical connections between the dwelling and the outdoor areas.</p> <p>Pathways to be provided along both sides of the dwelling.</p> <p>Standard condition to be imposed.</p> <p>no tree shown standard condition</p> <p>Note existing condition requiring screen planting to</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No Condition</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 1

RYDE DCP 2014	PROPOSED	COMPLIANCE
<p>more than 2.7m.</p> <ul style="list-style-type: none"> - OSD generally not to be located in front setback unless under driveway. - Landscaped front garden, with max 40% hard paving. 	<p>northern boundary.</p> <p>No rainwater tanks proposed in revised BASIX</p> <p>Condition requiring revised landscape plan.</p>	<p>N/A</p> <p>Yes - condition</p>
<p>• Landscaping for lots with Urban Bushland or Overland Flow constraints</p> <ul style="list-style-type: none"> - Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from building adjoining bushland. - No fill allowed in overland flow areas. - Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water. 	<p>No adjoining bushland</p> <p>Not subject to overland flow.</p> <p>Refer above</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
Dwelling Amenity		
<p>• Daylight and Sunlight Access</p> <ul style="list-style-type: none"> - Living areas to face north where orientation makes this possible. - Increase side setback for side living areas (4m preferred) where north is the side boundary. <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> - Subject dwelling north facing windows are to receive at least 3 hrs of sunlight to a portion of their surface between 9am and 3pm on June 21. - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. 	<p>no change to existing approved development.</p> <p>No change to existing</p> <p>No change to existing</p> <p>No change to existing</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of 	<p>No change to existing</p>	<p>N/A</p>

ITEM 3 (continued)

ATTACHMENT 1

RYDE DCP 2014	PROPOSED	COMPLIANCE
<p>adjoining principal ground level open space between 9am and 3pm on June 21.</p> <ul style="list-style-type: none"> - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. • Visual Privacy <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space. - Side windows offset from adjoining windows. - Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space. 	<p>No change to existing</p> <p>Proposed windows on the northern elevations are shown to be high level and 1.6m privacy screens to the proposed balcony.</p> <p>Majority of living area windows are orientated to the rear and south of the dwelling Nevertheless these building elements are considered generally consistent with the previous approval.</p> <p>Side windows are shown to be high level note that majority of living areas are located on the ground floor facing the southern side setback.</p> <p>1.6m privacy screen to rear facing balcony considered appropriate to maintain privacy to adjoining private open space of 36 Conrad Street to the north.</p> <p>It is noted that the 1.8m privacy fence from the originally submitted plans has been reduced to 1m which is consistent with the previously approved structure.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No condition</p>

ITEM 3 (continued)

ATTACHMENT 1

RYDE DCP 2014	PROPOSED	COMPLIANCE
	Nevertheless to maintain privacy it is considered that a condition requiring this fence to be 1.8m for 5.4m (standard car length) be imposed	
<ul style="list-style-type: none"> • View Sharing <ul style="list-style-type: none"> - The siting of development is to provide for view sharing. • Cross Ventilation <ul style="list-style-type: none"> - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation. 	<p>The proposed car parking structure, and its use to park one vehicle is consistent to what could have been reasonably expected by the approved DA and as such is appropriate. Appropriate conditions will be imposed to maintain privacy and to soften the structure through landscaping. The proposed car port is not supported.</p> <p>N/A.</p>	<p>Yes.</p> <p>Yes</p>
External Building Elements		
<ul style="list-style-type: none"> • Roof <ul style="list-style-type: none"> - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. - - Attic to be within roof space 	<p>Minimal change to existing roof</p> <p>450mm provided.</p> <p>No trafficable roof terraces provided.</p> <p>N/A</p> <p>None proposed</p> <p>None proposed</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>

ITEM 3 (continued)

ATTACHMENT 1

RYDE DCP 2014	PROPOSED	COMPLIANCE
Fencing		
<ul style="list-style-type: none"> • Front/return: - To reflect design of dwelling. 	Front fencing to reflect design of the dwelling	N/A
<ul style="list-style-type: none"> - To reflect character and height of neighbouring fences. - Max 900mm high for solid (picket can be 1m). - Max 1.8m high if 50% open (any solid base max 900mm). - Retaining walls on front building max 900mm. 	As above Details not shown can be conditioned to comply Details not shown can be conditioned to comply retaining walls already constructed although it is noted that some of the retaining wall and stairs up to landscaped area that were not part of the original approval have also been constructed and the maximum height of these walls appears to be 1.5m which is a greater non compliance than that which was approved in LDA2011/0343	N/A
- No colourbond or paling	As above	N/A
- Max pier width 350mm.	Not detailed to comply	Yes
<ul style="list-style-type: none"> • Side/rear fencing: - 1.8m max o/a height. 	As above 1M fence to proposed driveway structure consistent with approval.	Yes
Part 7.2 – Waste Minimisation & Management		
Submission of a Waste Management Plan	The applicant has submitted a Waste Management Plan	Yes
Part 8.2 – Stormwater Management		
<ul style="list-style-type: none"> • Stormwater 		
- Drainage is to be piped in accordance with Part 8.2 – Stormwater Management.	Existing Condition 60 to remain re: stormwater drainage. As confirmed by Council's Development	Yes

ITEM 3 (continued)

ATTACHMENT 1

RYDE DCP 2014	PROPOSED	COMPLIANCE
	Engineer.	
Part 9.2 – Access for People with Disabilities		
Accessible path required from the street to the front door, where the level of land permits.	Level of land does not permit an accessible path of travel.	N/A

BASIX	PROPOSAL	COMPLIANCE
All ticked “DA plans” commitments on the revised BASIX Certificate are to be shown on plans (list) BASIX Cert # A117112 -02 dated 07 May 2015	Revised BASIX Certificate submitted	Yes
<ul style="list-style-type: none"> • Thermal Comfort Commitments: <ul style="list-style-type: none"> - Construction - Floor concrete slab on ground - Floor suspended floor/open subfloor - Floor suspended floor/enclosed subfloor, - TCC – Glazing. 	To Comply	Yes
Gas instantaneous+	To comply	Yes
<ul style="list-style-type: none"> • Natural Lighting <ul style="list-style-type: none"> - Kitchen - bathrooms (5) 	To Comply To Comply	Yes Yes
Water Target 40	Not listed	N/A
Energy Target 40	Not listed	N/A
Correct description of property/proposal on 1 st page of Certificate.	Correct details shown	Yes
DEMOLITION	PROPOSAL	COMPLIANCE
• Plan showing all structures to be removed.	Demolition plan provided	Yes
• Demolition Work Plan	Demolition work plan provided	Yes
• Waste Management Plan	Plan submitted	Yes

ITEM 3 (continued)

ATTACHMENT 1

Summary of Issues/Non compliances:

Non compliances – justifiable

- Ancillary elements within front setback, proposed workshop.

Non compliances – resolved via conditions:

- Front setback, car parking area to comply with relevant Australian Standard..
- Landscaping, privacy screening, replacement tree planting via landscape plan to be submitted prior to CC.
- Visual Privacy from elevated parking structure to be addressed by privacy screen.

Non compliances – not justifiable:

- Car parking and access carport in front of dwelling

ITEM 3 (continued)

ATTACHMENT 2

Our Ref: Project 337
Your Ref: Section 96 MOD2015/0077

8 June 2015

Ms Gail Connolly
General Manager
Ryde City Council
1 Devlin Street
Ryde NSW 2112

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

Attention: Development Assessment Officer

Re: Submission - Section 96 No.MOD2015/0077
Property: 38 Conrad Street, North Ryde NSW 2113 (site)

Reference is made to the subject application. We have been instructed to review the subject application and lodge a submission on behalf the owner of 36 Conrad Street, North Ryde (No.36) for Council's consideration under section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979*.

We have reviewed the documentation available, visited No.36 and the subject site from within Conrad Street. We submit that the granting of development consent to the first proposal was a poor environmental planning outcome and elevated driveways should be avoided where a more skillful design could provide off street parking behind the building line, near on grade.

Breaches of the Environmental Planning and Assessment Act 1979

This section 96 seeks to regularise what is a blatant breach of the Council's development consent that has been altered in breach of clause 145 and clause 146 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation) by the Accredited Certifier (AC) issuing a Construction Certificate (CC).

The CC is inconsistent with the consent in that;

1. It fails to comply with the DA approved plans under LDA2011/0343 stamped and dated 29 November 2011 with respect to:
 - a. Condition 1 that list the approved drawings and supporting information that the CC must not be inconsistent with.
 - b. a 2005mm side boundary setback for the elevated driveway to the boundary with No.36.
 - c. It failed to retain a significant tree that reduced privacy and overlooking of No.36's private open space (POS).
 - d. It failed to accord and give effect to Condition 21 of the Council's development consent by the provision of detailed landscape plans.
 - e. It fails to specify compliant guardrail & balustrade system for the elevated driveway. Compliant vehicle barriers are required where the vertical fall to the adjacent ground level exceeds 600mm (Australian Standards 2890.1-2004)
2. It fails to comply with condition 66 & 67 of the development consent which requires the driveway crossing location to conform to Council's requirements which include by

ITEM 3 (continued)

ATTACHMENT 2

statute a requirement for a crossing approval under section 138 of the Road Act 1993 and Ryde DCP 2010 – Part 8.3 which requires compliance the design criteria in AS 2890.1-2004 Parking Facilities, Part1 Offstreet Parking.

3. The DCP objectives within Part 8.3, Clause 1.1 would not be achievable notably subclause "6. To ensure that parking areas and associated facilities are of an acceptable appearance by imposing construction standards and landscaping requirements."

Appearance

The proposal to delete the garage will not allow the objective of DCP Part 8.3, Clause 1.1 to be achieved, specifically subclause 6:

"6. To ensure that parking areas and associated facilities are of an acceptable appearance by imposing construction standards and landscaping requirements."

The approved DA utilised the elevated driveway to provide off-street parking behind the building line within the approved garage. The proposal seeks to delete the garage leaving elevated hardstand parking forward of the front building line.

This not only appears visually intrusive within the streetscape but when viewed from the dining and living areas within No.36 it will be visually obtrusive.

The section 96 plans also show a new work room protruding forward of the building line under the proposed elevated hardstand parking spaces. This was deleted from the approved DA and should be deleted from this section 96.

Privacy Impacts

The approved elevated driveway was subject to previous submissions and the Council's development consent required that the elevated driveway be setback from the boundary 2005mm, with 3m high screen planting occurring between the driveway and the northern boundary with No.36 (condition 21). The approved DA drawings showed a 1.8m privacy screen to the rear balcony off the master bedroom, this is now proposed to be 1m in height.

This section 96 seek to regularise the inconsistency between the Council's issued consent and the CC. The setback from the elevated driveway to the boundary with No.36 as proposed is unsatisfactory. The section 96 seeks to retain north-facing windows that would overlook No.36 POS. The section seeks to reduce the height of approved privacy screening.

Part 3.3, Clause 2.14.2 of the DCP states that terraces and balconies can have a significant impact on the amenity of neighbours with regard to loss of visual privacy and increase in noise levels. Such features will not be allowed except where it can be demonstrated that neighbours' privacy is not compromised. The proposed elevated hardstand area is worse than a terrace or balcony as it will also become the elevated entry to the house. The proposed elevated hard standard area does not achieve the objectives or controls within clause 2.14.2 of Part 3.3 of the DCP. If the garage is not to be constructed then the existing garage should be retained.

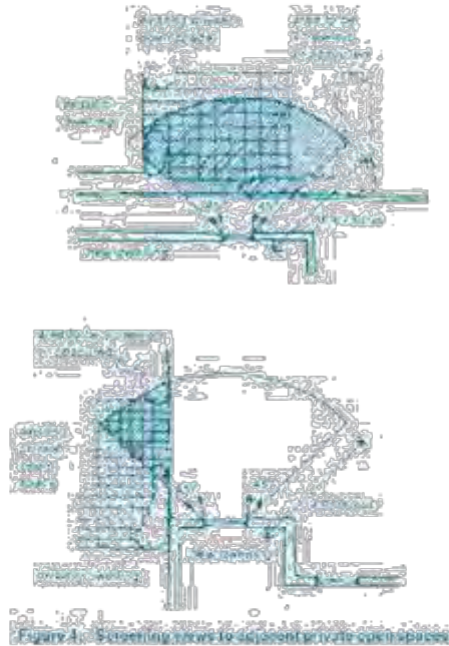
Figure 4 of AMCORD provides that 9m separation is sufficient for low density housing. This is the minimum separation that has been generally adopted by the Court for POS in low-density housing. Most of the POS within No.36 will be overlooked from the proposed elevated driveway.

ITEM 3 (continued)

ATTACHMENT 2

AMCORD states:

"Where privacy is achieved through remoteness rather than screening, there is no exact distance at which it can be assured. A judgement must be made about issues such as the intimacy and frequency of the activities being overlooked, the likely frequency and ease of overlooking, other distracting views, the obliqueness of the line of view, and cultural expectations."



AMCORD Element Acceptable 5.5 – Privacy – Acceptable Solutions assigns two basic measures, overlooking must be restricted within 9m and at least 50% of the POS must not be overlooked within the same development.

ITEM 3 (continued)

ATTACHMENT 2

Pedestrian Safety

The proposal does not comply with Part 3.3 Clause 2.5.3. of the DCP:

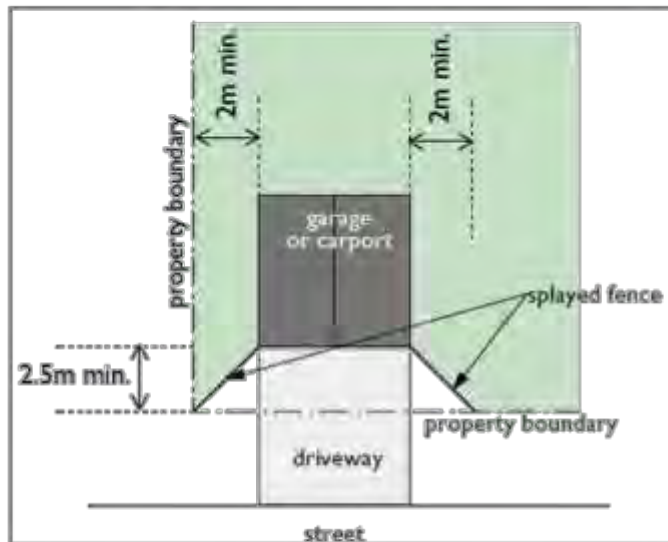


Figure 3.3.09

Illustrative plan showing the location of car parking structures and how fences are to be splayed to provide adequate sight lines in situations where fences would otherwise obstruct views.

Stormwater Impacts

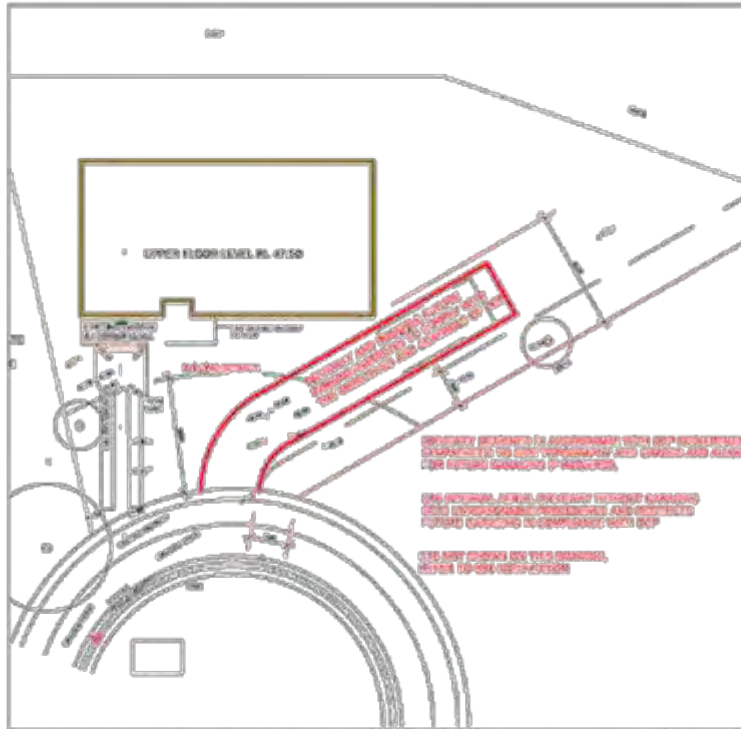
There must be no services or pipes located within the area between the elevated hardstand and the northern boundary with No.36 as these services or pipes would conflict with the provision of landscape required by conditions 21 of the original development consent and such further landscape details that we ask council to procure before granting any amended development consent.

We have proposed a solution below by way of proper landscape plans Council is entitled to request under Schedule 1 of the EPA Regulation and by way of further conditions of amended Development Consent.

ITEM 3 (continued)

ATTACHMENT 2

A more skilful design



A more skilful design is demonstrated by the concept in figure 1, that deliver a safer driveway grades demonstrated in figure 2 and parking of vehicles behind the building line.

We submit that Council in the first instance should be deferring determination of the subject section 96 application and seek that the applicant consider resubmission of amended plans that propose this alternative design.

This design would also allow the future construction of garaging

behind the building line. The driveway could also be widened in consultation with Council's engineers.

Figure 1 - Driveway and parking option

Please note in green the existing ground level and the alternative driveway grades that could be achieved by a more skilful design.

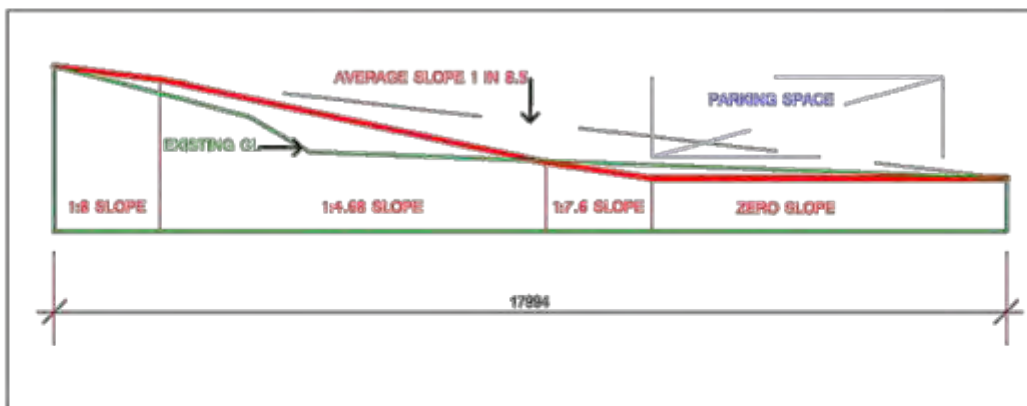


Figure 2 - Long section through centre line of alternative driveway and parking

ITEM 3 (continued)

ATTACHMENT 2

Requested design changes

The AC's issue of the CC, with significant inconsistencies with the approved plans, demonstrates that the AC cannot be trusted to comply with Clause 145 and Clause 146. We submit in the first instance that the Applicant be encourage to relocate the driveway and parking alternative detailed above.

If that is dismissed then we request that Council defer determination requesting the plans to be amended to make the following design changes:

1. the proposed elevated hardstand parking area must be setback not less than 2m from the northern boundary of the site abutting No.36 at any point.
2. The proposed room under the proposed elevated hardstand area being deleted from the plans and the rain water tanks being located in accordance with drainage details together with pumps under the elevated hardstand area.
3. a detailed landscape plan be submitted including provision for screen planting consistent with condition 21 of the original development consent and a Blueberry Ash (*Elaeocarpus reticulatus*), minimum 100 litre pot size, is to be planted in the location where the pre-existing tree was unlawfully removed.
4. a 1.8m high translucent or solid privacy screen be detailed along the length of the proposed hardstand parking area integrated with compliant vehicle barriers required where the vertical fall to the adjacent ground level exceeds 600mm under Australian Standards 2890.1-2004.
5. a 1.8m high translucent or solid privacy screen be erected to the balcony off the master bedroom.
6. a setback from the driveway to the nearest significant tree so as to ensure that any excavation does occur in the TPZ or root mapping to ensure excavation in the TPZ will not damage the tree.
7. all north facing windows to have a minimum window sill height of 1.7m above the finished floor level unless fixed and translucent glassing is provided.

Conditions of Amended Development Consent

If Council is of a mind to grant amended development consent then we submit that in addition to the amendments that the following development consent conditions should apply:

1. Reference to the final approved plans.
2. Prior to the commencement of any works the applicant must procure a new Construction Certificate for the works under the amended development consent.
3. A separate application being lodged with and approved by Council under the Roads Act 1993, prior to the issue of any Construction Certificate under the amended development consent, for the driveway crossing and the location of the stormwater discharge from the site to the road. The applicant is advised that Council will only approve a new layback being setback not less than 2m from the prolongation of the north boundary line and that stormwater discharged from the site must be discharge to the road gutter on the southern side of the proposed driveway. Reason for this Condition: This condition has been imposed to ensure that the new driveway and hardstand area are setback not less than 2m from the northern boundary of the site to No.36, to comply with Part 3.3 Clause 2.5.3. of the DCP (Figure 3.309) and to ensure that no stormwater pipes or excavation occurs within the TPZ of the street trees (without root mapping and

ITEM 3 (continued)

ATTACHMENT 2

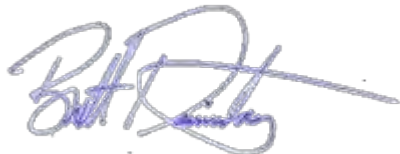
- hand excavation) or within the 2m setback area required to be landscaped in accordance with Condition 21 of the original development consent and approved landscape plans.
4. Conditions under section 109H of the Act that reinforce the amendments requested to be made in 1 to 7 and prohibiting the issue of any occupation certificate until all the works have been completed including;
- a. The driveway and stormwater connection within the road are completed to Council's satisfaction in accordance with Council's approval under the Roads Act 1993 noting that the driveway must be located not less than 2m south of the prolongation of the northern boundary to the kerb and gutter and stormwater must discharge on the southern side of the driveway layback,
 - b. elevated hardstand parking area must be setback not less than 2m from the northern boundary of the site abutting No.36 at any point
 - c. the rain water tanks being located in accordance with drainage details together with pumps under the elevated hardstand area
 - d. compliance with the approved landscaping plan including the planting of a Blueberry Ash (*Elaeocarpus reticulatus*), minimum 100 litre pot size, between the driveway and the north boundary where the pre-existing tree was unlawfully removed.
 - e. a 1.8m high translucent or solid privacy screen being erected along the length of the hardstand parking area integrated with compliant vehicle barriers required where the vertical fall to the adjacent ground level exceeds 600mm under Australian Standards 2890.1-2004
 - f. a 1.8m high translucent or solid privacy screen being erected along the length of the balcony off the master bedroom.

In summary, the elevated driveway should not have been given consent in the first instance, parking should be provided behind the front building line within the approved garage. Council has a duty of care to ensure that the excavation that has already been approved in the TPZ of the tree within No.36 is subject to root mapping and the minimum setback to any new driveway should be not less than 2m to achieved DCP objectives and controls. Safety, privacy and amenity are the central issues to be addressed.

We place on the public record that any later applications seeking a carport or garage upon the hard stand area would be unacceptable, and the consequence of allowing elevated hardstand forward of the building line is that it will encourage this outcome through further applications.

Please don't hesitate to contact me on 0408 463 714 or by email brett@daintry.com.au.

Yours faithfully,



Brett Daintry, MPiA, MAIBS, MEHA
Director

ITEM 3 (continued)

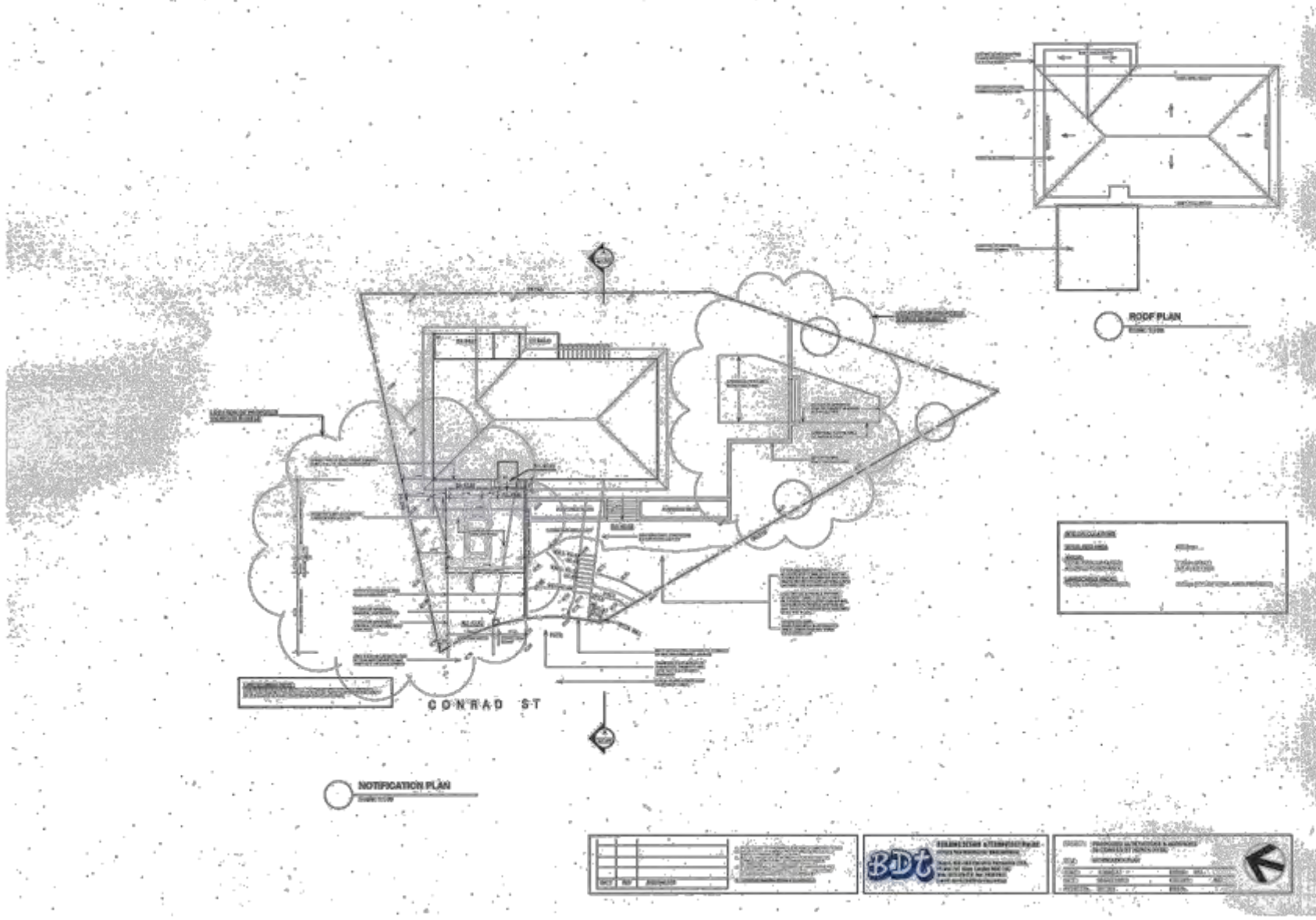
ATTACHMENT 3



 Indicates submission made

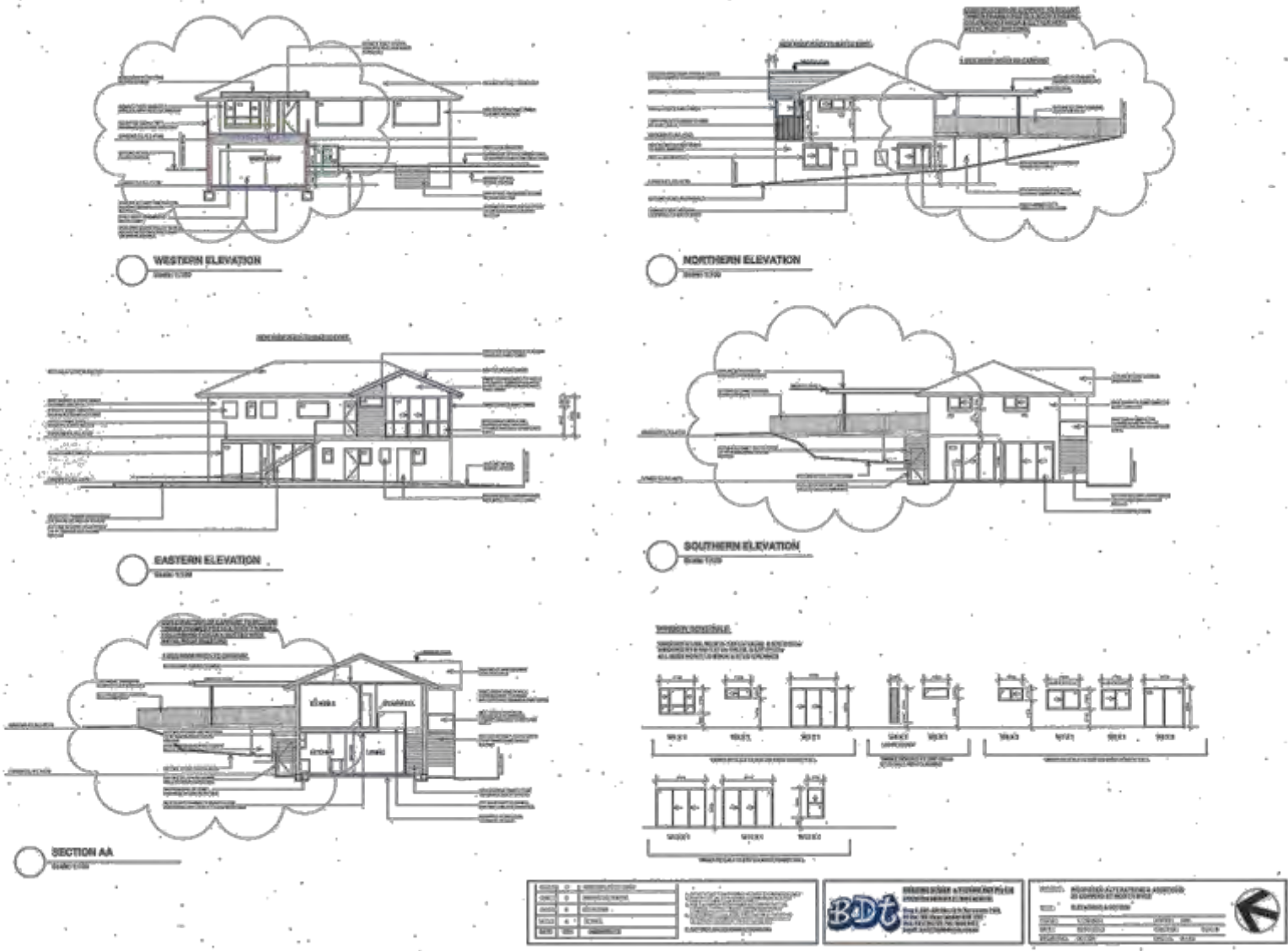
ITEM 3 (continued)

ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4



**4 136A CRESSY ROAD, EAST RYDE - LOT 91 DP 579412. Section 96(1A)
Application to modify consent for approved multi-dwelling housing
development. LDA2013/352 (MOD2015/94)**

Report prepared by: Creative Planning Solutions; Supervisor - Environmental Assessment

Report approved by: Manager - Assessment; Acting Director - City Strategy and Planning

File Number: GRP/09/5/6/2 - BP15/1725

1. Report Summary

Applicant: Ms Gerda Rugholm

Owner: Ms Gerda Rugholm

Date lodged: 15 June 2015

This report considers an application for modifications to development consent LDA2013/0352 pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (the Act) at No.136A Cressy Road, East Ryde. The proposed modifications are as follows:

- Minor increase in floor area to Units 1, 2 and 3 as a result of minor changes to the building footprints;
- New deck to the rear of Unit 2;
- Relocation of On-Site Detention (OSD) storm water tank from under garages of Unit 1 and 2 to under the new deck of Unit 2;
- Provision of 1.8m high pool style fencing to part of the southern boundary; and
- Modification of condition 36 to delete the requirement for the structure to be certified against the hydrostatic forces incurred from floodwaters.

The subject Section 96 application was notified in accordance with the Ryde Development Control Plan 2014 (DCP2014) from 3 August 2015 to 26 August 2015. In response two (2) submissions from the neighbouring properties at No.132A Cressy Road and 1 Fox Road were received objecting to the development.

It is also noted that as part of the assessment of the Section 96(1A) application, Council undertook a meeting with the neighbouring objector at No.132A Cressy Road which included a site inspection to gain an understanding of the issues being raised in the objection letter.

A detailed assessment of the revised plans submitted for the Section 96(1A) modification to consent LDA2013/0352 has determined the proposed modifications will have minimal environmental impact, and subject to conditions, be substantially the same development pursuant to Section 96(1A)(a)(b) of the Act.

The conditions recommended to be imposed on the proposal for it to be considered to have minimal environmental impact relate to:

ITEM 4 (continued)

- Deletion of the proposed 1.8m high pool style fencing to the southern boundary which crosses Kitty's Creek and the riparian zone;
- Submission of a revised Landscape Plan with the Construction Certificate application.

With the imposition of the above conditions, it is recommended that MOD2015/0094 to LDA2013/0352 be **approved**.

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

Public Submissions: Two (2) submissions received objecting to the proposed modifications

SEPP 1 (or clause 4.6 RLEP 2014) objection required? Not applicable

Value of works? Nominal for Section 96 application (original DA \$377,192)

RECOMMENDATION:

(a) That MOD2015/0094 to LDA2013/0352 at No.136A Cressy Road, East Ryde being LOT 91 in DP 579412 be **approved** in the following manner:

- **Condition 1** is deleted and replaced with:

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

Document Description	Date	Plan No/Reference
Site Plan	05.06.2015	Job No. 14Cre163aM, Sheet 1/2, Issue C prepared by Old for New Pty Ltd
Floor Plans, Elevations and Section	05.06.2015	Job No. 14Cre163aM, Sheet 2/2, Issue C prepared by Old for New Pty Ltd
Stormwater Plans	05.08.2013	Job No. SW-136A CRESSY, Sheet 1 & 2 prepared by M.M/ Farah Civil/Structural Pty Ltd

ITEM 4 (continued)

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

- (a) **Fencing.** The 1.8m high pool type fencing proposed to the south-western boundary and to the rear of the Unit 3 private open space area which crosses Kitty's Creek is to be deleted.
- (b) **Landscaping Plan.** The Landscaping Plan submitted with the DA (Issue C, dated 05.06.2015) prepared by Old For New Pty Ltd is to updated and amended to comply with the following requirements:
 - (i) The landscape plan should be prepared by a suitably qualified Landscape Architect or Landscape Designer;
 - (ii) The landscape scheme is to be of a high quality and amenity that appropriately considers the unique urban bushland setting of the site including the riparian zone of Kitty's Creek. This is to include a more informed species selection which responds to the surrounding landscape character. Reference should be made to the Ryde Council website for further information in terms of species selection;
 - (iii) Compliance with the following requirements of the NSW Rural Fire Service:
 - Suitable impervious areas are to be provided immediately adjacent to the surrounding building such as courtyards, paths and driveways;
 - Grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building;
 - Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;
 - Maximum tree cover should be less than 30%, and maximum shrub cover less than 20%;
 - Planting should not provide a continuous canopy to the building (ie. trees or shrubs should be isolated or located in small clusters);
 - When considering landscape species, consideration needs to be given to estimated size of the plant at maturity;
 - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
 - Use smooth bark species of trees which generally do not carry a fire up the bark into the crown;

ITEM 4 (continued)

- Avoid planting of deciduous species that may increase fuel at surface/ground level (ie. leaf litter);
- Avoid climbing species to walls and pergolas ;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas, and materials such as garden furniture away from the building;
- Use of low flammability vegetation species;

The amended Landscaping Plan complying with the above requirements shall be submitted to and approved by Council prior to approval of the **Construction Certificate**.

- **Condition 2** is deleted and replaced with the following:
 - **NSW Office of Water – General Terms of Approval.** Full compliance with all of the conditions listed in the General Terms of Approval issued by the NSW Office of Water in relation to this development (Reference No 10 ERM2013/0836 – dated 16 September 2015) is required – refer to copy attached to this letter.
- **Condition 4** is deleted and replaced with the following:
 - **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered 492319M_03 dated 10 June 2015.
- **Condition 35** is deleted and replaced with the following:
 - **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 Kitty's Creek, generally in accordance with the plans by M M Farah - Civil/ Structural Pty Ltd. (Refer to Job No. SW-136A CRESSY Sheet 1 & 2 dated 15 May 2015) subject to the following variation(s);

- The proposed outflow is to be designed and constructed in accordance with the DCP, Part 8.2 (Stormwater and Floodplain Management – Technical Manual), Section 1.3.3 and the requirements of the Office of Water.

ITEM 4 (continued)

The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer with NPER registration with Engineers Australia and are to 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 2010 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.
 - Onsite detention must be incorporated in the stormwater management system. The certification must state that the submitted design provides a permissible site discharge and site storage requirement as determined by the simplified method specified in the City of Ryde-DCP 2010 Part 8.2 (Stormwater Management – Technical Manual).
- **Condition 36** is deleted.
 - **Condition 42** is deleted and replaced with the following:
 - **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 M M Farah - Civil/ Structural Pty Ltd. (Refer to Job No. SW-136A CRESSY Sheet 1 & 2 dated 15 May 2015) submitted in compliance to the condition labelled “Stormwater Management”.
 - **Condition 56** is deleted and replaced with the following:
 - **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 492319M_03 dated 10 June 2015.
 - **ALL** other conditions remain unaltered and must be complied with.

(b) That the objectors be notified of Council’s decision.

ITEM 4 (continued)

ATTACHMENTS

- 1 Compliance Table
- 2 Map
- 3 A4 Plans
- 4 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Ben Tesoriero Planning Consultant
Creative Planning Solutions**

**Chris Young
Supervisor - Environmental Assessment**

Report Approved By:

**Liz Coad
Manager - Assessment**

**Meryl Bishop
Acting Director - City Strategy and Planning**

ITEM 4 (continued)

2. Site (Refer to attached map overleaf)

Address No.136A Cressy Road, East Ryde (LOT 91 DP 579412)

Site Area Site area of 1232m²
Site frontage of 3.05m
Access handle 45.72m
Rear boundary of 24.385m
North-eastern side boundary of 44.805m
South-western side boundary of 44.805m
Part south-eastern (south of handle) boundary of 15.24m
Par south-eastern (south of handle) boundary of 6.095m

Note: All areas and dimensions sourced from Deposited Plan.

Topography and Vegetation The topography of the site falls from a height of RL37.77 at the eastern boundary, to a height of approx. RL32.00 at the western corner of the site. This occurs over a distance of approximately 45m for an average gradient of around 1:12.8.
Vegetation is primarily located within the western corner of the site within the Kitty's Creek riparian area, with the remainder of the site being previously cleared. It is noted that adjacent to the site on the neighbouring allotments some mature trees flank the boundaries.

Existing Buildings Vacant allotment with no existing buildings or structures.

Planning Controls

Zoning R2 – Low Density Residential under Ryde Local Environmental Plan 2014

Other Ryde Development Control Plan 2014
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
Constraints – Bushfire Prone, Urban Bushland, Flood Prone

ITEM 4 (continued)



Figure 1 - Aerial Image of subject site including an annotation of the properties objecting to the proposed development by way of submission to Council as part of the notification of the Section 96.
Source: www.six.nsw.gov.au – edited by CPS

ITEM 4 (continued)



Figure 2 – View of subject site from the Cressy Road frontage. It is noted the image shows only the access handle entry given the subject site is a battle-axe allotment.

Source: Google Maps

3. Councillor Representations

Name of Councillor: Councillor Pendleton

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

Date: 17 August 2015

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

On behalf of applicant or objectors? Bushland and Environment Advisory Committee

Any other persons (e.g. consultants) involved in or part of the representation: Nil.

4. Political Donations or Gifts

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

ITEM 4 (continued)

5. Proposal

This report considers an application for modifications to development consent LDA2013/0352 pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (the Act).

The proposed modifications are described within the applicant's submitted SEE as follows:

- Provide a 1.8m pool type fence along the creek line on the south-east corner of the site;
- Provide a new deck to Unit 2;
- OSD storm water relocated from under the garage to under the new deck behind Unit 2;
- Square off the corners off the front corners of Unit 2; and
- Extend the laundry of Unit 1 to line up with the external wall.

Whilst the SEE makes reference only to the above modifications, a review of the amended plans submitted as part of the Section 96(1A) application indicates that additional modifications to the building are proposed. The additional modifications identified on the plans include the following:

- Provision of a bay window to the dining room of Unit 1 to replace the originally proposed flat wall window; and
- Provision of a bay window to the kitchen of Unit 3 to replace the originally proposed flat wall window.

Given the proposed bay window designs are **not approved** by LDA2013/0352 they should be assessed as a new modification, particularly due to the modifications resulting in reduced setbacks to the side boundaries.

6. Background

The following provides a brief history on the originally approved DA's, and subsequent events that have led to the lodgement of the subject Section 96(1A) application by the applicant:

First DA Lodged - LDA0383/2002

Development consent was obtained under LDA0383/2002 for the construction of 3 x 2 bedroom villas at 136A Cressy Road, East Ryde in 2004. This consent however was allowed to lapse due to unforeseen circumstances, hence the lodgement of a subsequent DA in 2013.

ITEM 4 (continued)

Original DA subject of this Section 96(1A) - LDA2013/0352

Construction of a multi-dwelling housing development containing 3 attached units – 3 x 2 bedroom units, single storey and strata subdivision.

The LDA2013/0352 was lodged on 20 September 2013. The DA was approved with conditions on 26 March 2014. Importantly for the subject Section 96(1A) application, the DA approved a condition relating to fencing in the vicinity of Kitty's Creek and the Riparian Zone – refer **Condition 29** below.

29 ***Fencing in vicinity of Kitty's Creek/Riparian Zone.*** *The following requirements shall apply to fencing in the vicinity of Kitty's Creek/riparian zone:*

- (a) No fencing is to be provided within the riparian zone. All fencing must be sited above the rock shelf. Property boundaries within the riparian zone must be distinguished by alternative methods such as by the use of landscaping.*
- (b) All new fencing above the rock shelf is to be provided as 1,8m high green 'colourbond' style fencing.*
- (c) Any fencing provided on the rock shelf must be erected such that disturbance and destruction of the rock shelf is minimised.*

Additionally, as part of the original DA assessment the application was referred to the NSW Department of Primary Industries Water (DPI Water - formerly NSW Office of Water). Whilst DPI Water did not raise any specific objection to the proposed development, General Terms of Approval relating to works within the vicinity of Kitty's Creek under the *Water Management Act 2000* were required to be imposed with the development consent which was done so under LDA2013/0352.

Subject Section 96(1A) Application - MOD2015/0094

The Section 96(1A) modification to LDA2013/0352 seeks permission to, *inter alia*, undertake minor changes to the building footprints, construct a new deck to the rear of Unit 2, relocate the OSD storm water tank from under garages of Unit 1 and 2 to under the new deck of Unit 2, construct a 1.8m high pool style fencing to part of the southern boundary and modify condition 36 of the consent LDA2013/0352

The application was placed on notification between 3 August 2015 to 26 August 2015. In this period two (2) submissions were received, one (1) from the adjoining neighbours at No.132A Cressy Road, and one (1) from a nearby resident at 1 Fox Road, East Ryde. A response to the issues raised within the submissions is provided later in this assessment report.

ITEM 4 (continued)

It is noted that Council officers (Team Leader Assessment and Consultant Town Planner) met with the neighbouring objector at No.132A Cressy Road on 13 August 2015, to listen the objectors concerns and to also undertake an inspection of the watercourse and associated rock shelves that the objector claims had potential to be impacted upon by the subject Section 96(1A) application.

7. Submissions

The Section 96(1A) application was notified to adjoining property owners in accordance with the DCP 2014 – Part 2.1, Notification of Development Applications for a period from 3 to 26 August 2015.

In response, two (2) submissions were received, one (1) from the neighbouring residents to the south-west of the subject site (No. 132A Cressy Road) and one (1) from a nearby resident to the south of the subject site (No. 1 Fox Road, East Ryde) as shown on the aerial photograph at **Figure 1** earlier in this report.

The key planning issues raised in the neighbour submissions are summarised and discussed below.

A. Impacts to Kitty's Creek. *Concerns are raised in relation to the potential impact of the proposed fencing across Kitty's Creek. Concerns focus on the danger of the fence impeding water flow during flood events, causing debris build up and the fence itself being washed downstream.*

Assessment Officer Comment: As detailed in the Referrals section of this report (below), the proposal has been referred to Council's Senior Development Engineer who has indicated that the proposed fence across Kitty's Creek cannot be supported given the structure will pose a barrier to overland flows, trap debris and effect overland flow. If frangible, the structure can increase the potential for property damage due to the accumulation of debris and release as a whole into the overland flow path when the fence fails.

Given the above, the objector's concerns regarding the potential flood related impacts as a result of fencing are supported in this instance. Accordingly, this concern is to be addressed via imposition of the recommended conditions of consent which will require the deletion of the proposed fencing across Kitty's Creek.

B. Impacts to Existing Rock Shelves. *Concerns are raised that the modifications to the rear of Unit 2 and the location of the OSD storm water tank will negatively impact the existing rock shelf.*

ITEM 4 (continued)

Assessment Officer Comment: As part of the assessment of the subject Section 96(1A) modifications, the proposal has been reviewed by Council's Senior Development Engineer (see Referrals section of this report below). The modifications to the drainage plans including the relocation of the OSD storm water tank were specifically assessed whereby the Senior Development Engineer concluded there is no objection to the proposed modification of the OSD storage to underneath an external deck area which adjoins the creek. As such, appropriate amended conditions have been recommended by Council's Senior Development Engineer.

Accordingly, subject to conditions, it is considered concerns relating to the impacts to existing rock shelves have been suitably addressed.

Photos of the rock shelf referenced in the objection, together with an aerial photo showing the location of the rock shelf in relation to Kitty's Creek, are provided below.



ITEM 4 (continued)



Figure 3. Photo of rock shelf and aerial photo showing location of rock shelf adjacent to Kitty's Creek within the subject property.

- C. Previous Damage to Rock Shelf.** *The objector has raised the concern in relation to the intentional damage to the rock face and rock shelf that has occurred on site at a previous point in time.*

Assessment Officer Comment: It is important to note that the scope of the Section 96(1A) application does not include the assessment of past events that have occurred on site which are unrelated to the proposed development modifications. Given the previous works to the rock shelf on site do not directly relate to or impact the proposal, further assessment is not considered to be warranted. Additionally, as noted above, the proposal has been reviewed by Council's Senior Development Engineer who has not provided any objection to the development on the grounds of any previous or proposed impact to the existing rock shelf on site. Accordingly, objections to the proposal based on previous damage to the rock shelf on site are unsupported.

- D. Landscaping Plan.** *The objector has raised concern that they did not have opportunity to review the Landscaping Plan.*

ITEM 4 (continued)

Assessment Officer Comment: It is noted that although the landscaping plan was not included in the neighbour notification details sent by mail to the neighbouring properties, such information was available on request at Council's Ryde Planning & Business Centre.

It is noted that comments provided by Council's Consultant Landscape Architect (see Referrals section of this report) which ultimately recommends that a revised and suitably prepared Landscape Plan be submitted with the Construction Certificate.

E. *Illegal Tree Removal & Replacement.* Concerns are raised in relation to the previous tree removal which occurred on site with the objector stating that some rehabilitation of the riparian zone of Kitty's Creek should be undertaken.

Assessment Officer Comment: Again, it is important to note that the scope of the Section 96(1A) application does not include the assessment of past events that have occurred on site which are unrelated to the proposed development modifications. As such, it is considered that any prior tree removal on site is not relevant to the proposed modifications under assessment.

With regards to rehabilitation of the riparian zone, Council's Consultant Landscape Architect has recommended that a revised landscape plan be submitted as part of the Construction Certificate that appropriately considers the unique urban bushland setting of the site including the riparian zone of Kitty's Creek. Accordingly, the objector comments relating to rehabilitation works within the riparian zone are considered to have been addressed via abovementioned condition.

This amended Landscaping Plan is to be submitted to and approved by Council prior to the release of the Construction Certificate given the significance of this issue and importance of the planting in this location.

8. SEPP1 (or clause 4.6 RLEP 2014) objection required?

Not required.

ITEM 4 (continued)

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2014

Zoning

Under the Ryde Local Environmental Plan 2014 (LEP2014) the zoning of the subject site is R2 Low Density Residential. The proposal, being for modifications to the construction of a multi dwelling housing development is permissible with consent under this zoning.

Objectives for R2 Low Density Residential Zones

- To provide for the housing needs of the community within a low density residential environment
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a variety of housing types.

The proposal for modification to development consent LDA2013/352 is considered to generally satisfy the objectives for residential developments as it will provide for the needs of the community within a low density residential environment. Further the proposal will not impact on the provision of other land uses within the local area to meet the day to day needs of residents.

Development Standards

The following development standards in Ryde LEP 2014 apply to the development. It is noted however that the nature of the current proposed modifications do not involve any changes to the proposal as approved as part of the original DA approval.

Ryde LEP 2014	Proposal	Compliance
4.3A Exceptions to Height of Buildings		
(2) Despite clause 4.3, the maximum height of a dual occupancy (attached) and a multi dwelling housing on land in Zone R2 Low Density Residential is 5 metres for any dwelling that does not have a road frontage.	(a) None of the dwellings in the building face the street due to the hatchet shaped allotment. Max. proposed height 4.80m.	Yes

ITEM 4 (continued)

Ryde LEP 2014	Proposal	Compliance
4.5A Density Controls		
Development consent must not be granted to the erection of multi dwelling housing on land in Zone R2 Low Density Residential unless: (a) the site area for the building is not less than: (i) for each 1, 2 or 3 bedroom dwelling—300 square metres, and (ii) for each 4 or more bedroom dwelling—365 square metres, and (b) each dwelling will have its own contiguous private open space.	(a) Proposed development comprises: <ul style="list-style-type: none"> • 3 x 2 bed = 1800m² Total required = 900m ² Current Site area = 1,232m ² including access handle or 1,092.554m ² excluding access handle. (b) Each dwelling has its own contiguous private open space, and separate access to each POS is provided either from pedestrian gates or via the garages.	Yes

(b) Relevant State Environmental Planning Policies (SEPPs)

State and Sydney Regional Environmental Planning Policies

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

As covered by Clause 55A(3) of the Environmental Planning and Assessment Regulation 2000, if an amendment or variation of a DA, or of any accompanying document, results in the proposed development differing in any material respect from the description contained in a current BASIX certificate for the development, the application to amend or vary the DA must have annexed to it a replacement BASIX certificate whose description takes account of the amendment or variation.

A revised BASIX Certificate (No. 492319M_03 dated 10 June 2015) has been submitted with the subject Section 96(1A) application. The draft consent for the Section 96(1A) application recommends conditions be upgraded to reflect the revised BASIX Certificate accordingly.

(c) Any draft LEPs

No draft LEPs currently exist.

ITEM 4 (continued)

(d) The provisions of any development control plan applying to the land

Ryde Development Control Plan 2014

Part 3.4 Multi Dwelling Housing (for Low Density Residential Zone)

The proposal has been assessed using the development controls contained in the Ryde Development Control Plan 2014 (DCP2014). A full assessment is detailed in the Compliance Check table in **Attachment 2**. The following is an assessment of the non-compliances of the subject Section 96 application against the key components of the DCP2014 that are considered to apply to the development.

DCP2014 Non-Compliances: Not Justifiable

Nil.

DCP2014 Non Compliances - Justifiable

Setbacks – Side Setbacks

Section 3.5.4 of Part 3.4 of DCP2014 prescribes development controls for side and rear setbacks. Specifically, the control states that the walls of all buildings must be not less than 4.5m from side and rear boundaries. To promote variation and interest in design Council may allow up to 50% of the wall of any multi dwelling housing dwelling to be not less than 3 metres from the side and rear boundary.

An assessment of the proposed Section 96(1A) modifications has revealed that the setbacks to north-eastern and north-western side boundaries have been reduced to 2.5m as a result of the introduction of bay windows to the dining room of Unit 1 and the kitchen of Unit 3 respectively – refer to **Figure 4** and **Figure 5**. Whilst the proposed setbacks do not meet the minimum requirements as mentioned above, it is considered the variation to Council's controls is minor and can be supported for the following reasons:

- Given the subject site is a battle-axe allotment, the setback encroachments will not be visible from or impact upon the public domain or streetscape;
- The encroachment of 500mm to the minimum 3m setback occurs for a distance of only 2m along the building elevations, therefore being considered minor;
- The single storey nature of the development means the proposed setback encroachment will not result in the loss of privacy for adjoining allotments;
- The encroachments are the result of bay windows only which provide additional light to the dwellings as well as further articulation to the building elevations;

ITEM 4 (continued)

- Dwellings on the adjoining allotments will see no discernible difference with the introduction of the bay windows due to the screening effect of the side boundary fence.

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

In this regard an assessment of the proposed development against the objectives of the front setback controls contained within DCP2014 has determined the following:

- The proposed bay windows will not result in any reduced separation within the development and will still allow a high level of separation from adjoining properties to ensure privacy between dwellings. It is noted the closest dwellings to the facades containing the setback encroachments are located more than 15 metres away.
- The proposed setbacks will still enable a high level of landscaping and pervious area to be incorporated with no additional impact to any existing vegetation or trees on site.
- Vehicle maneuverability will remain unchanged from the existing approved arrangements with no encroachment to this area.
- The public domain character will be retained and protected due to the battle-axe allotment arrangement and the site not being visible from Cressy Road.

Given the above it is considered that the proposed side setbacks are justifiable in this instance, particularly having regard to the provisions of Section 79C(3A)(b) the Act.

ITEM 4 (continued)

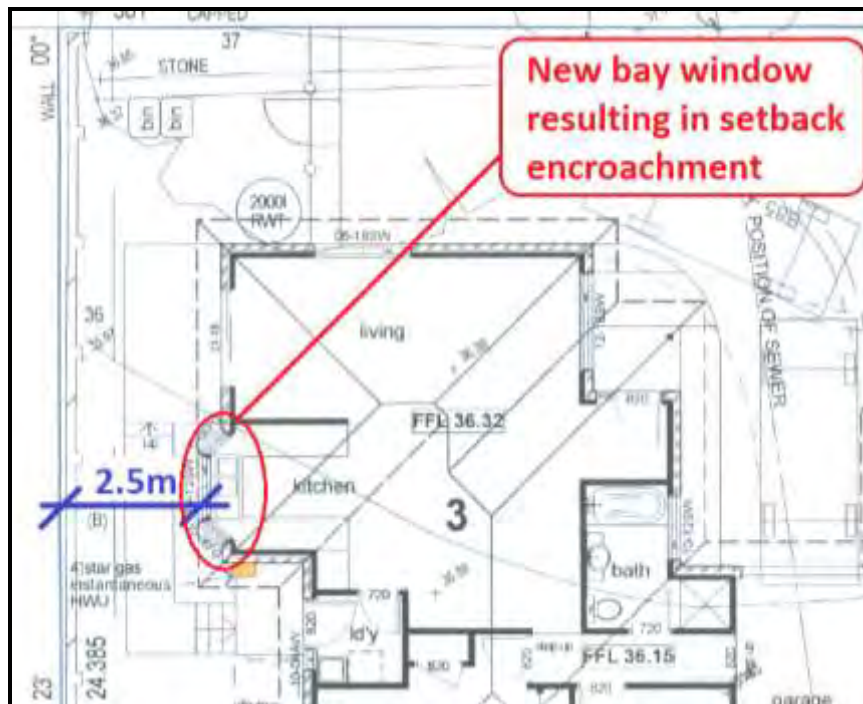


Figure 4 – Unit 3 indicating the proposed bay window resulting in encroachment to the 3m side setback.

Source: Submitted plans by applicant edited for diagrammatic purposes by CPS.

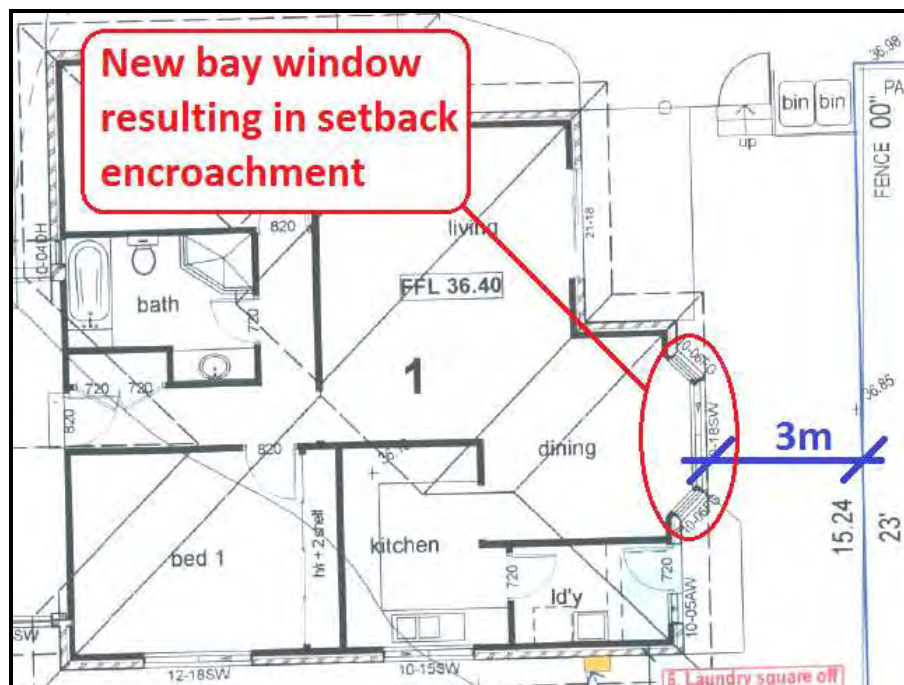


Figure 5 – Unit 1 indicating the proposed bay window resulting in encroachment to the 3m side setback.

Source: Submitted plans by applicant edited for diagrammatic purposes by CPS.

ITEM 4 (continued)

Visual and Acoustic Privacy. Section 3.10(d) in Part 3.4 of DCP2014 prescribes development controls relating to visual privacy. Specifically, DCP2014 stipulates that any elevated landing or similar is to be no more than 1 m wide.

An assessment of the proposed Section 96(1A) modifications has revealed that a new deck is proposed to the rear of Unit 2. The maximum height of the deck is approximately 1.5m (at the south western corner), and reduces to a height of approximately 660mm, with a width of between 1.5m and 3m.

Whilst the proposed deck for Unit 2 does not meet the minimum requirements as mentioned above, it is considered the variation to Council's controls is minor and can be supported for the following reasons:

- The height of the deck for Unit 2, which is referred to a deck on the submitted plans, has a maximum height of 1.5m, which reduces to a height of approximately 660mm above the existing ground level. Due to the variation in the height of the deck, where the maximum height of 1.5m occurs only within a small portion, it is considered that the overall height of the deck is not excessive and would on its own, not result in significant overlooking to the adjoining properties – refer **Figure 6**
- The location and orientation of the deck will not result in direct overlooking into the private open space of adjoining properties. This is because the deck is adequately separated the private open space and habitable room windows of adjoining properties. Furthermore, adjoining properties and substantially screened from the subject site, by existing mature vegetation – refer **Figure 7**.

For the above reasons, the minor variation to Council's controls related to elevated landings is considered justifiable in this instance. This is because the objective of maintain a reasonable level of privacy to adjoining property is maintained despite the numerical non-compliance with Council's control.

ITEM 4 (continued)

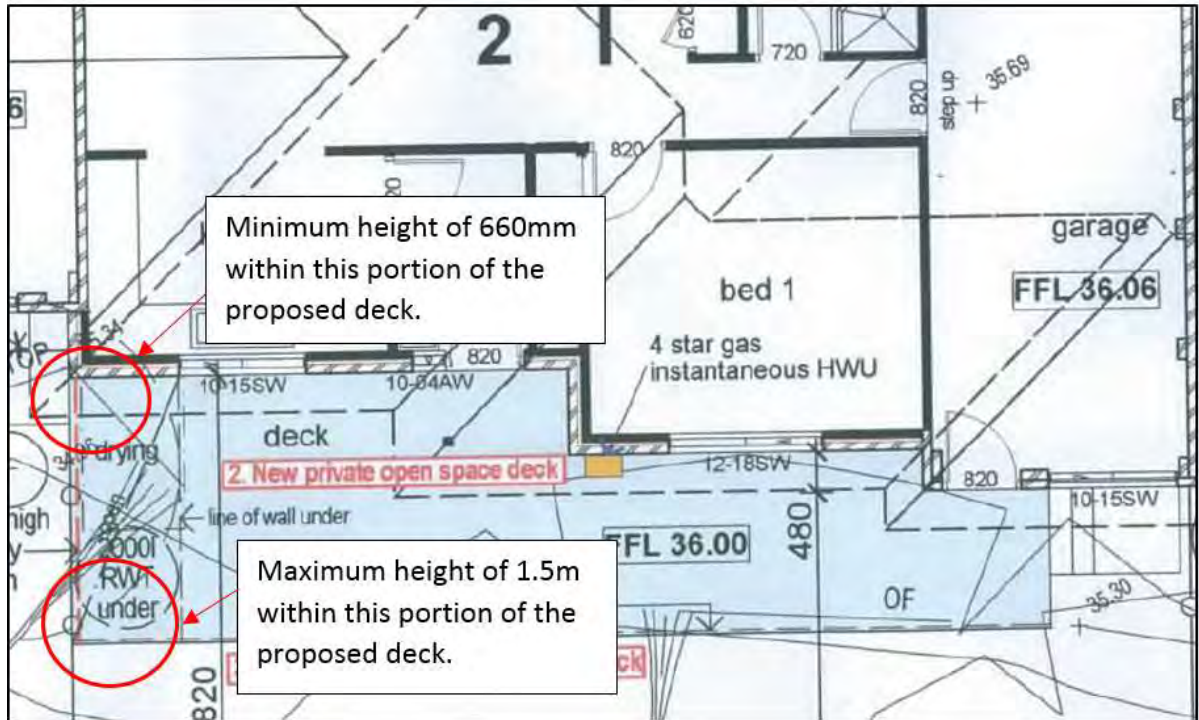


Figure 6 – Plan and elevation indicating the height of the proposed deck for Unit 2.
Source: Submitted plans by applicant edited for diagrammatic purposes by CPS.

ITEM 4 (continued)



Figure 7 – Demonstrates how the subject site is screened by existing mature vegetation and separated from adjoining property by a riparian corridor..

Source: *maps.six.nsw.gov.au*

10. Likely impacts of the Development

(a) Built Environment

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken as part of the overall assessment of the subject Section 96(1A) application. This has included a compliance check against all relevant planning controls and a detailed assessment report.

The resultant impacts of the proposed modification on the built environment are considered to result in a development that is generally consistent with the previous approval and the desired future character of the low density residential areas, and consistent with the nature of development in East Ryde and wider Ryde local government area.

ITEM 4 (continued)

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

(b) Natural Environment

Given the nature of the proposed development being for the modification of an existing development approval, generally the proposed modifications are minor and it is considered there will be no significant impact upon the natural environment as a result of the proposal, subject to the recommended conditions. However Council's Senior Development Engineer has raised concerns in relation to the proposed fencing at the rear of the site along part of the south-western boundary which will cross Kitty's Creek (see referral section later in this report).

Accordingly, given the potential to impact to the natural environment, this component of the Section 96(1A) modifications has not been supported and a condition has been imposed that this fence be deleted from the final plans. With the abovementioned condition in place, it is considered there will be no significant impact upon the natural environment as a result of the proposal.

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 affected by a number of environmental constraints including bushfire, flooding and urban bushland.

Despite this, given the proposal is considered to constitute 'substantially the same development' the proposal is therefore considered to remain suitable for the site, as was determined the case under LDA2013/0352.

12. The Public Interest

The modification of LDA2013/0352 complies with Council's current development controls, and, subject to imposition of specific conditions of consent, includes a built form that is in keeping with the existing and desired future character of the low density residential area. For this reason the proposal is considered to be in the public interest.

ITEM 4 (continued)

13. Consultation – Internal and External

Internal Referrals

Senior Development Engineer, 15 September 2015:

Council's Senior Development Engineer has reviewed the subject Section 96(1A) application and has indicated that there is no objection to deleting the flood related condition No.36 under LDA2013/ 0352 and no objection to the modification of the drainage plans including the relocation of the OSD subject to conditions. However the Senior Development Engineer objects to the proposed fencing across Kitty's Creek and states:

'The proposed modification seeks to extend a fence across the creek. This is not supported given the structure will pose a barrier to overland flows, trap debris and effect overland flow. If frangible, the structure can increase the potential for property damage due to the accumulation of debris and release as a whole into the overland flow path when the fence fails.'

Accordingly, a condition is to be imposed that the fencing at the rear of Unit 3, which crosses Kitty's Creek, be deleted. Additionally the following conditions are to replace Condition No.35 and 42, and also reference the updated stormwater plan details:

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 Kitty's Creek, generally in accordance with the plans by M M Farah - Civil/ Structural Pty Ltd. (Refer to Job No. SW-136A CRESSY Sheet 1 & 2 dated 15 May 2015) subject to the following variation(s);

- The proposed outflow is to be designed and constructed in accordance with the DCP, Part 8.2 (Stormwater and Floodplain Management – Technical Manual), Section 1.3.3 and the requirements of the Office of Water.

ITEM 4 (continued)

The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer with NPER registration with Engineers Australia and are to 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 2010 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.
- Onsite detention must be incorporated in the stormwater management system. The certification must state that the submitted design provides a permissible site discharge and site storage requirement as determined by the simplified method specified in the City of Ryde-DCP 2010 Part 8.2 (Stormwater Management – Technical Manual).

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 M M Farah - Civil/ Structural Pty Ltd. (Refer to Job No. SW-136A CRESSY Sheet 1 & 2 dated 15 May 2015) submitted in compliance to the condition labelled “Stormwater Management”.

Landscape Architect, 6 October 2015:

Council’s Consultant Landscape Architect (Creative Planning Solutions Pty Limited) has raised no objection to the proposed development subject to a number of conditions. The following comments were provided in relation to the subject application:

‘It is noted that the overall landscape planting scheme is not considered to be acceptable and does not appear to have taken into consideration the site specific requirements of the urban bushland setting. The planting scheme is sporadic and does not respond to the delicate nature of the site. Whilst the overall layout of planting and hard surfaced areas has generally remained the same as per the original Landscape Plan, it is considered that overall the proposed landscape planting scheme, including species selection, densities and locations, will result in a poor landscape character and amenity for the site.’

Accordingly, following condition has been recommended to ensure a new landscape plan is submitted with the Construction Certificate Plans:

ITEM 4 (continued)

Landscaping Plan. The Landscaping Plan submitted with the DA (Issue C, dated 05.06.2015) prepared by Old For New Pty Ltd is to be updated and amended to comply with the following requirements:

- (iv) The landscape plan should be prepared by a suitably qualified Landscape Architect or Landscape Designer;
- (v) The landscape scheme is to be of a high quality and amenity that appropriately considers the unique urban bushland setting of the site including the riparian zone of Kitty's Creek. This is to include a more informed species selection which responds to the surrounding landscape character. Reference should be made to the Ryde Council website for further information in terms of species selection;
- (vi) Compliance with the following requirements of the NSW Rural Fire Service:
 - Suitable impervious areas are to be provided immediately adjacent to the surrounding building such as courtyards, paths and driveways;
 - Grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building;
 - Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;
 - Maximum tree cover should be less than 30%, and maximum shrub cover less than 20%;
 - Planting should not provide a continuous canopy to the building (ie. trees or shrubs should be isolated or located in small clusters);
 - When considering landscape species, consideration needs to be given to estimated size of the plant at maturity;
 - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
 - Use smooth bark species of trees which generally do not carry a fire up the bark into the crown;
 - Avoid planting of deciduous species that may increase fuel at surface/ground level (ie. leaf litter);
 - Avoid climbing species to walls and pergolas;
 - Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
 - Locate combustible structures such as garden sheds, pergolas, and materials such as garden furniture away from the building;
 - Use of low flammability vegetation species;

ITEM 4 (continued)

This amended Landscaping Plan is to be submitted to and approved by Council prior to the release of the Construction Certificate given the significance of this issue and importance of the planting in this location.

External Referrals

NSW Department of Industries Water (formerly NSW Office of Water), 16 September 2015:

As part of the Section 96(1A) application the proposal was referred to the NSW Department of Primary Industries Water (DPI Water) for comments regarding any potential impact to the waterway of Kitty's Creek as a result of the proposed modifications. DPI Water has indicated that there are no objections to the proposed modifications subject to the DPI Water's General Terms of Approval (GTA) for works.

Accordingly, DPI Water's GTA are to be included as part of the consent (see draft condition below) and are attached to this report for reference.

NSW Office of Water – General Terms of Approval. Full compliance with all of the conditions listed in the General Terms of Approval issued by the NSW Office of Water in relation to this development (Reference No 10 ERM2013/0836 – dated 16 September 2015) is required – refer to copy attached to this letter.

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 pursuant to the provisions of Section 96(1A), and by using the heads of consideration listed in Section 79C of the Act.

With regard to Section 96(1A), the Assessment Officer is satisfied that a quantitative and qualitative assessment of the revised plans enables the proposal to be considered substantially the same development.

ITEM 4 (continued)

Accordingly, the following has been determined:

- The proposal can comply with the mandatory requirements and objectives of the relevant environmental planning instruments pertaining to the subject site, including the Ryde Local Environmental Plan 2014;
- The proposal is satisfactorily complying when assessed against the provisions and objectives of the Ryde Development Control Plan 2014;
- The likely environmental impacts of the proposed development have been considered and determined to be satisfactory when having regard to both the natural and built environment, and social and economic impacts in the locality, subject to the recommended conditions of consent as outlined in the recommendation;
- The proposed multi dwelling housing development modification is considered to be suitable for the site on which it is to be constructed; and
- The proposed development is considered to be in the public interest, subject to the recommended conditions of consent as outlined in the recommendation.

The assessment of the proposal with regard to the heads of consideration under Section 79C of the Act has determined that the proposal satisfactorily complies with the provisions of LEP2014 and DCP2014. Further it is been determined that the impacts of the proposed modification on the built and natural environment are minimal, and capable of being mitigated against by imposition of the recommended conditions, and the continued application of the existing conditions of consent under LDA2013/0352.

On the above basis it is recommended that subject Section 96(1A) application be **APPROVED**.

ITEM 4 (continued)

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COMPLIANCE TABLE

LDA No:	LDA2013/0352
Date Plans Rec'd	15 June 2015
Address:	136A Cressy Road, East Ryde
Proposal:	Section 96(1A) application to modify the approved plans for LDA2013/0352.
Constraints Identified:	Bushfire Prone, Urban Bushland Endangered, Overland Flow / Flood Prone, 100m of Heritage Item

Ryde LEP 2014	Proposal	Compliance
4.1B Minimum lot size		
<ul style="list-style-type: none"> 900 square metres 	1092m ² according to Statement of Environmental Effects and plans submitted.	Yes
<ul style="list-style-type: none"> Road frontage of the lot is equal to or greater than 20 metres. 	Frontage to Cressy Road of 3.05m. This non-compliance has previously been assessed and justified under the approved LDA13/352.	No-Clause 4.6 not required – S.96(1A) application
4.3(2) Height of buildings		
9.5m – maximum building height	Unit 1: 4.30m Unit 2: 4.60m Unit 3: 4.80m The height of the development remains unchanged as per LDA13/352.	Yes

ITEM 4 (continued)

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4.3A(2) Exceptions to height of buildings		
Despite clause 4.3, the maximum height of multi dwelling housing on land in Zone R2 Low Density Residential is 5 metres for any dwelling that does not have a road frontage.	The height of the development remains unchanged as per the approved LDA13/352.	Yes
4.5A Density controls for Zone R2 Low Density Residential		
(a) the site area for the building is not less than: (i) for each 1, 2 or 3 bedroom dwelling—300 square metres, and (ii) for each 4 or more bedroom dwelling—365 square metres, and (b) each dwelling will have its own contiguous private open space	The density of the multi-unit development remains unchanged as per the approved LDA13/352.	Yes

Ryde DCP 2014	Proposed	Compliance
2.1 Site Analysis		
<ul style="list-style-type: none"> ○ Must have a SA ○ SA should relate dwgs to surrounds + minimise amenity impacts 	<p>A site analysis plan was not submitted with the Section 96 application. This is due to the minor nature of the amendments proposed. As such, there is not considered to be additional amenity impacts to surrounding properties.</p> <p>The impacts on the surrounding development and streetscape was previously assessed as part of LDA13/352, where sufficient information was submitted as per the requirements outlined in the DCP2014.</p>	Yes

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Ryde DCP 2014	Proposed	Compliance
2.2 Minimum allotment size		
Area: (not <900m ²)	1092m ² according to Statement of Environmental Effects.	Yes
Primary Frontage: (not <20m)	Frontage to Cressy Road of 3.05m. This non-compliance has previously been assessed and justified under the approved LDA13/352.	Yes
Not hatchet shaped	Allotment is hatchet shaped. This non-compliance has previously been assessed and justified under the approved LDA13/352	Yes
2.3 Non-Preferred Locations		
Is the proposed development within a non-preferred location?	<p>The subject site is affected by overland flow. However it has been demonstrated, from the flood study submitted under DA13/352 that no adverse impacts to flooding will arise from the proposed development.</p> <p>Council's engineer has reviewed the proposed modifications, in particular the proposed fence located along the rear portion of the southern side boundary - please refer to engineers comments.</p>	Yes
2.4 Retention of existing dwellings		
Retention of an existing dwelling as part of a new Multi dwelling housing development will not be approved.	No retention of existing dwelling proposed, as per approved LDA13/352.	Yes
2.5 Density		
<p>As per clause 4.5A RLEP2014 – which state:</p> <p>(a) Site Area:</p> <ul style="list-style-type: none"> ○ 300m² per 1,2,3br dwelling ○ 365sqm per 4+ bedroom dwellings 	The density of the multi-unit development remains unchanged as per the approved LDA13/352.	Yes

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Ryde DCP 2014	Proposed	Compliance
2.6 Number of Dwellings		
Not more than 12 Dwellings	3 dwellings proposed, as per the approved LDA13/352	Yes
2.7 Type of Dwellings		
(a) If 4 or more dwellings on site, <75% with same number of bedrooms (rounded down) e.g. 6 dwg = 4x3B + 2x2B	As above.	Yes
In any proposed Multi dwelling housing development the slope of the site, proposed levels, height of dwellings, site coverage, landscaping, setbacks, accessibility and overshadowing must be considered when assessing: i. Whether the development will complement and enhance the existing neighbourhood; and ii. Whether the development meets the needs of all householders including older persons and persons with disabilities.	The proposed height of the dwellings, landscaping, setbacks and extent of overshadowing are generally consistent with the approved LDA13/352. Any changes are noted under the relevant Sections of the DCP2014, within this compliance table.	Yes
3.1 Slope of Site		
At least one dwelling must present to the street	As per the approved LDA13/352, None of the dwellings present to the street as the allotment is a hatchet shape with all dwellings located to the rear.	Yes
Slope must be <1:6 either up or down from street frontage	Minimal fall from rear towards street frontage, gradient less than 1:6.	Yes
Cross-fall >1:14	Generally cross falls of <1:14 across the site, it is noted however that existing rock outcrops along the southwest boundary have created some areas of cross fall of which exceed this level. The impact upon the privacy of neighbouring allotments has been assessed as under LDA	Yes

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Ryde DCP 2014	Proposed	Compliance
	13/352. The proposed modifications are not considered to result in additional privacy impacts.	
3.2 Altering the Levels of the Site		
No imported Fill	None shown. Some fill (up to 1m) proposed within dwelling footprint, as per the approved LDA13/352. No additional fill is proposed as part of the proposed modification.	Yes
<300mm Cut or Fill outside building envelope.	<300mm cut or fill proposed outside the building envelope, as per the approved LDA13/352. No additional cut or fill is proposed outside of the building envelope as part of the proposed modification.	Yes
No basement garages, minimal steps, minimal retaining walls	No basement garages, some steps required to gain access to rear POS of Unit 2 & 3, existing rock outcrops utilised as retaining walls, as per approved LDA 13/352.	Yes
POS generally at NGL.	POS generally at NGL with minimal alteration of levels. The exception is Unit 2, which proposes a new deck, as part of the modification. The maximum height of the deck is approximately 1.5m. However, due to the topography of the site, the height will vary with the existing contours of the site. Therefore, it is considered that POS is generally provided at NGL.	Yes

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Ryde DCP 2014	Proposed	Compliance
3.3 Storey and Height		
3.3.1 Storeys		
Dwg with frontage to street can be 2 storeys provided: <ul style="list-style-type: none"> ○ 2 st dwg not attached to any other 2 st dwg ○ 2 st dwg is suitable in regards streetscape 	As per the approved LDA13/352, none of the proposed dwellings have a frontage to the street. This is due to the hatchet shaped allotment	Yes
3.3.2 Height		
As per Clause 4.3(2a) – which state the maximum height is: (a) for dwgs in bldg with no frontage to street – 5m	Unit 1: 4.30m Unit 2: 4.60m Unit 3: 4.80m The height of the development remains unchanged as per LDA13/352.	Yes
(b) for dwgs with a frontage to street is maximum 9.5m	As per the approved LDA13/352, none of the proposed dwellings have a frontage to the street. This is due to the hatchet shaped allotment	Yes
3.4 Site Coverage		
Site coverage < 40%	The proposed modification will result in an overall increase in site coverage of 3m ² . As such, the site coverage will increase to 28% (310m ²)	Yes
Pervious area > 35%	The proposed modifications will result in a slight decrease in the pervious area from 36.79% to 35%.	Yes
3.5 Setbacks		
3.5.1 Front Setbacks		
<u>Front Setbacks:</u> The same distance as one of the buildings on an adjoining allotment, if the difference between the setbacks of the building on the two adjoining allotments is not more than 2 m; or	Hatchet shaped allotment - Setback from Cressy Road of 48.72m, as per approved LDA13/352.	Yes

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Ryde DCP 2014	Proposed	Compliance
If the difference between the setbacks of the adjoining buildings is more than 2m the development must be setback the average of the front setback of the two adjoining developments.	As above	
Setback of 1m less than the above standard for not more than 50% of the front elevation for interest in the streetscape.	As above	N/A
Council may vary this requirement if streetscape is likely to change: >7.5m for 50% of frontage, >6.5m for 50% of frontage.	As above	N/A
3.5.4 Side and Rear Setbacks		
Min 4.5m unless vehicular access is included in this area, then min 6m. To promote variation & interest up to 50% may be not less than 3m	<p>The following setbacks remain unchanged as per the approved DA/13/352.</p> <ul style="list-style-type: none"> • North-east – Min. 4m driveway included. Majority exceeds 6m. • South-west – Min. 5.6m <p>The following setbacks proposed minor modifications, which are a result of the proposed bay windows to Unit 1 and Unit 3.</p> <ul style="list-style-type: none"> • North-west – Min. 2.5m for a length of 2.8m (31%) • South-east – Min 2.5m for a length of 2.3m (19%) 	<p>Yes</p> <p>Yes</p> <p>No –justifiable</p>
Must provide appropriate solar access.	Courtyards are considered to achieve satisfactory levels of solar access, as per the approved LDA13/352.	Yes
Ensure existing substantial trees not within proposed courtyard areas.	Council's Consultant Landscape Architect has reviewed the modified landscape plan – refer to Landscape Assessment.	Yes

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Ryde DCP 2014	Proposed	Compliance
3.5.5 Internal Setbacks		
Habitable room windows don't overlook	As per the approved LDA13/352, habitable room windows do not allow for any overlooking to other dwellings. The internal layout of each unit remains unchanged.	Yes
9m separation between facing dwellings habitable room windows?	The proposed multi dwelling housing development is included within one single unbroken building, as per the approved LDA13/352, thus there is not building separation proposed	Yes
3.6 Private Outdoor Space		
Min 35m ² for 3+B	All units are 2 bedroom. Unit1 POS: 114.68m ² Unit 2 POS: 75.60m ² Unit 3 POS: 171m ² The provision of private open space for each unit remains changed.	Yes
Min dimension 4m and generally at NGL	Minimum dimensions comply except for small areas along the side of Unit 1 & 3. Courtyards are generally at natural ground level. The exception is Unit 2, which proposes a new deck, as part of the modification. The maximum height of the deck is approximately 1.5m. However, due to the topography of the site, the height will vary with the existing contours of the site. Therefore, it is considered that POS is generally provided at NGL.	Yes
Solar access: 50% for ≥2hrs	The proposed modifications are not considered to adversely impact on the provision of solar	Yes

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Ryde DCP 2014	Proposed	Compliance
	access for each unit. As such, it is considered that each courtyard and ground level open space will receive the required level of sunlight, as per the approved LDA13/352.	
Do not contain ex'g big trees	No substantial trees shown on plans as being retained within the courtyard area, as per the approved LDA13/352.	Yes
Access to courtyard other than through dwg? Note:	No changes to access, arrangement as part of proposed modifications. Access to Unit 1 & 3 courtyards is available through a gate at the side of the dwelling. Access to Unit 2 is provided through the garage which is considered to be acceptable.	Yes
Securely enclosed (not roofed) + visible from liv rms	All private open spaces are securely fenced and generally visible from the living rooms/kitchens, as per the approved LDA13/352.	Yes
Not within front setback	Private open spaces are not within front setback, as per the approved LDA13/352	Yes
3.7 Landscaping		
Extent of landscaping, existing trees retained in common areas?	Council's Consultant Landscape Architect has reviewed the modified landscape plan – refer to Landscape Assessment.	
If landscaping used for privacy: <ul style="list-style-type: none"> • ≥1.2m landscaped strip • Shrub mature height 3-4m, if possible small trees mature height 5-m in combination with screen planting 	Adequate screen planting on minimum height and dimensions included to all boundaries, as per approved LDA13/352.	Yes

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Ryde DCP 2014	Proposed	Compliance
1m strip between driveway and wall of dwgs	Min. 1m provided, as per the approved LDA 13/352	Yes
Nature Strips: Street trees retained and protected?	No street trees affected by proposed development.	Yes
3.8 Car Parking, Manoeuvrability and Driveway Crossings		
Car Parking		
Number of Parking Spaces 1 space per 1 or 2 B dwelling 2 spaces per 3+B dwelling 1 visitor space per 4 dwgs (at least 1 space per dwg must be lockable garage) Total No of spaces req'd: 7 6 resident spaces 1 visitor space.	No changes to parking arrangements are proposed. 1 parking space provided for each 2 bedroom dwelling. 1 visitor parking space provided	Yes
Garage location: - Not between dwelling and street frontage - No tandem parking in front of garage - Conveniently located for occupants - Located so they separate dwellings.	Note: There are no changes to the location of the garages. Details are as per the approved LDA13/352 No garages within the proposed development are located between the Dwellings and the street frontage. No tandem parking proposed Garages are attached to dwellings and considered to be in a convenient location. As mentioned above, the garages have been provided in an arrangement that will separate each of the Dwellings within the multi Dwelling house development.	Yes Yes Yes Yes

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Ryde DCP 2014	Proposed	Compliance
Manoeuvrability: Enter and leave garage/parking area with single 3pt turn, in a forward direction (unless safe to reverse - corner allotment only).	Accord to the drawing provided sufficient on site turning has been provided, as per the approved LDA13/352	Yes
Driveways Suitably paved, extent minimised, to avoid excessive amounts of hard paving.	Driveway area has been suitably paved and extent minimised with landscaping included where possible, as per the approved LDA13/352	Yes
Driveway Crossings Width: <10 spaces, min 4m >10 spaces, max 6m Driveways <30% of frontage	As per the approved LDA13/352 5.5m proposed <30% of frontage	Yes
3.9 Overshadowing and Access to Sunlight		
Habitable room windows face courtyard or other outdoor space open to the sky, no closer than 1.5m to facing wall.	All habitable room windows face courtyard areas. Habitable room windows are no closer than 1.5m to a facing wall. There are no changes to the location of windows as per the approved LDA13/352.	Yes
Sunlight to at least 50% of each courtyard, and principal ground level open space >2hrs between 9am and 3pm on June 21	The proposed modifications are not considered to adversely impact on the provision of solar access for each unit. As such, it is considered that each courtyard and ground level open space will receive the required level of sunlight, as per the approved LDA13/352.	Yes
Where existing overshadowing by buildings and fences is greater than this on adjoining properties, sunlight must not be further reduced by more than 20%	The proposed modifications are not considered to adversely impact on the provision of solar access for adjoining dwellings. As such, adjoining properties will receive the required level of sunlight, as per the approved LDA13/352.	Yes

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Ryde DCP 2014	Proposed	Compliance
Shadow diagrams must indicate extent of shadowing within development and adjoining properties.	Shadow diagram not required due to the minor nature of the proposed modifications.	N/A
3.10 Visual and Acoustic Privacy		
Min 9m separation between facing habitable room windows	The proposed multi dwelling housing development is included within one single unbroken building and thus there is not building separation proposed, as per the approved LDA13/352.	Yes
No direct views between living area windows of adjacent dwellings (otherwise screening or obscuring necessary)	There are no direct views between living area windows of adjacent dwellings, as per the approved LDA13/352	Yes
Direct views from living areas to private open space of other dwellings should be screened or obscured within privacy sensitive zone of 12m radius.	No direct views provided from living areas to private open space of other dwellings. Appropriate screen planting has been introduced so as to mitigate any visual privacy issues, as per the approved LDA13/352.	Yes
<p>Balconies prohibited on all dwellings</p> <p>Elevated landings (or similar associated with stairs into courtyard) max 1m wide</p>	<p>No balconies proposed, as per the approved LDA13/352.</p> <p>No elevated landings are proposed within the courtyards of the Unit 1 and Unit 3.</p> <p>The exception is Unit 2, which proposes a new deck, as part of the modification. The maximum height of the deck is approximately 1.5m and exceeds 1m in width. However, due to the topography of the site, the height will vary with the existing contours of the site.</p>	<p>Yes</p> <p>Yes</p> <p>No-justifiable</p>

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ATTACHMENT 1

Ryde DCP 2014	Proposed	Compliance
Living and sleeping areas protected from high levels of external noise?	The layout of each unit of the development remains unchanged as per the approved LDA13/352	Yes
Noise levels of air con pool pumps etc must not exceed background n noise level by more than 5dB(A)	No air conditioning or pool pumps are shown on the plans as being proposed.	NA
3.11 Accessibility		
3.11.1 Pedestrian Access		
All multi dwelling housing developments should be designed and constructed so that they are safe and accessible for pedestrians including children, people with disabilities and older people.	Due to the hatchet shaped allotment, no separate access is provided as there is not enough space to allow both vehicular and pedestrian access, as per the approved LDA13/352	Yes
3.11.2 Access for People with Disabilities – Developments of 6 or more dwellings		
Developments of 6 or more dwellings must be designed so not <35% of the dwellings provide access to people with disabilities, in accordance with AS4299.	Proposed development includes 3 dwellings only, as per the approved LDA13/352	N/A
Dwellings which have been designed to AS4299 must be able to access the street, car parking and common areas using a continuous path of travel.	No dwellings identified as accessible due to the proposal only including 3 dwellings in total, as per the approved LDA 13/352.	N/A
3.11.3 Access Audits		
Access audit submitted that has been conducted by a qualified and accredited access auditor.	Proposed development includes 3 dwellings only, and as such an access audit is not required.	N/A

ITEM 4 (continued)

ATTACHMENT 1

Ryde DCP 2014	Proposed	Compliance
4.1 Appearance		
Complement streetscape	The development is considered to complement the existing neighbourhood. The general appearance of each dwelling remains unchanged, as per the approved LDA13/352. The exception is a minor increase in floor area for Unit 1 and Unit 2, which will have a negligible impact on the visual appearance of the overall development.	Yes
Includes pitched roof, eaves, vertically oriented windows, verandahs, rendered and face brick	As above.	Yes
At least 1 dwg must face street	As above	Yes
4.2 Ceiling Height		
Floor to Ceiling min 2.7m	The proposed modification shows that a minimum 2.7m wall height is provided for each unit.	Yes
4.3 Roofscape and Roof Materials		
Pitch 22-30° (35° where 2 nd floor is within roof)	The roof form of the overall development remains unchanged, as per the approved LDA13/352.	Yes
Min 300mm eaves overhang for roofs & verandas	As above	Yes
Gables to street frontage?	As above	Yes
Variation to roof line?	As above	Yes
Roof materials consistent with traditional ones in the street?	As above	Yes
4.4 Building materials for Walls		
In keeping with the traditional materials for the locality. Detailing to break up large areas of wall adding interest and individuality	There are no changed proposed to the building materials. Face brick proposed with highlight walls of different coloured brick to create variation, as per the approved LDA13/352.	Yes

ITEM 4 (continued)

ATTACHMENT 1

Ryde DCP 2014	Proposed	Compliance
Proportion of windows and other openings consistent with character of locality. (windows generally 2:1 and 3:1 vertical proportion)	Number of windows is considered to be consistent with the character of the locality. It is noted that no dwellings will be visible from the streetscape due to the allotment being hatchet shaped. The proposed modification involves the addition of a bay window to the dining room and kitchen of Unit 1 and Unit 3, respectively. This is not considered to significantly alter the appearance of the development.	Yes
4.5 Fences		
4.5.1 Front fence		
Max ht 1m, and 70% visually permeable, return to be similar to front fence	No front or return fencing proposed as allotment is hatchet shaped, as per the approved LDA13/352.	N/A
Materials compliment dwelling e.g. wooden pickets, masonry with infill panels, wrought iron or similar etc	As above.	N/A
4.5.3 Other boundary fences		
Min ht 1.8m	The modification proposes a new 1.8m high (pool type) fence. Council's engineer has reviewed the proposed modifications to the proposed fence located along the rear portion of the southern side boundary - please refer to engineers comments.	Yes
Lapped and capped timber	As above.	N/A

ITEM 4 (continued)

ATTACHMENT 1

Ryde DCP 2014	Proposed	Compliance
4.6 Clotheslines and drying area		
External clotheslines (not visible from adjoining properties or public areas)	External clotheslines located within rear yards. Those visible from neighbouring allotment have been appropriately screened by way of lattice and screen planting, as per the approved LDA 13/352.	Yes
Each dwelling must have its own laundry	Laundries provided to each dwelling, as per the approved LDA 13/352.	Yes
4.7 Lighting		
Front yard lighting and lighting for the front of dwellings is to be provided	No information provided regarding front yard lighting – this was a condition of consent for LDA13/352.	Conditioned in LDA 13/352
Location of external lighting must not have adverse effect on adjoining properties.	As above.	
4.8 Garbage bin enclosures		
For developments up to 5 dwellings on sites that are not steeply sloping and which have a wide road frontage: <ul style="list-style-type: none"> - Each dwelling must be provided with a storage area for Council's standard rubbish and recycling bins. - Storage area should be behind the dwelling, not visible from public spaces, common areas and habitable room windows 	The submitted landscape plans shows that garbage areas of each dwelling have been provided and are generally not visible from public spaces, common areas or habitable room windows. It is noted that suitable screened enclosures are proposed.	Yes
Drainage		
Refer to Part 8.2 Storm water Management DCP 2010	See Development Engineers comments	Yes
Tree Removal		
Refer to Part 9.6 Tree Preservation DCP 2010	Refer to Landscape Assessment Report.	Yes

ITEM 4 (continued)

ATTACHMENT 1

BASIX	Proposal	Compliance
All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans Revised BASIX Cert 492319M_03 dated 10 June 2015.	BASIX Certificate provided	Yes
• RWT 7000L	OSD under deck of Unit 2	Yes
• Thermal Comfort Commitments: - Insulation as per schedule - Windows & glazing as per schedule - Construction as per schedule - TCC – Glazing as per schedule.	To Comply	Yes
• Fixtures - 3 star taps & showerheads - Toilets \$I flush or 3 star	To Comply To Comply	Yes Yes
• Lighting - 40% LED	To Comply	Yes
Water Target 40	Water: 40	Yes
Energy Target 40	Energy: 49	Yes
Correct description of property/proposal on 1 st page of Certificate.	Correct details shown	Yes

Non-compliances – justifiable

Section 3.5.4: Side and Rear Setbacks

- The proposal fails to comply with the side setback controls.

Section 3.10 – Visual Privacy

- A deck more than 1m wide is proposed for Unit 1. Road.

Non-compliances/issues – resolved via conditions

Nil

ITEM 4 (continued)

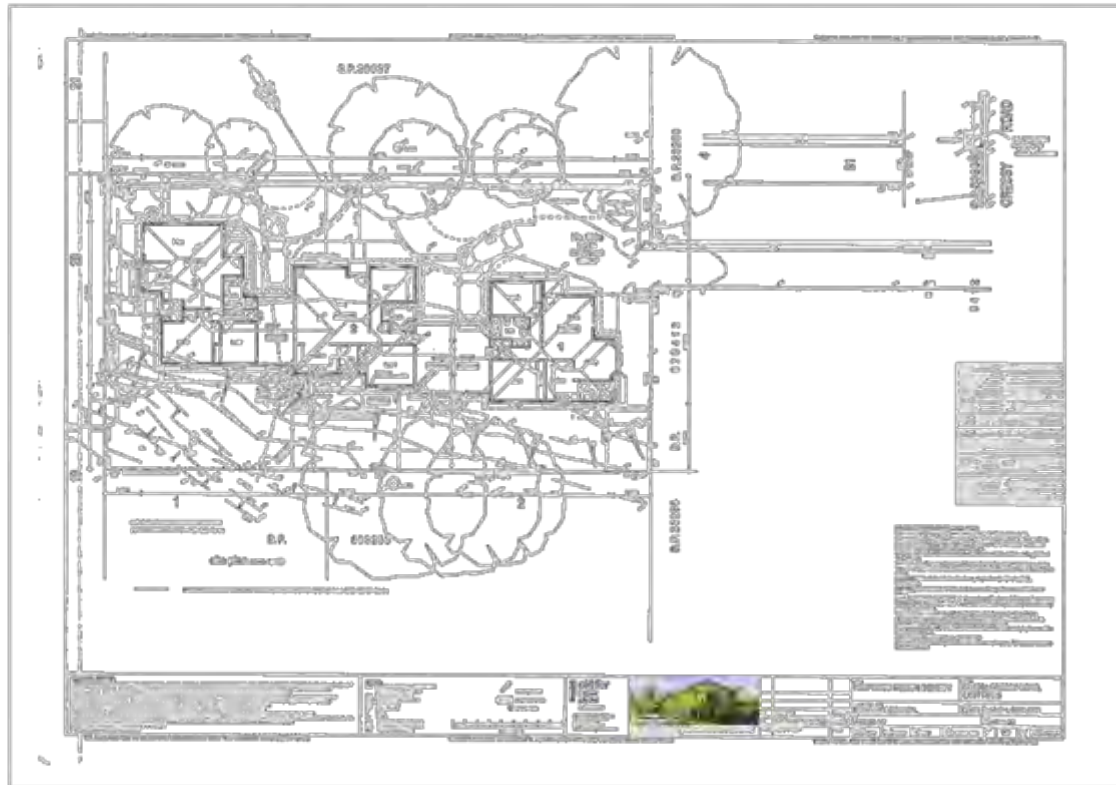
ATTACHMENT 2



● Indicates Submission made

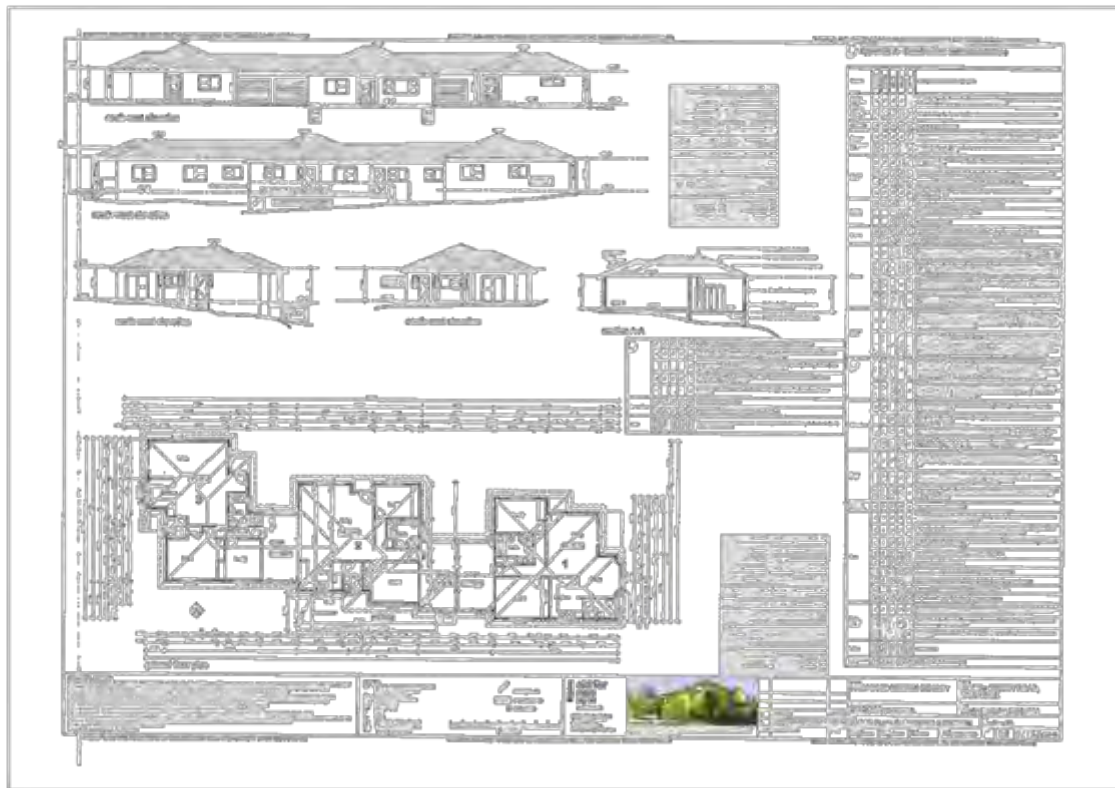
ITEM 4 (continued)

ATTACHMENT 3



ITEM 4 (continued)

ATTACHMENT 3



5 PLANNING PROPOSAL - 66-82 TALAVERA ROAD, MACQUARIE PARK

Report prepared by: Strategic Planner

File No.: LEP2015/5/3 - BP15/1646

REPORT SUMMARY

Council has received a Planning Proposal (PP) to amend controls within LEP 2014 as they apply to 66 – 82 Talavera Rd Macquarie Park (known as the “the site”).

The Planning Proposal seeks to change the zoning, incentive height and floor space ratio controls applying to the site to facilitate the development of the site for a mixed use development containing approximately 1,085 dwellings plus 40 key worker dwellings, 20,000m² of non-residential floor space and 1,526 car parking spaces.

This will require:

- Amending LEP 2014 Land Zoning Map from B7 Business Park to B4 Mixed Use for the site
- Amending LEP 2014 Macquarie Park Corridor Precinct Incentive Height of Buildings Map to increase the maximum height of buildings permitted on the eastern portion of the site from 45m to 120m and
- Amending LEP 2014 Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map to increase the FSR across the whole of the site from 1.5:1 to 3.5:1.

A Proposed Concept Masterplan for the site was submitted with the PP and includes:

- four towers up to a maximum of 120m (38 storeys)
- three 20–25m (5 – 7 storeys) buildings and the retention of a 6 storey commercial building currently under construction.
- 40 apartments for key worker housing to be secured through a Voluntary Planning Agreement (VPA)
- a 10,000m² open space area. The PP states that the cost of providing the new open space would not be offset against Section 94
- a child care centre for 60 children.

The PP does not include a VPA.

An assessment of the PP has been undertaken which included a review of :-

- The consistency of the PP against objectives and actions of state, regional and local planning policies and strategies
- The environmental, amenity and traffic and parking impacts and
- The built form and urban design outcomes.

Macquarie Park is identified as a Strategic Centre under *A Plan for Growing Sydney*, 2014 which aims to guide land use planning decisions in Sydney for the next 20 years. Under that Plan priorities for Macquarie Park include the Department of Planning and Environment (DOPE):-

ITEM 5 (continued)

- Working with Council to retain a commercial core in Macquarie Park for long-term employment growth
- Working with council to concentrate capacity for additional mixed-use development around train stations, including retail, services and housing

Council on the 22 September 2015 resolved to accept an invitation from the DOPE to partner with them to undertake a strategic investigation of Macquarie Park.

It should be noted that the applicant has been in contact to the DOPE regarding the rezoning of the site. In 2014 the applicant was advised by DOPE that:-

“There may be some merit in diversifying the mix of land uses within Macquarie Park by allowing some residential uses... However, such proposals would need to be carefully considered as part of a broader strategic review into the future role of Macquarie Park.”

A review of the Planning proposal has also considered the following aspects of the proposal.

Height and density: 120m building height is permissible at the corner of Herring and Waterloo Roads to mark the rail station and “centre” of the Macquarie Park Corridor. However, the permissible height at the rail station does not constitute a precedent for the subject site. Rather it is more appropriate for this edge site to transition between the greater height and densities permissible along Herring Road to lower height densities at the edges of the Macquarie Park Corridor. More work is required to determine to the appropriate height and FSR for this site. This study will be undertaken as part of the Macquarie Park Review conducted by the DOPE

Community Benefit: Council’s development Contributions Coordinator, has noted that the PP does not include a VPA offer and does not therefore provide certainty with respect to the provision of open space and affordable housing. As a result it is also not possible to adequately consider and quantify the community benefit of the proposal.

Open Space: there is a significant open space deficiency in Macquarie Park and the implementation of new open space is needed. However, the site topography results in poor outcomes if a formal level playing field is implemented as it would be disconnected from the street and may not be well utilized. If accepted as open space it may be better utilized by residents and workers if configured to support informal recreation.

A draft recreation needs study identifies a need for indoor recreation facilities in the City of Ryde. This option should be considered if the PP proceeds. An indoor recreation facility would need to be in the order of 3,500m² to be feasible and support well-used programs to suit identified needs.

ITEM 5 (continued)

It is recommended that a decision on the PP be deferred until a coordinated and comprehensive strategy for open space/recreation facilities provision within the Macquarie Park Corridor has been completed. This study will be undertaken as part of the Macquarie Park Review undertaken in partnership with the DOPE).

Traffic and Parking: Both the RMS and the Council's independent traffic assessor comment that the traffic analysis submitted as part of the PP is inconsistent and insufficient for an assessment of the traffic impact of the proposal. The Traffic Impact Assessment Report should be updated to address the RMS and Council concerns.

The RMS further comments that *"the Traffic Impact Assessment Report should also identify feasible infrastructure upgrades and all other transport infrastructure and services required to cater for full development growth of the site. This should also include details of the funding and delivery mechanisms"*.

In conclusion it is considered that:-

1. The planning proposal pre-empts both the North District Plan and the future Macquarie Park Strategic Review currently under preparation by the Department of Planning and Environment in partnership with Council, and due for completion in June 2016.
2. The PP would represent an ad-hoc rezoning and substantial increase in both floor space and height controls resulting in a precedent being set, where there is the introduction of residential development on a site and an increase in density without consideration of the future direction of the Corridor including:-
 - a. the appropriate ratio and location of residential to employment floor space in the Corridor
 - b. the necessary infrastructure to support change and growth within the Corridor. This includes open space (its location and function), traffic and community infrastructure.
 - c. Urban design parameters for development (height, FSR etc) within the Corridor.

It is considered that prior to Council supporting any changes to individual properties within the Corridor it is necessary for a draft plan based on the outcomes of the strategic investigations (Macquarie Park Strategic Review) to be developed with respect to the future direction of the Corridor. Once such a draft Plan has been completed separate PPs, could be considered whilst the LEP for the whole Corridor is being developed.

It is recommended that the planning proposal should at this time be deferred until a draft plan/position is developed with respect to the future development of the Corridor.

ITEM 5 (continued)

RECOMMENDATION:

- (a) That Council defers the determination of the Planning Proposal for 66 – 82 Talavera Road Macquarie Park until the Macquarie Park Strategic Review and the supporting draft Plan outlining the future direction for Macquarie Park in terms of land use, urban design and infrastructure provision and delivery is completed (approx. June 2016).
- (b) That upon completion of the Macquarie Park Strategic Review and the supporting draft Plan for the future direction for Macquarie Park an amended Planning Proposal and a Voluntary Planning Agreement be submitted for 66 – 82 Talavera Road Macquarie Park based on that draft Plan.
- (c) That the General Manager write to the Minister for Planning seeking clarification of the interim approach to deal with Planning Proposals that do not comply with the current planning controls, while the strategic review of Macquarie Park is being undertaken (to ensure the strategic direction that will be developed for the Corridor will not be undermined and that critical infrastructure will be delivered to meet the growing population demands in the Corridor in an appropriate and timely manner).

ATTACHMENTS – CIRCULATED UNDER SEPARATE COVER

- 1 Planning Proposal Report 66 - 82 Talavera Road
- 2 Attachment A - Framework for open space and mixed use development
- 3 Attachment B - Macquarie Park - Growth and Sustainability - Research Study
- 4 Attachment C - Urban Design Report
- 5 Attachment D - Traffic Impact Assessment
- 6 Attachment E - Socio-Economic Impact Assessment
- 7 Attachment F - Open Space and Landscape Report
- 8 Attachment F - Open Space and Landscape Report Supplementary Information - 13 November 2015
- 9 Attachment G - Agenda of the Council Meeting, Strategic Investigation of Macquarie Park
- 10 Maps - Planning Proposal 66 - 82 Talavera Road
- 11 Consultants Traffic Assessment - Planning Proposal 66 - 82 Talavera Road

ITEM 5 (continued)

Report Prepared By:

Susan Wotton
Strategic Planner

Report Approved By:

Lexie Macdonald
Supervisor - Strategic Planning

Dyalan Govender
Acting Manager - Strategic City

Meryl Bishop
Acting Director - City Strategy and Planning

ITEM 5 (continued)

Discussion

This report is prepared in response to a Planning Proposal, submitted by Architectus on behalf of the owner of 66 – 82 Talavera Rd, Macquarie Park Investments Pty Ltd.

Planning Proposals are subject to the “gateway plan-making process”, which defines the required content of a planning proposal, guides assessment, consultation and Council’s decision making role as the Relevant Planning Authority.

Gateway Plan-Making Process

1. Planning proposal – this is an explanation of the effect of and justification for the proposed change to the planning provisions which is prepared by a proponent or the relevant planning authority. The relevant planning authority decides whether or not the PP may proceed at this stage.

2. Gateway – determination by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs the community consultation process.

3. Community Consultation – the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).

4. Assessment – the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, Parliamentary Counsel prepares the draft local environmental plan – the legal instrument.

5. Decision – the making of the plan by the Minister (or delegate).

According to s55 of the Environmental Planning and Assessment Act 1979, a Planning Proposal must include:

- A statement of objectives and intended outcomes of the proposal
- An explanation of the provisions of the proposal;
- A justification of the objectives, outcomes and provisions including the process for implementation;
- Maps where relevant, containing the appropriate detail are to be submitted, including land use zones; and
- Details of the community consultation that will be undertaken.

ITEM 5 (continued)

This report relates to step 1 of the Plan making process. The key areas addressed in this report in the assessment of the subject Planning Proposal are:

1. Site Description and Context
2. Strategic Context
3. Current Planning Controls
4. Planning Proposal Details
5. Assessment of the Planning Proposal

1. SITE DESCRIPTION

Site Description

The land the subject of the Planning Proposal is known as 66 – 82 Talavera Rd being Lot 1 DP 854779.

The site has:-

- a total area of 37,832m²
- a frontage of 153m to Alma Rd, (approx.)
- a frontage of 254m to Talavera Rd,(approx.)
- a frontage of 254m to M2 Motorway (approx.)

The site is located on the eastern corner of Talavera Road and Alma Road. (Figure 1 Site)



Figure 1 The subject site
(PP pg 7)

ITEM 5 (continued)

The site contains (Fig 2A) :-

- A 4-storey office building fronting Alma Road, which accommodates approximately 8,224sqm of office area (Label A);
- A single storey warehouse on Talavera Road with some mezzanine office space (Label C)
- A conference centre behind the warehouse, (Label D).
- Private tennis courts (Label E)
- A 6 storey commercial building fronting Talavera Road which is currently under construction which will contain approximately 9 000sqm of commercial floor space once completed



Fig 2A (PP UDR pge 7)

Topography/Vegetation

- The site has a fall from east to west of approximately 18m and fall of 7m from south to north. An area of trees exists along the western boundary and Talavera Rd (Fig 2B).



Fig 2B-Ryde Maps

ITEM 5 (continued)

Flooding

- The subject site is identified as being marginally affected by the 1 in 100 year Flood and the Probable Maximum Flood on the Macquarie Park Floodplain Risk Management Plan (Fig 3).



(Fig 3)(PP pg 22)

Context

The subject site is located on the eastern corner of Talavera and Alma Roads with a northern frontage to the M2 Motorway.

The surrounding area is as follows:

North: The site's north boundary adjoins the M2 Motorway. Further north of the M2 is the Lane Cove National Park and land developed for residential flat buildings.

East: To the east is a variety of commercial buildings zoned B7.

South: Macquarie Shopping Centre and some commercial development is located opposite the site.

West: Across from Alma Rd is a residential flat building and hotel (area zoned B4).

The site is:-

- 550m, measured along the footpath, from Macquarie University Train Station.
- 400m from the future bus interchange on Herring Road by the Macquarie Shopping Centre
- visible from the M2 Motorway located between the high density residential Herring Road Priority Precinct (now known as the Macquarie Station Precinct) and the employment lands. (Fig 4)

ITEM 5 (continued)



Fig 4 (PP pg 11)

2. STRATEGIC CONTEXT

The Macquarie Park Corridor is a 75km² employment centre located equidistant from Sydney City and Parramatta City Centre. Employment within the Corridor exceeds 40,000 workers and more than 30,000 students attend Macquarie University.

The Corridor is bounded by arterial roads - the M2, Epping Road, and Delhi Road. The Macquarie Park Corridor is identified in the DoPE's *A Plan for Growing Sydney* as part of Sydney's Global Economic Corridor and a specialised commercial precinct, with more than 800,000sqm of commercially zoned land, being a mix of B3 Commercial Core, B4 Mixed Use and B7 Business Park. The following discussion gives more detail.

The strategic planning framework for this Planning Proposal is found in the following key documents:

- A Plan for Growing Sydney – December 2014
- Inner North Subregion Draft Subregional Strategy
- City of Ryde Local Planning Study;

Plan for Growing Sydney – December 2014

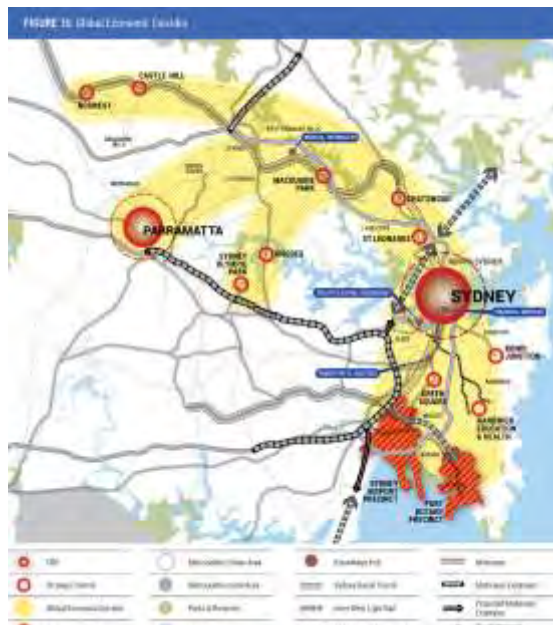
The Plan which guides land use and planning decisions for the next 20 years identifies the Government's vision for Sydney as a strong global city, a great place to live.

To achieve this vision, the Government has set down goals that Sydney will be:

1. a competitive economy with world-class services and transport;
2. a city of housing choice with homes that meet our needs and lifestyles;
3. great place to live with communities that are strong, healthy and well connected; and
4. a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The Plan identifies areas of Ryde as being within the Global Economic Corridor. The Plan states the Corridor generates over 41 per cent of the NSW Gross State Product (GSP) and is unique in Australia due to the extent, diversity and concentration of globally competitive industries. (*A Plan for Growing Sydney*(PGS) - page 44).

ITEM 5 (continued)



(Fig 5 A Plan for Growing Sydney page 45)

Under the Plan the Sydney area has been divided into 6 subregions. The City of Ryde is located in the North Subregion which also contains Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Manly, Mosman, North Sydney, Pittwater, Warringah and Willoughby Local Government areas. The Plan states the following:-

Subregional planning is the link between the big picture planning directions set out in this Plan and detailed planning controls for local areas. It will also deliver planning outcomes across local council boundaries, where coordination between State agencies and/or local government is required. (PGS page 106)

Priorities for each subregion are identified for the North subregion these include:-

A competitive economy.

- Improve transit connections throughout the Global Economic Corridor to better link centres and transport gateways.
- Investigate cross-regional transit links between Macquarie Park and Parramatta.
- Improve subregional connections, particularly from the Northern Beaches to Global Sydney and to the Global Economic Corridor.
- Identify and protect strategically important industrial-zoned land.

ITEM 5 (continued)

Accelerate housing supply, choice and affordability and build great places to live

- Work with councils to identify suitable locations for housing and employment growth coordinated with infrastructure delivery (urban renewal) and train services

Protect the natural environment and promote its sustainability and resilience

- Protect and enhance national and regional parks including strategic additions to enhance bushland connectivity
- Promote early strategic consideration of bushfire, flooding and coastal erosion in relation to any future development in the subregion
- Work with councils to implement the Greater Sydney Local Land Services *State Strategic Plan* to guide natural resource management. (PGS pages 124 – 126)

The Plan identifies Macquarie Park as a strategic centre within the North Subregion and the following priorities for the Department and Council with respect to Macquarie Park:-

- Work with council to retain a commercial core in Macquarie Park for long-term employment growth.
- Work with council to concentrate capacity for additional mixed-use development around train stations, including retail, services and housing.
- Facilitate delivery of Herring Road, Macquarie Park Priority Precinct, and North Ryde Station Priority Precinct.
- Investigate potential future opportunities for housing in areas within walking distance of train stations.
- Support education and health-related land uses and infrastructure around Macquarie University and Macquarie University Private Hospital.(PGS pg 127)
- Support the land use requirements of the Medical Technology knowledge hub.

Council on the 22 September 2015 resolved to accept an invitation from the Department of Planning and Environment to partner with them to undertake a strategic investigation of Macquarie Park.

The joint strategic investigation of Macquarie Park through various studies will be looking to define the type of centre Macquarie Park Corridor (MPC) should become into the future based within the strategic context of the growth of Sydney as outlined in A plan for Growing Sydney.

ITEM 5 (continued)

The scope of the investigation will include a:-

- Commercial Floorspace Study – providing a commercial floor space needs projection timeline for the MPC.
- Strategic Centres Case Study – review of best practice case study of comparable Strategic Centres
- Project Scope - Urban design, transport and movement , social infrastructure , public domain, utilities and servicing
- Project Deliverables
 - develop land use zones, heights , floor space ratios
 - public Domain Strategy ,
 - affordable housing strategy,
 - infrastructure Schedule - list local and regional infrastructure required to support growth

The Department has commenced preparing a number of briefs with respect to the above studies and it is anticipated that all studies which will be undertaken by the DoPE and will be completed in approximately 6 months. The Department envision that amending LEPs for MPC will be on exhibition by the end of 2016.

In line with this a North Subregional Plan has been under development by the DoPE in consultation with Council and 10 other Council's since early 2015. It is intended that the Plan will:-

- Act as the guiding framework for the delivery of housing supply;
- Inform and influence the planning for business activity and investment to encourage jobs growth, particularly in strategic centres and transport gateways;
- Inform the decision making for infrastructure planning; and
- Provide guidance on urban planning issues of a subregional nature.

It is anticipated that the Plan will be on community exhibition in early 2016.

Inner North Subregion Draft Subregional Strategy

The draft Strategy highlights the following targets for the Ryde LGA:

- Employment capacity target of 21,000 additional jobs by 2031; and
- Residential target of 12,000 new dwellings by 2031.

The Strategy observes that the sub-region has experienced one of the highest rates of re-zonings of employment lands to other uses, namely changes at Macquarie Park from an industrial area to a specialised centre and the Meadowbank area to a mainly residential landuse.

ITEM 5 (continued)

City of Ryde Local Planning Study (LPS);

The Ryde Local Planning Study was prepared to:

- guide the future growth of Ryde through a range of planning initiatives and strategies;
- inform the Ryde LEP 2014; and
- review and respond to directions from the State Government as identified in the Metropolitan Strategy for Sydney and the Draft Inner North Subregional Strategy, particularly relating to housing and employment targets.

The Study examined the capacity of Council's existing planning controls to implement the recommendations of the then relevant State Government Plan the *Metropolitan Plan 2036* and the growth targets of the Inner North Subregion – Draft Sub regional Strategy. The study concluded that capacity existed within Ryde's existing controls to deliver the jobs and dwelling growth targets.

3. CURRENT PLANNING CONTROLS

Zoning and Land Use

The subject site is zoned B7 Business Park under the Ryde LEP 2014. An extract of the zoning map is shown in Figure 6.

The objectives of the B7 zone are:

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To encourage industries involved in research and development.

Together, the development standards and permissible land uses implement development that is consistent with the above objectives. Exemplars from the B7 zone include the Optus campus, and the Pinnacle development on the corner of Epping Rd and Lane Cove Rd. The Optus campus, in particular, exemplifies modern business park development with its park like setting, central detention basin/lake, surrounded by predominantly 6 storey, large floor plate, interconnected buildings.

ITEM 5 (continued)



Optus Campus

Residential land uses are prohibited in the B7 zone. Land uses permitted under the zoning include Child care centres; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Respite day care centres; Restaurants or cafes; Roads; Warehouse or distribution centres.

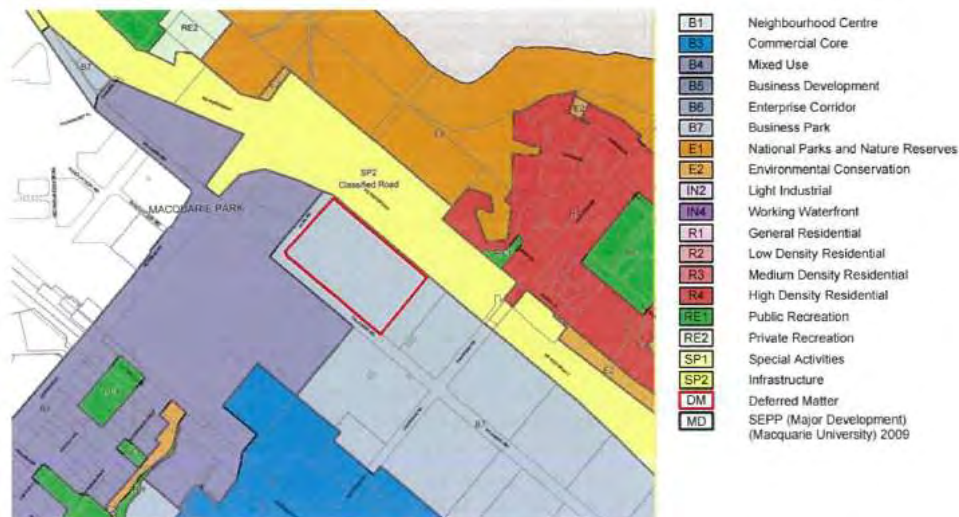


Figure 6 (PP pg 15)

Building Height and FSR

Under Ryde LEP 2014 the maximum height of a building permitted on the site is 30m and the maximum floor space ratio permitted is 1:1:1(Fig 7)

The permissible heights adjacent to the site are 45m, 65, and 90m.

ITEM 5 (continued)

120m is tallest permissible height within the Macquarie Park Corridor and it is located adjacent the corner of Waterloo and Herring Roads to mark the heart of the precinct and the rail station.

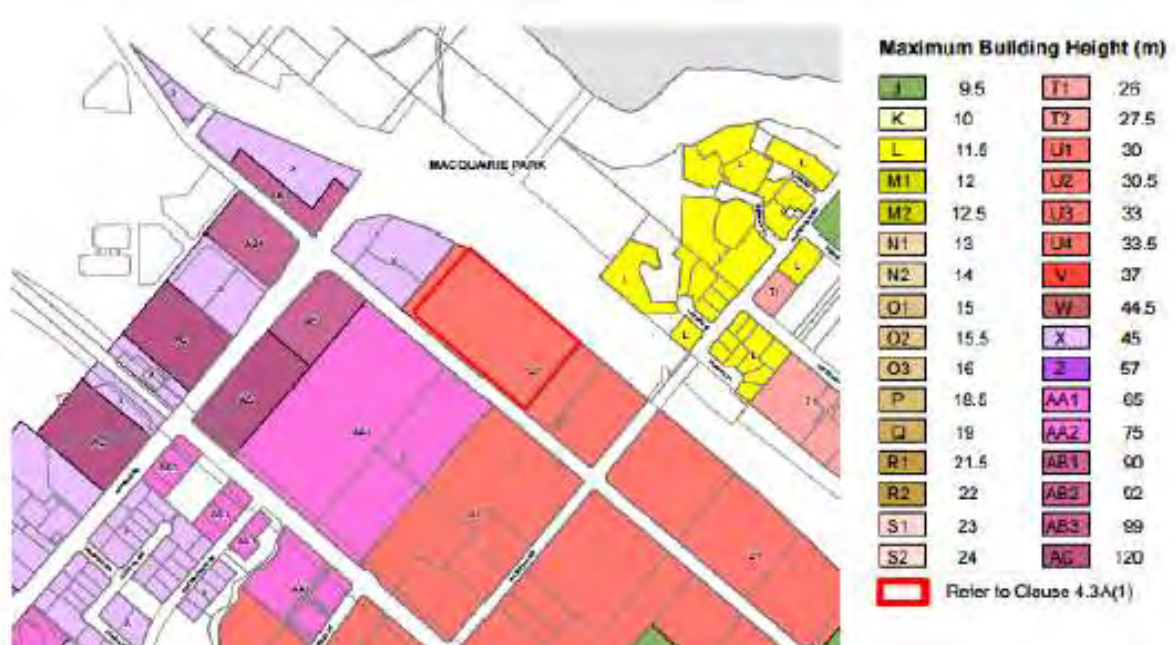


Fig 7 Existing Permissible Building Height (PP pg 15)



Fig 8 Existing Permissible FSR (PP pg 15)

Under Ryde LEP 2014 maximum floor space ratio permitted is 1:1 (Fig 8)

The permissible FSRs adjacent are 3.5:1 and 1:1

ITEM 5 (continued)

Ryde LEP 2014 Planning Incentives (in return for new open space and roads) Open Space and Access Network Maps that identify the extent and location of proposed new roads and parks to support growth in the Macquarie Park Corridor (MPC) are included DCP 2014 Part 4.5 Macquarie Park Corridor which came into effect on 1 July 2015.

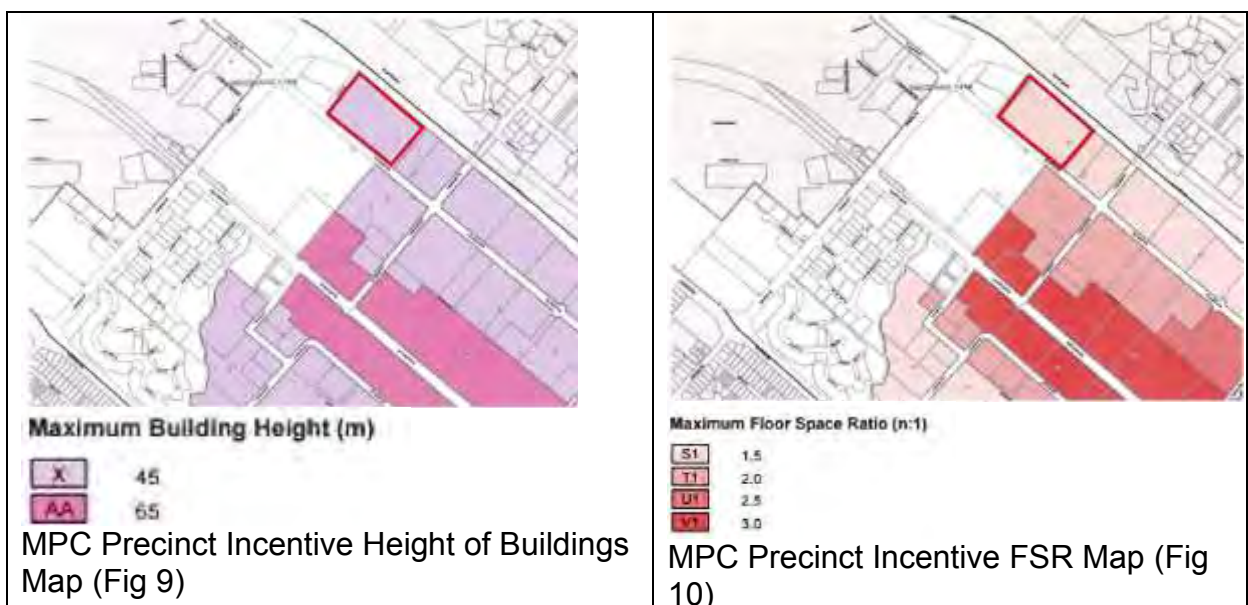
Ryde LEP 2014 (Amendment 1) which introduced the incentive height and floor space ratio controls for the Macquarie Park Corridor came into effect on the 11 September 2015 applies to the site. Clause 6.9 of LEP 2014 states:-

The consent authority may approve development with a height and floor space ratio that does not exceed the increased building height and floor space ratio identified on the Macquarie Park Corridor Precinct Incentive Height of Buildings Map and the Macquarie Park Corridor Precinct Incentive Floor Space Ratio Map, but only if the consent authority is satisfied that:

- (a) there will be adequate provision for recreation areas and an access network, and*
- (b) the configuration and location of the recreation areas will be appropriate for the recreational purposes of the precinct, and*
- (c) the configuration and location of the access network will allow a suitable level of connectivity within the precinct.*

It should be noted that only contributions (including works in kind) towards new open space and roads can be used to invoke the LEP uplift Clause. The provision of key worker housing and s94 Developer Contributions would need to be dealt with separately.

Under the MPC Precinct Incentive Maps the maximum height of a building permitted on the site is 45m (Fig 9) and the maximum floor space ratio permitted is 1.5:1.(Fig 10)



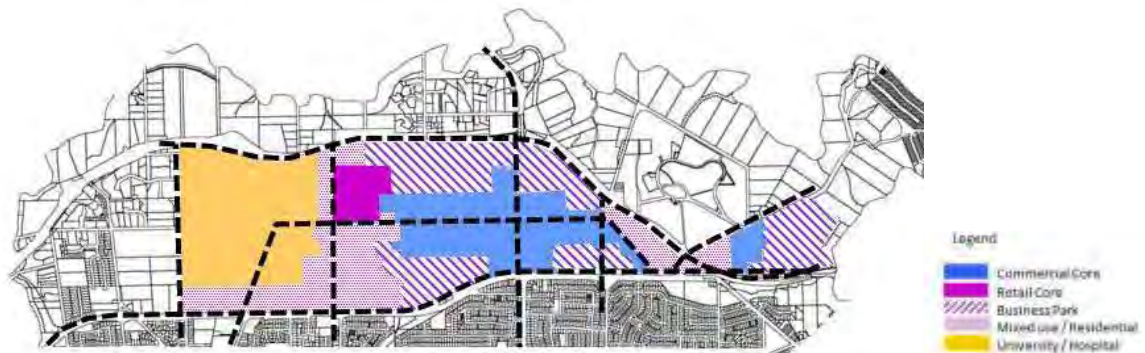
ITEM 5 (continued)

Ryde Development Control Plan (DCP) 2014 –Part 4.5 Macquarie Park Corridor

DCP 2014 Part 4.5 provides a range of controls relating to public domain, built form, access network, other matters.

The Part provides a structure Plan of MPC (Fig 11) access network plan and a proposed open space network (Fig 12) . The DCP states:-

“The Commercial Core will evolve from its business park roots to become an urban employment centre supported by key public transport infrastructure....”



(Urban Structure Plan DCP pg 12) Fig 11

The Proposed Open Space Network Plan identifies 4 proposed areas to be obtained for open space being an expansion of the Shrimpton's Creek Park, a new Central Park, North Ryde Station Precinct Park and Riverside Park. The proposed parks are outlined in dark green in Figure 12.



(DCP page 28) Fig 12

ITEM 5 (continued)

Integrated Open Space Plan

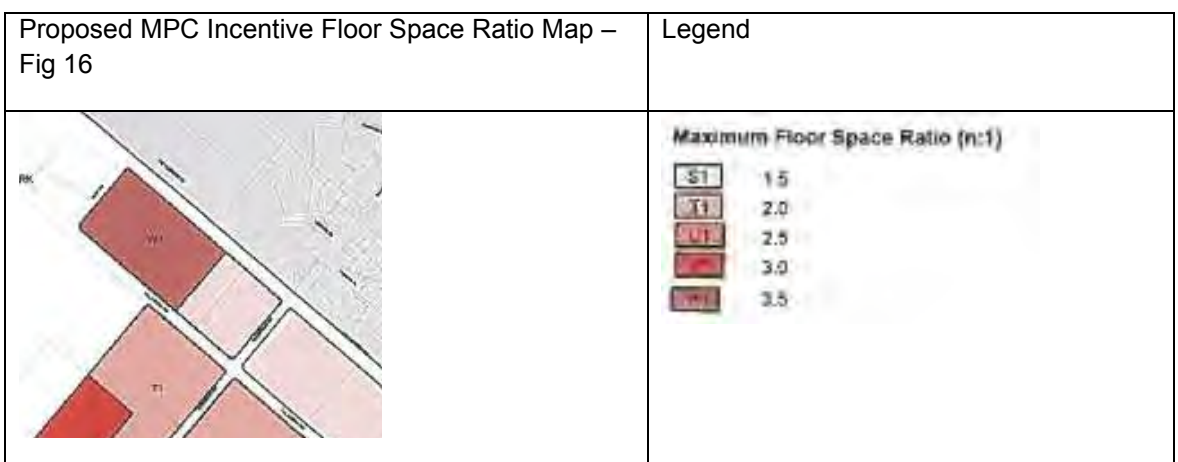
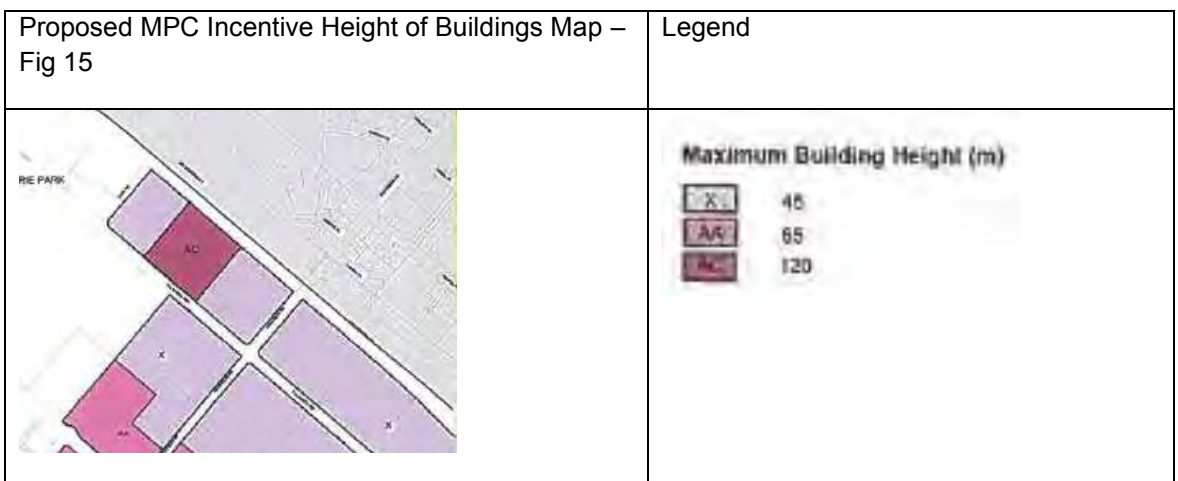
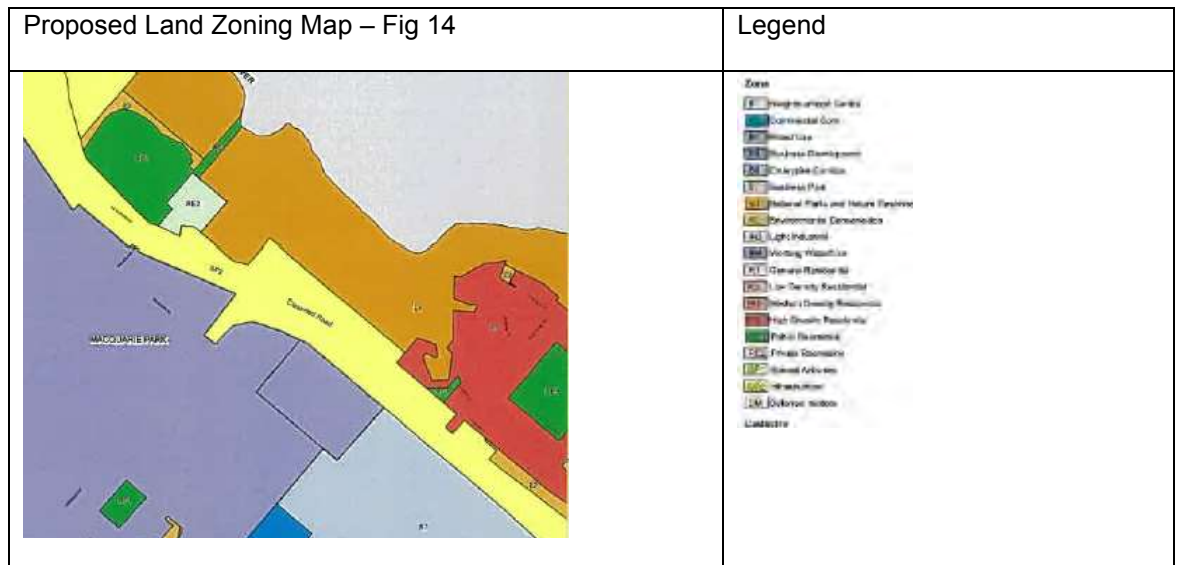
The DCP seeks to implement the Ryde Integrated Open Space Plan which analyses the City's existing public open space and makes recommendations on how that open space can be conserved, enhanced and extended to meet the community's recreation and leisure needs, both now and into the future. (ISOP pg 8)

With respect to Macquarie Park the IOSP states the following:-

On the basis of preliminary analysis it is suggested that new reserves be provided in a quantum and of nominal sizes, ...namely:-

- At least one major reserve close to the core of the precinct of a size nominally in the order of 2 Ha minimum, to permit a range of uses as below. Where the evolving development options suggest that two such reserves are more practically achieved at a smaller size then these should be generally no less than 1.5 Ha in size located to optimize access by foot from the respective ends of the corridor. However two reserves at that size may well reduce the capacity to accommodate major events (sport, entertainment etc.) and thus this should be a fall-back position
- A network of Street Corner Meeting places, where possible associated with local corner stores or local community buildings, which can be as little as 20m² in size ... with trees, shade, seating and planting; ...
- A suite of local parks distributed evenly across the corridor of a nominal size no less than 0.3 Ha and preferably 0.5 Ha, to permit a range of flexible unstructured recreation opportunities
- Natural corridors running south to north across the site linking to the Lane Cove National Park with adequate capacity to accept and treat stormwater in storm events, without compromise to their recreational and aesthetic values. (Fig 13) (ISOP Appendix 1 Macquarie Park)

ITEM 5 (continued)



(PP pg 30-32)

ITEM 5 (continued)

Objectives and Intended Outcomes

The applicant states:-

The specific objectives are to:

1. Ensure that the existing shortage of open space within Macquarie Park and future Herring Road Priority Precinct are resolved and addressed;
2. Ensure that a contiguous and well-designed large area of open space can be achieved on the subject site at minimal cost to the wider community;
3. Ensure that the site delivers a high quality open space catering to the diverse needs of the surrounding community, both existing and future;
4. Provide ongoing amenity (open spaces and retail/residential) for Macquarie Park to ensure that it remains a competitive;
5. Ensure an appropriate mix of uses on the site to support the attractiveness of the Business Centre and a vibrant mixed-use development, including provision of affordable and private housing; and
6. Unlock substantial public benefit on this key site including key worker/affordable housing by ensuring development feasibility. (PP pg 29)

Justification/Need for a PP

In summary, the applicant has provided planning reasons for the justification or need for the planning proposal. (PP pg 27, 29, 34).

- to ensure the provision and functionality of public open space over 10,000sqm to support the existing and future community, and encourage good urban design by providing for increased height on the site. (PP pg 29)
- to amend the current planning controls to allow for the future redevelopment of the site to deliver:
 - Public open space: The open space should comprise a large park with a minimum size of 10,000m². The space should have regular dimensions to allow for a variety of active and passive uses.
 - Key worker housing/affordable housing: allow for the delivery of approximately
 - 40 apartments, or around 3% of the residential development, as key worker/affordable housing.
 - Change of uses: A diverse mix of uses that support the sustainability and growth of the Macquarie Park Centre.
 - Increased Density: The plan should provide for a maximum building height of 120m with a FSR of 3.5:1 which encourages the redevelopment of the site in accordance with the proposed master plan provided at Figure nnnn. (PP pge 26)

The Planning Proposal is **CIRCULATED UNDER SEPARATE COVER.**

ITEM 5 (continued)

Proposed Amendments to Ryde LEP 2014

The Planning Proposal seeks to change the land use zoning, incentive height and incentive floor space controls applying to the site to facilitate the development four 38 storey towers and four buildings 5-7 storeys in height. The LEP changes will enable a mixed use development (Fig 17 and 18) that comprises:-

- 1,125 dwellings (including 40 key worker apartments)
- 1,526 car parking spaces
- 20,000sqm non-residential floor space (including a 60 place child care centre, retail and commercial land uses)
- New public open space of 10,000sqm.

The following table summarises the key details of the Planning Proposal

Table 1 Summary of Planning Proposal details

ELEMENT	EXISTING Planning Controls	PROPOSED Planning Controls
Land Use	B7 Business Park	B4 Mixed Use
Zoning	B7 Business Park	B4 Mixed Use
Height	30m	-
Incentive Height	45m	120m (This will permit up to 39 storeys)
Base FSR	1:1	-
Incentive FSR	1.5:1 Note: This permits up to *56,748m ² commercial floor space (*37,832m ² site area x 1.5 FSR)	3.5:1 Note: This will permit up to 132,412m ² floor space or theoretically approx. 1,330 dwellings and 2,150 new residents.
	EXISTING Development	PROPOSED Development
Built form	4-storey office building - 8,224sqm 6 storey office building - 9,000sqm (under construction) Warehouse on Talavera Road with conference centre behind Private tennis courts	4 towers – 38 storeys 4 buildings – up to 7 storeys containing 1,125 dwellings 1,526 car spaces 20,000m ² retail and commercial (including 9,000m ² building under construction) 10 000m ² new open space

ITEM 5 (continued)

ELEMENT	EXISTING Planning Controls	PROPOSED Planning Controls
		It should be noted that if the changes to zoning, floor space and height are supported a Development Application would be required to be submitted to Council which may not accord with the above proposed development scenario.

(PP URD pg31)



Fig 17 Proposed Plan (PP pg. 28)

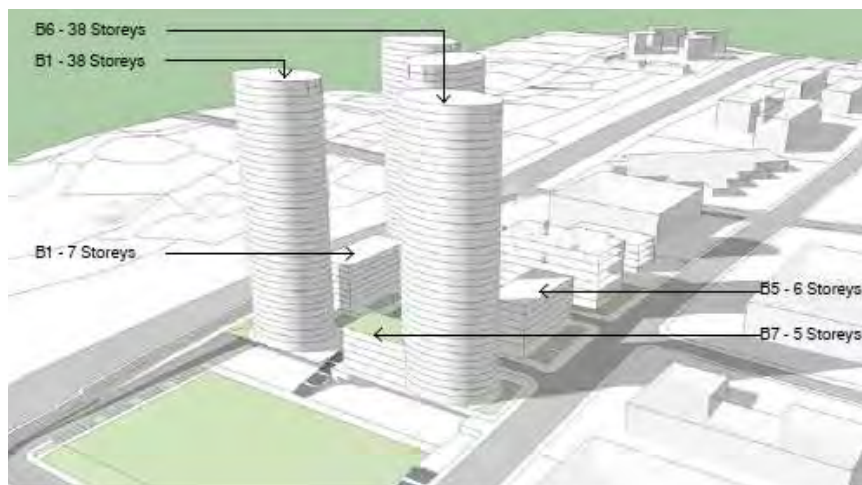


Fig 18 Proposed Tower heights in the context of the surrounding development (PP UDR pg 31)

ITEM 5 (continued)

Response To Proposed Land Use Changes

The Planning Proposal seeks a change from the B7 Business Park land use zone to B4 Mixed Use zone. This would allow a predominantly residential development.

The PP was forwarded to the **Urban Design Review Panel (UDRP)** for comment. With Respect to Land uses the UDRP commented, on 18 November 2015, that:-

- *The proximity of the site to the M2 is a major consideration as there are noise and pollution issues associated with proximity to this motorway. It is not ideal for residential uses and not conducive to high quality amenity. Commercial uses on the other hand are not an issue in such a location and benefit from the exposure of the passing traffic.*
- *The other side of the site is bounded by Talavera Rd. This is a primary feeder road for the commercial precinct and Macquarie Shopping Centre. As such the face of the shopping centre adjacent to the site comprises decked car parking, vehicle entry points and lacks activation. The Shopping Centre is unlikely to substantially change this interface or improve it given the ongoing operation of the centre and plans to redevelop which focus on Herring and Waterloo Roads.*
- *In combination, the lack of activation, the overpass ramp into the shopping centre and the off ramps from the M2 are not conducive to a high quality or safe pedestrian environment or a strong location open space.*
- *Traffic noise, lack of passive surveillance, poor outlook to lower levels and compromised sense of street address due to the nature of the road suggest that this is not an appropriate site for major residential density.*
- *On this basis I consider that the site is not ideal for the uses proposed.*

Conclusion: The land use issues raised by the UDRP should be considered as part of a coordinated study to be undertaken by the DOPE in partnership with Council.

Response To Proposed Height And Density Controls

The PP proposes an incentive height of 120m. Under the provisions of the Ryde LEP 2014:

- the permissible heights adjacent to the site are 45m, 65, and 90m.
- 120m is tallest permissible height within the Macquarie Park Corridor and it is located adjacent the station plazas, to mark the heart of the precinct and the rail station at the corner of Waterloo and Herring Roads.

ITEM 5 (continued)

The UDRP response received on the 18 November 2015 in respect of height and density states in summary:-

- *The proposal seeks the greatest height permissible in the Macquarie University Station Priority Precinct of 120m. It seeks to achieve 4 towers at 120m with some lower buildings at 20-25m. This would result in a greater concentration of height than will be achieved at other locations along the Herring Rd area.*
- *The proposed height would result in a very poor outcome for the precinct as it would confuse the focus of height and its role to mark the town centre and transport node as well as the location of the major facilities for the Macquarie Park Corridor.*
- *The location of 120m under the Priority Precinct is appropriately positioned at the station, major shopping centre and the University. To allow the same height on the edge of the precinct removed from any of these facilities (other than the rear side of the shopping centre) would undermine the principles of the location of height and suggest that the centre of the precinct was in fact over near the M2.*
- *This site does not have a role as a gateway – that is achieved by the site to the North West with a height of 45m The local topography as well as the location on the access route of the M2 mean that the Meriton site has the Gateway role.*
- *Heights of 120m on this site totally eclipse the Meriton site and others adjacent. The proposed heights would also undermine the principles of height transition from Herring and Waterloo Roads to the M2 and the edges of the Macquarie Park Corridor.*
- *The sheer extent of height and density sought is also inappropriate. Four towers of 120m positioned at 3 of the 4 corners of the site does not achieve any sense of scale transition to the south east and dwarfs the height of the new building that is under construction. Locating such height to the south west corner of the site would lead to arguments on adjacent sites that 120m should also be achieved on their sites.*

Conclusion: 120m building height is permissible at the Macquarie Park Station on the corner of Herring and Waterloo Roads to mark the heart of the Macquarie Park Corridor. However, the permissible height at the rail station corner does not constitute a precedent for 120m height on the subject site. Rather it is more appropriate for this edge site to provide a height transition from the tallest permissible heights to lower permissible heights adjoining the M2.

ITEM 5 (continued)

The development density equally should transition between the greater densities permissible along Herring Road to lower densities at the edge of the Macquarie Park Corridor. More work is required to determine the appropriate height and FSR for this site. This will be undertaken as part of the Macquarie Park Review conducted by the DOPE.

Open Space and Key worker housing

The applicant states the following:-

Should Council support the Planning Proposal, it is proposed that a Voluntary Planning Agreement be negotiated between City of Ryde Council and Holdmark Property Group to ensure the delivery of the public open space and potentially childcare and key worker housing. (PP pg 3)

The appropriate mechanism for the dedication of the park to Council is a voluntary planning agreement. Holdmark is willing to enter into a planning agreement for the dedication of this open space.The level of embellishment to the new park is to be agreed with Council.

Holdmark is also willing to agree that the cost of providing the new open space would not be offset against Section 94.(PP UDR pg 49)

The below provides detail on both of these matters.

The PP (pg 27) states:-

Public open space: *The open space should comprise a large park with a minimum size of 10,000sqm. The space should have regular dimensions to allow for a variety of active and passive uses.*

ITEM 5 (continued)

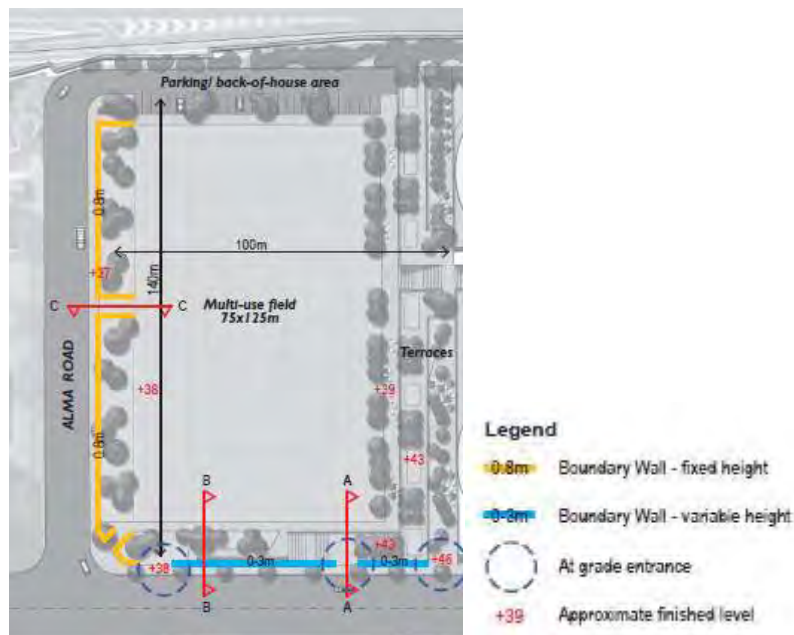


Fig 19 (PP Supplementary Open Space and Landscape Report pg 3)

The PPs *Open Space and Landscape Report - Supplementary Information* states the following with respect to the open space to be dedicated to Council:-

Street Interface Description - Talavera Road:-

- The topography of the site rises steeply along Talavera Road, with a level change of about 19m from the north- western corner of the site towards the south –eastern corner of the site.
- The relationship between the levelled field and the steep rise of Talavera Road will result in level changes along the interface between the open space and the road (Fig 19) necessitating boundary walls that will vary in height. The maximum height of these walls is likely to be about 3m, or one floor level. (Fig 20)

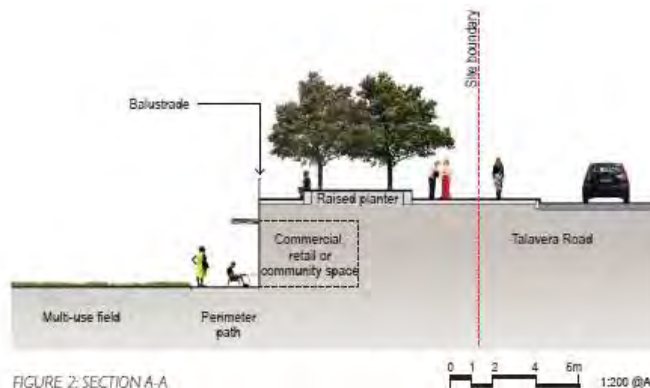


Fig 20 Talavera Rd level changes(PP Supplementary Open Space and Landscape Report pg 4)

ITEM 5 (continued)

Street Interface Description Alma Road (Fig 21) :-

The interface between the park and Alma Road would be characterised by a continuous low park boundary wall, with entrances provided at intersections as well as mid-block. The height of the wall would be about 800mm, to ensure good passive surveillance in and out of the park. The boundary wall would prevent vehicle access into the park, while the level change would reduce the height of the interface between the park and Talavera Road.

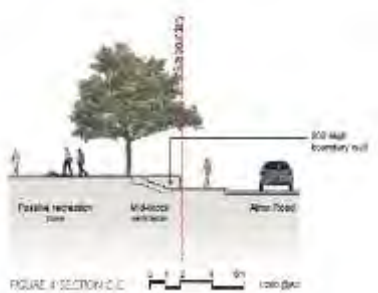


Fig 21 Alma Road

(PP – Open Space and Landscape Report – Supplementary Report pg 4)

Response to proposed Open Space

The Integrated Open Space Plan adopted in 2014 identifies an open space deficiency in the Macquarie Park Corridor in the order of 2 Ha. The Macquarie Park DCP provides for approximately 1 Ha.

Since the IOSP was completed the Macquarie Park University Priority Precinct has been gazetted. As a result open space in Macquarie Park must service a greater population of workers and residents than anticipated by the IOSP and the open space deficiency therefore logically now exceeds 2 Ha. However, the appropriate locations and functions of needed open space have yet to be considered and this will occur as part of the Macquarie Park Review to be undertaken in partnership with DOPE.

The Acting Senior Coordinator Open Space Planning & Design in summary indicates that:-

- The PPs open space recommendation does not align with Council's current vision for open space provision based on Council's adopted Plans.

ITEM 5 (continued)

- However, the Open Space and Landscape Report – Supplementary Information (Clouston, 13 November 2015) proposes the creation of a multi-use field. With four sporting facilities within reasonable proximity of the development (ELS Hall Park, Fontenoy Park, Tuckwell Park and Christie Park) the need for an additional sporting field is superfluous. Rather, the community is in need of passive recreation space that is flexible to a variety of uses and can be designed to reflect the urban character of Macquarie Park.

(Note: Should the park be accepted by Council it would not need to be leveled in order provide for passive recreation)

- More recently a draft recreation needs study (yet to be presented to Council) has identified the need for additional indoor recreation facilities in the Ryde LGA. In order to be commercially viable, generate a return on the investment and provide well-used and needed programs a new indoor recreation facility would need to be in the order of:
 - 3,500m² to cater for
 - 3 x basketball courts (that can also be used for netball, indoor soccer Futsal etc)
 - Storage
 - Toilets and change facilities
 - A meeting room

(Note: ELS Hall is approx. 2,300m² and includes 2 basketball courts)

UDRP comments with respect to open space –

- *This site is very poorly connected to the broader area for a number of reasons – the barrier of the M2 and its exit and entry ramps, the traffic conditions of Talavera Rd, the ramp system for the shopping centre which breaks visually the connection to Herring Rd and creates poor pedestrian amenity and the interface of the shopping centre. The midblock connection indicated in the urban design report is actually a vehicle entry and very compromised for pedestrian use. It is not appropriate to consider it a usable link for the significant extent of residential proposed or as a viable public connection to the proposed open space.*
- *As such the site feels isolated and these issues are likely to discourage pedestrian movement and use of any open space on the site.*
- *The proposal talks in terms of workers using the open space but again its dislocation and its position on the very edge of the precinct is not conducive to it being highly utilized.*
- *Whilst it is appreciated that the area may lack some open space, due to the topography, poor connectivity and low amenity this is not considered to be an appropriate location to provide such an asset.*

ITEM 5 (continued)

Council's Developer Contributions Coordinator states:-

The Planning Proposal documents submitted by the Applicant make mention several times of public benefits to be provided as a result of the subsequent development possibly via a Voluntary Planning Agreement. The quantum of these public benefits is not fully known, as no formal offer in respect of a Voluntary Planning Agreement was submitted with the Planning Proposal. Nevertheless, the Planning Proposal does make mention of 1 hectare of public open space being dedicated for public use and the provision of affordable housing. Much more detail is required before Council would be able to determine if this proposed open space and the affordable housing would provide the public benefits discussed in the applicant's proposal. Hence it is recommended that further information and discussions are held with the applicant prior to determining whether or not this Planning Proposal should proceed to a Gateway Determination by the Department of Planning and Environment.

Conclusion with respect to Open Space

As noted by Council's development Contributions Coordinator, the PP does not provide certainty with respect to the provision of open space and key worker housing.

The topography results in poor outcomes if a formal playing field is implemented on the site. As a result of required retaining walls and level changes a playing field would be disconnected from the street and may not be well utilized. If disconnected from the street by level changes the proposed park may not meet Safer-by-Design principles.

A draft recreation needs study identifies a need for indoor recreation facilities. This should be considered if the PP proceeds (and also as part of the Macquarie Park Review undertaken in partnership with the DOPE)

It is recommended that a decision on the PP be deferred until Council can undertake a coordinated and comprehensive strategy for open space/recreation facilities provision within the Macquarie Park Corridor that assesses the recreation needs of the whole Corridor rather than responding to this planning proposal in isolation. The study will be undertaken as part of the Macquarie Park Review undertaken in partnership with the DOPE)

Key Worker Housing

The PP (pg 27) states:-

Key worker housing/affordable housing: *allow for the delivery of approximately 40 apartments, or around 3% of the residential development, as key worker/affordable housing. The location and management of this housing should be negotiated between the developer and Council to achieve a positive social outcome and benefit the sustainability of the Business Park.*

ITEM 5 (continued)

Response

Council on the 10 November 2015 considered a report on draft City of Ryde Affordable Housing Policy 2016 – 2031. The Policy provides a comprehensive framework for the advocacy, facilitation, provision, and management of key worker housing in the City of Ryde.

Council on the 10 November 2015 resolved to:-

- (a) Endorse the public exhibition of the draft City of Ryde Affordable Housing Policy 2016 – 2031.
- (b) That a further report detailing the outcomes of the public exhibition and details on the implementation program be presented to Council in early 2016.

The draft Policy puts forward as a project exploring the mandatory inclusion (eg. 4%) of key worker housing in any PP that involves residential development. It is considered that the proposal is generally in accordance with the draft Affordable Housing Policy however the specific amount of required key worker housing under the Policy is yet to be determined.

The provision of any key worker housing, its location and number would need to be included in a VPA to Council.

5. ASSESSMENT OF THE PLANNING PROPOSAL

The following provides an assessment and review of the Planning Proposal based on the areas required to be covered under *A guide to preparing planning proposals* issued by the DoPE.

Adequacy of Documentation

The documentation as submitted is satisfactory and addresses all necessary requirements of the gateway process. The Planning Proposal is supported by the following attachments:-

- Macquarie Park : Framework for open space and mixed use development
- Macquarie Park: Growth and Sustainability Study
- Urban Design Report
- Traffic Impact Assessment
- Socio Economic Impact Assessment
- Open Space and Landscape Report plus Supplementary Report
- Agenda of the Council meeting – Strategic Investigation of Macquarie Park

ITEM 5 (continued)

Assessment of Need for the Planning Proposal

In accordance with the Gateway Process the following questions must be considered:

Is this planning proposal the result of any strategic study or report?

The Planning Proposal states that the proposed rezoning of the site for increased densities is in response to directions in the following studies:

- NSW Department of Planning and Environment's Plan for Growing Sydney 2036.
- The City of Ryde's Integrated Open Integrated Open Space Plan 2012, which identifies the need for new open spaces to support business and new residents.

The Planning Proposal is also a result of the following studies prepared for Holdmark:-

- Urban Design Report, prepared by Architectus, dated 13th November 2015 – (PP pg 37)
The Urban Design report demonstrates that the proposed 120m incentive maximum height of buildings is supported from an urban design perspective.
- Traffic Impact Assessment, prepared by Bitzios, dated 2nd October 2015 –(pp pg 38)
The Traffic Impact Assessment demonstrates that the Planning Proposal would result in a better traffic outcome than a development that maximised the current controls.
- Socio-Economic Impact Assessment, prepared by AEC, dated 2nd October 2015 – (PP pg 39)
While the appropriation of land to public open space and key worker housing would mean less land available to accommodate new employment floor space, the provision of items of key social infrastructure would undoubtedly result in sustaining Macquarie Park Corridor's competitive position as well as increasing its appeal as a business destination, leading to increased demand for floor space;
- Open Space and Landscape Report, prepared by Clouston, dated 1st October 2015 – (PP pg 39)
Clouston's assessment demonstrates that the proposed open space will address some of the deficiency of open space in Macquarie Park.

ITEM 5 (continued)

- Macquarie Park: Framework for open space and mixed use development, prepared by Architectus, dated 25 June 2015 - (PP pg 36)
The report finds that Council has an opportunity to strategically approach the problem (shortage of open space) by permitting mixed use development where substantial public benefit can be delivered on site by the developer. This strategic approach is formalised into a framework that provides key criteria and circumstances in which residential floor space can be permitted
- Macquarie Park - Growth and Sustainability – Research Study prepared by AEC, dated June 2015 - (PP pge 37)
While the appropriation of land to public open space and affordable housing would mean less available land to accommodate new employment floorspace, the provision of these items of key social infrastructure result in increased appeal of Macquarie Park as a business destination, leading to increased demand for floorspace

Response

A Plan for Growing Sydney, a guide to land use planning for the Sydney area for the next 20 years, divides Sydney into 6 subregions. Ryde is in the North subregion with 10 other Council areas. Under the Plan a subregional plan is required to be prepared for each region one of the aims of which is to improve liveability by identifying the locations for future housing and employment growth and by balancing growth with improvements to environmental and open space assets. The North Subregional Plan is currently in development and is anticipated to be on exhibition in 2016.

Council on the 22 September 2015 resolved to accept an invitation from the Department of Planning and Environment to partner with them to undertake a strategic investigation of Macquarie Park to develop a plan for the future direction of the Corridor and implement A Plan for Growing Sydney . It is anticipated that this draft study will be publicly exhibited May/June 2016.

It is considered that the PP pre-empts both the Subregional Plan and the study being undertaken by the DOPE

The PP would result in a precedent being set whereby PPs are considered without assessment of required infrastructure such as open space, schools and road networks resulting in a lack of orderly development for the City. The long term future for the area should be guided by *A Plan for Growing Sydney* and a subregional growth and infrastructure plan undertaken in partnership between Council and the DoPE in consultation with the community and stakeholders.

ITEM 5 (continued)

Is the planning proposal the best means of achieving the objective, or is there a better way?

Planning Proposal states:- (PP pg 40)

The objectives and intended outcomes of the proposal can only be achieved through an increase in height and FSR beyond those achievable under the current Ryde Local Environmental Plan 2014.

This is as the current zoning does not allow for residential development which would financially enable the delivery of the public infrastructure on the subject

Accordingly, the Planning Proposal is considered the only way to amend the primary built form controls to achieve the objectives and intended outcomes for the site.

Response

The PP seeks to change the zoning of the site and increase the incentive height and FSR for the site. This is only possible at this time through a PP. However it is considered that in view of the required North Subregional Plan which is currently under development and Council's partnership with the DoPE to develop a strategic plan for the future direction of Macquarie Park Corridor that the PP should not be supported as it will pre-empt the findings of the research, community consultation and approach to be taken within that Plan.

The DoPE advised Council on the 26 February 2015 that a Gateway Review for a PP for 111 Wicks Rd, 29, 31 – 35 Epping Rd Macquarie Park had been refused on the following grounds:-

- The PP is inconsistent with the States' strategic direction for Macquarie Park corridor set out in the draft Inner North Subregional Strategy and A Plan for Growing Sydney.
- The PP is inconsistent with a number of section 117 Directions
- The PP is inconsistent with Ryde's Local Planning Strategy and
- The PP introduces heights that are not in keeping with surrounding development or proposed planning controls.

The DOPE stated the following:-

The longer term future for Macquarie Park should be guided by A Plan for Growing Sydney and a subregional growth and infrastructure plan developed in consultation with the community and Council. As the subregional planning is currently under development it would be premature to proceed with a review of the proposal at this time.

A Gateway review of a Planning Proposal for 271 Lane Cove Rd Macquarie Park to make similar amendments to LEP 2014 was also refused by DoPE on the 17 December 2014 on similar grounds as outlined above.

ITEM 5 (continued)

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The applicant has provided detailed information on each of the Goals and Actions required on the *A Plan for Growing Sydney* relevant to the Corridor and how the PP is consistent with those goals and actions.

The PP states with respect to Subregional Plans the following:-

Subregional plans are intended to set out how A Plan for Growing Sydney applies to local areas.

Whilst the Draft North Subregional Strategy is no longer publicly available, the draft subregional plans are expected to be released late 2015. In the interim, priorities for the north subregion have been established, including specific priorities for the Macquarie Park Strategic Centre.

This Planning Proposal supports the priorities for the Macquarie Park centre as part of the North Subregion ...(PP pge 44)

Response

The State Government released *A Plan for Growing Sydney* the latest strategic direction with respect to the future growth of Sydney in December 2014.

Under the Plan the Sydney area has been divided into 6 subregions. The City of Ryde is located in the North Subregion which also contains ten other Local Government areas. The Plan states the following:-

Subregional planning is the link between the big picture planning directions set out in this Plan and detailed planning controls for local areas. It will also deliver planning outcomes across local council boundaries, where coordination between State agencies and/or local government is required.

The Government will work with local councils for each subregion in Sydney to implement A Plan for Growing Sydney.

Subregional planning will promote good planning principles and the efficient use of land and infrastructure. It will improve liveability by identifying the locations for future housing and employment growth and by balancing growth with improvements to environmental and open space assets. It will facilitate the planning, design and development of healthy built environments

Subregional planning is the link between the big picture planning directions set out in this Plan and detailed planning controls for local areas.

Subregional plans will build on the actions set out in A Plan for Growing Sydney. Councils, the community, the Greater Sydney Commission and the NSW Government will work together to finalise and implement these plans. (A Plan for Growing Sydney pg 106)

ITEM 5 (continued)

It should be noted that the *interim, priorities for the north subregion* identified in the PP are the priorities listed in the A Plan for Growing Sydney for Macquarie Park (A Plan for Growing Sydney pg 127)

It is considered inappropriate to rezone land without the required subregional plan having been fully developed or considered.

As stated previously the DoPE advised Council on the 26 February 2015 that a Gateway Review for a PP for 111 Wicks Rd, 29, 31 – 35 Epping Rd Macquarie Park had been refused and further stated the following:-

The longer term future for Macquarie Park should be guided by A Plan for Growing Sydney and a subregional growth and infrastructure plan developed in consultation with the community and Council. As the subregional planning is currently under development it would be premature to proceed with a review of the proposal at this time.

The DoPE's comments reinforces the need for a Subregional Plan to be in place prior to any PP for the area being supported. As does the advice the DoPE provided to the applicant that on their PP that such proposals would need to be carefully considered as part of a broader strategic review into the future role of Macquarie Park.

Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The PP addresses Ryde Integrated Open Space Plan (ISOP) 2012 and City of Ryde Local Planning Study (LPS), 2010

The PP states with respect to the IOSP that since the development of the Plan two Priority Precincts have been announced which do not provide for any new active open space so making the latent demand for open space in the Corridor even more significant than identified in the Plan.

With respect to the LPS the PP states:-

The Planning Proposal is considered to be consistent with this desired future character in that it will improve amenity in the business park, attracting business investment.

Response

The Acting Senior Coordinator Open Space Planning advised the following with respect to the ISOP:-

ITEM 5 (continued)

Council currently has not undertaken detailed open space planning for the Macquarie Park Corridor following the significant density increases represented by three Macquarie Park Station Priority Precinct gazettal and as such, this assessment of the Proposal is based on the recommendations of the IOSP and the Macquarie Park DCP. Under these plans, this Proposal's open space recommendation does not align with Council's current vision for open space provision in the Corridor.

The Local Planning Study comprises 7 studies the most relevant to the PP being the Centres and Corridors study (CCS) and Employment study.

The Centres and Corridors Study states the vision / desired future character for Macquarie Park is that:

Macquarie Park will mature into a premium location for globally competitive businesses with strong links to the university and research institutions and an enhanced sense of identity.

The corridor will be characterised by a high quality, well designed, safe and liveable environment that reflects the natural setting with three accessible and vibrant railway station areas providing focal points.

Residential and business areas will be better integrated and an improved lifestyle will be forged for all those who, live work and study in the area.

The Employment Study states that one of the future directions for employment in the City is to support the role of Macquarie Park – North Ryde as a premium location for globally competitive business. The related action is to continue to develop Macquarie Park Corridor as a premium business location through the implementation of the current planning framework.(LPS – Employment pg 7-32).

The PP will result in a reduction of potential employment floor space on the site from 56,748m² to approximately 20,000m². It is considered that the reduction of employment floor space is not in keeping with either the Centres and Corridor Study or Employment Study.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal states that it is consistent with the relevant State Environmental Planning Policies (SEPPs) (PP page 46). The relevant SEPPs are identified below.

- SEPP (Buildings Sustainability Index: BASIX) 2004;
- SEPP (Infrastructure) 2007;
- SEPP 55 Remediation of Land;
- SEPP 65 Design Quality of Residential Flat Buildings.

ITEM 5 (continued)

Response

It is considered that the PP does not contradict any applicable State Environmental Planning Policies, however further consideration of these Policies will occur with the detailed assessment of the Development Application.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The relevant Section 117 directions are detailed below.

Section 117 Direction	Assessment
<p>1.1 Business and Industrial Zones</p> <p><i>(1) The objectives of this direction are to:</i></p> <p><i>(a) encourage employment growth in suitable locations,</i></p> <p><i>(b) protect employment land in business and industrial zones, and</i></p> <p><i>(c) support the viability of identified strategic centres.</i></p>	<p>The applicant maintains the proposal is consistent with the Direction as it is likely to increase the renewal, expansion and increased efficiency of employment uses on site. (PP page 46)</p> <p>Response: It is considered the PP results in the reduction of possible employment floor space by approx. 36 000sqm and pre-empts the development of the North Subregional Plan under <i>A Plan for Growing Sydney</i> and the strategic plan for the future direction of the Corridor being undertaken by the DoPE and as such is not consistent with the Direction</p>
<p>3.1 Residential Zones</p> <p><i>1) The objectives of this direction are:</i></p> <p><i>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</i></p> <p><i>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i></p> <p><i>(c) to minimise the impact of residential development on the environment and resource lands</i></p>	<p>The applicant maintains that the proposal will:-</p> <ul style="list-style-type: none"> - broaden the range of housing choices to provide for existing and future housing needs and - make efficient use of existing infrastructure and services. - provide opportunity for good urban design and - .The built form and building layout minimises the impact of residential development.(PP page 50) <p>Response: It is considered that as the PP is consistent with the Direction.</p>

ITEM 5 (continued)

Section 117 Direction	Assessment
<p>3.4 Integrated Land Use and transport Objectives</p> <p><i>(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p><i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p><i>(b) increasing the choice of available transport and reducing dependence on cars, and</i></p> <p><i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p> <p><i>(d) supporting the efficient and viable operation of public transport services, and</i></p> <p><i>(e) providing for the efficient movement of freight</i></p>	<p>The applicant maintains the proposal is consistent with the direction for the following reasons:</p> <p>The Planning Proposal will enable the intensification of residential uses in a well-connected accessible site, encouraging active and public transport while discouraging car traffic, trip generation, and distances travelled. (PP page 50)</p> <p>Response: The RMS comments that the Traffic Impact Assessment Report submitted as part of the PP should be revised to also identify feasible infrastructure upgrades and all other transport infrastructure and services required to cater for full development growth of the site. This should also include details of the funding and delivery mechanisms.</p> <p>It is considered that while the PP is generally consistent with the Direction, as intersections in the surrounding area are currently at a failing (F) service level there are concerns with the PPs overall impact on the access network – including public transport efficiency.</p>
<p>Flood Prone Land</p> <p><i>(1) The objectives of this direction are:</i></p> <p><i>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</i></p> <p><i>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject and.</i></p>	<p>The applicant maintains the proposal is consistent with the direction for the:</p> <p><i>...the site impacted by PMF and 100 year ARI flood event is in the location of the proposed open space. This could be managed through appropriate site design at Development Application stage,</i></p> <p>(PP page 51)</p> <p>Response: It is considered that as the PP is consistent with the Direction.</p>

ITEM 5 (continued)

Section 117 Direction	Assessment
<p>6.1 Approval and Referral Requirements <i>(1) The objective of this direction is to ensure the LEP provisions encourage the efficient and appropriate assessment of development.</i></p>	<p>The applicant maintains the proposal is consistent with Direction 6.1 as it will not result in any additional requirement for concurrence, consultation or referral of a development application to a Minister or public authority or identifies development as designated development.</p> <p>Response: PP is consistent with the Direction</p>
<p>6.2 Reserving Land for Public Purposes Objectives <i>(a) To facilitate the provision of public services and facilities by reserving land for public purposes, and (b) To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i></p>	<p>The applicant maintains the proposal is consistent with Direction 6.2 as it does not seek to affect land zoned or reserved for a public purpose.</p> <p>Response: PP is consistent with the Direction</p>
<p>6.3 Site Specific Provisions Objective <i>(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls</i></p>	<p>The applicant maintains the proposal is consistent with Direction 6.3 as it does not propose any unnecessarily restrictive site specific planning.</p> <p>Response: It is considered that as the PP is consistent with the Direction</p>
<p>7.1 Implementation of the Metropolitan Plan Objective <i>(1) The objective of this direction is to give legal effect to the planning principles; directions and priorities for subregions, strategic centre and transport gateways contained in A Plan for Growing Sydney.</i></p>	<p>The applicant maintains the proposal is consistent with A Plan for Growing Sydney.(page 51)</p> <p>Response: It is considered the PP pre-empted the development of the North Subregional Plan under A Plan for Growing Sydney and the strategic plan for the future direction of the Corridor being undertaken by the DoPE and Council and as such is not consistent with the Direction</p>

(PP pgs 46 – 55)

ITEM 5 (continued)

Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal (PP page 56) states that there are no impacts envisaged. The Planning Proposal site is located in a built up area with existing development. Future Development Applications will be required to be accompanied by Arborist Reports assessing the significance of vegetation on the site.

Response

The land has not been identified as containing a specific habitat that will be affected by the PP.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Planning Proposal states that (PP page 56) the following have been identified by the applicant as the most relevant environmental effects resulting from the planning proposal:-

1. Solar Access and Overshadowing

The increased of height and FSR on the site will increase the need to carefully manage solar access and overshadowing. The master plan for the site has been subject to solar access testing for both the open space and building forms

Response

It is considered that these matters would be assessed at the LDA stage should the PP be supported by Council.

2. Noise and Air Quality

Development Applications will be required to take into consideration the noise impacts of the M2 Motorway, and it is anticipated that Conditions of Consent will be imposed on future applications requiring compliance with acceptable air quality standards and recommended noise mitigation measures for the detailed architectural design of the buildings

Response

The comments of the UDR Panel Member states... *The proximity of the site to the M2 is a major consideration as there are noise and pollution issues associated with proximity to this motorway. It is not ideal for residential uses and a major concentration of residential so close to the motorway, in both elevation and plan, is not conducive to a high quality amenity.*

ITEM 5 (continued)

3. Environmental Sustainability

The proposal seeks to maximise the use and accessibility of the existing railway infrastructure within Sydney through locating high density housing within close proximity of the Macquarie University Station. ...the site is well located within the Macquarie Park Business Centre and in proximity to the Macquarie Park Shopping Centre. This is expected to reduce reliance on the use of private motor vehicles as a primary method of transport and encourage active and public transport to local services, education and employment.

Response

It is considered that the PP is located in an optimum position for the utilisation of public transport.

A further consideration is Traffic and Parking.

A Traffic Impact Assessment was prepared by Bitzios Consulting and submitted to support the PP. This report provided the following information:- (PP Traffic Impact Assessment pg 14)

- A maximum of 1,526 parking spaces is permissible in accordance with the relevant LEP and DCP for the development types proposed, although there may be opportunities to reduce this requirement considering shared usage and high levels of alternative mode usage;
- The development is estimated to generate 480 vehicle trips and 374 vehicle trips in the AM and PM peak respectively;
- The full potential of the existing B7 zoning would be expected to generate much higher traffic volumes during the peak hours compared to the planning proposal.
- The proposed three (3) accesses to the development were assessed and were shown to operate within acceptable RMS guidelines for intersection performance;
- The existing major intersections east of the study area such as Talavera Road/ Khartoum Road and Lane Cove Road/ Talavera Road intersection were found to be at capacity in peak periods already and would require future upgrades in any event, should the intention be that these intersection operate under capacity. This finding is independent of the planning proposal's impacts particularly considering that it reduces site-generated traffic compared to its potential under its current zoning

Response

The surrounding intersections are currently at capacity and would be operating at an F level of service during peak times, if the PP was to proceed road network upgrades would be necessary. Additional analysis and understanding of the impact of the development on those intersections and the type of upgrades required is needed.

ITEM 5 (continued)

The PP was forwarded by Council to the Roads and Maritime Services (RMS) who responded on 25 November as follows.

Roads and Maritime have reviewed the submitted material and raise the following preliminary issues below which should be satisfactorily addressed prior to Gateway approval:

1. The NSW Government recently announced the commencement of investigation into Macquarie Park as a Priority Precinct. Council needs to ensure that this Planning Proposal does not result in new planning controls which would be inconsistent with the work currently underway for the Macquarie Park Priority Precinct.

2. The Traffic Impact Assessment states that: "The retail/restaurant type uses (approximately 4,000m²) are expected to provide services for the residential development in the area primarily and restaurant-generated traffic is outside of the commuter peak hours in any event. The retail/restaurant traffic generation has therefore been excluded".

Roads and Maritime does not support this statement and acknowledge that through surveys conducted for the 'Guide to Traffic Generating Developments' and 'Technical Direction (TDT2013/04a) – Guide to Traffic Generating Developments Updated Traffic Surveys' that both Restaurant and Retail development will generate traffic impacts during the weekday network peaks. Therefore, the Traffic Impact Assessment must be subsequently updated to also include the traffic generation impacts from the proposed Restaurant and Retail uses based on rates provided within the 'Guide to Traffic Generating Developments' and 'Technical Direction (TDT2013/04a) – Guide to Traffic Generating Developments Updated Traffic Surveys'.

Note: This will require the Traffic Impact Assessment to provide clarity on the likely floor area for both Restaurant / Retail and the Traffic Analysis must also be updated accordingly based on the revised site traffic generation.

3. Traffic analysis results in Traffic Impact Assessment Report – The SIDRA modelling results included in the report are inconsistent and insufficient for an assessment of development traffic impact. These results were produced from a mix of SIDRA intersection and network modelling, and using SIDRA versions 5.1 and 6.0. SIDRA versions 5.1 and 6.0 have been superseded some time ago, and are not recommended any more for modelling. For the traffic assessment of the proposed accesses and all Talavera Road intersections between (and including) Herring Road and Khartoum Road need to be modelled in SIDRA Network using the latest edition of SIDRA version 6.1. Note: Cycle times for intersections modelled along Talavera Road should be no greater than 120 seconds.

ITEM 5 (continued)

4. *The Macquarie Park DCP indicates that a Framework Travel Plan would be required for any future development which exceeds 10,000m² with the intent of minimising rates of private vehicle use for commuters and business trips and achieve a transport modal shift target of 60% public transport use for the journey to work in particular. To achieve this objective, the Traffic Impact Assessment should also be suggesting ways which minimise parking provision on the site (ie. providing parking below the suggested maximum rates).*

5. *Site Access Comments for consideration:*

- *Talavera Road/Alma Road left-in left-out – If feasible, the provision of Talavera Road short left turn slip lane should be considered here, not only from a traffic efficiency but also from a traffic safety viewpoint.*
- *Proposed Western Access left-in left-out - A narrow short median along Talavera Road opposite the access may be needed to close possibility of illegal right turns from the proposed access.*
- *Proposed Eastern Access (4th leg at TCS#4475) - The length of the Talavera Road right turn lane into the proposed access road should be considered in conjunction with and balanced against the need for possibly extending the existing Talavera Road right turn lane for the movement into Khartoum Road (southbound).*

6. *The Traffic Impact Assessment should also identify feasible infrastructure upgrades and all other transport infrastructure and services required to cater for full development growth of the site. This should also include details of the funding and delivery mechanisms.*

7. *Transport for NSW should also be consulted.*

Council obtained an independent assessment from Cardno Consultants of the submitted Traffic Impact Assessment report. The review by Cardno concluded the following;

- There was an inadequacy of modelling with respect to impacts of the development on traffic generation. The report states:-
 - *The Astra Zeneca traffic generation has not been considered in this study*
 - *There was little justification for disregarding the traffic generation associated with the 4,000m² retail/restaurant land use.*
 - *There was no justification or information provided in regard to the assumption that only 20% of children will come from outside the development by car.*
 - *No committed development traffic generation has been considered.*
- Issues existed with the SIDRA Modelling undertaken in the Bitzios Report including:-
 - *The existing intersections were not assessed for the development traffic scenario in the report.*

ITEM 5 (continued)

- *There were discrepancies between Cardno's calculated existing + development scenario volumes for the Talavera/Alma Road intersection for both the AM and PM peak hour volumes.*
- *SIDRA intersection assessment was not undertaken for the existing + development scenario at the following intersections:*
 - *On/off ramp (M2)/Herring Road*
 - *Khartoum Road/Talavera Road*
 - *Lane Cove Road/Talavera Road*

Further assessment is required at these intersections to quantify the potential traffic impacts of the development.

- Parking Supply and Access

The parking rates from the Macquarie Park Corridor DCP and Ryde Local Environmental Plan were utilised. The parking rates are considered to be correct. However, Cardno has calculated different quantum of car parking spaces. There is an inconsistency (oversupply) of 134 parking spaces.

The traffic assessment report undertaken by Cardno is **CIRCULATED UNDER SEPARATE COVER.**

Has the planning proposal adequately addressed any social and economic effects?

AEC group has prepared a socio-economic impact assessment for the Planning Proposal (PP Page 56) as well as a supporting research study into the Macquarie Park Centre. These reports demonstrate the importance of open space to the growth and sustainability of Macquarie Park and surrounding residential areas.

Response

Points made by the applicant are noted however consideration of the site for higher density is not supported as:-

- there has been no comprehensive assessment of community, school and infrastructure needs to support the increased density in this area
- a precedent would be set which would impact on the future orderly and considered development of the area

The AEC group Socio Economic Report states on page 53 the following:-

Community Facilities

As there are no hospitals, schools, recreational facilities or aged care facilities in the immediate vicinity of the Site (i.e. within 400m) it is not anticipated the proposed development would detrimentally impact any community facilities by way of noise, dust, overshadowing, privacy, safety or access.

ITEM 5 (continued)

State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The PP states (PP Page 57) that the site is already well serviced by a full range of public utilities including electricity, telecommunications, water, sewer and stormwater. Where required at detailed planning stage, it is expected that these services would be upgraded by the developer at the construction stage. The PP further states:-

- The Traffic Impact Assessment, prepared by Bitzios, concludes that the Planning Proposal is expected to reduce the traffic generating potential of the site in both peak periods ...
- The new residents would create a demand for childcare spaces and open space. Development under the new controls could provide a childcare centre, as shown in the concept plan, and substantial open space.
- Demand for primary and secondary school places. It is the responsibility of the NSW Department of Education and Communities to monitor and respond to increased demand.

Response

No detailed assessment has been undertaken of the existing infrastructure such as schools, community facilities, health however the 1,125 new dwellings will increase pressure on such facilities in the area.

It is considered that a cohesive and planned provision for services such as schools and community facilities need to occur through the development of the Sub Regional Plan and the partnership of Council with the DoPE for a considered approach to the future direction of the Corridor prior to consideration of any PP in the Corridor which results in increased residential development.

What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The applicant states (PP Page 58) that DoPE have been consulted and support its submission to Council for further consideration.

Response

In 2014 the applicant was advised by DoPE the following:-

“There may be some merit in diversifying the mix of land uses within Macquarie Park by allowing some residential uses that would activate and increase the vibrancy of the corridor outside of business hours. However, such proposals would need to be carefully considered as part of a broader strategic review into the future role of Macquarie Park.”

ITEM 5 (continued)

The Planning Proposal was forwarded to the RMS for initial consideration on 2 November 2015. The response of the RMS has been discussed elsewhere in the report.

Financial Implications

Adoption of the options outlined in this report will have no financial impact. Council should note that the lodgement of the planning proposal has been subject to Council's Fees and Charges Schedule to amend Local Environmental Plans.

Consultation with relevant external bodies

Internal Consultation

The Planning Proposal was referred to the relevant Council staff for comment on areas relating to traffic and parking, stormwater, contamination and open space.

Public Works

The comments of Council's Team Manager Stormwater Infrastructure Integration has advised that:-

The subject property is marginally affected by the overland flow path at Alma Road during the 1 in 100 year ARI storm event. The overland flow path is on the fringe of the open space and it is considered that the overland flow path has no significant impact on the proposed development. However, the developer is required to address local drainage issues within the property including the Open space area. The cost involved in construction and management of the stormwater infrastructure shall be borne by the developer.

In conclusion any stormwater issues could be dealt with at the LDA stage.

Environmental Health

Council's Environmental Health Officer advised on the 19 November 2015 the following:-

Given the current and previous uses on this site it would be expected that the possibility of any significant contamination would be low. Nonetheless normal requirements of a preliminary assessment will have to be followed, along with any detailed assessment and remediation as required at DA stage.

Air Quality:

Impact of vehicle emissions from M2 motorway and other nearby roads maybe of concern should more sensitive uses such as child care centres be incorporated into the complex. Air quality impact assessments would likely be required for any child care centre that may be developed.

ITEM 5 (continued)

Noise Pollution:

Impact from the M2 will have to be managed both in the general design and perhaps structurally as well to ensure internal noise levels meet relevant standards.

Comments of the Urban Design Review Panel, Open Space section and Contributions Development Coordinator have been discussed earlier in this report

Community Consultation

Under the gateway plan-making process, a gateway determination is required before community consultation on the planning proposal takes place. The consultation process will be determined by the Minister and stipulated as part of the gateway determination.

The Department of Planning's guidelines stipulate at least 28 days community consultation for a major plan, and at least 14 days for a low impact plan.

The applicant has indicated that consultation with the local community will be undertaken in accordance with the Gateway determination made by the Minister for Planning, in accordance with Sections 56 and 57 of the EP&A Act. (PP pg 60)

As part of the community consultation Council would undertake the following:-

- A public notice in local newspaper(s).
- A notice on the City of Ryde Council website.
- Written correspondence to adjoining and surrounding landowners.

Critical Dates

Under the Department of Planning and Infrastructures "A guide to preparing local environmental plans" a pre gateway review system exists where by a Proponent can request an independent body review decisions in relation to proposed amendment to LEPs.

A Pre Gateway review;

- may be requested by a proponent if the council has notified them that the request to prepare a planning proposal is not supported or
- the council has failed to indicate it support 90 days after the proponent submitted a request.

ITEM 5 (continued)

The subject Planning Proposal was received by Council on the 7 October 2015. A letter was sent to the applicant on the 27 October 2015 advising that prior to consideration of the PP certain information was required to be submitted. That information was received on the 13 November 2015. Based on the date of the submission of the required information the 90 day period for determining the proposal finished on the 11 February 2016.

Pre – Gateway Review

The Environmental Planning and Assessment Regulations 2000 requires a council to notify a proponent when the council decides not to prepare a planning proposal. The proponent of the proposed instrument then has 40 days from notification to request a review of the council's decision.

If a Pre – Gateway review is requested the DOPE undertakes an assessment to determine whether the proposal has strategic merit or site specific merit and is compatible with the surrounding land uses.

If the DG determines that the proposed instrument does not qualify for review the department notifies the proponent and council. If the review request progresses the proposed instrument is referred to the regional panel/PAC. A recommendation is provided to the Minister. The Minister will make the final decision with respect to the proposed instrument.

If the Minister decides to proceed with the PP:-

- The Council may be requested to submit a PP to the Gateway within 40 days,
or

- The Minister may consult with the General Manager of the council to discuss the possibility of changing the relevant planning authority to the DG of the Department (or other body)

Policy Implications

The recommendation of this report is that the Planning Proposal should be deferred until such time as Council has a draft Plan for the future direction of Macquarie Park Corridor as:-

- The planning proposal pre-empts both a Subregional Plan involving 10 other Council's and the future Macquarie Park Corridor Plan currently under development by Council and the Department of Planning and Environment.

ITEM 5 (continued)

- The PP would represent an adhoc rezoning and substantial increase in both floor space and height controls resulting in a precedent being set, where there is the introduction of residential development on a site and an increase in density without consideration of the future direction of the Corridor including:-
 - a. the appropriate ratio of residential to employment floor space in the Corridor and on individual sites
 - b. the necessary infrastructure and location of infrastructure to support the changes within the Corridor
 - c. Design parameters for development within and the Corridor and traffic considerations and traffic consideration of such changes for the Corridor.

- The PP is not in accord with the State Governments comments relating to the Gateway Review they refused for 111 Wicks Rd, 29, 31 – 35 Epping Rd Macquarie Park where they stated:-

The longer term future for Macquarie Park should be guided by A Plan for Growing Sydney and a subregional growth and infrastructure plan developed in consultation with the community and Council. As the subregional planning is currently under development it would be premature to proceed with a review of the proposal at this time.

It is considered that prior to Council supporting any changes to individual properties within the Corridor it is necessary for a draft plan to be developed with respect to the future direction of the Corridor. Once such a draft Plan is completed separate PPs could be considered whilst the LEP for the whole Corridor is being developed.

Options

Council has the option to decide to:-

1. Defer the PP until such time as a draft Plan developed in partnership with Council and the DoPE for the future direction of MPC (strategic review) has been completed (approx. June 2016). Upon such a draft Plan being completed the applicant would submit an amended PP that is in accord with the draft Plan as is the recommendation of this report.

Allowing for the completion of the draft plan would ensure that the PP and the resulting development and built form outcomes on the site – including the delivery of infrastructure is in accordance with the provisions of strategic review of the Corridor. The co-ordination of the delivery of infrastructure, linked to development, is crucial for the sustainable function of the Corridor.

ITEM 5 (continued)

However deferral of plan will mean that the Council not have determined the application with 90 days (90 days due in February 2016) and this may result in the applicant seeking a “pre-gateway” review. While the DoPE’s previous advice to the landowner has been to delay pursuing their proposal until a strategic study can be undertaken for the entire corridor, there is no guarantee that the DoPE would not determine the proposal prior to Council endorsing a draft Plan and the associated infrastructure delivery program.

2. Proceed with the PP to the next stage (gateway determination and community consultation).

If Council were to allow the PP to proceed to a gateway determination – the outcome would be an amendment to the planning/land use controls and a built form outcome on the site that has been developed and implemented in isolation. The outcomes may be contrary to the Strategic Review for the Corridor, which is currently under Preparation.

Pursuing this option would also be interpreted by other landowners currently awaiting the outcomes of the Strategic Review as a signal to lodge proposals seeking further rezonings resulting in an ad hoc approach to planning within the corridor.

Proceeding with the PP in its current form is not recommended as further consideration is required on the contributions the development would make to address the recreation and access requirements of the Corridor. As outlined in this report further assessment is required:

- On the traffic implications on the network and the necessary intersection/network upgrades to support the development of over 1000 dwellings and the broader cumulative impacts.
- The recreation facilities that would best suit the needs and demands of the communities of the Corridor and the City - would an indoor facility better meet the community needs than open space?

The infrastructure and facilities identified as part of this comprehensive assessment and delivered as part of the development would be negotiated and guided by the Council’s VPA processes. The negotiations and formalising the VPA should occur as part of Council’s assessment and determination of the PP.

The applicant’s proposal to provide affordable housing (floor space excluded from the FSR calculations) would be considered as part of the VPA discussions.

Council should note that no VPA has been lodged with this PP.

ITEM 5 (continued)

3. Decide not to proceed. If Council decides not to proceed / refuse the PP the applicant can lodge a request with the Department of Planning and Environment for a Pre-gateway review. The implications of a pre-gateway review have been outlined above.

However, not proceeding with the PP at this point in time is appropriate as it would allow the Macquarie Park Strategic Review to be undertaken, which would ensure a co-ordinated planning framework and infrastructure delivery program is implemented. This would also ensure that there is a consistent and transparent process being applied for all land owners in the Corridor seeking residential development, contrary to current controls.

The deferral of the PP until the completion of the Macquarie Park Strategic Review is the preferred option. However as indicated above the applicant has the ability to request a pre-gateway review on the PP. The assessment and determination of a PP that is seeking substantial amendments to the current planning controls at this time, while a strategic review of these controls is underway is considered an adhoc approach to planning.

To ensure Council and DoPE are consistent in their approach to dealing with applications such as this PP, this report also recommends that the General Manager write to the Minister for Planning seeking clarification of the interim approach to be taken when dealing with any lodged planning proposal while the Strategic Review is being undertaken.

6 AMENDMENTS TO NORTH RYDE STATION PRECINCT DEVELOPMENT CONTROL PLAN

Report prepared by: Senior Strategic Planner
File No.: DCP2015/12 - BP15/1503

REPORT SUMMARY

On 11 August 2015 Council resolved to exhibit amendments to the North Ryde Station Precinct Development Control Plan (NRSP DCP) relating to residential car parking rates to ensure consistency with Ryde Development Control Plan (DCP). The exhibition was conducted from 26 August 2015 to 23 September 2015. Three (3) submissions were received which are summarised in this report. The submissions object to the proposed parking rates.

It is recommended that Council adopt the amendments to the DCP as exhibited as the revised parking rates are consistent with State Government policy and will bring the residential parking rates for the North Ryde Station Precinct in alignment with those of Macquarie Park Corridor.

A copy of the DCP recommended to be adopted is **ATTACHED** to this report.

RECOMMENDATION:

- (a) That Council adopt the amendments to the North Ryde Station Precinct Development Control Plan attached to this report.
- (b) That Council give public notice in a local newspaper of its decision with respect to the draft amending North Ryde Station Precinct Development Control Plan (DCP) within 28 days of its decision, and provide the Secretary of the Department of Planning and Environment with a copy of the plan in accordance with the Environmental Planning and Assessment Regulation 2000.
- (c) That Council notify all community members who made a submission regarding the DCP amendments of its decision.

ATTACHMENTS

- 1 Draft North Ryde Station Precinct DCP

ITEM 6 (continued)

Report Prepared By:

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ITEM 6 (continued)

History

In 2013 the State Government announced the North Ryde Station Precinct Urban Activation Precinct and prepared the North Ryde Station Precinct Development Control Plan (NRSP DCP). Council requested that the ability to amend the DCP be delegated to Council.

On 15 June 2015 the Secretary of the Department of Planning and Environment (DoPE) wrote to Council to confirm that an Instrument of Delegation had been signed delegating the Secretary's powers as the Relevant Planning Authority for the NRSP DCP to Council. This gives Council the ability to amend the NRSP DCP in accordance with the requirements of the Environmental Planning and Assessment Act.

On 11 August 2015 Council considered a report proposing amendments to the NRSP DCP to ensure the residential car parking rates for the Precinct are consistent with those of the Macquarie Park Corridor as shown below:

Type	Current parking rate- NRSP DCP	Proposed parking rate-amended NRSP DCP
Studio	0 space	0 space
One bedroom	1 space	0.6 space
Two bedroom	1 space	0.9 space
Three bedroom	1 space	1.4 space
Visitor parking	1 space per 10 dwellings	1 space per 10 dwellings

The report also stated that a further more comprehensive review of the NRSP DCP would occur at a later date. The NRSP DCP will remain as a standalone document until this later review is conducted and is incorporated into Ryde Development Control Plan 2014.

Council resolved to place the amendments on public exhibition.

State Environmental Planning Policy 65 (SEPP65) amendments

The amendments to State Environmental Planning Policy 65 (SEPP65) – 'Design Quality of Residential Apartment Development' made in June 2015 require development within 800m of a railway station to provide a minimum amount of parking, being either:

- The rate set out in the Roads and Maritime Services (RMS) Guide to Traffic Generating Development; or
- The car parking requirement set out by the Council;

Whichever is the lesser.

ITEM 6 (continued)

The rates in the RMS Guide to Traffic Generating Developments are as follows:

Metropolitan Regional (CBD) Centres:

- 0.4 spaces per 1 bedroom unit.
- 0.7 spaces per 2 bedroom unit.
- 1.20 spaces per 3 bedroom unit.
- 1 space per 7 units (visitor parking).

Metropolitan Sub-Regional Centres:

- 0.6 spaces per 1 bedroom unit.
- 0.9 spaces per 2 bedroom unit.
- 1.40 spaces per 3 bedroom unit.
- 1 space per 5 units (visitor parking).

The Department has issued advice that the Metropolitan Regional (CBD) Centres minimum rate should be used for centres identified in “A Plan for Growing Sydney” as a CBD, Regional City Centre or Strategic Centre (including Macquarie Park) and the remaining centres serviced by railway or light rail stations should be classified as a Metropolitan Subregional Centre for the purposes of the Guide (including North Ryde Station Precinct).

The effect of the SEPP is that it mandates the minimum parking rate to be provided. Council’s proposed amendments to the residential parking rates in the NRSP DCP reduce the quantum of parking to be largely consistent with the SEPP 65/ Guide to Traffic Generating Development minimum rates. The intention of the changes to the SEPP supports Council’s position of implementing demand management by reducing car spaces. The following table indicates the differences between the RMS rates and the proposed DCP rates:

Type	RMS Guide- Subregional centres (minimum rate)	Proposed parking rate- amended NRSP DCP
Studio	0.6 space	0 space
One bedroom	0.6 space	0.6 space
Two bedroom	0.9 space	0.9 space
Three bedroom	1.4 space	1.4 space
Visitor parking	1 space per 5 dwellings	1 space per 10 dwellings

Consultation

The exhibition of the amendments to the NRSP DCP was conducted for 28 days from 26 August 2015 to 23 September 2015. The exhibition was notified in the local newspaper, displayed on Council’s “Have Your Say” website and a mail out was sent to landowners within the NRSP. The exhibition material was available for viewing at Top Ryde and North Ryde libraries, Ryde Planning and Business Centre and the Civic Centre.

ITEM 6 (continued)

Two (2) submissions were received. A summary of the submissions and responses to the issues raised are outlined in Table 1 below.

Issue	Response
Representing a landowner	
The proposition of reducing parking rates to reduce future traffic generation is flawed and fails to reasonably consider the fact that residents may use their cars on weekends.	Reducing parking rates will primarily have the biggest positive impact on traffic generation during peak periods for the journey to work.
Urban Activation Precincts have a consistent parking rate of 1 space per dwelling e.g. Epping	The DoPE recognised in the Finalisation Report and SEPP for the Macquarie University Station Precinct that car parking rates are ultimately a local issue and should be set by Council and implemented through DCP controls.
Providing one space per unit still allows flexibility for residents who do not require a car	Under the current rate (1 space/ unit), one car space would be required to be provided which does not allow opportunities to buy a unit without a space.
Owning a car does not mean it will be used for the journey to work	Noted. Given the proximity to public transport the City of Ryde encourages leaving the car at home for the journey to work. The rates in the RMS Guide are developed recognising these travel patterns.
Cars are required for a wide range of other trip purposes such as shopping, recreational and shopping trips.	Other transport options are also available for these trips. The Precinct is serviced by rail and bus services, and will provide car share options.
The RMS rates for metropolitan sub-regional centres apply to other centres with a far greater level of accessibility than the NRSP. These are minimum rates and a higher level of parking can be required depending on the centre.	The RMS Guide provides parking rates for high density residential flat buildings (over 20 dwellings), with only two categories: Metropolitan Regional (CBD) Centres (with high levels of local employment and access to rail and bus services) and Metropolitan Sub-Regional Centres. The most appropriate rate would be the Metropolitan Sub-Regional

ITEM 6 (continued)

Issue	Response
	Centres rate and this is consistent with advice given by the DoPE explaining the amendments to SEPP65.
The accessibility of public transport is the key influence on the use of alternative transport modes and it is unnecessary to aggressively suppress residential parking. Doing this will have no impact on achieving planning objectives.	The proposed changes are consistent with the objectives of the DCP to minimise traffic congestion and car dependency.
The parking rates proposed are lower than the residential parking rates in other centres such as North Sydney, Chatswood and Parramatta	Parking for the centres mentioned may provide for a minimum amount of parking consistent with the RMS Guide rates for Metropolitan Regional (CBD) Centres, which are lower than the rates proposed in the DCP amendments.
DoPE has consistently supported 1 space/ dwelling in Macquarie Park	Contrary to this, the current residential parking rate for Macquarie Park (in RDCP2014) is the same as the proposed rate for the NRSP. The DoPE recognised in the Finalisation Report for the Macquarie University Station Precinct that car parking rates are ultimately a local issue and should be set by Council and implemented through DCP controls.
The revised parking rates could force residents to park elsewhere and adversely impact on surrounding businesses	Resident parking schemes are in force in some of the eastern parts of North Ryde. Parking for businesses is generally either time limited or restricted to staff parking.
Potential property developer TRIM Ref: D15/115952	
St Leonards, Chatswood and Parramatta have on-site parking requirements which reflect the current DCP rates (1 space/unit).	The proposed parking rate is consistent with the rate for Metropolitan sub-regional centres in the RMS Guide and is consistent with the residential parking rate for the rest of the Macquarie Park Corridor (including the Macquarie University Station Precinct). Further the recent amendments to SEPP65 also specify lower minimum parking rates than the current North Ryde Station Precinct DCP.

ITEM 6 (continued)

Issue	Response
<p>Parking demand management should apply for high density housing close to public transport and services and encourage non-private car use for journey to work. The current parking rates represent a constrained parking provision.</p>	<p>Agreed. The parking rates are designed to constrain the generation of vehicle trips. The rates align with the RMS Guide.</p>
<p>Lower car parking rates (as proposed in the DCP amendments) are not expected to appreciably alter the modal split for journey to work, will push purchase of apartments toward investors than owner occupiers and can place pressure on local streets for resident parking associated with the apartments.</p>	<p>Lowering car parking rates has the intention of altering the modal split reducing dependency on car trips. Both investors and owner occupiers consider parking and public transport options. There is no evidence that purchase of apartments will be restricted to investors as a result of the parking rate. Resident parking schemes are in place.</p>
<p>While the Precinct is well serviced by public transport to the northwest and City there is not good public transport to alternative work destinations such as Parramatta, the inner west and south west.</p>	<p>North Ryde Station provides access to the employment centres Sydney CBD, Chatswood, Hornsby and Epping. This is complemented by bus services to the Sydney CBD, Epping and Parramatta. This will be augmented in future with the later integration of the North West Rail Link which will significantly increase train frequency.</p>
<p>Current rates enable residents to have access to a car for non-employment trip generating activities on weekends</p>	<p>The immediate proximity of the site to available public transport services is the key means by which to reduce traffic and parking demands.</p>
<p>Council should amend the car parking rate for supermarkets to 1 space per 30m²</p>	<p>The parking rate for supermarkets in the North Ryde Station Precinct was introduced by the DoPE and requires 1 space/60m². The current amendments to the DCP do not propose any change to this.</p>
<p>Government agency TRIM Ref: D15/149981</p>	
<p>Fully supports the principles of transit-orientated development as well as policies that encourage the increased patronage of public transport.</p>	<p>The proposed DCP amendments are consistent with this view.</p>
<p>Generally supportive of the proposed changes, however, would propose the following amendments:</p>	<p>The proposed parking rate of 0.9 spaces/ 2 bedroom unit is consistent with the RMS Guide to Traffic Generating Development</p>

ITEM 6 (continued)

<ul style="list-style-type: none"> - That the maximum car parking for proposed 2 bedroom dwelling units be amended from 0.9 to 1.0 per dwelling unit. This is consistent with the State Significant Development Application and Parking Management Strategy for Lachlan's Line. 	<p>and the parking rate for residential development elsewhere in the Macquarie Park Corridor. It is recommended that the parking rate in the DCP be adopted as 0.9 space per 2 bedroom unit.</p>
<ul style="list-style-type: none"> - That Council consider an incentive such as increased Gross Floor Area/ Floor Space Ratio, which is considered on a merit bases, for proposed developments that decrease the number of car parking spaces well below maximum limits. 	<p>It is not proposed to introduce incentives for reduced parking. The parking rates in the DCP reflect maximum parking rates and applicants may provide less parking on a case by case basis. The floor space and height controls for the North Ryde Station Precinct were established by the State Government in preparing the Urban Activation Precinct and further density increases beyond that are not warranted and would require a Planning Proposal.</p>

It is recommended that Council adopt the proposed amendments to the North Ryde Station Precinct DCP as exhibited with no further changes. This is consistent with state government policy (as outlined in the recent amendments to SEPP65) and will bring the residential parking rates for the North Ryde Station Precinct in alignment with those of Macquarie Park.

Financial Implications

Adoption of the recommendation will have no financial impact.

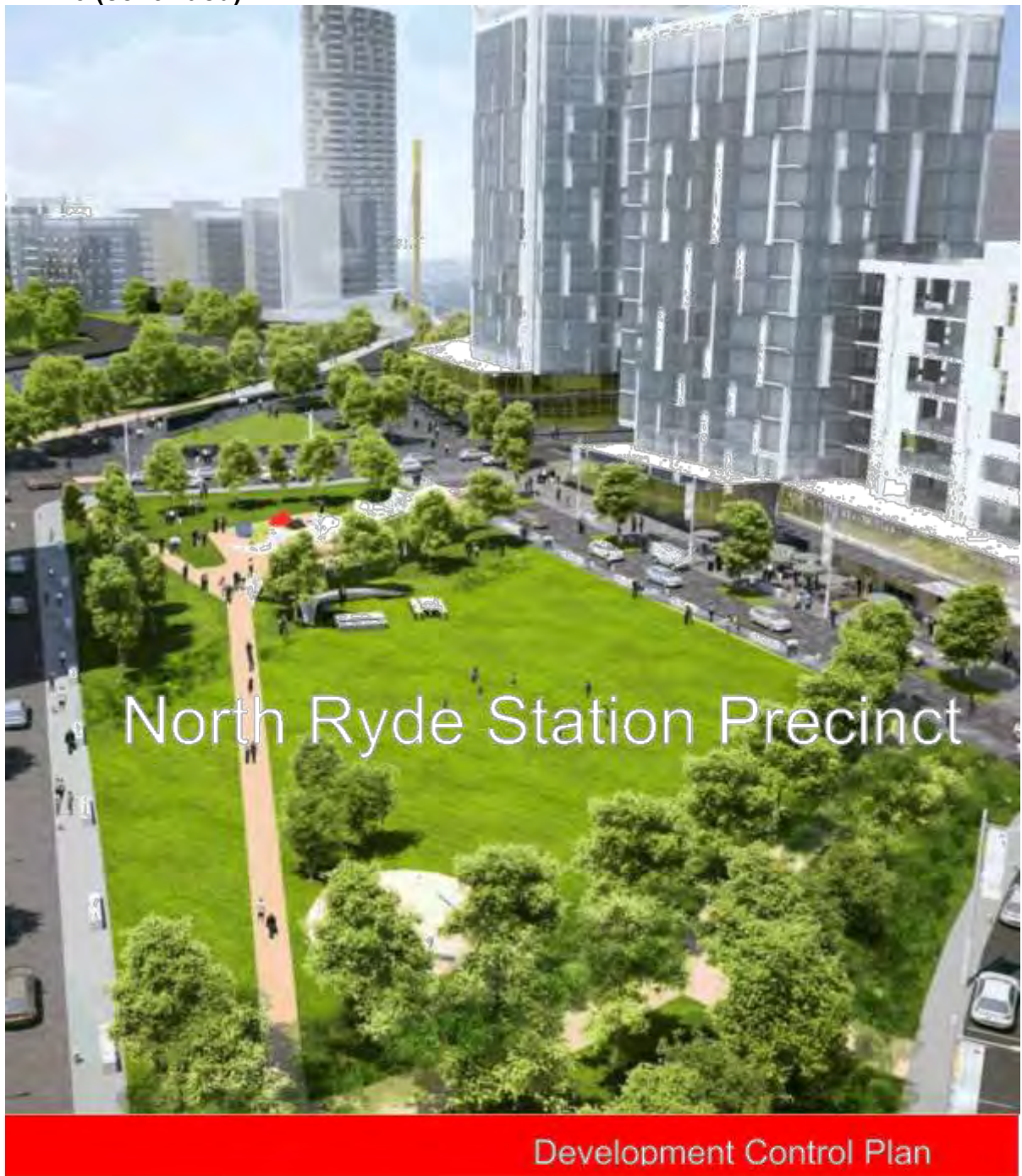
Options

1. Proceed with amending the North Ryde Station Precinct DCP. This option would ensure consistency in planning and assessment across the Macquarie Park Corridor.
2. Do not proceed with amending the North Ryde Station Precinct DCP. This option would result in inconsistencies between the residential parking rates for North Ryde Station Precinct and those outlined in Part 4.5 of Ryde DCP 2014 for the Macquarie Park Corridor and result in major discrepancy between the minimum rate mandated in SEPP65 and the DCP rate.

The preferred option is to amend the DCP as outlined in this report.

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Amend. No.	Date approved	Effective date	Subject of amendment
1	10/12/2015	10/12/2015	Amends car parking rates for residential development

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1.0

Introduction

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1.1 Introduction

This Development Control Plan (DCP) provides a framework to guide future development in the North Ryde Station Precinct (the Precinct). The document specifies built form and other controls for all development within the Precinct to achieve the vision for the Precinct as a vibrant community and as a place to live, work and visit.

1.2 Name and Application of this Plan

This plan is called the North Ryde Station Precinct Development Control Plan 2013. It has been prepared pursuant to the provisions of Section 74C of the *Environmental Planning and Assessment Act 1979 (the Act)*. This plan was approved by the Director-General of the Department of Planning and Infrastructure on 20 November 2013 and came into force on 4 December 2013.

1.3 Land to which this Plan applies

This plan applies to all land within the North Ryde Station Precinct as identified at Figure 1.

1.4 Purpose of this Plan

The purpose of this plan is to:

- Communicate the planning, design and environmental objectives and guidelines against which the consent authority will assess future development applications;
- Ensure the orderly, efficient and environmentally sensitive development of the Precinct as envisaged by the Ryde Local Environmental Plan 2010;
- Promote high quality urban design outcomes;
- Provide more detailed planning and design controls for important components of the Precinct; and
- Integrate the Precinct with the urban structure and connections to and within the wider Macquarie Park Corridor, in addition to reflecting the controls contained within the Ryde DCP 2010.

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Figure 1 Land to which Plan applies

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1.5 Relationship to other Plans and Policies

1.5.1 Plans and Policies

Ryde Local Environmental Plan 2010 and relevant State Environmental Planning Policies must be taken into account when making a development application. In the event that Ryde Local Environmental Plan 2010 is superseded, development within the Precinct will need to have regard to any subsequently made local environmental plan that applies to the site.

This DCP supplements the Ryde Local Environmental Plan 2010 by providing additional objectives, controls and guidance to applicants proposing to undertake development in the Precinct, and for Council in the assessment of development applications.

Development within the Precinct will need to comply with this plan as well as relevant provisions in the Ryde DCP 2010 identified in Table 1. In the event that Ryde DCP 2010 is superseded, development within the Precinct will need to comply with the corresponding provisions in any new comprehensive DCP.

A number of policies, design standards and guidelines also apply to the Precinct, such as the Council's Street Tree Master Plan. The application of relevant policies is referenced in this plan, and set out in Table 2. In the event the referenced policies are superseded, development within the Precinct will need to have regard to any updated versions.

In the event of any inconsistency between this plan and any other DCP, or policy listed in Table 2, this plan will prevail to the extent of the inconsistency.

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Table 1 Relevant Provisions of the Ryde DCP 2010

Provision	Section of Ryde DCP 2010
Lodging a Development Application	1.9
Notification of Development Applications	2.1
Brothels [Sex Services Premises]	3.1
Child Care Centres	3.2
Macquarie Park Corridor	4.5
Energy Smart, Water Wise	7.1
Waste Minimisation and Management	7.2
Construction Activities	8.1
Stormwater Management	8.2
Driveways	8.3
Title Encumbrances	8.4
Fencing	9.4
Installation of Satellite Dishes and MDS - Microwave Antenna	9.5
Tree Preservation	9.6

Table 2 Other Policies applying to Development in the Precinct

Policy	Author	Date
City of Ryde Street Tree Master Plan	City of Ryde	April 2013
Macquarie Park Public Domain Technical Manual	City of Ryde	2008
National Disability Strategy NSW Implementation Plan	NSW Department of Family and Community Services	2012
NSW Disability Action Plan 2012-2017	Transport for NSW	2012
Development near Rail Corridors and Busy Roads Interim Guideline	NSW Department of Planning	2008
Ryde Bicycle Strategy and Master Plan	City of Ryde	2007
Residential Flat Design Code	NSW Department of Planning, Natural Resources and Infrastructure	2002

1.5.2 Interpretation

Meanings in this DCP have the same meanings as defined in the Ryde Local Environmental Plan 2010. Reference should otherwise be made to definitions under the Act and the *Environmental Planning and Assessment Regulation 2000*. Where not otherwise defined, the meaning is to be taken as the meaning most commonly understood.

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1.5.3 Planning Documents

Applicants proposing to undertake development in the Precinct, and Council when assessing development applications, should refer to:

- relevant State Environmental Planning Policies;
- the current Ryde LEP 2010 (and any subsequent relevant LEP);
- this DCP;
- the existing Ryde DCP 2010 provisions in Table 1 (and any subsequent relevant DCP);
- the relevant Section 94 Contributions Plan;
- technical studies completed as part of the precinct planning work (available on the NSW Department of Planning and Infrastructure website www.planning.nsw.gov.au); and
- the policies set out in Table 2.

1.6 Consent Authority

Unless otherwise authorised by the Act, City of Ryde Council is the consent authority for all development in the Precinct to which this plan applies on land that is within Ryde Local Government Area.

Council will use this plan when assessing development applications.

1.7 Variations to Development Controls and Plan Amendments

1.7.1 Compliance with Objectives and Controls in this Plan

Clauses in this plan contain **Objectives** and **Controls** relating to various aspects of development (for example, building setbacks, requirements for car parking, or minimum requirements for landscaping).

The Objectives enable Council and applicants to consider whether a particular proposal will achieve the development outcomes established for the Precinct.

The Controls establish standards, which if met, mean that development should be consistent with the Objectives. However, in some circumstances, strict compliance with the controls may not be necessary, or may be difficult to achieve because of the particular characteristics of a development site. In these situations, Council may grant consent to a proposal that does not comply with the Controls in this plan, providing the intent (i.e. the Objective/s) of the Controls is achieved.

1.7.2 Compliance with the Indicative Layout Plan

The Indicative Layout Plan, as shown in Figure 3, shows one option as to how the overall Precinct may develop over time. It is intended as a guide to demonstrate how the objectives for the site may be achieved.

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However, it is recognised that there may be other options for the site's layout which may be more efficient and effective in achieving the vision for the Precinct. As such, Council may grant consent to a proposal that differs from the Indicative Layout Plan where the variation is considered to still achieve the objectives set out in the Ryde Local Environmental Plan 2010 and the Vision in Chapter 2 of this plan.

1.8 Monitoring and Review

The Director-General of the Department of Planning and Infrastructure will keep this plan under regular and periodic review. The Director-General will review the plan to:

- a. assess the continued relevance and responsiveness of the plan's provisions as well as the achievement of the plan's objectives;
- b. identify the need for changes to the provisions to better achieve the objectives of the plan and changes in circumstances; and
- c. ensure the availability of adequate development capacity under the plan's provisions.

1.9 Information to be submitted with Development Applications

Information requirements for development applications are set out in Part 1.9 of the Ryde DCP 2010.

1.10 Notification of Development Applications

Notification of development applications will be undertaken in accordance with Part 2.1 of the Ryde DCP 2010.

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2.0

**Vision for North Ryde
Station Precinct**

ITEM 6 (continued)

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2.1 Vision for North Ryde Station Precinct

The vision for the Precinct is for a "Transit Oriented Development" which has direct access to North Ryde Station on the Epping to Chatswood Rail Link, and which is connected, accessible, permeable and has a high base population density. The Precinct's development will encourage greater activity around the railway station through the inclusion of suitable land uses to encourage greater use of the public transport network.

The vision for the Precinct also seeks to:

- Maximise public transport patronage through the appropriate placement of compatible land uses and improvements in accessibility and connectivity through the Precinct and to North Ryde Station.
- Represent 'place making' through activation of the space, creation of a destination and creation of identifiable landmarks, including an appropriate mix of uses and community facilities.
- Create communities that are well connected to employment areas via public transport, pedestrian and bicycle links.
- Create integrated open space and public domain spaces encouraging their use and activation by key buildings.
- Create liveability through innovation, leading edge design and sustainability.
- Provide a logical extension of urban areas for employment, residential, retail and commercial land uses.

The proposal is consistent with key principles for Transit Oriented Development in that it:

- Provides mixed use development within 800 metres of North Ryde Station which provides a rapid and frequent transit service.
- Provides increased residential density around North Ryde Station, supported by appropriate community facilities.
- Integrates North Ryde Station with retail, commercial, recreational and community uses, therefore stimulating activity around the station.
- Applies reduced rates of private car parking while ensuring pedestrian and bicycle connectivity to North Ryde Station and nearby employment.
- Provides liveable and active public domain spaces for the community that integrate with proposed land uses and North Ryde Station.
- Provides the opportunity to rehabilitate the riparian corridor to the north of the high density residential precinct.
- Provides high quality open space within walking distance of all areas in the Precinct.

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Elevated view across central open space

2.2 Design Principles

The following design principles should guide development of the Precinct:

- **North Ryde Station Precinct is a Next Generation project** - the project will be developed over a 10-15 year period - embodying new ideas and new ways of living and working.
- **North Ryde Station Precinct is Accessible** - recognise that the site is very accessible, with all that Sydney has to offer within easy reach.
- **North Ryde Station Precinct is Legible** - the project will be the new landmark at the southern end of the Macquarie Park Corridor and should be a gateway and point of orientation.
- **North Ryde Station Precinct is a Community** - the Precinct will offer the services and support that makes it a complete and desirable community.
- **North Ryde Station Precinct is Active** - many of the new community's needs will be available on site. The Precinct is also to be a destination that can serve the wider community.
- **North Ryde Station Precinct is a Bushland Place** - the Precinct will enhance, extend and connect the surrounding bushland into and through the site.

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- **North Ryde Station Precinct is a Recognisable Place** - at the heart of the project, there should be a unique and memorable space that is a destination within the site and for the surrounding district.
- **North Ryde Station Precinct is Responsive** - the Precinct will work with the site to integrate topography, water, landscape and built form and to create connections into Macquarie Park and the surrounding bushland.



View from Delhi Road looking west

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3.0

Urban Structure

ITEM 6 (continued)

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3.1 Urban Structure

3.1.1 Regional Context

The Precinct is strategically located at the intersection of two of Sydney's main transport corridors - the northwest M2 Motorway and the north-south Ring Road 3 corridor – as well as major public transport links, most notably the Epping to Chatswood Rail Line and future North West Rail Link. The site also lies at the intersection of the Global Economic Corridor and the Warringah Sutherland Corridor.

Figure 2 shows the Precinct in its regional context.

The urban structure for the Precinct aims to ensure the site is integrated with other land uses within the Macquarie Park Corridor. The Precinct forms one end of a spine that generates links in both directions between the Macquarie Park Business Park and Macquarie University.

The Precinct is also within walking distance of the Lane Cove National Park which is a major open space asset. The potential exists to provide better links between the residential areas of North Ryde and the Lane Cove National Park.



Figure 2 Regional Context

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3.1.2 Indicative Layout Plan

The indicative layout for the Precinct is shown in Figure 3. The indicative layout has been developed to achieve the target yields necessary to support the site's development as a Transit Oriented Development while maximising resident and user amenity. It proposes the creation of three distinct neighbourhoods:

- Station precinct
- Mixed use precinct
- High density residential precinct

Objectives

- a. Ensure that development in the Precinct occurs in a coordinated manner consistent with the vision for the site.
- b. Ensure that the site is developed in accordance with the following principles:
 - i. A north-south spine road which will link the northern precincts (mixed use precinct and high density residential precinct) with Wicks Road and Epping Road.
 - ii. Employment uses within 500 metres of the station and residential uses within 800 metres of the station.
 - iii. Distribution of open space off the major circulation spine(s).
 - iv. Road areas minimised and open space optimised to create highest area possible for development parcels.
 - v. Development parcels oriented for good solar access, with parks and potential retail spaces oriented towards the afternoon sun.
 - vi. Streets defined through appropriate and visually appealing built form.
 - vii. Towers located generally off-axis to minimise visual impact.
 - viii. Open space and north facing frontages maximised.
 - ix. Streets generally ending in open space or green views.
 - x. Other than in the station precinct, taller buildings located away from Epping Road and along the M2 Motorway to reduce the appearance of building bulk.
 - xi. Heights are managed to create transitions to surrounding land uses.
 - xii. Pedestrian and cycle connections are maximised through and around the Precinct, connecting to public transport and other major facilities.
 - xiii. Future connections are accommodated to ensure the site is integrated with surrounding areas.
- c. Allow for flexibility in the implementation and design of the site whilst ensuring achievement of key outcomes and vision for the precinct.

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Control

1. All development applications are to be generally in accordance with the Indicative Layout Plan. However, the Indicative Layout Plan is preliminary only and shows one option for development of the Precinct. An alternative layout can be considered.

Note: Future development applications that create the local road network and development lots for the Precinct will need to confirm how floor space will be distributed across each development lot consistent with the floor space ratio controls identified in the Ryde Local Environmental Plan 2010 (or subsequent relevant LEP). This allocation is to ensure that the built form outcomes for the site are achieved.

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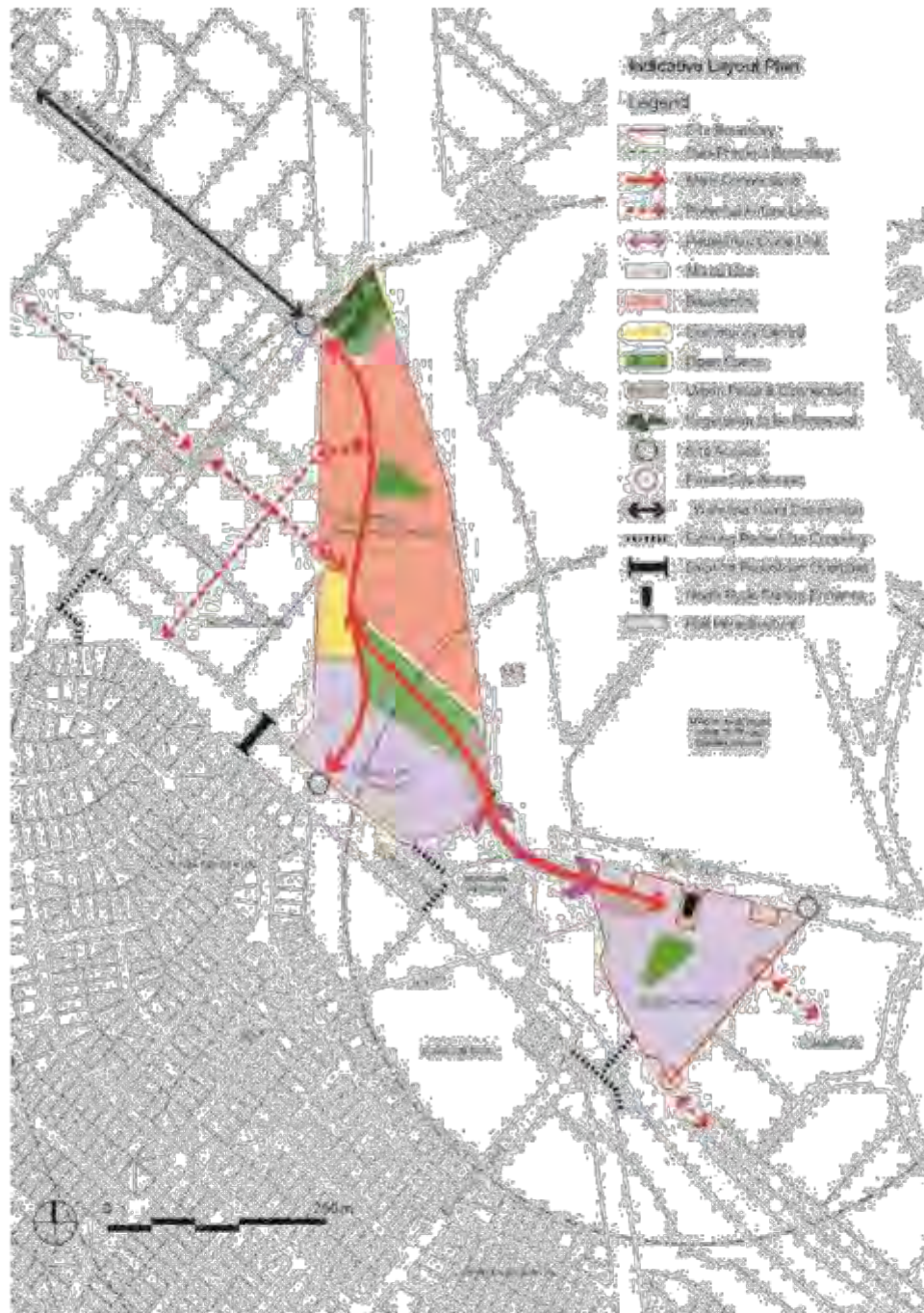


Figure 3 Indicative Layout Plan

ITEM 6 (continued)

ATTACHMENT 1

3.2 Circulation Networks

Objectives

- a. Restrict car parking to minimise traffic congestion and adverse impacts on the public domain and maximise use of the existing rail infrastructure.
- b. Provide a street network that responds to the topography as well as the existing street network and development pattern.
- c. Maximise the legibility of the street layout by establishing a clear hierarchy of streets, protecting and creating view corridors, and adopting other way-finding elements.
- d. Provide for safe, clear and legible pedestrian, cycle and vehicular movements within the site and to surrounding areas.
- e. Consider and accommodate future connection options to ensure the Precinct is integrated with surrounding areas.

Controls

1. Development applications for subdivision are to be generally in accordance with the Indicative Vehicular Movement Plan at Figure 4.
2. Provide a clear hierarchy of streets, including a spine road to link Epping Road and Wicks Road.
3. Provide emergency access to the M2 Motorway.
4. A signalised intersection is to be provided at Wicks Road/Waterloo Road.
5. Any proposed variations to the Indicative Vehicular Movement Plan must demonstrate that:
 - a. the proposed changes meet the Objectives for this section;
 - b. adequate connections are provided to key areas surrounding the site, including Macquarie Park and Riverside Corporate Park; and
 - c. emergency access is provided.

ITEM 6 (continued)

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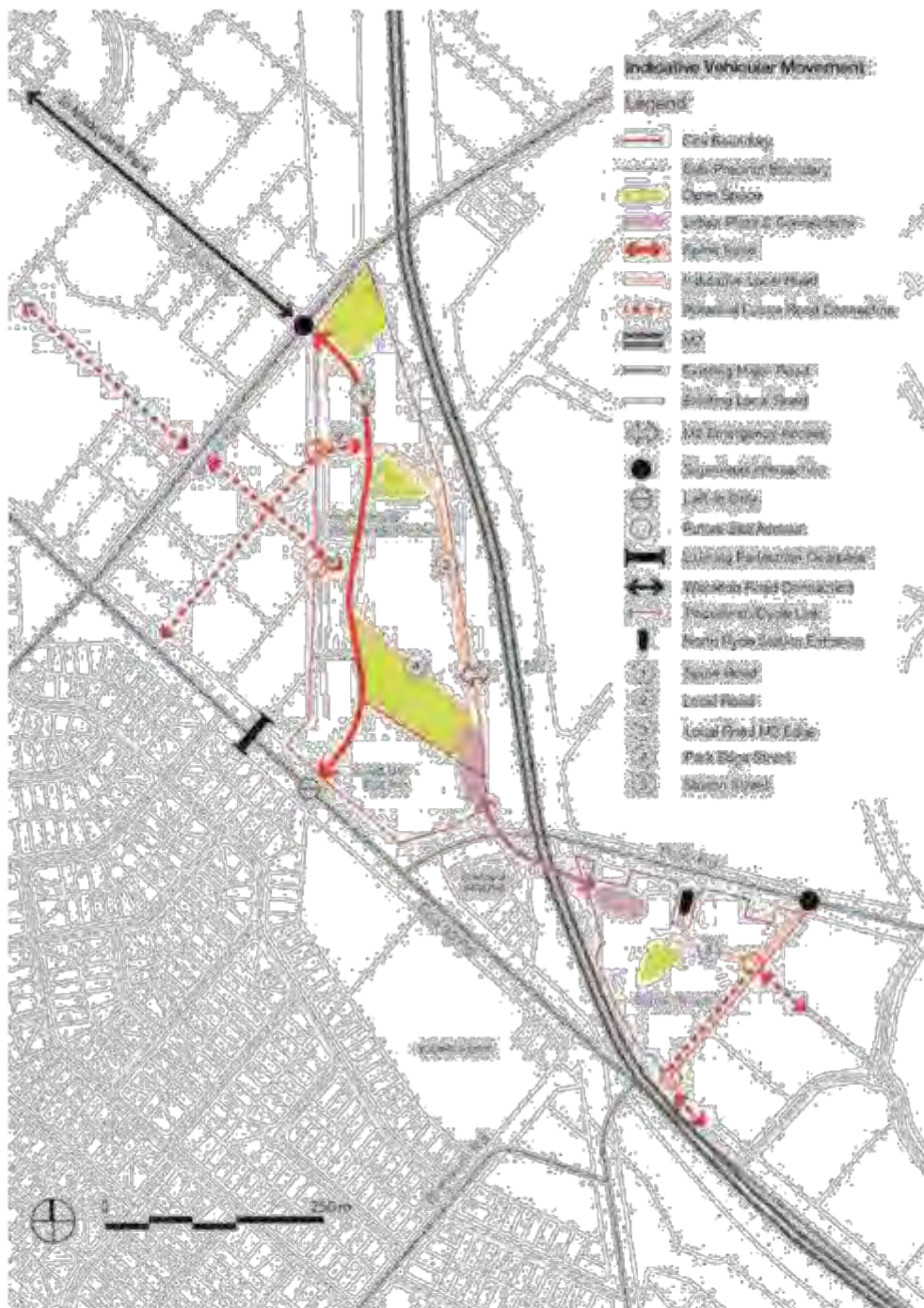


Figure 4 Indicative Vehicular Movement

ITEM 6 (continued)

ATTACHMENT 1

3.3 Public Transport

Objectives

- a. Reduce reliance on private vehicles.
- b. Maximise use of public transport by future residents and workers, particularly of North Ryde Station and Epping Road bus services.
- c. Improve facilities for bus users.
- d. Facilitate easy and safe pedestrian and cycle access to public transport facilities.

Controls

1. A Public Transport Facilities Plan is to be prepared for the Precinct identifying the location, design, timing, funding and responsibilities for delivery of key public transport facilities within the Precinct.
2. The key public transport facilities are:
 - a. passenger set-down/pick up and cycle parking at the North Ryde railway station;
 - b. new bus shelter and facilities at Epping Road inbound stop between Wicks and Delhi Roads;
 - c. new bus facilities at Epping Road outbound stop at Delhi Road;
 - d. relocation of bus stop and facilities at Delhi Road eastbound stop at Road 38;
 - e. completion of the Macquarie University to Macquarie Park North Ryde active transport spine; and
 - f. Waterloo Road (northern side) shared pedestrian and cycle path.
3. Two separate Public Transport Facilities Plans may be lodged for the Precinct, being for:
 - a. the station precinct; and
 - b. the high density residential and mixed use precincts combined.
4. The Public Transport Facilities Plan(s) is/are to address the objectives and controls of this section and if two separate plans are prepared each is to identify any shared public transport facilities, as relevant.
5. The Public Transport Facilities Plan(s) is/are to be lodged with the first development application for residential/commercial development and approved prior to first occupation by residents/workers.

3.4 Open Space

Objectives

- a. Create an open space and public domain network through the site that provides for high quality amenity for future residents and workers and accommodates a range of active and passive recreational uses.
- b. Help delineate distinct neighbourhoods through the use of open space.
- c. Ensure that buildings are designed to help activate and define open spaces.

ITEM 6 (continued)

ATTACHMENT 1

- d. Encourage active retail uses (primarily food and beverage retail) around plazas and the station entry.
- e. Contribute to ecological biodiversity and habitat by planting endemic species and consolidating vegetation corridors, including those connecting to Lane Cove National Park.
- f. Accommodate overland flow requirements and improve stormwater quality.
- g. Facilitate ease of circulation within public domain areas.
- h. Maximise access to public open space, and contribute to the pedestrian and cycle network.

Controls

- 1. Open spaces, including parks and plazas, are to be provided in accordance with the Indicative Open Space Typologies Plan at Figure 5 and with the requirements set out in Table 3.
- 2. Open spaces should be designed to maximise solar access but also to provide for shade.
- 3. Play areas are to provide for good natural surveillance and be safe.
- 4. Parks and plazas are to be designed in accordance with the Macquarie Park Public Domain Technical Manual.
- 5. Trees will be predominantly indigenous with some specimen exotic trees. Tree selection and planting should be undertaken in accordance with the City of Ryde Street Tree Master Plan.
- 6. Any proposed variations to the Indicative Open Space Typologies Plan at Figure 5 must demonstrate that:
 - a. the proposed changes meet the Objectives for this section;
 - b. a minimum of three open spaces are provided within the high density residential precinct and mixed use precinct organised off the main north-south spine road; and
 - c. at least 50% of new public space is to receive 3 hours of sunlight on June 21 between 9am and 3pm.

Note: Overshadowing controls for open space are provided in Section 5.7 of this DCP.

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Figure 5 Indicative Open Space Typologies

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Table 3 Requirements for Parks and Plazas

Park/Plaza	Minimum Area	Requirements
Parks		
Northern Bushland Park	4,000 sqm	Provision is to be made for: <ul style="list-style-type: none"> Natural landscape of restored bushland for passive recreation Pedestrian connection to Wicks Road Mass planting around edge to act as buffer to surrounding roads May be publicly or privately owned but access to general public must be provided at all times Consider opportunities for linkages to Lane Cove National Park
Community Park	2,000 sqm	Provision is to be made for: <ul style="list-style-type: none"> Passive recreation and may include a retail dining area
Central Open Space	6,300 sqm	Provision is to be made for: <ul style="list-style-type: none"> Informal active play and ball games, including children's playground Interface with the retail and commercial buildings to the south BBQ and picnic facilities Outdoor gym circuit Bike parking on urban edge A raised surface on the adjacent road to the south to create a shared zone and increase permeability between the retail and park edge. Pedestrian bridge landing area at south-eastern end of park
Station Precinct Park	2,100sqm	Provision is to be made for: <ul style="list-style-type: none"> Park furniture and spaces for use by workers
Community Centre	2,500 sqm (Total site)	Provision is to be made for: <ul style="list-style-type: none"> A multi-purpose community centre Community building(s) to open onto landscaped open space Active recreation facilities including a playground Bike parking and community car park
Plazas		
Mixed Use Precinct Plazas	2,000sqm	Provision is to be made for: <ul style="list-style-type: none"> At least two pedestrian plazas, one towards the south of the mixed use precinct off Epping Road and the other addressing the Central Open Space Sufficient shade tree planting to provide shade and shelter Seating and other street furniture to optimise use of the plazas
Station Precinct Plaza	2,900 sqm	Provision is to be made for: <ul style="list-style-type: none"> Pedestrian plaza extending from the station and linking to the pedestrian crossing (or bridge landing area) Sufficient area to facilitate ease of circulation to the station in peak times from the pedestrian crossing Mass planting around edge to act as buffer to surrounding roads Bike parking opposite retail edge Sufficient shade tree planting Seating and other street furniture to optimise use of the plaza

ITEM 6 (continued)

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4.0

Public Domain

ITEM 6 (continued)

ATTACHMENT 1

ITEM 6 (continued)

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4.1 Streets

Objectives

- Provide for a clear street hierarchy incorporating new connector and local roads.
- Provide primary access points into the Precinct from the surrounding street network.
- Provide continuous physical and/or visual connections within the Precinct to ensure clear legibility.
- Ensure connector streets are designed to accommodate movement of buses.
- Facilitate the development of active street edges.
- Use streets to define the edges between development and open spaces and to provide passive surveillance opportunities of the open space.

Controls

- New streets should conform to the requirements set out in Section 3.2 Circulation Networks.
- New streets should be designed in accordance with the dimensions set out in Table 4 and the street sections in Figures 6-12.
- New roads are to have shared services pits to reduce maintenance costs and reduce conflict with street plantings.

Table 4 Street Dimensions

	Carriageway	Parking	Planting	Pavements	Reserve
Spine Road	2 x 3.25m	2 x 2.5m	1 x 2.5m + planting in parking bays	2 x 3.0m	20m
Local Road	2 x 3.25m	2 x 2.5m	Planting in parking bays	2 x 3.0m	17.5m
Local Road M2 Edge	2 x 3.25m	1 x 2.5m 2.5m cycleway	Planting in parking bays	2 x 3.0m	17.5m
Park Edge Street	1 x 4.5m Shared on south side of park	1 x 2.5m	Planting in parking bays	1 x 3.0m	10m
Park Edge Share Way	1 x 4.5m adjacent to park edge	1 x 2.5m	Planting in parking bays	1 x 3.0m	10m
Station Street	1 x 6.5m 1 x 4.5m	1 x 2.5m	1 x 3m in swale + 1 x 2.5m in footpath + Planting in parking bays footpath	1 x 3m 1 x 9m (including 2.5m for tree planting)	28.5m
Commercial Street	2 x 4m/4.5m	2 x 2.5m	2.0m median Planting in parking bays	2 x 3.0m	21-26.0m

ITEM 6 (continued)

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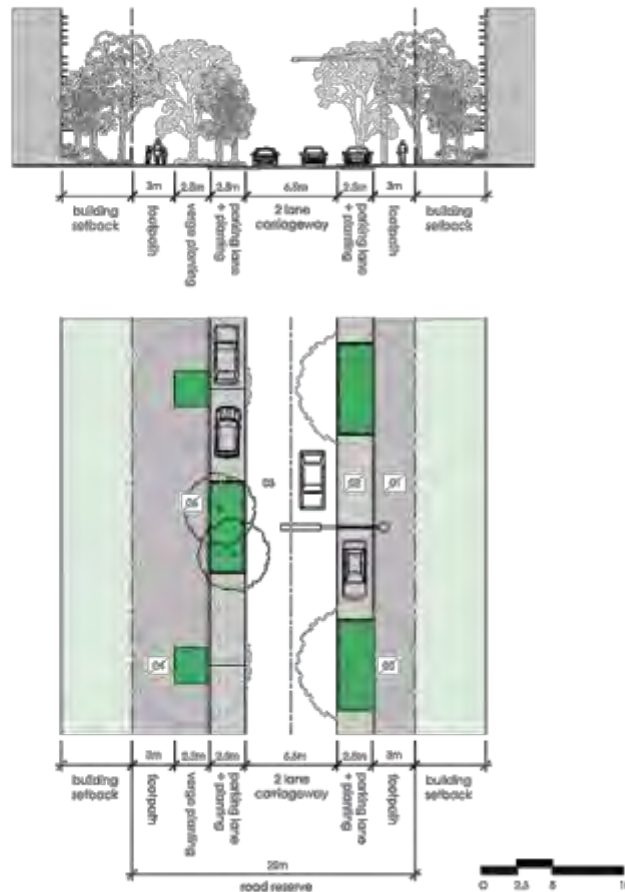


Figure 6 Spine Road

High Density Residential Precinct - Spine Road

01	Spine road footpath; In situ concrete paving, exposed aggregate, abrasive blast, high quality finish with Macquarie Park Standard street granite paving edge
02	Parking lanes; Permeable paving
03	Asphalt carriage way
04	Primary street tree planting In pavement
05	Street tree planting In parking lane with broken kerb
06	Street tree planting (secondary) In parking lane with broken kerb

ITEM 6 (continued)

ATTACHMENT 1

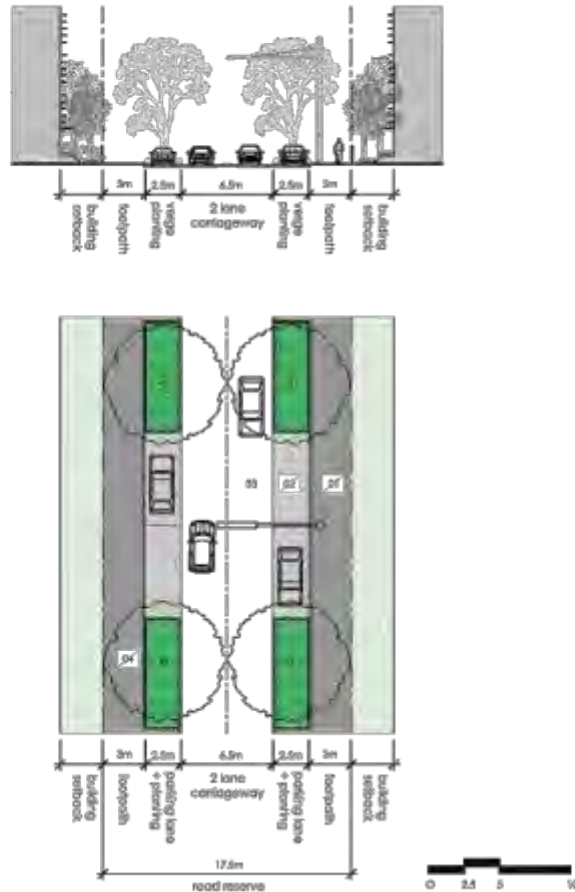


Figure 7 Local Road

High Density Residential Precinct - Local Road

01	Street footpath Asphalt paving
02	Parking lanes Permeable paving
03	Asphalt carriage way
04	Street tree planting In parking lane with broken kerb

ITEM 6 (continued)

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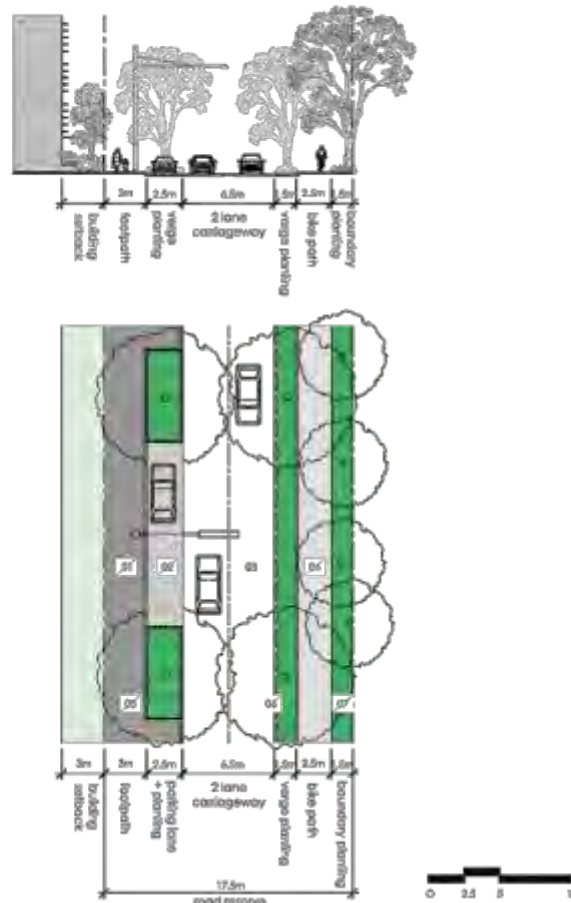


Figure 8 Local Road M2 Edge

High Density Residential Precinct - Local Road M2 Edge

01	Street footpath Asphalt paving
02	Parking lanes Permeable paving
03	Asphalt carriage way
04	Bike path Concrete paving
05	Primary street tree planting In parking lane with broken kerb
06	Street tree planting In swale with broken kerb
07	Buffer planting

ITEM 6 (continued)

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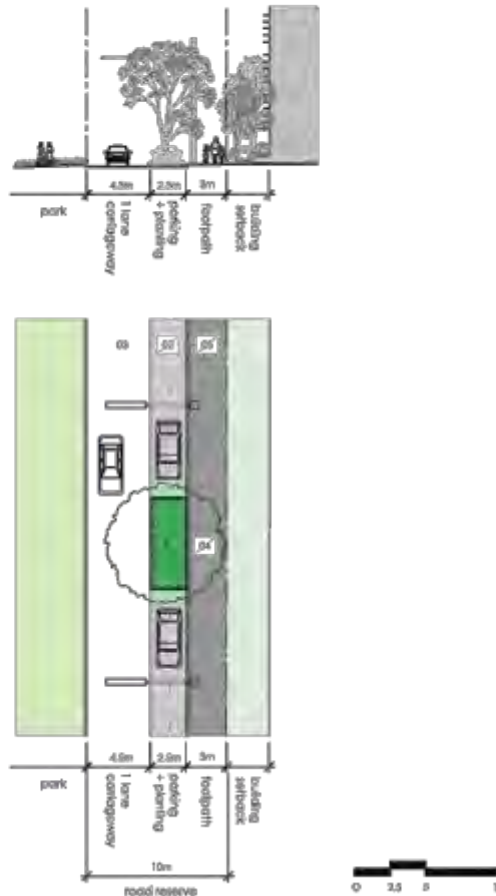


Figure 9 Park Edge Street

High Density Residential Precinct – Park Edge Street

01	Street footpath Asphalt paving
02	Parking lanes Permeable paving
03	Asphalt carriage way
04	Street tree planting In parking lane with broken kerb

ITEM 6 (continued)

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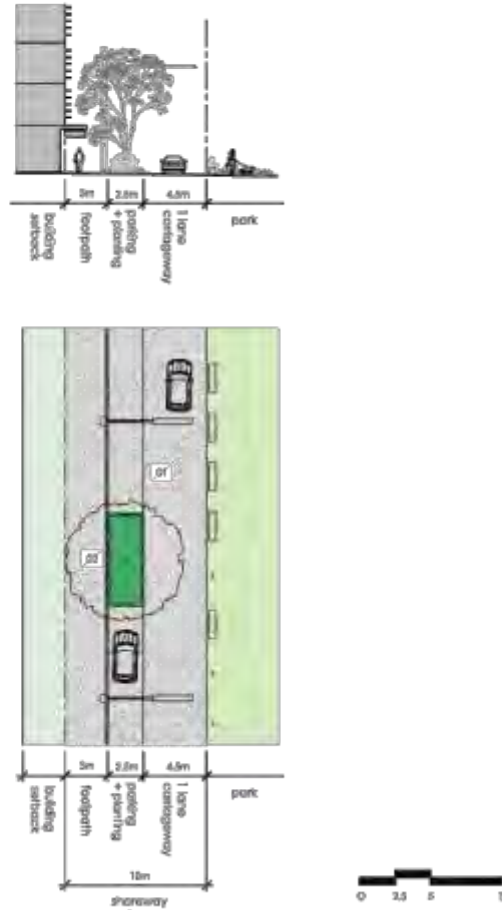


Figure 10 Park Edge Share Way

Park Edge - Share Way

01	Pedestrian share way Recycled bluestone/concrete setts 90x90x90
02	Street tree planting In parking lane with broken kerb
03	Asphalt carriage way
04	Street tree planting In parking lane with broken kerb

ITEM 6 (continued)

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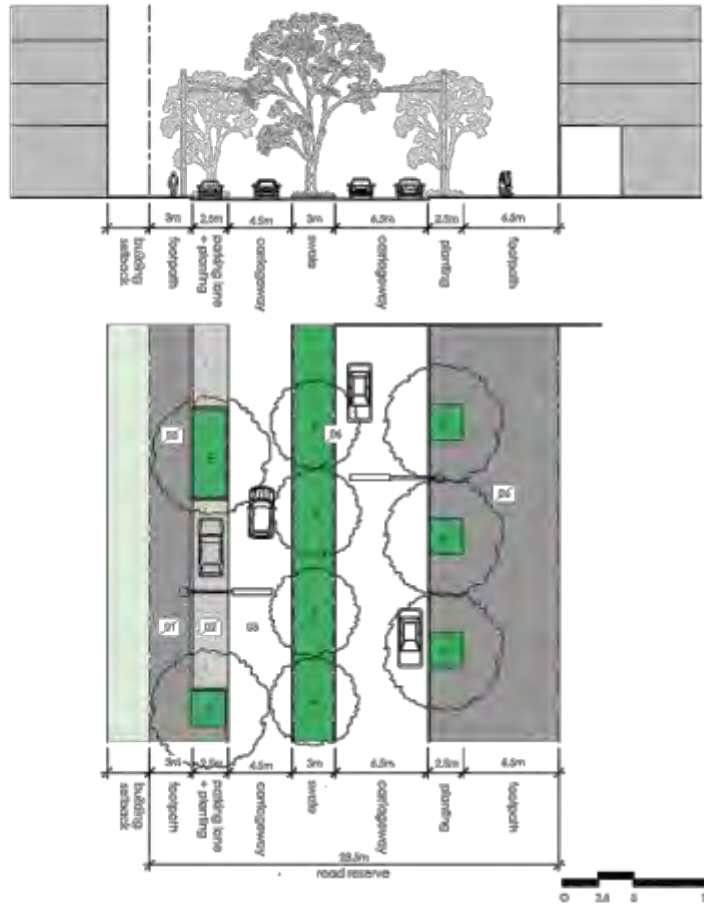


Figure 11 Station Street

Station Precinct – Station Street

01	Street footpath Asphalt paving
02	Parking lanes Permeable pavers
03	Asphalt carriage way
04	Street tree planting In pavement
05	Street tree planting In parking lane with broken kerb
06	Median tree planting In swale with broken kerb

ITEM 6 (continued)

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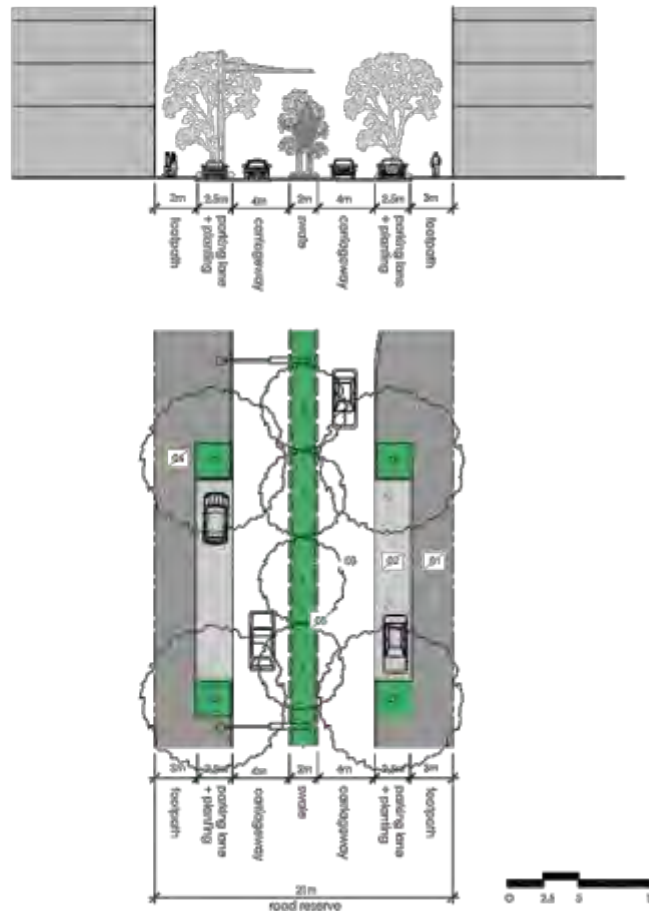


Figure 12 Commercial Street

Mixed Use Precinct - Commercial Street

01	Street footpath Asphalt paving
02	Parking lanes Permeable pavers
03	Asphalt carriage way
04	Street tree planting In pavement
05	Median tree planting In swale with broken kerb

ITEM 6 (continued)

ATTACHMENT 1

4.2 Pedestrian and Cycle Network

Objectives

- a. Create a safe, high quality pedestrian and cycle network.
- b. Maximise pedestrian and cycle connections to regional cycle routes through and around the Precinct.
- c. Maximise pedestrian and cycle permeability within the Precinct.
- d. Maximise interchange opportunities with public transport.
- e. Support cycle use by providing appropriate storage and end of trip facilities.

Controls

1. Cycle and pedestrian links are to be provided generally in accordance with the Indicative Pedestrian and Cycle Links Plan at Figure 13 and Street Sections at Figures 6-12.
2. Footpaths are to be provided on both sides of streets.
3. A pedestrian link is to be provided between the mixed use precinct and the station precinct to facilitate access to the railway station (refer to Section 4.3).
4. Bicycle parking is to be provided at the station entry, retail nodes and community facilities in centrally located and well defined areas.
5. Cycle facilities are to be provided in accordance with the Ryde Bicycle Strategy and Master Plan 2007 and Bicycle Parking requirements in Part 9.3 of the Ryde DCP 2010.
6. A new pedestrian/cyclist access is to be provided from the Epping Road/Pittwater Road intersection to Delhi Road.
7. Any new access to the station from the south is to provide for disabled access.
8. Any proposed variations to the Indicative Pedestrian and Cycle Links Plan must demonstrate that the proposed changes meet the Objectives for this section.

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ATTACHMENT 1

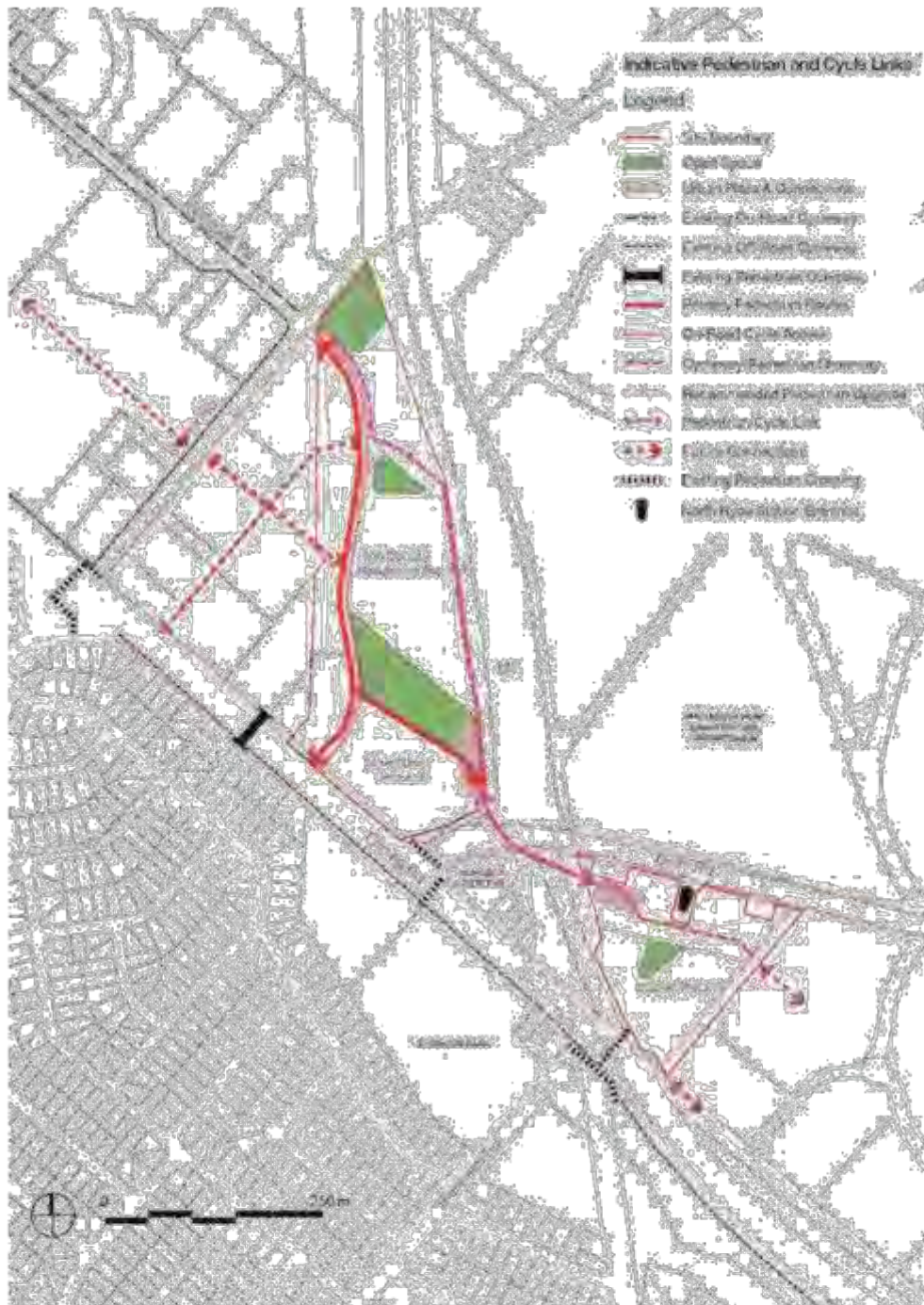


Figure 13 Indicative Pedestrian and Cycle Links

ITEM 6 (continued)

ATTACHMENT 1

4.3 Pedestrian and Cycle Station Link

Objectives

- a. Facilitate pedestrian and cyclist access between North Ryde Station and the mixed use precinct.
- b. Ensure that access points to the bridge are designed to meet universal access requirements.
- c. Ensure the pedestrian is of high quality and acts as a landmark for the Precinct.

Controls

1. A pedestrian/cyclist link is to be provided between the North Ryde Station and the mixed use precinct. This link will comprise a bridge between the mixed use precinct and Bundara Reserve and a safe pedestrian/cycle crossing (extension to bridge or at-grade crossing) between Bundara Reserve and North Ryde Station.
2. The link and open space at either end will provide universal access between the mixed use precinct and the station precinct.
3. The bridge is to be designed as a roll-on and roll-off design.
4. Access is to be barrier free.
5. The bridge is to be constructed of lightweight materials to minimise the overall bulk of the structure and adverse visual impacts in relation to the Macquarie Park Cemetery and Crematorium.
6. Any signage on the bridge is to comply with the requirements of State Environmental Planning Policy No 64 – Advertising and Signage.
7. The bridge is to provide for a 5.5 metre clearance over Delhi Road.
8. The link between the North Ryde Station and the mixed use precinct is to be of sufficient width to safely accommodate dual pedestrian and cyclist movements.
9. The link is to be designed to minimise impacts on native vegetation in Bundara Reserve.
10. Other design requirements for the bridge are:
 - a. Provision of perforated galvanised steel safety screens 3 metre high over major roads;
 - b. Provision of hand rails along full length of the bridge;
 - c. Incorporation of wayfinding signage;
 - d. Integration of lighting within the bridge deck and along the length of the pedestrian link;
 - e. Incorporation of local drainage, with stormwater discharge point at either landing; and
 - f. Provision of vertical transport and stairs to the Bundara Reserve, if required.

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ATTACHMENT 1

4.4 Stormwater Management

Objectives

- a. Provide for a Precinct-wide approach to stormwater management.
- b. Reduce stormwater discharge from the site.
- c. Improve stormwater quality and minimise water consumption through implementation of water sensitive urban design measures.

Controls

1. An Integrated Water Management Plan is to be prepared for the Precinct to incorporate water sensitive urban design measures and ensure that stormwater systems are designed and built to minimise pollutant discharges into receiving waterways.
2. The Integrated Water Management Plan is to be prepared in consultation with Council and by a qualified practising Civil Engineer with relevant experience in stormwater and environmental engineering , and include:
 - a. The identification of existing hydrology conditions;
 - b. Objectives and performance standards for water cycle outcomes that are to be achieved during construction and operation of the project, having regard to stormwater management provisions in the Ryde DCP 2010;
 - c. Water management measures to meet objectives and performance standards referred to in clause 4.4(2)(b) including but not limited to:
 - i. On site storage for rainwater reuse;
 - ii. Stormwater treatment devices to remove gross pollutants, sediments, oils and greases from first flush stormwater run-off;
 - iii. Bioremediation swales;
 - iv. Other water sensitive urban design measures such as water efficient irrigation systems, rainwater tanks, and use of drought tolerant plant species.
3. Two separate Integrated Water Management Plans may be prepared for the Precinct, being for:
 - a. the station precinct; and
 - b. the high density residential and mixed use precincts combined.
4. The Integrated Water Management Plan(s) is/are to address the objectives and controls of this section and if two separate plans are prepared each is to identify any combined/cumulative impacts and shared water management measures, as relevant.
5. The Integrated Water Management Plan(s) is/are to be lodged with the first development application for construction works and approved prior to commencement of works.

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ATTACHMENT 1

4.5 Street Tree Planting

Objectives

- a. Reinforce the street hierarchy, with each street type having a distinctive character based on street tree planting.
- b. Utilise tree species that are of an appropriate scale and form and respond to their local context.
- c. Recognise the role of street trees in habitat creation and providing bio-links and connections.
- d. Create signature planting on key streets.

Controls

1. A Street Tree Plan for each Sub-Precinct is to be lodged with the first development application for road construction works and approved prior to commencement of road construction works for that Sub-Precinct.
2. The Street Tree Plan is to identify the location, species, planting methodology and maintenance of street trees to satisfy the objectives and controls of this section, and ensure an appropriate degree of consistency is achieved between the different Sub-Precincts.
3. Street tree planting is to be provided on all streets and generally in accordance with the City of Ryde Street Tree Master Plan.
4. Street tree planting is to be designed in accordance with the following principles:
 - a. Street trees should be used to distinguish between public and private space;
 - b. Street tree planting should be durable and include a mix of indigenous and exotic species;
 - c. Street trees are to contribute to place making and way finding; and
 - d. Street trees should generally be of uniform species within the one street.
5. Street trees are to be planted in accordance with the relevant street sections, as shown in Figures 6-12.
6. Street tree planting is to be coordinated with subdivision layout, traffic plan and services layouts to ensure appropriate configuration with vehicle crossovers, sight lines, drainage swales, lighting and other services.

ITEM 6 (continued)

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4.6 Street Furniture and Lighting

Objectives

- a. Provide a high quality public domain that contributes to the character of the Precinct.
- b. Create a specific and consistent identity for the various precincts through the use of street furniture and lighting.
- c. Provide a robust public domain that ensures ongoing maintenance requirements are minimised.
- d. Minimise visual clutter in the public domain.
- e. Ensure the security and legibility of the public domain.

Control

1. Street furniture and lighting is to be provided in accordance with the Macquarie Park Public Domain Technical Manual.

4.7 Public Art

Objective

- a. Enhance the sense of place through the provision of public art.

Controls

1. Developments (excluding infrastructure works) with a capital investment value of \$5 million or more are to include an element of public art.
2. Details of the nature of the work, its approximate location and size are to accompany the development application.
3. The application must address how the proposed public art meets the following Design Selection Criteria:
 - a. Standards of excellence and innovation;
 - b. Relevance and appropriateness of the work in relation to its site;
 - c. Its contribution to creating sense of place, and integration into the built form;
 - d. Where possible, participation of local artists, local groups, youth or indigenous groups;
 - e. Consideration for public safety and the public's use of and access to the public space;
 - f. Consideration of maintenance and durability requirements of materials, including potential for vandalism and graffiti;
 - g. Where applicable, consistency with current planning, heritage and environmental policies and plans of management; and
 - h. Evidence of appropriate Public Liability Insurance to cover construction and installation of work.

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4.8 Safety

Objectives

- a. Minimise opportunities for criminal and anti-social behaviour.
- b. Ensure development is undertaken in accordance with the principles of Crime Prevention Through Environmental Design.

Controls

1. Incorporate the principles of Crime Prevention Through Environmental Design (CPTED) and Safer by Design (NSW Police) into the design of the public domain.
2. Planting alongside pathways is to be a combination of canopy trees and groundcovers so that sight lines are not obstructed.
3. The public domain is to be lit to comply with Australian Standards.
4. Open spaces are to have more than two access points so that people cannot be cornered.
5. Retail and commercial activities are to be located adjacent to open space so that the open space is activated.
6. In areas not zoned for retail or commercial activities, buildings are to be designed with entries and windows to habitable rooms overlooking open space.
7. Road widths and lengths, block lengths, and building setbacks are to be designed to reinforce the human scale of the development and encourage walking, cycling and use of the public domain.

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5.0

Built Form

ITEM 6 (continued)

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Note: All development for residential flat buildings (that is, apartment buildings three storeys and over) must meet the requirements of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65).

To ensure that proposals for residential flat development can achieve the 10 design quality principles set out in SEPP 65, applicants and architects should also have regard to the Residential Flat Design Code when designing new developments.

The following objectives and controls as they relate to residential flat buildings are intended to complement the provisions in SEPP 65 and the Residential Flat Design Code.

5.1 Street Frontage Heights

Objectives

- a. Ensure a comfortable street environment for pedestrians in relation to daylight, scale, sense of enclosure and wind mitigation, as well as healthy environments for street trees.
- b. Provide a strong, consistent and appropriate definition of the public domain.
- c. Ensure sunlight access to key streets and public spaces.

Control

1. Buildings are to generally comply with street frontage heights as shown in Figures 14 to 16.

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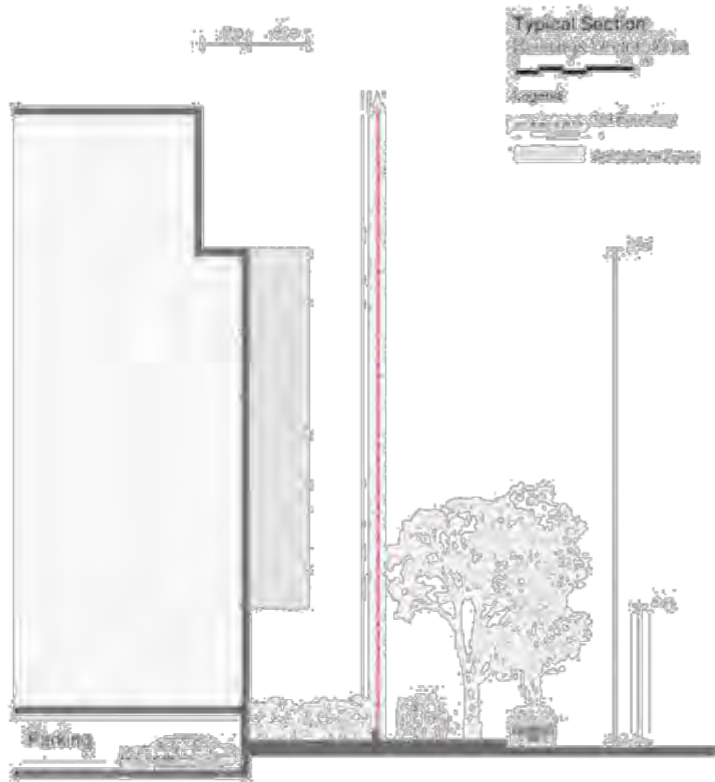


Figure 14 Streetwall Section – Buildings under 30m

ITEM 6 (continued)

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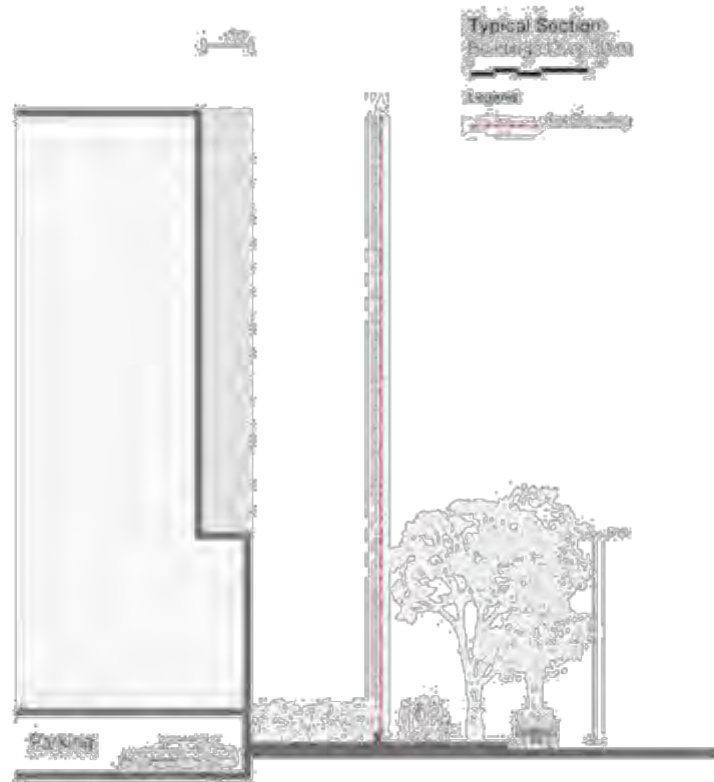


Figure 15 Streetwall Section - Buildings over 30m

ITEM 6 (continued)

ATTACHMENT 1

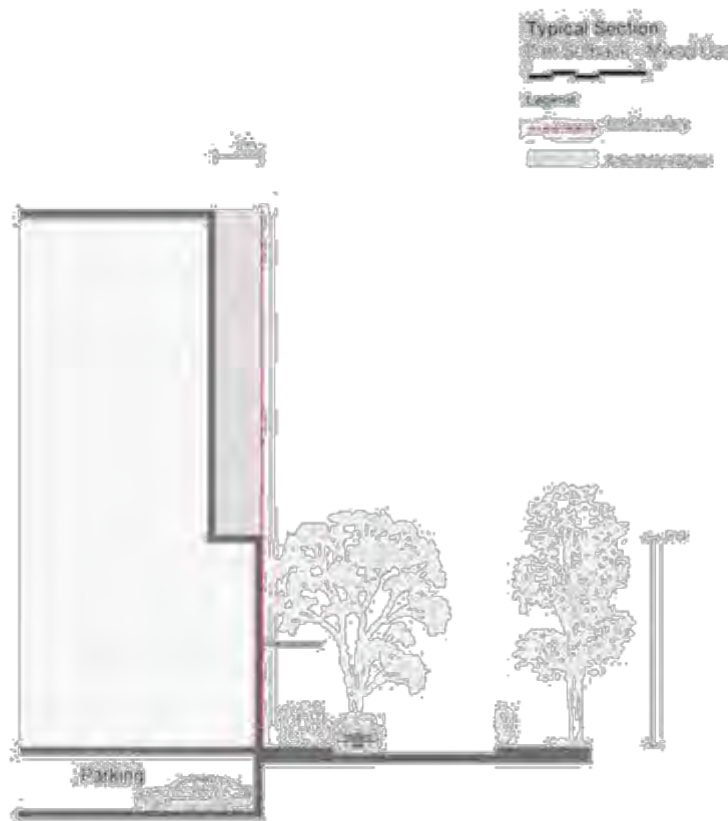


Figure 16 Streetwall Section – 0m setback (mixed use)

5.2 Building Setbacks

Objectives

- a. Create streets which contribute to the character and identity of the Precinct.
- b. Provide variety and activation of street frontages.
- c. Create pedestrian amenity.
- d. Provide building separation for visual and acoustic privacy as well as solar access.
- e. Contribute to the landscape character of the Precinct.

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Controls

1. Building setbacks are to be provided generally in accordance with Table 5.
2. Setbacks between buildings are to comply with SEPP 65 and the Residential Flat Design Code.
3. Buildings are to be aligned to the street to define and frame the street edge.
4. Buildings are to provide clear delineation between the public and private domain.

Table 5 Building Setback Requirements

Street	Building Setback Requirement
Epping Road	5 metre landscaped setback
Spine Road, Delhi Road	5 metre setback
Other road frontages	3 metre setback
Open Space	
North Bushland Park, Community Park, Central Open Space	3 metre setback
Public Plazas	3 metre setback
Interface with Macquarie Park (western boundary)	6 metre setback

Note: Building setbacks can be varied subject to meeting acceptable performance based solutions.

5.3 Building Depth and Bulk

Objective

- a. Reduce the apparent bulk and scale of buildings by breaking up expanses of building walls with modulation of form and articulation of façades.

Controls

1. No building above 22 metres in height is to have a building length that aligns to a street in excess of 50 metres.
2. All points on an office floor are to be no more than 10 metres from a source of daylight (e.g. windows, atria or light wells) in buildings less than 24 metres in height, and no more than 12.5 metres from a window or daylight source in buildings over 24 metres in height.
3. Use atria, light wells and courtyards to improve internal building amenity and achieve cross ventilation and/or stack ventilation.

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5.4 Mixed Use Buildings

Objectives

- a. Encourage a variety of mixed use developments in the mixed use zones of the Precinct.
- b. Create lively streets and public spaces in the Precinct.
- c. Promote non-residential uses at the lower levels of buildings, including immediately adjacent to Epping Road.
- d. Increase the diversity and range of shopping and recreational activities for workers and residents.
- e. Enhance public safety by increasing activity in the public domain on weeknights and on weekends.
- f. Minimise potential conflicts and achieve compatibility between different uses.
- g. Encourage building designs that meet the broadest range of occupants' needs possible, and which can accommodate whole or partial changes of use.
- h. Ensure that the design of mixed use buildings addresses residential amenity.
- i. Create separate, legible and safe access and circulation in mixed use buildings.
- j. Ensure that mixed use buildings address the public domain and the street.

Controls

1. Provide flexible building layouts which allow variable tenancies or uses on the first two floors of a building above the ground floor.
2. The first two floors above ground are to have a minimum floor to ceiling height of 3.3m to maximise future adaptability of units.
3. Minimum floor to ceiling heights for residential developments are to comply with the requirements of the Residential Flat Design Code.
4. Provide non-residential uses at the lower levels of buildings immediately adjacent to Epping Road.
5. Separate commercial service requirements, such as loading docks, so as not to interfere with residential access, servicing needs and primary outlooks.
6. Locate clearly identified residential entries directly from the public street.
7. Clearly separate commercial and residential entries and vertical circulation.
8. Incorporate the Safety principles of the Residential Flat Design Code into the design of residential flat buildings.
9. Provide security access controls to all entrances into private areas, including car parks and internal courtyards.
10. Provide safe pedestrian routes through the site, where required.

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11. Front buildings onto major streets with active uses.
12. Avoid the use of blank building walls at the ground level.

5.5 Building Design and Materials

Objectives

- a. Contribute positively to the streetscape and public domain by means of high quality architecture and robust selection of materials and finishes.
- b. Provide richness of detail and architectural interest especially at visually prominent parts of buildings such as lower levels and roof tops.
- c. Ensure that building elements such as awnings, sun screens, shading devices, roof structures and services elements are integrated into the overall building form and façade design.
- d. Present appropriate design responses to nearby development that complement the streetscape.
- e. Clearly define the adjoining streets, street corners and public spaces and avoid ambiguous external spaces with poor pedestrian amenity and security.

Controls

1. Balconies and terraces are to be provided, particularly where buildings overlook parks and on low rise parts of buildings. Gardens on the top of setback areas of buildings are encouraged.
2. Articulate façades so that they address the street and add visual interest. Avoid extensive expanses of any single material.
3. Building design is to include articulation of the ground floor elevation to enable it to read differently from the upper floors.
4. External walls are to be constructed of high quality and durable materials and finishes with 'self-cleaning' attributes, such as face brickwork, rendered brickwork, stone, concrete and glass. Finishes with high maintenance costs, those susceptible to degradation or corrosion that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.
5. Limit opaque or blank walls for ground floor uses.
6. Maximise glazing for retail uses and break glazing into sections to avoid large expanses of glass.
7. Highly reflective finishes and curtain wall glazing are not permitted above ground floor level.
8. A materials sample board and schedule is required to be submitted with applications for development with a capital investment value of \$1 million or more for that part of any development built to the street edge.
9. Minor projections up to 450mm from building walls in accordance with those permitted by the Building Code of Australia may extend into the public space, providing they do not fall within the definition of

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gross floor area and there is a public benefit, such as expressed cornice lines that assist in enhancing the streetscape.

10. The design of roof plant rooms and lift overruns is to be integrated into the overall architecture of the building.
11. Facade design is to reflect and respond to the orientation of the site using elements such as sun shading and environmental controls where appropriate.
12. Important corners are to be expressed by giving visual prominence to parts of the façade (e.g. a change in building articulation, material or colour).
13. Ventilation louvres and car park entry doors are to be coordinated with the overall façade design.

5.6 Overshadowing

Objectives

- a. Minimise overshadowing of existing residential properties outside of the Precinct.
- b. Minimise overshadowing of public open spaces and reserves outside of the Precinct.
- c. Ensure good solar access for new public open spaces and publically accessible open spaces within the Precinct.
- d. Ensure good solar access to retail and community areas within the Precinct.
- e. Ensure that the development of residential flats meet the requirements of SEPP 65 and the Residential Flat Design Code.

Controls

1. Detailed overshadowing studies are to be lodged with development applications for buildings.
2. Daylight access for residential flats is to be provided in accordance with the Daylight Access provisions in the Residential Flat Design Code.
3. Solar access to communal open spaces for residents is to be maximised. At least 50% of communal courtyards must receive a minimum of 3 hours direct sunlight between 9am and 3pm on June 21.
4. At least 50% of new public open space is to receive 3 hours direct sunlight between 9am and 3pm on June 21.
5. No overshadowing of residential lots outside of the Precinct is to occur after 11 am on June 21.
6. No overshadowing of Blenheim Park or Bundara Reserve is to occur after 9am on June 21.
7. No overshadowing of Myall Reserve is to occur after 11 am on June 21.
8. No overshadowing of Yinnell Reserve is to occur after 12:30 pm on June 21.

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5.7 Landscape Design

Objectives

- a. Provide occupants with passive recreational opportunities.
- b. Provide for soft landscaping and deep soil planting.
- c. Improve stormwater quality and minimise water consumption through implementation of water sensitive urban design guidelines.
- d. Provide a pleasant outlook and contribute to the landscape character of the Precinct.
- e. Enhance solar access into buildings/open spaces with due consideration for shade provision.

Controls

1. A minimum 30% of the developable area of residential sites is to be provided as Landscaped Area. For the purposes of Section 5.8 Landscape Design, Landscaped Area means:
Area on the site not occupied by any buildings, except for swimming pools or open air recreation facilities, which is landscaped by way of gardens, lawns, shrubs or trees and is available for use and enjoyment by the occupants of the building, excluding areas used for driveways, parking areas or drying yards.
2. Appropriate shading is to be provided in the design of communal spaces to facilitate use during summer.
3. Communal open spaces are to incorporate the primary deep soil area where possible. The landscaping of courtyard spaces is to provide for the growth of mid to large size trees.
4. Landscaped areas are to incorporate trees, shrubs and ground covers endemic to the area where appropriate.
5. Landscaping is to contribute to water efficiency and effective stormwater management.
6. Deep soil planting within residential and mixed use developments is to be provided in accordance with the Deep Soil Zone provisions in the Residential Flat Design Code.

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6.0

Pedestrian Amenity

ITEM 6 (continued)

ATTACHMENT 1

ITEM 6 (continued)

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6.1 Active Street Frontages

Objectives

- a. Create active street frontages around areas of high pedestrian traffic, including plazas and open space.
- b. Encourage activity within the Precinct outside commercial business hours.
- c. Enhance pedestrian safety, security and amenity within the Precinct.

Controls

1. Retail development is to be provided within the mixed use precinct adjacent to the central open space and in the vicinity of the entrance to North Ryde Station within the station precinct.
2. Buildings within the mixed use and station precincts are to be designed to provide high activity zones. Active ground level uses are required on all street frontages in these areas.
3. Buildings adjacent to or opposite open space are to have 'entry points' (such as gates or front doors) to activate the space, and make it feel inhabited to maximise visibility along the public domain.
4. Glazing of windows and doors of building frontages in the mixed use zone should be maximised.
5. Commercial and residential lobbies are not to occupy more than 25% of the total length of the building's street frontage
6. Entries to active frontage tenancies are to be accessible and at the same level as the adjacent footpath.
7. Active uses in the mixed use zone are to occupy the street frontage for a depth of at least 10m.
8. Residential street frontages are to ensure access by gate or door from the public domain. Partially visible private gardens should be considered.

6.2 Awnings

Objectives

- a. Provide weather protection, safety and security for pedestrians.
- b. Unify the streetscape.
- c. Demarcate building entries and contribute to the image and identity of development.

Controls

1. Awnings are to be provided at key pedestrian and active frontage locations, including along Delhi Road adjacent to the station and within the mixed use precinct.
2. Awning width is to be appropriate to the building design and streetscape and have regard to the location of street trees.

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3. Awnings are to have a minimum soffit height of 3.6m above the finished ground floor level. On sloping sites, awning soffit height may vary from 3.6m to 4.2m.
4. Where the topography slopes along the street, awnings are to step to provide a regular height over the footpath. Steps in awnings should not exceed 600mm.
5. Awnings are to provide adequate weather protection.
6. Glazing is not permitted in continuous awnings.
7. Under awning lighting is to be provided to achieve appropriate luminance levels for pedestrians (refer to relevant Australian Standards). This should be recessed into the soffit of the awning.
8. Entry canopies and discontinuous awnings may be provided to building entries not located along active frontages.
9. Entry canopies may be glazed or solid, and are to be coordinated with the overall facade design.
10. Canopies are to have a minimum soffit height of 3.6m, and canopy soffit height may vary from 3.6m to 4.2m.

6.3 Signage

Signage is to comply with the Macquarie Park controls as set out in Section 6.1.14 of Part 4.5 of the Ryde DCP 2010. In particular, wayfinding and directional signage is to be installed throughout the development and at site entry points.

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7.0

**Access, Parking and
Servicing**

ITEM 6 (continued)

ATTACHMENT 1

ITEM 6 (continued)

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7.1 Vehicular Access

Objectives

- a. Integrate adequate car parking, access and servicing without compromising street character, landscape or pedestrian amenity and safety.
- b. Encourage the active use of street frontages.
- c. Ensure that vehicle crossings over footpaths minimise disruption to pedestrian movement and do not threaten safety.
- d. Make vehicle access to buildings compatible with the public domain.
- e. Ensure vehicle entry points are integrated into building design and contribute to high quality architecture.

Controls

1. Design of driveway crossings is to be in accordance with Part 8.3 of Ryde DCP 2010.
2. Driveway widths/grades, vehicular ramp width/grades and passing bays are to be in accordance with the relevant Australian Standard.
3. The location and design of access ways to underground parking is to consider residential amenity particularly the location of doors and windows of habitable rooms.
4. Potential pedestrian/vehicle conflict is to be minimised by:
 - a. providing vehicle access from minor or secondary streets rather than primary streets or streets with major pedestrian activity, where practicable;
 - b. limiting the width and number of vehicle access points - generally one crossing per lot will be permitted and where practicable, adjoining buildings may share or amalgamate vehicle access points;
 - c. ensuring clear sight lines at pedestrian and vehicle crossings;
 - d. utilising traffic calming devices;
 - e. separating and clearly distinguishing between pedestrian and vehicular accessways; and
 - f. all vehicles must be able to enter and leave the site in a forward direction.
5. The appearance of car parking and service entries is to be improved by:
 - a. minimising the size, quantity and visual intrusion of vehicle access points;
 - b. locating or screening garbage collection, loading and servicing areas visually away from the street;
 - c. setting back or recessing car park entries from the main façade line;
 - d. avoiding black holes in the façade by providing security doors to car park entries;

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- e. where doors are not provided, it is to be ensured that the visible interior of the car park is incorporated into the façade design and material selection and that building services pipes and ducts are concealed;
- f. returning the façade material into the car park entry recess for the extent visible from the street as a minimum; and
- g. avoiding ramping vehicular access along boundary alignments edging the public domain and streets.

7.2 Car Parking

Objectives

- a. Ensure development in the Precinct meets the objectives of Transit Oriented Development by limiting private vehicle usage.
- b. Ensure that parking provision rates acknowledge capacity constraints on the surrounding road network and access restrictions.
- c. Minimise traffic congestion in the Precinct.
- d. Minimise car dependency for commuting and recreational transport use and promote alternative means of transport.
- e. Provide opportunities for car share schemes.
- f. Provide adequate car parking for building users and visitors, depending on building use and proximity to public transport.
- g. Minimise the visual impact of car parking on streets, public spaces and adjoining sites.

Controls

- 1. A Parking Management Strategy is to be prepared to address the co-ordination and management of on-street parking for the Precinct and identify measures to address potential parking overspill into surrounding areas, including the Macquarie Park Cemetery and Crematorium.
- 2. Two separate Parking Management Strategies may be prepared for the Precinct, being for:
 - a. the station precinct; and
 - b. the high density residential and mixed use precincts combined.
- 3. The Parking Management Strategy(ies) is/are to address the objectives and controls of this section and identify any combined/cumulative impacts and shared parking management measures, as relevant.
- 4. The Parking Management Strategy(ies) is/are to be lodged with the first development application for residential/commercial development and approved prior to first occupation by residents/workers.

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5. Development applications for residential and commercial development must be accompanied by a traffic and transport impact assessment. The traffic and transport impact assessment is to:
 - a. provide an assessment of the impact of the proposal on the traffic network;
 - b. demonstrate how the development maximises access by sustainable modes of transport and reduces car dependency consistent with Transit Oriented Development principles; and
 - c. accommodate car share schemes based on consultation with car share providers and having regard to best practice.
6. Development is to comply with the car parking controls for Macquarie Park, as set out in Section 6.3.8 of Part 4.5 of the Ryde DCP 2010, with the exception of car parking rates which are to comply with Table 6 below.

Table 6 Car Parking Rates

Use	Maximum Parking Rate
Commercial	1 space per 90sqm GFA
Retail	1 space per 100sqm GFA
Supermarket	1 space per 60sqm GFA
Residential	0 space per studio 0.6 space per one bedroom dwelling 0.9 space per two bedroom dwelling 1.4 space per three bedroom dwelling 1 space per 10 dwellings for visitor parking
Community	1 space per 100sqm GFA
Student housing and serviced apartments	1 space per 5 bedrooms

7.3 Bicycle Parking

Objective

- a. Ensure that bicycle parking is considered in all development and provided in appropriately scaled developments with end of trip facilities such as change rooms, showers and secure areas for bike parking.

Control

1. Bicycle parking is to be provided in accordance with Section 6.3.8 of Part 4.5 of the Ryde DCP 2010.

7.4 Site Facilities and Services

Site facilities and services are to comply with the Macquarie Park controls set out in Section 6.3.6 of Part 4.5 of the Ryde DCP 2010.

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7.5 Work Place Travel Plan

Work Place Travel Plans will be required for all commercial developments that exceed 5,000 sqm floor space or 100 employees. If a Work Place Travel Plan is required, it must be prepared in accordance with the Macquarie Park Work Place Travel Plan controls set out in Section 6.3.9 of Part 4.5 of the Ryde DCP 2010.

7.6 Accessible Design

Objective

- a. Ensure that the design of new development and the public domain provides equitable, safe and legible access for people with disabilities.

Controls

1. Development is to be designed to comply with the controls set out in Part 9.2 of the Ryde DCP 2010 – Access for People with Disabilities.
2. In designing new developments and the public domain, consideration is to be given to the recommendations of the National Disability Strategy NSW Implementation Plan 2012 (particularly the section titled *Inclusive and Accessible Communities*) and the NSW Disability Action Plan 2012-2017.

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ATTACHMENT 1

8.0

Environmental Management

ITEM 6 (continued)

ATTACHMENT 1

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8.1 Environmental Performance

Objectives

- a. Reduce the necessity for mechanical heating and cooling.
- b. Reduce reliance on fossil fuels.
- c. Minimise greenhouse gas emissions.
- d. Reduce environmental impact over the life cycle of a building.

Controls

1. All multi-unit residential buildings are to be assessed and certified against Green Star (Design Rating) and achieve a minimum 4 star rating.
2. All commercial buildings are to be assessed and certified against Green Star (Design Rating) and achieve:
 - a. A minimum 5 star rating (if the associated Development Application is lodged before 1 January 2017);
 - b. A minimum 6 star rating (if the associated Development Application is lodged on or after 1 January 2017).
3. Potable water demand in residential buildings is to be reduced by at least 50% from BASIX baseline for an average household.
4. Potable water demand in commercial buildings is to be reduced to achieve a 4.5 stars NABERS water rating.
5. Potable water demand in retail buildings is to be reduced to achieve a 4.5 stars NABERS water rating.
6. All buildings are to be connected to smart water metering.
7. All buildings with basement parking should make provision for electro-voltaic charging infrastructure to allow for the transition to electric car technology.
8. The following targets for the reduction in energy use are to be met.
 - a. BASIX 25 – achieve a 25% reduction in kgCO₂ – e/person/year in residential buildings 6 storeys or higher;
 - b. BASIX 35 – achieve a 35% reduction in kgCO₂ – e/person/year in residential buildings 4-5 storeys;
 - c. BASIX 45 – achieve a 40% reduction in kgCO₂ – e/person/year in residential buildings 1-3 storeys.
9. All residential buildings are to achieve:
 - a. A 7 star NatHERS for heating and cooling where development applications are lodged prior to 1 January 2017;

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ATTACHMENT 1

- b. An 8 star NatHERS for heating and cooling where development are lodged on or after 1 January 2017.
- 10. Commercial buildings are to achieve NABERS 5.5 star (equating to an 11% kgCO₂ e/sqm/year reduction compared to 5 star).

8.2 Flooding

Objectives

- a. Ensure essential services and land uses are planned in recognition of flooding risks.
- b. Manage the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods.
- c. Apply a merit based approach to proposals that relate to flood affected land – taking into account flooding, social, economic, ecological and design considerations.

Controls

- 1. To ensure emergency vehicles can access the site during a major storm event, alternative site access is to be provided to the high density residential precinct for emergency vehicles. The alternative access is to be identified in consultation with the NSW State Emergency Service and other relevant agencies.
- 2. The proposed future road connecting the high density residential precinct with Wicks Road is to be designed to accommodate future flood mitigation works that seek to relieve existing flooding impacts on Wicks Road.
- 3. Development applications for proposed residential buildings within lots identified as having a Medium Flood Risk, as identified in the *Macquarie Park Floodplain Risk Management Study and Plan (Final Report, Bewsher Consulting, February 2011)* are to:
 - a. be accompanied by a site specific flood assessment;
 - b. ensure that floor levels are designed at 0.5m above the 1 in 100 year ARI flood event;
 - c. be designed for safe egress and evacuation;
 - d. demonstrate that either:
 - i. a setback or drainage easement will divert stormwater runoff away from adjacent lots and into the Porters Creek corridor; or
 - ii. compensatory storage can be provided to offset any loss in floodplain storage resulting from the development of this area.
- 4. Dedicated use of buildings for the infirm or elderly, or for essential emergency services, is prohibited within the north-eastern development area of the high density residential precinct.

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5. Development is to comply with the floodplain management controls set out in Section 6.3.1 of Part 4.5 of the Ryde DCP 2010.

8.3 Wind Mitigation

Development is to comply with the Macquarie Park Wind Impact controls set out in Section 6.1.16 of Part 4.5 of the Ryde DCP 2010.

8.4 Air, Noise and Vibration

Objectives

- a. Ensure that the siting and design of buildings minimises noise impacts from busy roads, rail corridors and other noise-generating land uses.
- b. Ensure that commercial development does not unreasonably diminish the amenity of nearby residential uses and public spaces from noise intrusion.
- c. Minimise the impacts of air pollutants from nearby busy roads and surrounding land uses.

Controls

1. The provisions of *State Environmental Planning Policy (Infrastructure) 2007* and *Development near Rail Corridors and Busy Roads Interim Guideline* must be taken into consideration to minimise impacts of busy roads and railway corridors on residential and other sensitive development such as child care centres and health services facilities.
2. An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is to be submitted with all development applications for commercial, retail and residential buildings, with the exception of applications for minor building alterations or where Council considers an assessment is not required.
3. Non-residential development is not to adversely affect the amenity of adjacent and nearby residential development and public spaces as a result of noise, hours of operation and/or service deliveries.
4. Noise from plant and equipment (including roof plant, air conditioning ducts and plant and servicing associated with green infrastructure) is to be attenuated to an appropriate level to ensure the amenity of adjacent and nearby uses is achieved and maintained.
5. Mechanical ventilation systems are to be designed to meet the requirements of the Building Code of Australia and relevant Australian Standards, and air intakes are to be sited as far as practicable from major sources of air pollution.
6. A vegetation buffer is to be established between the M2 Motorway and any residential buildings in the mixed use precinct prior to occupation. The vegetation buffer is to be of sufficient width to assist in intercepting wind-blown dust by physical entrapment of airborne particles.

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8.5 Waste Management

Development is to comply with the Macquarie Park Waste Management controls set out in 6.3.3 of Part 4.5 of the Ryde DCP 2010.

8.6 Vegetation Management

Objective

- a. Protect and enhance areas of significant native vegetation and riparian corridors.

Controls

1. Wherever practical, development within the Precinct should be sited to minimise impacts on existing vegetation and avoid removal of significant trees.
2. An arborist report for each Sub-Precinct is to be lodged with the first development application for road construction works and approved prior to the commencement of road construction works for that Sub-Precinct. The arborist report is to identify significant trees within the precinct and provide an assessment of whether the trees should be retained, removed or pruned, and protection measures during construction for trees to be retained.
3. A site specific Vegetation Management Plan (VMP) is to be prepared and implemented for the Northern Bushland Park. This plan is to be lodged with the first development application for road construction in the high density residential precinct and approved prior to the commencement of road construction works in this precinct.
4. The VMP is to be prepared in accordance with relevant guidelines and based on standard vegetation management actions including:
 - a. Collection of seed from any native vegetation proposed to be cleared at the site;
 - b. Weed control;
 - c. Management of fire for conservation;
 - d. Management of human disturbance;
 - e. Retention of regrowth and remnant native vegetation;
 - f. Replanting or supplementary planting where natural regeneration will not be sufficient;
 - g. Retention of dead timber;
 - h. Erosion control; and
 - i. Retention of rocks.
5. The VMP is to ensure the rehabilitation and regeneration of the Porters Creek vegetated riparian corridor (being 30 metres wide on either side of the creek measured from top of bank), taking into account Council's priority creek rehabilitation works.

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6. The VMP is to provide for a minimum 2 year monitoring and maintenance period for the rehabilitated riparian area and other revegetation following final planting.
7. A 30m buffer is to be provided from the top of the nearest bank of Porters Creek to any future development.

8.7 Soil Management

Development is to comply with the Macquarie Park Soil Management controls set out in 6.3.4 of Part 4.5 of the Ryde DCP 2010.

8.8 Site Contamination

Development is to comply with the Macquarie Park Site Contamination controls set out in 6.3.5 of Part 4.5 of the Ryde DCP 2010.

8.9 Heritage and Archaeology

Objective

- a. Ensure appropriate protection and management of European and Aboriginal heritage within the Precinct.

Controls

1. Development applications for buildings in the high density residential precinct to the east of the Spine Road adjacent to the M2 Corridor are to be accompanied by a visual impact assessment which considers the visual impact of the development on the heritage significance of the Macquarie Park Cemetery and Crematorium. Council may waive this requirement for a visual impact assessment if it considers that the proposed development is low scale and will not result in significant adverse visual impacts.
2. Where works are proposed in the vicinity of the bricked domed well or cistern located within the mixed use precinct (as identified in Figure 16 of the *North Ryde Station Precinct Rezoning Study - Aboriginal Heritage Assessment and Non-Indigenous Archaeological Assessment* (Artefact Heritage, November 2012)), a report is to be provided detailing the arrangements for the archaeological monitoring of the cistern. These should include that:
 - a. When the well/cistern is located during construction excavation works, all works within 15m of the well/cistern are to cease immediately and a heritage/archaeological consultant is to be engaged;
 - b. The archaeological consultant is to prepare a report on the condition of the item and its significance. This heritage assessment is to be submitted to Council and a site visit undertaken by Council; and
 - c. Once Council is satisfied the appropriate research works and methodology have been prepared, written approval is to be issued by Council prior to any works commencing within this 15m restricted zone.
3. Protective fencing is to be installed at the 15 m perimeter setback from the well/cistern whilst the investigation works are being undertaken.

7 CAR PARKING RATES IN MACQUARIE PARK: PLANNING PROPOSAL AND AMENDMENTS TO RYDE DEVELOPMENT CONTROL PLAN

Report prepared by: Senior Strategic Planner
File No.: PM14/30595 - BP15/1408

REPORT SUMMARY

At its meeting of 22 September 2015, Council considered a report outlining a review of commercial car parking rates in the Macquarie Park Corridor (MPC). This report outlined changes based on the recommendations of the Macquarie Park Parking Rates Study prepared by Bitzios Consulting, which proposed reducing parking rates in order to achieve a reduction in the private vehicle modal split by 2031.

At this meeting, Council resolved:

- (a) *That Council prepare a Planning Proposal to amend Ryde Local Environmental Plan 2014, including amending Clause 4.5B Macquarie Park Corridor and the Macquarie Park Corridor Parking Restrictions Maps to change the commercial car parking rate in the B4, B3 and B7 zones to 1 space / 60m² GFA in Area A, and 1 space / 100m² GFA in both Areas B and C.*
- (b) *That Council authorise the preparation of an amending Development Control Plan to effect this change.*
- (c) *That officers report back to Council on the draft Planning Proposal, draft Development Control Plan amendments and proposed community consultation.*
- (d) *That Council endorses the removal of the 'all day' (12P) parking rate and lift the hourly rate from \$2.50 per hour to \$3.50 per hour, and that this be incorporated into the Fees and Charges schedule for 2015/2016, by advertising the new fee for 28 days from 30 September 2015, and should there be no objections, the fee to commence from 1 December 2015.*

This report outlines the proposed amendments to Ryde Local Environmental Plan 2014 (the Planning Proposal) and draft amendments to Ryde Development Control Plan (RDCP) 2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls to implement the Council resolution. It is recommended that Council forward the Planning Proposal to the Department of Planning and Environment for a Gateway Determination, following which the Planning Proposal and draft RDCP2014 amendments will be publicly exhibited and community consultation will occur.

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The Planning Proposal and RDCP amendments only relates to commercial and light industrial parking rates. A review of residential parking rates in the Corridor occurred in July 2015 and the maximum rates, currently within Part 4.5 of RDCP, are as follows:

0.6 space/ one bedroom dwelling

0.9 space/ two bedroom dwelling

1.4 spaces/ three bedroom dwelling

1 visitor space/ 10 dwellings

1 car share space per 50 proposed parking spaces.

RECOMMENDATION:

- (a) That Council note the Planning Proposal for the Macquarie Park Corridor car parking rates as outlined in **ATTACHMENT 2**.
- (b) That Council forward the Planning Proposal to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
- (c) That, in the event of a Gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposal be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.
- (d) That the proposed amendments to Ryde DCP 2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls be exhibited concurrently with the Planning Proposal.
- (e) That the outcomes of the community consultation for both the Planning Proposal and DCP amendments are reported to Council as soon as practicable after the exhibition.

ATTACHMENTS

- 1** Executive Summary - Macquarie Park Parking Rates Study - BITZIOS Consulting
- 2** Planning Proposal
- 3** Draft Amendments to Ryde Development Control Plan 2014 Part 4.5 - Macquarie Park Corridor
- 4** Draft Amendments to Ryde Development Control Plan 2014 Part 9.3 - Parking Controls

ITEM 7 (continued)

Report Prepared By:

Lara Dominish
Senior Strategic Planner

Report Approved By:

Lexie Macdonald
Supervisor - Strategic Planning

Dyalan Govender
Acting Manager - Strategic City

Meryl Bishop
Acting Director - City Strategy and Planning

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Background

In 2009, a 'Macquarie Park Corridor Parking Study' was undertaken by ARUP Consulting and outlined a number of short and medium term actions including a review of the commercial car parking rates within 5 years.

Car parking rates for commercial and industrial development in the Macquarie Park Corridor are generally higher than that of other centres in Sydney. The current level of parking supply encourages workers to drive to and from the precinct contributing to congestion levels. The 2011 mode split is 75% private vehicle trips.

Council engaged Bitzios Consulting to undertake a review of the commercial and industrial car parking rates. The 'Macquarie Park Parking Rates Study' (see Executive Summary at **ATTACHMENT 1**) was presented to Council at its meeting of 22 September 2015 and proposed to introduce new reduced car parking rates for commercial and industrial development in Macquarie Park.

Discussion

This report contains a description of the proposed amendments to Ryde Local Environmental Plan 2014 and Development Control Plan 2014 and a description of the Planning Proposal (PP). This forms the basis of a recommendation to forward the PP to the Department of Planning and Environment for a gateway determination and subsequent community consultation.

Planning Proposal process

This section of the report provides a brief description of the "gateway plan-making process", including an explanation of the legislative requirements relating to a PP.

The gateway process has a number of steps. The preparation of a PP is the first of the five main steps, summarised as follows:

1. **Planning Proposal**- this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council. The relevant planning authority decides whether to proceed to the next stage.
2. **Gateway** –determination by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs the community consultation process.
3. **Community Consultation** - the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).

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4. **Assessment** — the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan — the legal instrument.
5. **Decision** — the making of the plan by the Minister (or delegate).

This PP is at step 1 of the gateway process. Council is the relevant planning authority for this proposal which has been prepared by a Council staff.

Site description and context

The Macquarie Park Corridor is located on the northern side of Epping Road, bounded by Culloden Road to the west and the M2 Motorway to the north and east. The Corridor includes the North Ryde Station Precinct and the Riverside Corporate Park.

The Corridor is zoned primarily B3 Commercial Core and B7 Business Park with a variety of commercial and light industrial land uses. There were approximately 56,000 jobs in the Corridor in 2014.

The Macquarie University Station Precinct is located at the northern end of the Corridor and includes land which has been zoned B4 Mixed Use in the vicinity of Herring Road. In this location, residential development is permitted.

Strategic policy context

The PP relates to a number of strategic policy documents, including the following:

Sydney's Metropolitan Plan "A Plan for Growing Sydney"

The proposed amendments to RDCP2014 to reduce the amount of parking provided is consistent with Action 1.6.2 "Invest to improve infrastructure and remove bottlenecks to grow economic activity".

City of Ryde 2021 Community Strategic Plan

The Community Strategic Plan sets out the future vision for the City of Ryde. The plans set the desired outcomes and the aspirations of the community, and the goals and strategies on how they will be achieved. The outcomes relevant to this PP is A City of Connections, and the strategy "to encourage the use of environmentally friendly transport options".

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Local Planning Study (LPS)

Council adopted *Local Planning Study (December 2010)*. This study informed the preparation of RLEP2014.

The PP supports the LPS Action 8.4.3.6 “Planning for Parking” and in particular:

Principle: Improve parking management in centres

Principle: Improve parking management to encourage greater use of public transport, walking and cycling, especially for commuter trips

Direction: Review and update City of Ryde parking controls.

Action: Carry out a parking study which will inform sustainable transport and economic development and guide DCP controls.

Further discussion of the relationship of the PP to strategic policy documents is outlined in the PP document at **ATTACHMENT 2**.

Current controls

Ryde Local Environmental Plan 2014 (RLEP2014) Clause 4.5B outlines the parking objectives for the Macquarie Park Corridor (MPC) and restricts the maximum number of parking spaces for commercial and industrial development as identified on the MPC Parking Restrictions Maps.

Ryde Development Control Plan 2014 (RDCP2014) contains specific parking rates for residential development and for industry and office and business premises outside the MPC.

Plan	Land use	Parking rate
RLEP2014- Clause 4.5(B) (1) and (2) and MPC Parking Restrictions Maps	Commercial and Industrial Development (within Macquarie Park Corridor)	1 space/ 46m ² GFA 1 space/ 70m ² GFA 1 space/ 80m ² GFA (as identified on maps)
RDCP2014 Part 4.5- Macquarie Park Corridor	Residential development in MPC	0.6 space/ 1 bedroom dwelling 0.9 spaces/ 2 bedroom dwelling 1.4 spaces/ 3 bedroom dwelling 1 visitor space/ 10 dwellings 1 car share space per 50 proposed parking spaces
RDCP2014 Part 9.3- Parking Controls	Office and business premises outside the MPC	1 space/ 40m ² GFA
RDCP2014 Part 9.3- Parking Controls	Industry outside the MPC	1.3-1.5 spaces/ 100m ² GFA

ITEM 7 (continued)

Proposed amendments to Ryde LEP 2014

In order to implement Council's resolution of 22 September 2015, a Planning Proposal (PP) has been prepared in accordance with the Department of Planning and Environment's '*Guide to preparing planning proposals*' (see **ATTACHMENT 2**).

The PP intends to delete the car parking requirements for the MPC from RLEP2014, for the following reasons:

1. Including car parking requirements in a Local Environmental Plan is not consistent with the Standard Instrument LEP and is contrary to advice from the Department of Planning and Environment that car parking controls are a local matter which should be included in a Development Control Plan;
2. This will be consistent with the car parking requirements for all other development types/ in all other parts of City of Ryde which are specified within the RDCP2014;
3. The Bitzios study recommends a number of incremental changes to the parking requirements to be implemented over the next decade. Implementing these amendments would be more easily facilitated as amendments to RDCP2014 rather than as individual Planning Proposals.

This will involve the following amendments to RLEP2014 as outlined in the PP:

1. Amend Clause 4.5B MPC to remove the objectives for car parking in MPC;
2. Delete the MPC Parking Requirements map;
3. Delete the definition of the MPC Parking Requirements map in the Dictionary.

Properties in Delhi Road and Plassey Road

A number of existing commercial properties on the northern side of Delhi Road, Macquarie Park (as shown in Figure 1 below) are not currently identified as being part of the Macquarie Park Corridor on the RLEP2014 Centres Map. This was a drafting oversight.

ITEM 7 (continued)



Figure 1: Location of 14-58 Delhi Road and 3 Plassey Road, Macquarie Park

These sites are zoned B3 Commercial Core and B7 Business Park, and are identified on the RLEP2014 MPC Precinct Map, MPC Parking Restrictions Maps and MPC Incentive Floor Space Ratio map.

It is also proposed through the PP to amend the RLEP2014 Centres Map to include the properties at 14-58 Delhi Road and 3 Plassey Road, Macquarie Park in the 'Macquarie Park Corridor'.

Proposed amendments to Ryde Development Control Plan 2014

The revised parking controls for commercial and industrial development in the MPC as proposed in the Bitzios report are intended to be included in RDCP2014. Draft amendments to RDCP2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls are discussed below and are outlined at **ATTACHMENT 3** and **ATTACHMENT 4**. Amendments to the RDCP are highlighted in red text and deleted provisions are crossed out.

Changes to parking rate

The two parking rates identified in the Bitzios Consulting report are 1 space /60m² gross floor area (GFA) and 1 space/100m² GFA for commercial and industrial development. The Bitzios report did not explore amendments to the parking rate for residential development in the MPC.

The two parking rates of 1/60m² gross floor area (GFA) and 1/100m² GFA are based on the preferred scenario identified in the Bitzios Consulting report. The preferred scenario aims for a 70% private vehicle mode share by 2031. This scenario is forecast to result in a total increase of 3000-4000 spaces by 2031. This reduces the magnitude of the total parking increase to 2031, compared with the "Business as usual" scenario which would result in an additional 10,000 spaces by 2031.

ITEM 7 (continued)

This scenario achieves a balance between minimising the effects of traffic congestion growth in the precinct and the potential impact of the modified parking rate on the competitiveness of the precinct when compared against other centres of a similar offering.

The new proposed parking rates of 1/60m² and 1/100m² GFA are equivalent to or higher than those of other similar centres, as outlined in the table below:

Centre	Parking rate for commercial development
North Sydney	1/400m ²
Chatswood	1/200m ²
Parramatta	1/100m ²

The Bitzios report endorsed by Council on 22 September 2015 (Executive summary at **ATTACHMENT 1**) identified the areas to which the proposed rates (1/60m² or 1/100m²) should apply using the following guiding principles:

- *“Existing 1 space/ 46m² areas will generally move to 1 space/ 60m²;*
- *Existing 1 space/ 70m² areas and 1/ 80m² areas will generally move to 1 space/ 100m²;*
- *Areas with FSRs between 0.5:1 and 2.0:1 on the Draft Macquarie Park Incentive FSR map will generally equate to 1 space/ 60m²;*
- *Areas with FSRs between 2.5:1 and 3.0:1 on the Draft Macquarie Park Incentive FSR map will generally equate to 1 space/ 100m²;*
- *Only one car parking rate will apply to each site (the exception to this is the Johnson and Johnson site which will have a split parking rate for historical reasons); and*
- *No sites will move from 1 space/ 46m² to 1 space/ 100m² unless the current car parking rate is split across a site and a portion of the site has an FSR of 2.5:1 or more”.*

Staged implementation

The study further recommends that a staged approach be taken to implementing reduced parking rates, with the revised parking rates to apply only to new floor space in the first instance and then be amended to apply to existing floor space at a later date (in 2019). This would mean that the current parking rates (of 1/46m², 1/70m² and 1/80m²) would continue to apply to existing floor space as shown in the draft DCP amendments. This allows for a staged implementation and reduces the impact on the business park. The new reduced parking rates would apply for the complete redevelopment of sites, whereas the current parking rates would apply to applications for alterations and additions to existing buildings.

ITEM 7 (continued)

Proposed parking rates

It is proposed to include a parking rate for commercial and industrial development in the MPC as shown in the map included in the draft amendments to Part 9.3 of RDCP2014. A map showing the changes for each site is below:

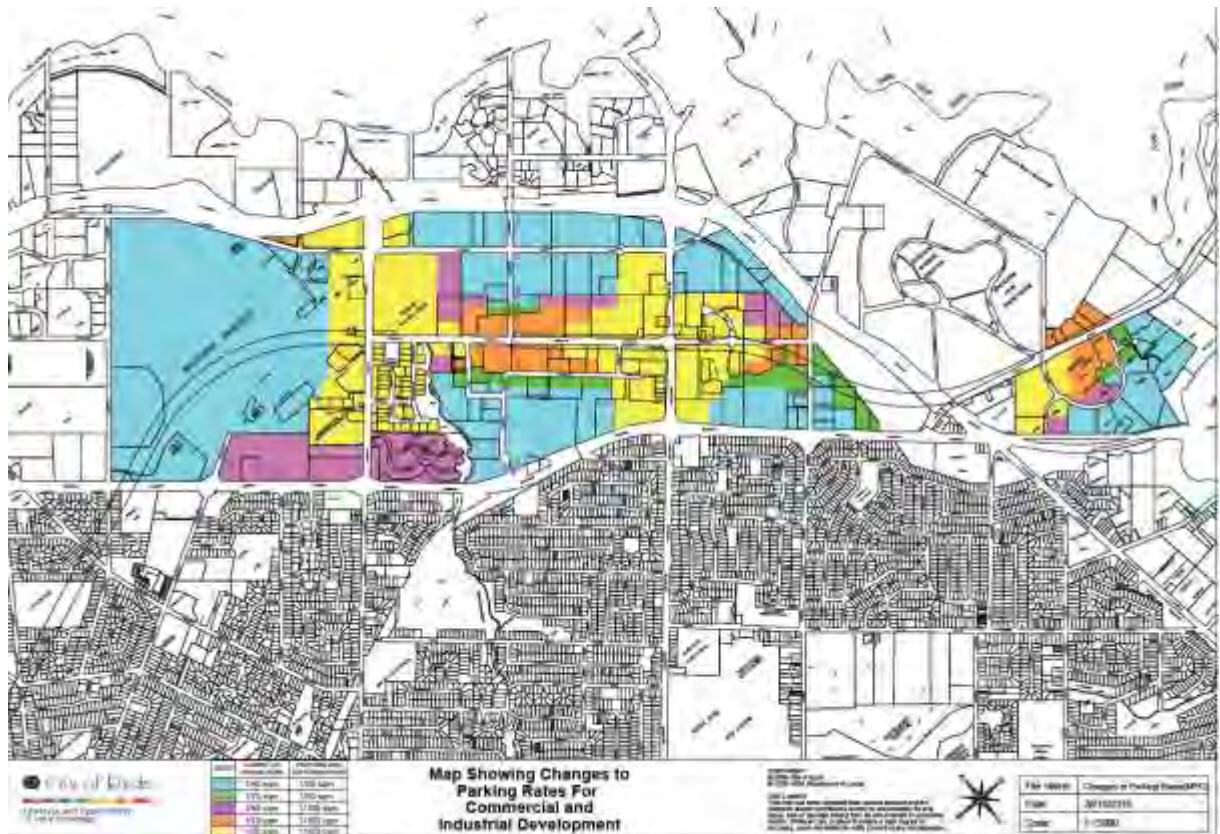


Figure 2: Map showing existing and proposed parking rates

The proposed new parking rates generally aim to achieve a reduction in the amount of parking to be provided for each site, and no disproportionate changes to the parking rates for individual properties.

ITEM 7 (continued)

The following changes to the Final Draft Parking Rates Map have been made in the map included at Figure 9.3.1 of the draft amendments to RDCP2014 Part 9.3 Parking Controls:

Area	Current rate	Bitzios study	Proposed RDCP rate	Rationale
Macquarie University Station Precinct (applies to B4 zoned land including the Ivanhoe Estate area and Lachlan Ave, Cottonwood Dr and Peach Tree Rd)	1/46m ²	1/60m ²	1/100m ²	The Bitzios recommendation was based on the FSR controls in place at the time of their report. These FSR controls have increased significantly with the recent amendments to RLEP2014 for the Macquarie University Station Precinct. The intention was that the reduced parking rates should align with the FSR boundaries.
Macquarie University site	1 space per 80m ²	No change as parking controls were specified in SEPP (Major Development) 2005 at time of Bitzios study.	1/60m ² or 1/100m ² for sites within Macquarie University Station Precinct	See above.
27-37 Delhi Road, North Ryde	1/70m ²	1/100m ²	Exclude from map- not within Macquarie Park Corridor	The parking rates for this site is within the North Ryde Station Precinct DCP.

Other changes to RDCP2014 Part 9.3 Parking Controls

1. Adding objectives to Part 9.3 of RDCP2014 to reflect the intended outcomes of the Bitzios report.
2. It is proposed to consolidate all parking controls in Ryde DCP Part 9.3 Parking to enhance ease of use and clarity. This involves removing parking controls from Part 4.5 Macquarie Park Corridor to ensure ease of use for applicants and planners;

ITEM 7 (continued)

3. Minor amendments which aim to update information relating to the Macquarie University Station Precinct (formerly Herring Road Urban Activation Precinct) following the commencement of SEPP (Major Development) Amendment (Ryde) 2015.
4. The previous Council resolution of 22 September 2015 had only resolved to amend the car parking rates for commercial land uses within the B4, B3 and B7 zones, however the B3 and B7 zones also permit light industrial development and it was intended that these rates apply to light industrial development. The draft DCP amendments are drafted accordingly.
5. The land uses to which the parking rates apply are 'commercial premises' and 'light industrial' which aligns with the land use definitions in Ryde LEP 2014.
6. Reinforce that any car parking that exceeds the parking controls will be considered as floor space. This is in accordance with the definition of gross floor area in RLEP2014.

Amendments to RDCP2014 Part 4.5 Macquarie Park Corridor

1. Removing the car parking rates from Part 4.5 and inserting them in Part 9.3 Parking Controls as discussed above.
2. Minor amendments to the 'Preliminary' section to delete information about the draft Herring Road Urban Activation Precinct. This has been superceded by the Macquarie University Station Precinct. More comprehensive changes to update the rest of RDCP 2014 Part 4.5 Macquarie Park Corridor to reflect the Macquarie University Station Priority Precinct will occur at a later date.

Changes to on-street parking fees in the Corridor

Part (d) of the Council resolution of 22 September 2015 stated that Council lift the hourly rate from \$2.50 per hour to \$3.50 per hour.

The proposed change to the parking fee was advertised from Wednesday 4 November 2015 to Friday 11 December 2015. An advertisement was placed in the Northern District Times on 4 November 2015. The exhibition material was available on Council's Have Your Say page, at Council's Civic Centre, Ryde Planning and Business Centre, and all Council libraries. The proposed fees were also discussed at the Macquarie Park Forum on Thursday 5 November.

The outcomes of the exhibition including submissions received will be reported to a meeting of Council in early 2016. This report will include an implementation program regarding the introduction of the new rates to assist in minimising the impact on businesses, employees and visitors.

ITEM 7 (continued)

Financial Implications

Should a gateway determination be issued allowing the planning proposal to proceed to community consultation it will be necessary to place an advertisement in a local newspaper. Council would also undertake further consultation as outlined below. It is anticipated that the total cost of this consultation would be approximately \$3000 (to be sourced from the existing City Strategy and Planning base budget).

Consultation with relevant external bodies

Under the gateway plan-making process, a gateway determination is required before community consultation on the planning proposal takes place. The consultation process will be determined by the Minister and stipulated as part of the gateway determination.

The Department of Planning and Environment's guidelines stipulate at least 28 days community consultation for a major plan, and at least 14 days for a low impact plan. In this case, noting the significance of the proposed changes and the possible overlap with holiday periods, it is recommended that the Planning Proposal be exhibited for 6 weeks.

If the Planning Proposal is approved by Council and a gateway determination given, the consultation will include exhibiting the draft amendments to RDCP2014. The proposed consultation includes:

- Advertisement in the local newspaper;
- Exhibition material provided to meet requirements of the EP&A Act on Council's website, and in Ryde and North Ryde Libraries;
- Notification to the owners of 14-58 Delhi Road and 3 Plassey Road, Macquarie Park (which are proposed to be identified as being within the Macquarie Park Corridor on Ryde LEP 2014 Centres Map);
- Mail out to key stakeholders in the Macquarie Park Corridor;
- Presentations to the Macquarie Park Forum and Economic Development Advisory Committee;
- One information session to be held during the exhibition period; and
- One drop in session.

ITEM 7 (continued)

Options

1. That Council proceed with the Planning Proposal and DCP amendments as outlined in this report. This option implements the recommendations of the Bitzios traffic study and Council's previous resolution of 22 September 2015.
2. That Council not proceed with the Planning Proposal and DCP amendments. This option would not address the traffic congestion currently experienced in the MPC and would not change the modal split for the Corridor in the long term.

The preferred option is to proceed with the Planning Proposal and amendments to the DCP as outlined in this report.

ITEM 7 (continued)

ATTACHMENT 1

Macquarie Park Parking Study

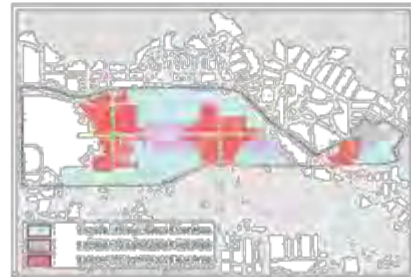


EXECUTIVE SUMMARY

The Macquarie Park precinct has experienced significant growth in recent years and is expected to continue its redevelopment and diversification with forecasts of it doubling its number of employees by 2031. Congestion levels in the study area have increased significantly in recent years. As the precinct continues to grow and redevelop, it will naturally transition to include a greater proportion of conventional, CBD-style office space. As part of this transformation, transport usage will need to move away from predominantly private vehicle access to both support the centre's transformation into a more diverse commercial precinct and to simply facilitate the centre having sustainable levels of accessibility so that it can remain competitive for attracting investment. Parking provision will play a decisive role in this transformation as a key factor that can influence the transport mode share.

Three commercial/industrial parking rates are currently applicable, as follows:

- 1 space / 46m² Gross Floor Area, FSR of 1:1 in Area A;
- 1 space / 70m² Gross Floor Area, FSR 1.5:1 in Area B; and
- 1 space / 80m² Gross Floor Area, FSR 2:1 and 3:1, in Area C (within 400m of a rail station).



Residential parking rates have been excluded from this study. The residential parking rates currently applicable in the precinct are outlined in the recently approved DCP.

In general, the parking rates and parking characteristics in Macquarie Park sit somewhere between a car-dominated business park and a traditional non-CBD business centre with office towers (i.e. like Chatswood and Green Square). However, the scale of employment and traffic in Macquarie Park far exceeds other "secondary" centres in Sydney and any parking supply policy change will therefore have a significant effect on future traffic congestion levels.

Stakeholder feedback is mixed but there is a general consensus that whilst parking supply is an important commercial feature, there is some "room to move" in reducing rates in the 1/46m² GFA area (i.e. Macquarie Park Area A) before parking limitations actually affect the competitiveness of leasing space and further investment in the area.

The key issue for changing parking rates in Macquarie Park appears to be the rate of transition over time related to how quickly public transport services can be added to provide a practical alternative, and how quickly land use change can occur in Macquarie Park office space product type and in employees moving closer (on average) to Macquarie Park. Parking supply rate changes should be seen as one factor, albeit an important factor in encouraging land use and public transport changes but managed carefully as Macquarie Park transforms to a slightly different product mix.

The Business as Usual (BAU) case is estimated to result in an increase of total parking supply of approximately 10,000 spaces by 2031 to accompany the increase in GFA. As a result, the current private vehicle mode share (75%) would experience a negligible reduction (to 74%) which is insufficient to generate improvements to the current and future road network performance issues and would likely worsen current congestion levels.

The two private vehicle mode share targets investigated produced a reduced total parking supply when compared to the BAU case. With an increase in GFA of approximately 1,070,000m² and redevelopment of 50% of the existing floor space, the results indicate that:

- Achieving a 70% mode share target by 2031 would require the total increase in parking supply to be limited to approximately 3,000 to 4,000 spaces. This represents a parking space growth of 1 space per 355m² of new or redeveloped floor space, approximately; and
- Achieving a 60% mode share target by 2031 would require a total decrease in current parking supply in the order of 9,000 spaces. This means that sites that are re-developed would have their parking reduced substantially and new developments/infill would have far more restrictive parking rates.

An evaluation framework was formulated to appraise and compare various parking provision scenarios. The evaluation was based on five main criteria, as follows:

- Progress to reach the preferred mode share target of 60% by private vehicle;
- Alignment with planned building densities and areas of existing and potential PT accessibility;
- Impacts on commercial viability of continued development and competitiveness with other centres;
- Staging and implementation of parking rate changes (e.g. in line with PT upgrades); and
- Differential impacts of using significantly different rates in adjacent precincts within Macquarie Park.

ITEM 7 (continued)

ATTACHMENT 1

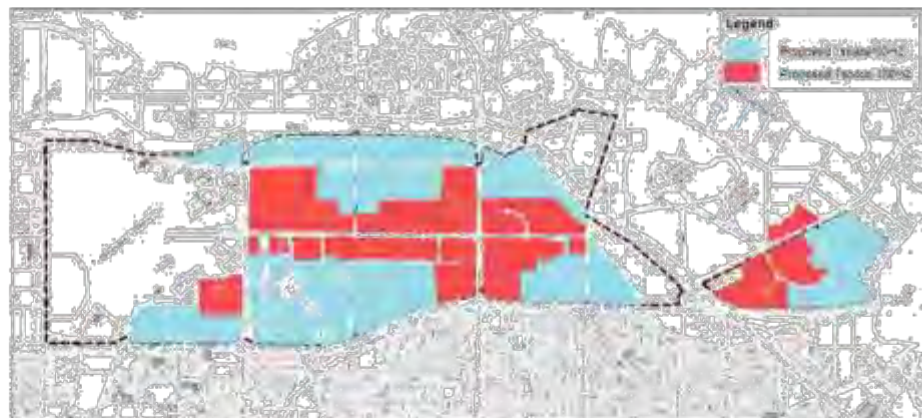
Macquarie Park Parking Rates Study



Following the scenario evaluation and feedback received from Council, it was determined that the 60% private vehicle mode share scenarios involved measures considered to be too aggressive and that this could eventually affect the precinct's competitiveness and viability.

The 70% private vehicle mode share target scenarios produced a more reasonable change in total supply, allowing overall parking supply to grow as floor space grows to 2031, while doing so at a much lower rate.

Three scenarios were evaluated to help achieve the 70% private vehicle mode share target by 2031 ("Even reduction of parking rates throughout the precinct", "Bias around stations" and "Two Zones Only"). The outcome of the evaluation process and consultation with Council was that the preferred scenario was the "Two Zones Only – 70% Private Vehicle Mode Share". This scenario consists of a parking rate of 1/60m² for commercial and industrial floor space on the outer areas and 1/100m² in the core (closer to the train stations).



The key reasons to select this scenario are as follows:

- It allows a certain differentiation between areas with better public transport provision (namely those in close proximity to the rail station);
- The differentiation introduced is not as aggressive as "Bias Around Stations" scenario, which would have the higher rate approximately four times higher than the lower rate, therefore having the potential to discourage development in the core areas and/or introduce differential impacts for sites in close proximity to one another;
- Spatially, it is aligned with Council's "Floor Height Map" for Macquarie Park which would simplify the implementation and improve consistency for different planning instruments; and
- The proposed scheme does not include any sectors with rates above 1/100 (i.e. the changes are not as pronounced when compared with other scenarios which include sections with rates of 1/150 or 1/200);

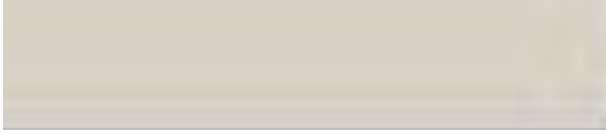
While the mode share estimations and scenarios evaluation were based on introducing the new rates now and maintaining them until 2031, the proposed strategy would benefit from having a transition / staging program to assist in gradually delivering the modified parking rates. It is also logical to combine the full implementation of the revised parking rates with improvements to the public transport service in the area, so that workers who decide to make the transition from private vehicle have an adequate alternative in public transport. This will help in gaining support from the community and stakeholders.

The implementation of the North West Rail Link (with completion estimated by early 2019) will constitute a significant improvement to public transport service in the area. Not only will it directly connect Macquarie Park with residential catchments to the west of Epping, but it will also increase train frequency in the Epping to Chatswood Rail Link (claimed to be converted to "one train every four minutes during the peak periods"). This upgrade is a logical trigger after which the modified parking rates could be made fully operational. Until then, a transition period could be applied in which the new rates would only apply to "new development". Any re-development would be allowed to maintain current parking supply (that is, where the new rates would result in a reduction of parking spaces, this would be waived so that current supply could be kept).

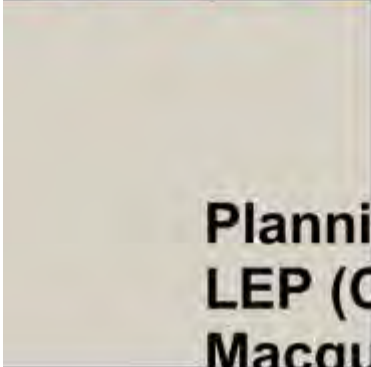
A staged implementation also allows other initiatives to be planned and delivered such as bus service improvements and walking / cycling facilities, which would assist achieving a successful balance of different mode shares while overall parking provision is reduced (in proportion to the overall floor area).

ITEM 7 (continued)

ATTACHMENT 2



 City of Ryde
Lifestyle and opportunity @ your doorstep



Strategic City Department

**Planning Proposal
LEP (Car parking in
Macquarie Park) 2015**

ITEM 7 (continued)

ATTACHMENT 2



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ATTACHMENT 2



Introduction

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. This planning proposal has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (in particular section 55) and relevant guidelines produced by the Department of Planning and Environment, including "A Guide to preparing Planning Proposals".

The Department of Planning and Environment requires a Planning Proposal to cover six main parts which form the basis of this document as follows:

- Part 1 – Statement of Objectives and Intended Outcomes of the proposed LEP
- Part 2 – Explanation of the Provisions to be included in the LEP
- Part 3 – Justification of objectives, outcomes and process for implementation
- Part 4 – Maps to identify intent and applicable area
- Part 5 – Community Consultation proposed to be undertaken on the Draft LEP
- Part 6 – Project timeline - anticipated timeframe for the making of the LEP

Background

At its meeting on the 22 September 2015 Council resolved (inter-alia):

- (a) *That Council prepare a Planning Proposal to amend Ryde Local Environmental Plan 2014, including amending Clause 4.5B Macquarie Park Corridor and the Macquarie Park Corridor Parking Restrictions Maps to change the commercial car parking rate in the B4, B3 and B7 zones to 1 space / 60m² GFA in Area A, and 1 space / 100m² GFA in both Areas B and C.*

Ryde Local Environmental Plan 2014 (RLEP2014) Clause 4.5B outlines objectives for car parking in the Macquarie Park Corridor. The car parking requirements for commercial and industrial development are specified on the RLEP2014 Macquarie Park Corridor Parking Restrictions Maps, and include three parking rates depending on site location:

- 1/46m² gross floor area*
- 1/ 70m² gross floor area*
- 1/ 80m² gross floor area*

ITEM 7 (continued)

ATTACHMENT 2



1.0 Objectives or Intended Outcomes

This part of the planning proposal responds to Section 55(1) of the Environmental Planning and Assessment Act 1979 which requires an explanation of what is planned to be achieved by the proposed amendments to RLEP2014.

The intent of this Planning Proposal (PP) is to remove the parking rates from RLEP2014 and insert them into Ryde Development Control Plan 2014 (RDCP2014). This PP involves the following amendments to RLEP2014:

1. Delete the Macquarie Park Corridor Parking Restrictions Maps;
2. Amend Clause 4.5B Macquarie Park Corridor to remove subclause (1) Off street car parking controls and subclause (2); and
3. Remove the definition of the Macquarie Park Corridor Parking Requirements Map from the Dictionary.

This is considered appropriate for the following reasons:

1. Including car parking requirements in a Local Environmental Plan is not consistent with the Standard Instrument LEP and is contrary to advice from the Department of Planning and Environment that car parking controls are a local matter which should be included in a Development Control Plan;
2. This will be consistent with the car parking requirements for all other development types/ in all other parts of City of Ryde which are within the RDCP2014;
3. The Bitzios study recommends a number of incremental changes to the parking requirements to be implemented over the next decade. Implementing these amendments would be more easily facilitated amendments to RDCP2014 than as individual PPs.

Properties in Delhi Road and Plassey Road

A number of existing commercial properties on the northern side of Delhi Road, Macquarie Park (as shown in Figure 1 below) are not currently identified as being part of the Macquarie Park Corridor on the RLEP2014 Centres Map. This was a drafting oversight.



Figure 1: Location of 14-58 Delhi Road and 3 Plassey Road, Macquarie Park

ITEM 7 (continued)

ATTACHMENT 2



These sites are zoned B3 Commercial Core and B7 Business Park, and are identified on the RLEP2014 MPC Precinct Map, MPC Parking Restrictions Maps and MPC Incentive Floor Space Ratio map.

This Planning Proposal seeks to amend the RLEP2014 Centres Map to include the properties at 14-58 Delhi Road and 3 Plassey Road, Macquarie Park in the 'Macquarie Park Corridor'.



ITEM 7 (continued)

ATTACHMENT 2



2.0 Explanation of Provisions

The proposed outcomes identified in the previous part of the PP of removing the car parking rates for the Macquarie Park Corridor from RLEP2014.

Schedule of amendments to RLEP2014

LEP part	Proposed change
Macquarie Park Corridor Parking Restrictions Maps	Delete maps MPP_004, MPP_005, MPP_008 and MPP_009
Centres Map	Amend map CEN_009 to include 14-58 Delhi Road and 3 Plassey Road, Macquarie Park in the Macquarie Park Corridor
Clause 4.5B Macquarie Park Corridor	<p>Amend by deleting Clause 4.5B subclause (1) and (2) as shown below:</p> <p>4.5B Macquarie Park Corridor</p> <p>(1) Off-street car parking controls The objectives for off-street parking controls in the Macquarie Park Corridor are as follows:</p> <p>(a) to encourage the use of alternative types of transport by providing for accessibility by pedestrian, cycling and public transport;</p> <p>(b) to ensure that local car parking is available.</p> <p>(2) The maximum number of off-street parking spaces for commercial and industrial development in the Macquarie Park Corridor is the number identified on the <u>Macquarie Park Corridor Parking Restrictions Map</u>.</p> <p>(3) Land uses in Zone B7 The objectives for development on land in Zone B7 Business Park within the Macquarie Park Corridor are as follows:</p> <p>(a) to provide for the daily convenience needs of employees and visitors,</p> <p>(b) to ensure that development supports the needs of businesses and organisations in the area.</p> <p>(4) Despite any other provision of this Plan, development consent must not be granted for the erection of a building on land in Zone B7 Business Park in the Macquarie Park Corridor for the purposes of a function centre, neighbourhood shop, registered club or restaurant or cafe unless the total floor space of the building:</p> <p>(a) will not exceed 500 square metres for each individual land use or an area equivalent to 5% of the site area for each individual land use, whichever is the greater, in relation to that land, and</p>

ITEM 7 (continued)

ATTACHMENT 2



	<p>(b) the building is a single storey building. (5) Despite any other provision of this Plan, development consent must not be granted for carrying out development on land in Zone B3 Commercial Core in the Macquarie Park Corridor for the purposes of a serviced apartment unless: (a) the development comprises at least 2 self-contained dwellings, and (b) all of the dwellings are on the same lot.</p>
Dictionary	<p>Delete the definition of Macquarie Park Corridor Parking Restrictions Map: <i>Macquarie Park Corridor Parking Restrictions Map</i> means the <u>Ryde Local Environmental Plan 2014 Macquarie Park Corridor Parking Restrictions Map.</u></p>



ITEM 7 (continued)

ATTACHMENT 2



3.0 Justification

Section 55 (3) of the Environmental Planning and Assessment Act 1979 enables the Director-General to issue requirements with respect to the preparation of a PP. This section responds to all matters to be addressed in a PP – including Director-General's requirements for the justification of all PPs (other than those that solely reclassify public land).

3.1 Need for the Planning Proposal

3.1.1 Is the planning proposal a result of any strategic study or report?

The PP has been prepared in response to a study of the car parking rates in the Macquarie Park Corridor conducted by Bitzios Traffic Consulting. This study recommended amending Council's car parking controls to move toward achieving a 70% private vehicle modal split by 2031, by having a staged approach to the reduction of parking requirements. This PP implements the recommendation of that study by removing the parking controls from RLEP2014 and including new reduced parking rates in Ryde DCP2014.

The sites at 14-58 Delhi Road and 3 Plassey Road, Macquarie Park are zoned B3 Commercial Core and B7 Business Park, and are identified on the RLEP2014 MPC Precinct Map, MPC Parking Restrictions Maps and MPC Incentive Floor Space Ratio map. These sites are intended to be included in the Macquarie Park Corridor on the RLEP2014 Centres Map.

3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes?

A PP under the Environmental Planning and Assessment Act which proceeds as an amendment to RLEP2014 is the only means to achieve the removal of the car parking controls from RLEP2014 and the inclusion of additional sites on the Centres Map. Incorporating the car parking controls in RDCP2014 will allow future changes to the car parking rate to be implemented (as recommended in the Bitzios study) without the need for a PP.

3.2 Relationship to strategic planning framework

This section discusses relevant strategic planning documents and their relationship to the PP.

3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

ITEM 7 (continued)

ATTACHMENT 2



In December 2014 the NSW Government released Sydney's Metropolitan Plan "A Plan for Growing Sydney". The PP is consistent with this Plan.

The proposed amendments to RDCP2014 to reduce the amount of parking provided is consistent with Action 1.6.2 "Invest to improve infrastructure and remove bottlenecks to grow economic activity".

3.2.2 Is the planning proposal consistent with the local council's local strategy, or other local strategic plan?

City of Ryde 2021 Community Strategic Plan

The Community Strategic Plan sets out the future vision for the City of Ryde. The plans set the desired outcomes and the aspirations of the community, and the goals and strategies on how they will be achieved. The outcomes relevant to this PP is A City of Connections, and the strategy "to encourage the use of environmentally friendly transport options".

Local Planning Study (LPS)

Council adopted *Local Planning Study (December 2010)*. This study informed the preparation of RLEP2014.

The PP supports the Action 8.4.3.6 "Planning for Parking" and in particular:

Principle: Improve parking management in centres

Principle: Improve parking management to encourage greater use of public transport, walking and cycling, especially for commuter trips

Direction: Review and update City of Ryde parking controls.

Action: Carry out a parking study which will inform sustainable transport and economic development and guide DCP controls.

3.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

A summary assessment of the PP in terms of State Environmental Planning Policies (SEPPs) is contained in the table below (Table 1).

This assessment indicates that the draft amendments to RLEP2014 contained in this PP is consistent with all relevant SEPPs.

Table 1 – Consistency with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP No 19 Bushland			✓	Applies to the whole of the State. Not relevant

ITEM 7 (continued)

ATTACHMENT 2



State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
in Urban Areas				to proposed amendment.
SEPP No 21 Caravan Parks			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 30 Intensive Agriculture			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)			✓	Applies to all urban land. Not relevant to the proposed amendment
SEPP No 33 Hazardous and Offensive Development			✓	Applies to the whole of the State. Not relevant to the proposed amendment
SEPP No 50 Canal Estate Development			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 55 Remediation of Land			✓	Applies to the whole of the State.
SEPP No.62 Sustainable Aquaculture			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 64 Advertising and signage			✓	Applies to the whole of the State. Not relevant to the proposed amendment
SEPP No 65 Design Quality of Residential Flat Development			✓	Applies to the whole of the State. Not relevant to the proposed amendment.
SEPP (Affordable Rental Housing) 2009			✓	Applies to the whole of the State. Not relevant to the proposed amendment.
SEPP(BASIX) 2004			✓	Applies to the whole of the State.
SEPP (Exempt and Complying Development Codes) 2008			✓	Applies to the whole of the State.
SEPP(Housing for Seniors or People with a Disability) 2004			✓	Applies to the whole of the State.
SEPP (Infrastructure) 2007			✓	Applies to the whole of the State.
SEPP (Major Development) 2005			✓	Applies to the whole of the State.
SEPP (Mining, Petroleum Production			✓	Applies to the whole of the State. Not relevant to proposed amendment

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ATTACHMENT 2



State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
and Extractive Industries) 2007				
SEPP (State and Regional Development) 2011			✓	Not relevant to the proposed amendment
Deemed SEPPs				
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005			✓	The PP is not inconsistent with the relevant planning principles for the Sydney Harbour Catchment.
Draft State Environmental Planning Policies				
SEPP No 66 - Integration of Land Use and Transport 2001	✓			The PP results in car parking being included in RDCP2014. The reduced rates proposed in RDCP2014 aim to reduce car dependency and support efficient public transport use.
SEPP (Competition) 2010			✓	Applies to the whole of the State

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

A summary assessment of the PP in terms of the Directions issued by the Minister for Planning under Section 117 of the *EP&A Act* (last update 1 February 2011) is contained in the Table 2).

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*. These directions apply to PPs lodged with the Department of Planning and Environment on or after the date the particular direction was issued:

Consideration of Relevant Section 117 Directions applying to PPs

Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
1. Employment and Resources				
1.1 Business and Industrial Zones Objectives are:- o Encourage employment growth in suitable locations	✓			The PP does not propose any change to the amount of

ITEM 7 (continued)

ATTACHMENT 2



Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
<ul style="list-style-type: none"> o Protect employment land in business and industrial zones and o Support the viability of identified strategic centres. 				employment generating land.
3. Housing, Infrastructure and Urban Development				
3.4 Integrating Land Use and Transport	✓			The DCP amendments associated with this PP are consistent with the objectives of the Direction which aims to reduce travel demand.
7. Metropolitan Planning				
7.1 Implementation of the Metropolitan Plan for Sydney 2036.	x			See adjacent comment

3.3 – Environmental, social and economic impact

3.3.1 Impact on Critical Habitat, Threatened Species and Ecological Communities

The PP will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats nor is it expected to have any adverse environmental effects.

3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The PP intends to contribute positively to traffic congestion by moving towards a shift in the modal split for Macquarie Park which will be a positive environmental benefit. The likely traffic impacts have been addressed in the Macquarie Park Parking Rates Study.

3.3.3 Has the planning proposal adequately addressed any social and economic effects?

The PP will not result in any social or economic impacts.



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ATTACHMENT 2



3.4 State and Commonwealth interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

The planning proposal will not place additional demands on public infrastructure.

3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The RMS will be consulted with as part of the consultation process associated with the exhibition of the PP.

The PP does not raise any issues that are expected to be of concern to any other State or Commonwealth public authority.

Any State or Commonwealth authority that is identified in the gateway determination will be consulted following that determination.

ITEM 7 (continued)

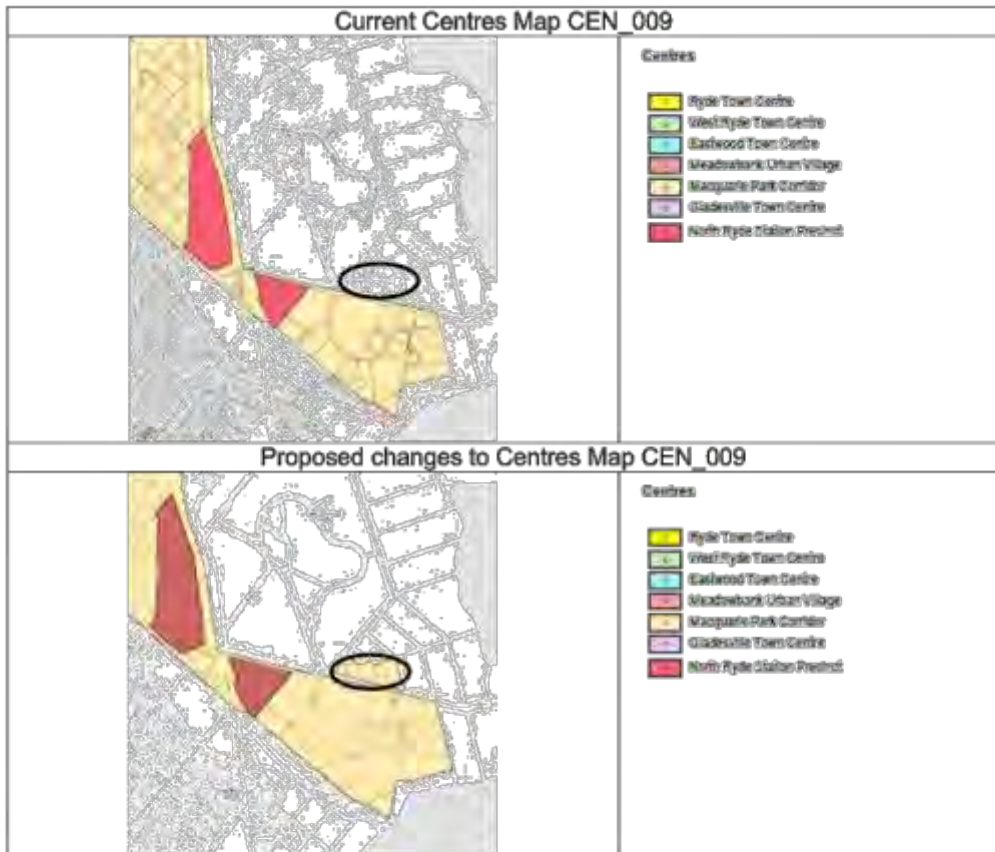
ATTACHMENT 2



4.0 Mapping

Maps identifying the intent of the PP are provided below.

Map	Proposed amendment
Macquarie Park Corridor Parking Restrictions Maps	Delete maps MPP_004, MPP_005, MPP_008 and MPP_009 (copy at Attachment 1)
Centres Map	Amend map CEN_009 to include 14-58 Delhi Road and 3 Plassey Road, Macquarie Park in the Macquarie Park Corridor



ITEM 7 (continued)

ATTACHMENT 2



5.0 Community Consultation

This section provides details of the community consultation that is to be undertaken on the planning proposal:

The community consultation process to be undertaken for this PP is expected to be undertaken in the following manner for a period of 6 weeks:

- o written notice given:
 - in the local newspaper circulating in the area
 - on Council's webpage
 - to subject landowners and key stakeholders
 - to local state government representatives
 - consultations considered necessary by the Department of Planning and Environment with relevant State and Commonwealth authorities.
- o the written notice will:
 - provide a brief description of the objectives and intended outcomes,
 - indicate the land affected,
 - state where the planning proposal can be inspected,
 - indicate the last date for submissions and
 - confirm whether the Minister has chosen to delegate the making of the LEP.
- o The following materials will be placed on exhibition:
 - the PP
 - the Gateway determination
 - the associated draft amendments to RDCP2014.

6.0 Project Timeline

1. Planning Proposal submitted to Gateway	December 2015
2. Gateway determination received by Council	March 2016
3. Community consultation (6 weeks)	April/ May 2016
4. Outcomes of Community consultation Presented to Council	July 2016
6. PP submitted to DoPE requesting notification on Government website	August 2016

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ATTACHMENT 2



**Attachment 1- Current RLEP2014 Macquarie Park
Corridor Parking Restrictions Maps**



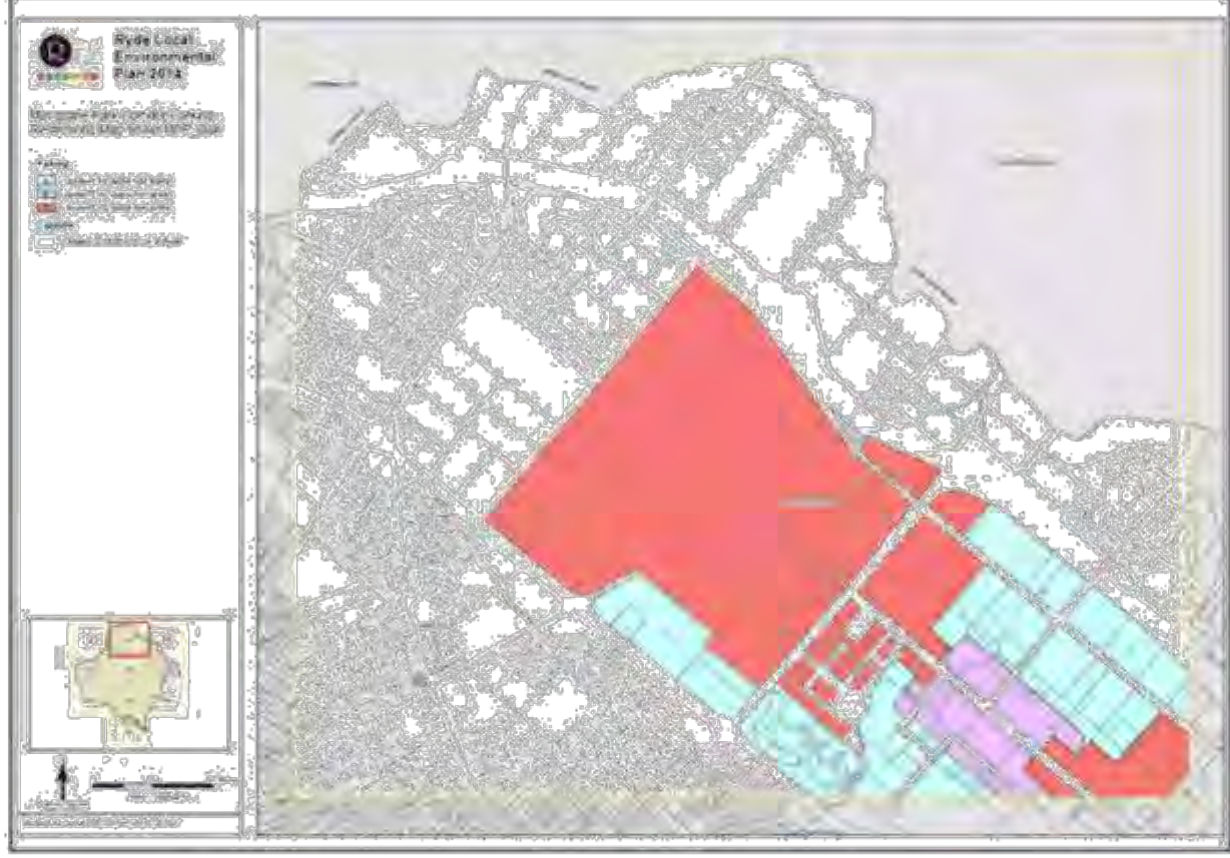
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Urban Planning Unit

Planning Committee
25th January 2015
10:00am

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Lifestyle and opportunity @ your doorstep



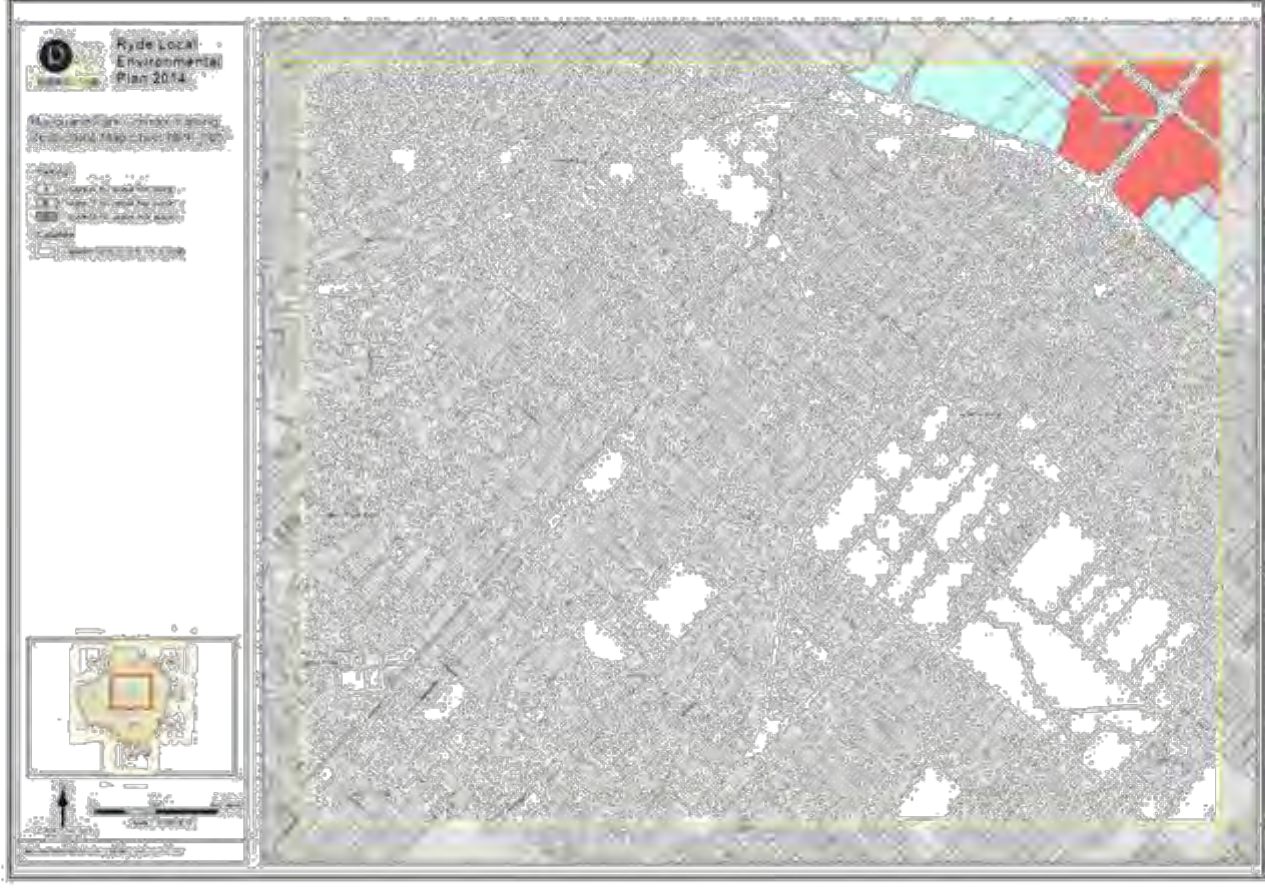
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Urban Planning View

Planning Processes
Local Council in
Executive Party

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Lifestyle and opportunity @ your doorstep



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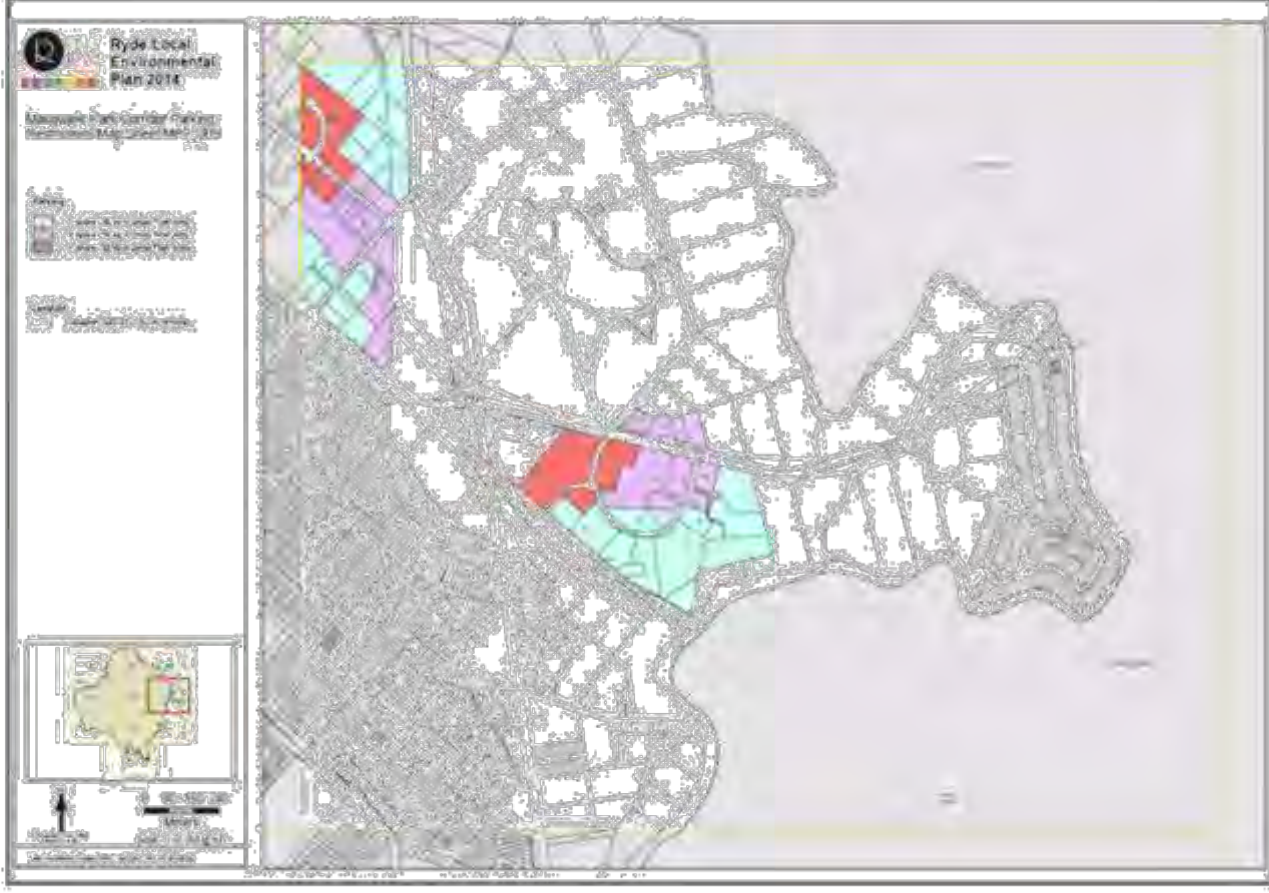
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Urban Planning Unit

Planning Opportunities
that parking in
the future

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Lifestyle and opportunity @ your doorstep



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ATTACHMENT 3



**Part: 4.5
Macquarie Park Corridor**



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ATTACHMENT 3

4.5

Macquarie Park Corridor

Translations

ENGLISH

If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 9.30am to 4.30pm or telephone the Telephone and Interpreting Service on 151 450 and ask an interpreter to contact the City of Ryde for you on 0692 6222.

ARABIC

إذا لم تفهم هذا المستند، يرجى القدوم إلى مركز ريد سيتي، 1 شارع ديفلين، ريد، من الاثنين إلى الجمعة من الساعة 9:30 صباحاً إلى الساعة 4:30 مساءً، أو الاتصال بالخدمة الهاتفية والترجمة على الرقم 151 450، وتطلب من أحد الموظفين الاتصال بموظفي مدينة ريد على الرقم 0692 6222 نيابةً عنك.

ARMENIAN

Եթե այս փաստաթուղթը չե՛ք հասկանում, ցիտեք մեր գրասենյակը՝ Ryde Civic Centre, 1 Devlin Street, Ryde, Monday to Friday 9.30am to 4.30pm, կամ հեռախոսով՝ հասնելով 151 450-ին: Միջնորդները կարող են ձեզ կապել մեր քաղաքի լեզվաբանների հետ՝ ձեր հարցերը բացատրելու համար: Հեռահամար՝ 0692 6222:

CHINESE

如果您看不懂中文，請於週一至週五上午 9 時 30 分至下午 4 時 30 分前往 Ryde 市政中心（Ryde Civic Centre，地址：1 Devlin Street, Ryde），您也可以致電電話及翻譯服務中心，電話號碼：151 450。請聯絡者可以要求一位翻譯員與您訂約下星期前往 Ryde 市政廳查詢，電話是：0692 6222。

FARSI

اگر این سند را نمی فهمید لطفاً از ساعت 9:30 صبح تا 4:30 بعد از ظهر به مرکز رید سیتی، 1 Devlin Street, Ryde Monday to Friday 9.30am to 4.30pm یا به مرکز تلفن و ترجمه در شماره 151 450 تماس بگیرید و از یک مترجم بخواهید تا برای شما با شهرداری رید تماس بگیرد. شماره تلفن: 0692 6222

ITALIAN

Se non capite il presente documento, siete pregati di rivolgervi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 9.30 alle 16.30, dai lunedì al venerdì; oppure potete chiamare il Telephone Translating and Interpreting Service al 151 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 0692 6222.

KOREAN

이 문서가 무슨 의미인지 모르실 경우 1 Devlin Street, Ryde 에 있는 Ryde Civic Centre 로 오시거나 (월 - 금, 오전 9:30 - 오후 4:30), 전화 151 450 번호로 전화 통해 서비스의 언어서비스를 통역사에게 이러한 도시 Ryde 시민에 전화 0692 6222 번호로 연락을 부탁하십시오.

Amendment	Date Approved	Effective Date	Subject of Amendment
	23 June 2015	1 July 2015	Updated to <ul style="list-style-type: none"> • support Ryde LEP • reflect NSW legislation • provide amended open space and access networks • support sustainable transport and • consequential amendments

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Macquarie Park Corridor

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Macquarie Park Corridor

4.5

1.0 PRELIMINARY

1.1 Introduction

This Part provides a framework to guide future development in the Macquarie Park Corridor, North Ryde. The document specifies built form controls for all development within the Corridor, and sets in place urban design guidelines to achieve the vision for Macquarie Park as a vibrant community, as a place to live, work and visit.

1.2 Citation

This Part may be cited as City of Ryde Development Control Plan 2014, Part 4.5 - Macquarie Park Corridor.

1.3 Land Covered by this Part

The land covered by this Part is shown in the below figure, and is generally bounded by M2 Motorway and Delhi Road on the northeast, Epping Road on the southwest, Culloden Road on the northwest and Lane cove River to the southeast.

This part does not apply to the North Ryde Station ~~Urban Activation Priority~~ Precinct and the Macquarie University lands.

1.4 Relationship with other Plans and Policies

Ryde Local Environmental Plan (LEP) 2014

This DCP Part supplements the Ryde Local Environmental Plan (LEP) 2014 by providing detailed development principles, controls and guidelines. This DCP was brought into effect ~~[insert date]~~ 1 July 2015 to support planning incentives contained in Ryde LEP 2014 Amendment 1 (Macquarie Park).

In addition to this Part, Ryde LEP 2014, [State Environmental Planning Policy 65 – Design Quality of Residential Flat Development \(SEPP 65\)](#) and other relevant State Environmental Planning Policies must also be taken into account when making a development application.

Herring Road Urban Activation Precinct – now known as a Priority Precinct

~~The Draft Herring Road Urban Activation Precinct (UAP) completed exhibition mid-August 2014. The exhibition documents proposed that this DCP applied to the Herring Road UAP land and suggested amendments. The suggested amendments will be incorporated in this DCP when the Herring Road UAP is finalised.~~

North Ryde Station Urban Activation Precinct – now known as a Priority Precinct

~~This DCP Part does not apply to the North Ryde Station Urban Activation Precinct – now known as a Priority Precinct~~

Macquarie University (shown pale yellow on Figure 1.3.1)

~~Under the provisions of SEPP (State and Regional Development) the university is listed as a State Significant Site, where development exceeds a capital value of \$30M. Under this SEPP the Ryde DCP does not apply.~~

~~The university has an existing Part 3A Concept Plan approval dated 2009. The Part 3A approval applies under the transitional provisions in the SEPP (Major Development). Development in the~~

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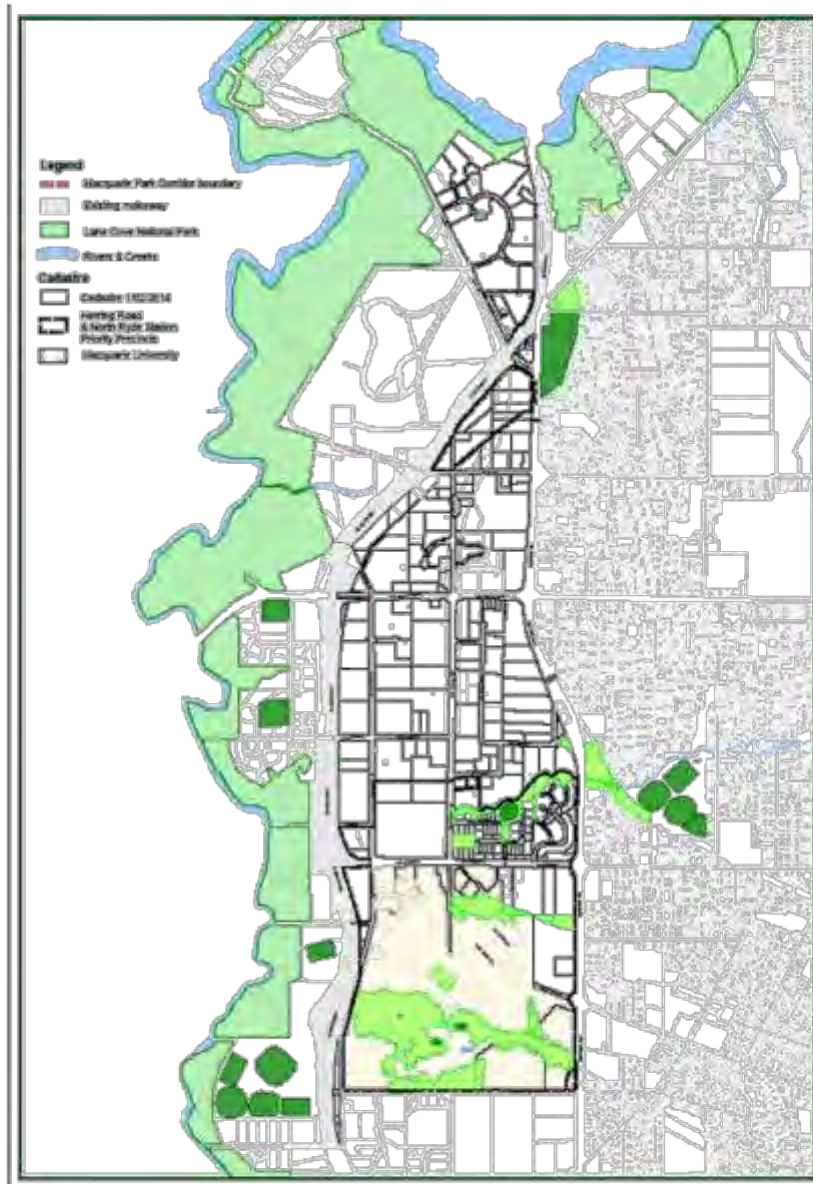
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Macquarie Park Corridor

university is governed by the Part 3A approved Concept Plan and the Macquarie University Urban Design Guidelines and Design Excellence Strategy.

Figure 1.3.1 Land covered by this part



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Macquarie Park Corridor

4.5

1.5 Aims and Purpose of this Part

The purpose of this Part is to provide objectives, controls and design criteria to achieve desirable development outcomes in line with Council's vision for the Macquarie Park Corridor.

The key aims of this Part are to:

1. To ensure that the Corridor matures into a premium location for globally competitive businesses with links to the university.
2. To ensure that the employment and educational activities within the Corridor are integrated with other businesses and activities within Sydney's global economic arc.
3. To reinforce the importance of the economic function of the Corridor and facilitate employment growth now and into the future. (This will include retaining employment lands)
4. To create a centre that is sustainable and that incorporates the principles of ecologically sustainable development
5. To ensure the Corridor will be characterised by a high-quality, well-designed and safe environment that reflects the natural setting and promotes a sense of identity.
6. To create an urban structure that will:
 - a. Promote a balance of commercial and non-commercial (such as educational and residential) uses within the corridor
 - b. Promote the commercial core and business park areas for commercial activity and employment
 - c. Provide a transition from the more intense development along the main boulevard - Waterloo Road - to peripheral areas characterised by lower scaled development
 - d. Focus street and place-making activities to create three accessible and vibrant railway station precincts.
 - e. Capitalise on magnet infrastructure, facilities and services such as the M2, Macquarie University and Macquarie Shopping Centre.
7. To create an access network that will:
 - a. Achieve a more permeable network promoting greater connectivity and integration between land uses and the station precincts.
 - b. Achieve a safe and convenient pedestrian environment that encourages public transport use and social interaction.
 - c. Create additional streets that will
 - i. Reduce pressure on the existing road and pedestrian infrastructure,
 - ii. Provide new opportunities for business and street addresses
8. To create an open space network that will:
 - a. Include a network of diverse active and passive recreation spaces to support the residential and working populations of the Corridor.
 - b. Provide safe, accessible, sustainable, well used and designed public open spaces within the Corridor.

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Macquarie Park Corridor

1.6 How to use this Plan

SECTION	INTENDED EFFECT
1.0 PRELIMINARY 1.1 Introduction 1.2 Citation 1.3 Land Covered by this Part 1.4 Relationship with other Plans and Policies 1.5 Aims and Purpose of this Part 1.6 How to use this Plan	<i>This section gives an overview of the Draft-DCP and its relationship with other plans</i>
2.0 VISION	<i>Describes the future character of the Macquarie Park Corridor (derived from consultation and the Sydney Metro Strategy)</i>
3.0 THE STRUCTURE PLAN 3.1 Introduction 3.2 Urban Structure Plan	<i>Provides an urban structure plan that articulates the land use structure of the Macquarie Park Corridor including</i> <ul style="list-style-type: none"> - where residential communities will develop, - the locations of the business and retail cores - the lower scaled, open landscaped, business parks located on the fringes of the corridor adjoining Epping Road, the M2
4.0 ACCESS NETWORK 4.1 Streets 4.2 Pedestrian Connections 4.3 Bicycle Network 4.4 Sustainable Transport	<i>This section of the draft DCP includes the Access Network Map adopted by Council on 22 October 2103 and controls which support the Access Network</i>
5.0 PUBLIC DOMAIN 5.1 Open Space Network 5.2 New open space 5.3 Central Park 5.4 Shrimpton's Creek Park 5.5 Riverside Park 5.6 Thomas Holt Drive Park 5.7 Rail Station Plaza 5.8 Street Tree and Front Tree Planting 5.9 Community Facilities 5.10 Public Art	<i>This section gives guidance to the scale, function, furniture and other requirements for proposed open space.</i> <i>Guidance is also given to the provision of public art and community facilities.</i>

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ATTACHMENT 3

Macquarie Park Corridor

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<p>6.0 IMPLEMENTATION – INFRASTRUCTURE, FACILITIES AND PUBLIC DOMAIN IMPROVEMENTS</p>	<p><i>This section includes guidelines for the implementation of planning incentives (additional building height and floor space defined in RLEP Amendment 1) in return for public infrastructure. In particular streets and parks identified in sections 4 and 5 of the DCP</i></p>
<p>7.0 BUILT FORM 7.1 Site Planning and Staging 7.2 Activity Centres Structure Plan 7.2 Active frontage 7.3 Setbacks and Build-to Lines 7.4 Awnings and Canopies 7.6 Rear Setbacks 7.7 Building Separation 7.8 Building Bulk and Design</p>	<p><i>This section of the draft-DCP provides controls that determine building design and form – such as setbacks, active frontage and building separation.</i></p> <p><i>Information regarding the zone of influence for the underground rail line (which impacts on setbacks and basement areas) has also been included in the DCP.</i></p>
<p>8.0 SITE PLANNING AND STAGING 8.1 Site Planning and staging 8.2 Site Coverage, Deep Soil Areas and private open space 8.3 Planting on Structures 8.4 Topography and Building Interface 8.5 Site Facilities 8.6 Vehicular Access 8.7 On-site Parking 8.8 Fencing</p>	<p><i>This section of the draft-DCP provides controls that determine the overall site layout and design – such as parking design requirements, site coverage and deep soil requirements and even fencing design guidelines (to provide council the basis for not accepting high security fencing (that includes razor wire) such as that around at least one existing data centre in the Macquarie Park Corridor).</i></p>
<p>9.0 ENVIRONMENTAL PERFORMANCE 9.1 Wind Impact 9.2 Noise and Vibration 9.3 Bushfire Management 9.5 Soil Management</p>	<p><i>This section of the DCP ensures that environmental comfort (wind and noise) are considered in addition to property protection and safety (bushfire).</i></p>

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ATTACHMENT 3

Macquarie Park Corridor

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- d. For all development (excluding residential development) the FTP must also:
- v. Identify measures in an Action Plan that will implement the 40% public transport/ 60% private transport target for the journey to work, including appointing a Travel Plan co-ordinator, minimising drive alone trips to work, encouraging walking, cycling, car sharing, carpooling and public transport use.
- e. Provide a final Travel Plan to Council for certification prior to the issue of any occupation certificate.

Note: Landowners should consult with the City of Ryde for the latest Travel Plan Guidelines. Landowners can also contact the Macquarie Park Travel Management Association (Connect- Macquarie Park + North Ryde) for further information and potential assistance with the development of Travel Plans.

Administrative Guidelines will include details of information that is proposed to be provided to City of Ryde Council in an annual monitoring report. Such information will monitor how the Action Plan is implemented including the journey-to-work modal split, actions undertaken and opportunities for improvement and future action etc. The annual monitoring report is to be submitted to Council for a minimum of 5 years after the issue of any occupation certificate.

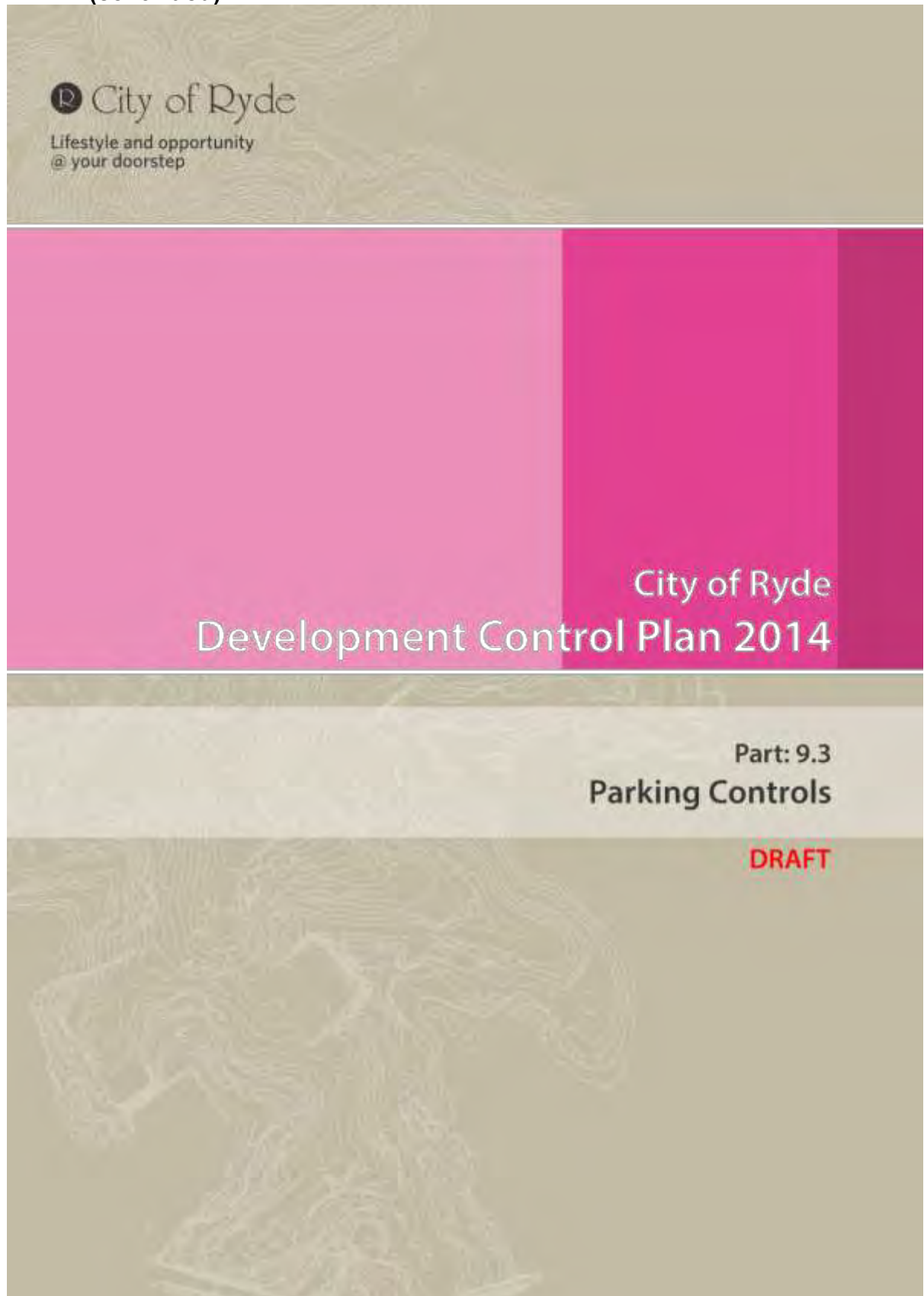
Parking Rates

- f. Bicycle parking and end of trip facilities are to be provided in accordance with Ryde DCP Part 9.3 Parking.
- g. Parking is to be provided in accordance with DCP Part 9.3 Parking ~~and clause 4.5B (2) Ryde LEP 2014~~
- ~~h. Car parking within residential development is to be provided in accordance with the following maximums:~~
- ~~● 0.6 space / one bedroom dwelling~~
 - ~~● 0.9 spaces / two bedroom dwelling~~
 - ~~● 1.4 spaces / three bedroom dwelling~~
 - ~~● 1 visitor space / 10 dwellings~~
 - ~~● 1 car share space per 50 proposed parking spaces.~~

Note: Development approval will be conditioned to require that the proponent demonstrate that an agreement with a car-share provider is executed prior to the issue of any Occupation Certificate (including an "Interim" Occupation Certificate)

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ATTACHMENT 4



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ATTACHMENT 4

9.3 Parking Controls

Translation

ENGLISH

If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 8.30am to 4.30pm or telephone the Telephone and Interpreting Service on 131 450 and ask an interpreter to contact the City of Ryde for you on 9952 8222.

ARABIC

إذا لم تفهم هذا المستند، يرجى القدوم إلى مركز بلدية رايد على المتواجد في شارع ديفلين، رايد من الاثنين إلى الجمعة بين الساعة 8.30 صباحاً والساعة 4.30 بعد الظهر، أو الاتصال بمكتب خدمات الترجمة على الرقم 131 450 لكي نطلب من أحد المترجمين الاتصال بمجلس مدينة رايد على الرقم 9952 8222، تجنبا عنك.

ARMENIAN

Եթե այս փաստաթուղթը չէք հասկանում, խնդրեմ եկե՛ք՝ Բայրե Անվիթ Սենթրալ, 1 Տեյվլին փողոց, Բայրե, (Ryde Civic Centre, 1 Devlin Street, Ryde) Երկուշաբթիից Բուքարբ կես ժամը 8.30 – կես ժամը 4.30, կամ հեռախոսակցե՛ք Հեռախոսակի ն. Քարգանդաբան Անուշատյանի՝ 131 450, ն. խնդրե՛ք որ քարգանդակի մը Բայրե Քարգանդաբանություն հետ կապ հաստատե՛ք ձեզի համար, հեռախոսակցե՛ք՝ 9952 8222 քննիչ:

CHINESE

如果您看不懂本文，請在周一至周五上午 8 時 30 分至下午 4 時 30 分前往 Ryde 市政中心詢問 (Ryde Civic Centre, 地址: 1 Devlin Street, Ryde)。您也可以打電話至電話傳譯服務中心，電話號碼是: 131 450。請然後您可以要求一位翻譯員為您打如下電話和 Ryde 市政廳聯繫，電話是: 9952 8222。

FARSI

اگر این مدرک را نمی فهمید لطفاً از صبح تا 4.30 بعد از ظهر دوشنبه تا جمعه به مرکز شهرداری رايد، Ryde Civic Centre, 1 Devlin Street, Ryde مراجعه کنید یا به سرویس مترجم تلفنی شماره 131 450 تلفن بزنید و از یک مترجم بخواهید که از طرف شما با شهرداری رايد شماره 9952 8222 تلفن بزند.

ITALIAN

Se non capite il presente documento, siete pregati di rivolgervi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 8.30 alle 16.30, dal lunedì al venerdì; oppure potete chiamare il Telephone Translating and Interpreting Service al 131 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 9952 8222.

KOREAN

이 문서가 무슨 의미인지 모르실 경우에는 1 Devlin Street, Ryde 에 있는 Ryde Civic Centre 로 오시거나 (월 - 금, 오전 8:30 - 오후 4:30), 전화 131 450 번으로 전화 통역 서비스에 연락하셔서 통역사에게 여러번 대신 Ryde 시청에 전화 9952 8222 번으로 연락을 부탁하십시오.

Amend. No.	Date approved	Effective date	Subject of amendment
1	10 March 2015	1 April 2015	Clause 2.6 to align with Ryde S94 Development Contributions Plan & Ryde LEP 2014

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ATTACHMENT 4

Parking Controls
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9.3 Parking Controls



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ATTACHMENT 4

1.0 INTRODUCTION

1.1 Objectives of this Part

Objectives

Recognising the varying degrees of availability of public transport within Ryde, the aim of this Part of Ryde DCP is to provide a comprehensive guide for the provision of parking for new development in order:

1. To minimise traffic congestion and ensure adequate traffic safety and management;
2. To ensure an adequate environmental quality of parking areas (including both safety and amenity);
3. To minimise car dependency for commuting and recreational transport use, and to promote alternative means of transport - public transport, bicycling, and walking.
4. To provide adequate car parking for building users and visitors, depending on building use and proximity to public transport.
5. To minimise the visual impact of car parking when viewed from the public domain and adjoining sites.
6. To maximise opportunities for consolidated areas of deep soil planting and landscaping.
7. To reduce congestion in the Macquarie Park Corridor by restricting a parking for commercial and industrial development to work towards achieving a target of a 70% private vehicle mode share by 2031.

1.2 General Principles

- a. In the event of a discrepancy between the parking rates specified in this Part of the Ryde DCP and another Part of the DCP, this Part shall prevail.
- b. Council will take the following factors into account in determining car parking provision for a particular development:
 - i. The size and type of the development and its traffic generation;
 - ii. The availability and accessibility of public parking (particularly if within or close to a shopping centre);
 - iii. Traffic volumes on the street network, including expected future traffic volumes relating to the City's road hierarchy; and
 - iv. Hours of operation and any other specific characteristics of the development proposal.
- c. Council relies upon the following when considering applications:
 - AS 2890.1 Parking facilities - Off-street car parking
 - AS 2890.2 Parking facilities - Off-street commercial vehicle facilities
 - AS 2890.3 Parking facilities - Bicycle parking facilities
 - AS 2890.6 Parking facilities - Off-street parking for people with disabilities

1.3 Application

- a. This part of Ryde DCP applies to all land identified under Ryde Local Environmental Plan 2014.
- b. This part of the DCP applies to development that includes one or more of the following:
 - i. New floor space or buildings.
 - ii. Alterations or additions to any existing building, whether or not such additions or alterations involve any change in the purpose for which such buildings are used.
 - iii. Change of use.

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9.3

Parking Controls

2.0 Parking Required in Respect of Specific Uses

- c. The parking rates specified in this Part of Ryde DCP do not apply to the Macquarie Park Corridor which are specified in Ryde Local Environmental Plan 2014:

2.0 PARKING REQUIRED IN RESPECT OF SPECIFIC USES

2.1 General

Controls

- a. Where the calculation of the parking required results in a fraction, the parking requirement will be rounded up to the nearest whole number.
- b. Where it is proposed to provide more parking than required, the additional parking floor space will be included in the calculation of floor space for the purposes of Floor Space Ratio calculations in accordance with Ryde Local Environmental Plan 2014.
- c. Where a change of use which, under this Part, would require the provision of a greater number of on-site parking spaces than the previous use, the amount of parking required will be the difference between the existing parking for the previous use and the amount of parking required for the proposed use.
- d. All car parking must be provided on-site.
- e. Tandem or stack parking may be carried out for a development if it is considered appropriate to the proposed development or land use/s. Tandem or stack parking will only be permitted where:
 - i. each tandem or stacked parking arrangement is limited to a maximum of two spaces;
 - ii. in residential buildings and commercial/retail developments, the spaces are attached to the same strata title;
 - iii. in residential buildings and serviced apartments, they are used for resident parking only;
 - iv. In commercial or retail development, they are used for staff parking only;
 - v. they are not used for service vehicle parking; and
 - vi. the manoeuvring of stacked vehicles is able to occur wholly within the premises.
- f. The minimum length of a tandem or stacked space is to be 10.8 m.
- g. Up to 10% of the required car spaces may be nominated as "small" car spaces within any development. Small car spaces shall comply with AS 2890.1 2004 (at least 2.3 m wide and 5.0 m long)
- h. A Traffic and Parking Impact Assessment Report will be required by Council, where:
 - i. development is likely to generate significant traffic and / or parking;
 - ii. an activity or land use is not included in Section 2.0 Parking Required In Respect of Specific Uses.

2.2 Residential Land-uses

Controls

Car parking spaces are to be provided on-site in accordance with the following requirements:

Boarding Houses

In accordance with the requirements of State Environmental Planning Policy (Affordable Rental

ITEM 7 (continued)

ATTACHMENT 4

Parking Controls

2:0 Parking Required in Respect of Specific Uses

9.3

Housing) 2009 and Part 3.6 Boarding Houses under this DCP:

Boarding Houses – accessible area:

- At least 0.2 parking spaces / boarding room (1 space / 5 boarding rooms). In terms of dwelling size this equates to:
 - At least 0.2 parking spaces / dwelling containing 1 bedroom
 - At least 0.5 parking spaces / dwelling containing 2 bedrooms
 - At least 1 parking space / dwelling containing 3 or more bedrooms
- Not more than 1 parking space for each person employed in connection with the development.
(Refer section 2.3 of Part 3.6 Boarding Houses under this DCP)

Boarding Houses – not in accessible area:

- At least 0.4 parking spaces / boarding room (2 spaces / 5 boarding rooms). In terms of dwelling size this equates to:
 - 0.5 parking spaces / dwelling containing 1 bedroom
 - 1 parking spaces / dwelling containing 2 bedrooms
 - 1.5 parking spaces / dwelling containing 3 or more bedrooms
- Not more than 1 parking space for each person employed in connection with the development.
(Refer section 2.4 of Part 3.6 Boarding Houses under this DCP)

Note: An "accessible area" is defined in State Environmental Planning Policy (Affordable Rental Housing) 2009 as amended. An accessible area is generally within 800m walking distance of a rail station or ferry wharf serviced by Sydney Ferries or 400m walking distance of a light rail station or bus stop that is serviced by at least one bus / hour Monday to Friday. Reference should be made to the SEPP for definitions of walking distance and the unbridged definition of "accessible area"

Note: Bicycle and motorcycle parking requirements also apply to boarding houses. (Refer section 2.7 under this part.)

Housing for aged and disabled

- Must be provided in accordance with State Environmental Planning Policy: Housing for Seniors or People with a Disability 2004 (the Seniors Housing SEPP).

Note: The following information is provided as a guide. Please note that the Seniors Housing SEPP may be subject to change and differs from the RMS guidelines.

Self contained dwellings

0.5 spaces / bedroom OR

1 space / 5 dwellings if developed in conjunction with a social housing provider

Residential Care Facility

1 visitor space / 10 beds AND

1 space / 2 employees AND

1 space / ambulance

Hostel

1 space / 5 dwellings AND

1 space / 2 employees AND

1 space / ambulance

ITEM 7 (continued)

ATTACHMENT 4

Parking Controls

2.0 Parking Required in Respect of Specific Uses

9.3

Entertainment Facility, Places of Public Worship / Assembly, Funeral Chapel and Funeral Home

- Whichever is the greater of:
 - 1 space / 10 seats OR
 - 1 space / 10 m² GFA

Health Consulting Rooms

- 1 space / doctor or dentist AND
- 1 space / 2 employees AND
- 1 patient's space/doctor or dentist

Health Services Facility

- 1 space / doctor likely to be on the premises at any one time; AND
- 1 space / two employees likely to be on duty at any one time; AND
- 1 space / four beds; AND
- 1 visitor space / four beds.

Hotel and Motel Accommodation, and Serviced Apartments

- 1 space / 1.5 units

Industry and Light Industry (other than within the Macquarie Park Corridor)

- 1.3 – 1.5 spaces / 100 m² GFA

Note: The upper end of the range should be applied to land uses that generate more traffic such as garden supplies and business parks. The parking provision and rate is to be addressed in the Statement of Environmental Effects.

Office and Business Premises (other than within the Macquarie Park Corridor)

- 1 space / 40 m² GFA

Industrial and commercial premises within the Macquarie Park Corridor (as shown on RLEP 2014 Centres Map)

For new floor space:

- 1 space / 60 m² or 1 space / 100 m² GFA as depicted in Figure 2.3.1

For alterations to existing industrial and commercial premises:

- 1 space / 46 m², 1 space / 60 m², or 1 space / 100 m² GFA as depicted in Figure 2.3.2

Note: The purpose of the two rates is to take a staged approach to the implementation of reduced car parking rates in the Macquarie Park Corridor. Parking rates for alterations to existing industrial and commercial premises are intended to be revised at a later date to be consistent with the parking rates for new floor space.

Pub and Registered Club

- 1 space / 5 m² GFA, AND
- 1 space / 10 m² GFA auditorium and games rooms
- See also Hotel Accommodation above

Recreation Facilities (Indoor) / Gymnasium

- 1 – 1.5 spaces / 20 m² GFA

Note: Squash Courts are calculated at the rate of 3 spaces / court.

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ATTACHMENT 4

9.3

Parking Controls

3.0 Parking, including car spaces and shared Driveways

Recreation Facilities (outdoor) / Tennis Courts

- 3 spaces / court

Research Station

- 1 space / 25 m² GFA

Restaurant / Function Centre

- 1 space / 5 m² GFA OR
- 1 space / 25 m² on all land zoned for Business activities

Note: Where the property does not have frontage to a Main or Classified Road and where the hours of operation are restricted to outside normal business hours, this requirement may be reduced at Council's discretion. Council may require a Traffic and Parking Impact Assessment Report

Retail Premises and Industrial Retail Outlet

- 1 space / 25 m² GFA

Service Stations, Vehicle Body Repair Workshop and Vehicle Repair Station

- 6 spaces / work bay (for vehicle servicing facilities) AND
- 1 space / 20 m² GFA for convenience store

Transport Depot

- 1 space / two employees
- 1 space / commercial vehicle

Vehicle sales or hire premises

- 0.75 spaces / 100 m² GFA AND
- 6 spaces / work bay (for vehicle servicing facilities)

Warehouse or Distribution Centre

- 1 space / 300 m² GFA

Other

To establish the parking rate for any development type not specified above, comparisons should be drawn with similar development and outlined in a Traffic and Parking Impact Assessment Report submitted together with the Development Application. Such comparisons should include a minimum of two case studies drawn from the Ryde Local Government Area or adjoining Local Government Areas and be prepared in accordance with the RMS Guide to Traffic Generating Development.

Note: In preparing a Traffic and Parking Impact Assessment Report, the proponent is advised to contact Council.

ITEM 7 (continued)

ATTACHMENT 4

Parking Controls **9.3**
200 Parking Required in Respect of Specific Users

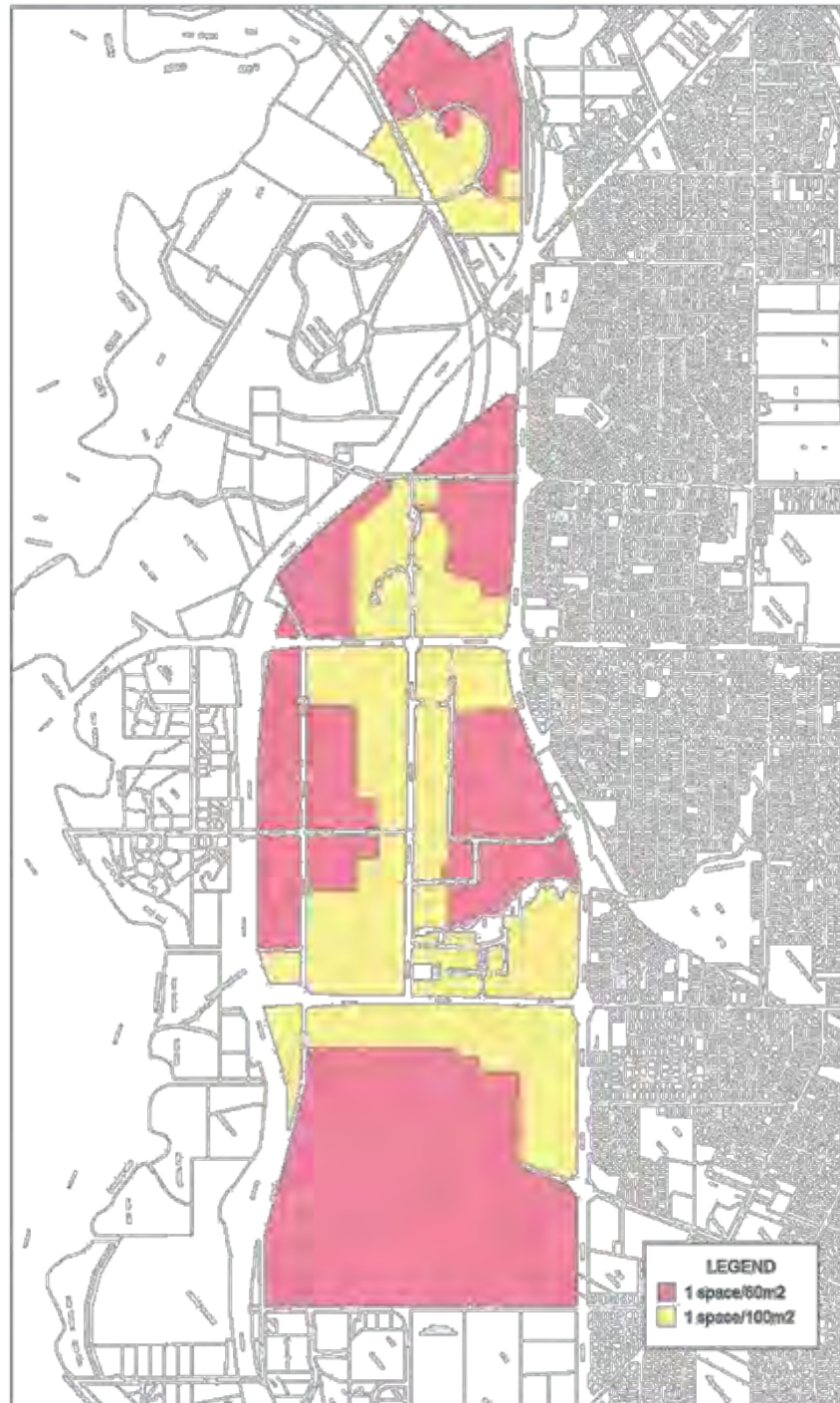


Figure 2.3.1 Parking Rates for New Industrial and Commercial Premises in the Macquarie Park Corridor

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ATTACHMENT 4

9.3 Parking Controls

Development Control Plan 2014



Figure 2.3.2 Parking Rates for Alterations and Additions to Existing Industrial and Commercial Premises in the Macquarie Park Corridor

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Parking Controls

2.0 Parking Required in Respect of Specific Uses

9.3

2.4 Mixed-use Development

- a. Where a development comprises two or more different land uses, parking provisions will be assessed as the sum of the requirements in s2.0 for each component of the mixed-use development. Calculations shall include an appropriate proportion of any common or administrative areas.
- b. Where the main usage periods for components of mixed-use development do not coincide, Council may consider a reduction in the required parking. In this case, the parking requirement will be based on whichever of the components generates the greatest parking requirement. The onus will be on the proponent to satisfy Council that the uses will not be operated concurrently.

2.5 Large Development

- a. To vary the provisions of this Part (particularly required parking) for large scaled development; comparisons should be drawn with similar development and outlined in Traffic and Parking Impact Assessment Report submitted together with the Development Application. Such comparisons should include a minimum of two case studies drawn from the Ryde Local Government Area or adjoining Local Government Areas.

Note: Large scaled development will generally be defined as having a parking provision greater than 100 spaces. In considering large scaled development the proponent is advised to contact Council regarding the preparation of a Traffic and Parking Impact Assessment Report. Where a site is sufficiently large to include a local roads network Council will require the roadways to be designed to allow for two lanes of travel and one parking lane (i.e. the carriageway is to be approximately 9 metres wide). This requirement will be implemented where it is proposed that waste collection services will be carried out on-site and / or to accommodate on site loading and unloading facilities.

Note: The local roads network may include an on-site laneway or existing local roads.

- b. All large retail and commercial development shall be required to provide parking facilities and secure storage of electric scooters used by people with disabilities. Facilities should be generally in accordance with AS 2890.6.

2.6 Parking Contributions

Council may accept or require the payment of a parking contribution in lieu of the provision of off-street parking.

Note: Council may not levy or accept s94 levies in lieu of parking in relation to dwelling house, dual occupancy and villa development in the R2 zones, given the need for parking provision to meet the needs of future occupants.

2.7 Bicycle Parking

- a. In every new building, where the floor space exceeds 600 m² GFA (except for dwelling houses and multi unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.

Note: Cycling is approximately 10% of the journey to work. The control provides for minimum quantum of bicycle parking to cater for anticipated increasing demand and additional space to meet current cycling rates.

- b. Bicycle and motor cycle parking is to be provided for boarding house development in accordance with the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009, and Part 3.6 Boarding Houses under this DCP.

Note: The requirements are at least 1 space for bicycle and 1 space for motorcycle per 5 boarding rooms.

ITEM 7 (continued)

ATTACHMENT 4

9.3 Parking Controls

- c. Bicycle Parking should be designed in accordance with AS 2890.3 Parking facilities - Bicycle Parking Facilities.
- d. Bicycle parking and access should ensure that potential conflicts with vehicles are minimised.
Note: Minimising conflicts between vehicles and bicycles may include providing separate ramp access for bicycles within car parks and providing safe rideable approaches along road frontages to the bicycle parking area.
- e. Bicycle parking is to be secure and located undercover with easy access from the street and building entries.
- f. Bicycle parking is to be located in accordance with Safer by Design principles.
Note: Safety may be addressed by ensuring that Bicycle parking is located to ensure passive surveillance (e.g. highly visible areas such as near building entries) and where adequate lighting is provided.
- g. End of trip facilities accessible to staff (including at least 1 shower and change room) are to be provided in all commercial, industrial and retail developments.
- h. Provide secure bicycle storage in all residential developments where the floor space exceeds 600 m² GFA except for dwelling houses and multi-unit housing.
- i. Provide signage to Council's satisfaction indicating the location of bicycle parking and bicycle facilities, where provided, in all new buildings.

3.0 OTHER REQUIREMENTS

3.1 On- Site Loading and Unloading Facilities

Controls

- a. All developments involving new floor space are required to provide on-site loading and unloading facilities, except:
 - i. Dwelling houses, dual occupancies
 - ii. Residential flat buildings and multi dwelling housing with access from the local road network.
 - iii. Residential flat buildings and multi dwelling housing located on Main or County Roads are required to provide on-site loading and unloading facilities to ensure that vehicles do not stand on the road or footway.
- b. Loading docks shall be located in such a position that vehicles do not stand on any public road, footway, laneway or service road and, that where possible, vehicles entering and leaving the site move in a forward direction.

ITEM 7 (continued)

ATTACHMENT 4

Parking Controls

3.0 Other Requirements

9.3

3.2 Design of Parking Areas

Controls

General

- a. All parking areas shall be designed in accordance with Australian Standards AS2890.1, AS2890.2 and AS2890.6
- b. The appearance of car parking and service vehicle entries and areas is to be improved by:
 - i. locating or screening visually from the street
 - ii. setting back or recessing car park entries from the main façade line
 - iii. avoiding black holes in the façade by providing security doors to car park entries
 - iv. where doors are not provided, it is to be ensured that the visible interior of the car park is incorporated into the façade design and material selection and that building services pipes and ducts are concealed.
- c. Provide safe (well lit and free of concealment opportunities) and direct 24 hour access between car parking areas and building entries.
- d. Where practicable car parking and loading access is to avoid areas where active frontage is required (refer Part 4 of this DCP for Active frontage requirements).

Note: This is to reduce conflict with pedestrians and promote pedestrian safety.

Basement parking

- e. Basement parking areas are to be located directly under building footprints to maximize opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants.
- f. Along active frontages, basement parking must be located fully below the level of the footpath. Refer Part 4 for locations of active frontage within Urban Centres.
- g. Basement parking should be contained wholly beneath the ground level along public streets. Where this cannot be achieved due to topography, the parking level must protrude no more than 1.2 m above ground level.
- h. Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.

At-grade parking

- i. Parking areas must not be located within the front building setbacks including for sites located along Victoria Road, Epping Road and Lane Cove Road. Refer also Part 4 Urban Centres for setbacks.
- j. Parking areas are to be screened from view from the street, public domain and communal open space areas, using site planning and appropriate screen planting or structures.

Construction Standards

- k. All parking areas are to be constructed in accordance with Part 8.1 Construction Activities of this DCP.

3.3 Macquarie Park Corridor

Applications within the Macquarie Park Corridor should also refer to Part 4.5 Macquarie Park Corridor and in particular Sections 4.4 Sustainable Transport and 8.7 On-site Parking.

ITEM 7 (continued)

ATTACHMENT 4



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8 MACQUARIE PARK STRATEGIC REVIEW PRINCIPLES

Report prepared by: Strategic Planner

File No.: GRP/09/6/8 - BP15/1643

REPORT SUMMARY

Macquarie Park is identified as a strategic centre in *A Plan for Growing Sydney* for its role as an important employment centre within the Global Economic Corridor. The NSW Department of Planning and Environment are undertaking a study to review the current planning approach for Macquarie Park in response to the actions identified in *A Plan for Growing Sydney*.

The comprehensive review will:

- Revisit the principal planning controls for the Corridor that were part of LEP 137, which was gazetted in 2006;
- Ensure that the current vision and controls for the Macquarie Park Corridor is consistent with the actions and desired outcomes identified in *A Plan for Growing Sydney*;
- Address the increasing pressure from the State Government and development industry to investigate the potential for intensification and residential development within Macquarie Park in order to capitalise on the Corridor's access to three rail stations, as demonstrated by the State Government's commitment to deliver increased dwelling numbers through the Priority Precincts program and the number of Planning Proposals received by Council within the past two years; and
- Assist in ensuring the delivery of essential infrastructure to support the growth of Macquarie Park.

On 22 September 2015, Council resolved to enter a partnership with the Department of Planning and Environment to undertake a strategic review of Macquarie Park as part of the implementation of the actions identified in *A Plan for Growing Sydney*.

This report presents the principles developed by Council to guide the Macquarie Park Strategic Review and the future of Macquarie Park.

Access and Transport

1. Improve permeability and connectivity by delivering a finer grain access network and addressing traffic congestion and parking issues.
2. Improve connections to surrounding areas and other town centres within Ryde Local Government Area (LGA) and beyond.
3. Encourage active transport by providing adequate support infrastructure and prioritising pedestrian amenity.
4. Coordinate the delivery of transport infrastructure with development approvals to achieve outcomes in a timely manner.

ITEM 8 (continued)

Employment and Business
5. Support the continued economic growth of the Corridor to ensure that it maintains its position as one of the top 10 contributors to the Australian economy.
6. Promote Macquarie Park as the premier employment centre and Central Business District (CBD) for the north sub-region by reinforcing its role as a strategic employment centre with diverse commercial, employment, and retail uses.
7. Create and retain a commercial core and business precinct where residential development is prohibited.
8. Reinforce and support Macquarie Park as a centre of excellence and innovation and medical technology anchored on the Macquarie University hospital and education precinct.
9. Utilise a planning framework to achieve planning outcomes that facilitate sustainable long-term economic growth and to ensure Macquarie Park's market competitiveness and desirability.
Infrastructure and Governance
10. Provide a better connected open space network by addressing gaps and improving linkages between public spaces and connections to the national park and residential areas.
11. Ensure adequate social infrastructure such as child care and schools, community and cultural hubs, libraries, etc. to cater for the growing worker and resident population.
12. Utilise a coordinated approach for infrastructure delivery by establishing partnerships between the State government, Council, key landowners and the local community.
13. Provide opportunity to an increase or variation in planning outcomes and ensure value capture to deliver infrastructure and community benefits.
Urban Structure and Design
14. Define well-connected urban centres within the Macquarie Park Corridor with distinct functions, uses, and character.
15. Promote sustainable design by encouraging design excellence and built forms that create architectural interest and respond to local context and human scale.
16. Ensure seamless transition between land uses by improving the relationship between the public and private domain.
Housing
17. Provide a diverse range of housing types with an increased focus on liveability and affordability in select locations with high amenity and convenient access to public transport, open space, and services.
18. Allow for housing that is located in the immediate vicinity to the existing residential and mixed use areas at Macquarie University Station precinct and North Ryde Station precinct.

ITEM 8 (continued)

19. Explore the creation of a unique specialised mixed use precinct in the vicinity of Macquarie Park Station that meets the corporate residential demands of the Corridor and maintains the employment generating capacity of the precinct.

Community and Place Making

20. Foster a sense identity and community by creating living centres with an expanded public domain and interactive spaces that enable social gatherings and interactions.
21. Deliver social outcomes by encouraging community involvement and corporate responsibility.
22. Improve street activation and night-time economy by promoting Macquarie Park as a destination with a balanced and diverse range of activities.

The recommendation of this report is to endorse the principles above to inform the strategic investigation being undertaken in partnership with the Department of Planning and Environment in order to retain a commercial core in Macquarie Park for long-term employment growth and identify the potential for additional uses within the Corridor.

RECOMMENDATION:

- (a) That Council endorse the principles and outcomes from the Macquarie Park Strategic Review - Ideas Workshop to guide the strategic investigation of Macquarie Park being undertaken in partnership with the NSW Department of Planning and Environment.
- (b) That the General Manager write to the NSW Department of Planning and Environment to incorporate the principles from the Macquarie Park Strategic Review workshop in the scope of works and technical studies that are part of the strategic review of Macquarie Park.

ATTACHMENTS

- 1 Macquarie Park Strategic Review - Investigation Area

ITEM 8 (continued)

Report Prepared By:

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Strategic Planner

Report Approved By:

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Dyalan Govender
Acting Manager - Strategic City

Meryl Bishop
Acting Director - City Strategy and Planning

ITEM 8 (continued)

History

In 2001, a vision for the Macquarie Park Corridor was developed through a number of community and stakeholder workshops. The vision for the Corridor was further developed through the Macquarie Park Corridor Masterplan, which was adopted by Council in July 2004:

“Macquarie Park will mature into a premium location for globally competitive businesses with strong links to the University and research institutions and an enhanced sense of identity.

The Corridor will be characterised by high quality, well designed, safe and liveable environments that reflects the natural setting, with three accessible and vibrant railway station areas providing focal points”.

The 2004 Macquarie Park Corridor Masterplan also defined the structure plan, public domain treatments, and development controls for the Corridor.

In 2006, the City of Ryde undertook a comprehensive review of the principal planning controls (zoning, FSR, and height) relating to the Macquarie Park Corridor to develop the Ryde Local Environmental Plan (LEP) 137 – Macquarie Park Corridor, which was informed by the principles and recommendations identified in the Macquarie Park Corridor Masterplan.

LEP 137 was gazetted in January 2006 and introduced a planning incentive scheme to deliver the new structure plan with a fine grain road network and public domain plan. The Plan also included a series of principles and objectives to guide the future development of Macquarie Park as a Specialised Centre with globally competitive businesses with strong links to the University and other research institutions, reduced car dependency, and integrated land use and public transport.

Draft LEP 2008 – Amendment No. 1 was prepared in response to Part 10 Clause 103 of the RPSO, which required for a review of the provisions of Ryde LEP 137 within 2 years of gazettal.

In June 2006, Council resolved to prepare a consolidating LEP for the City, known as draft Ryde LEP 2008, in accordance with the Standard Instrument Order 2006. In lieu of this, it was deemed more appropriate to make the review of the planning controls relating to Macquarie Park Corridor as an amendment to LEP 2008 instead of the RPSO.

As considerable time had elapsed, the roads and open space network were reviewed in 2010 to ensure they were practicable and feasible. This review was exhibited in 2013 and submitted to the NSW Department of Planning and Environment (DoPE) in November 2013.

ITEM 8 (continued)

In September 2013, the North Ryde UAP (now called the North Ryde Station Priority Precinct) was notified on the NSW Legislation website, which increased the overall floor space for residential, commercial, and retail uses within the precinct.

In 2014, the DoPE exhibited new planning controls for the Herring Road Urban Activation Precinct (UAP), which increased development intensity and consequently the number of dwellings permissible in the precinct.

On 11 September 2015 Ryde LEP 2014 Amendment No. 1 – Macquarie Park Corridor was notified on the NSW Legislation website. Ryde LEP Amendment No.1 refers to the addition of a clause relating to incentive Heights and FSR Controls for the provision of recreation areas and an access network within the Macquarie Park Corridor.

On 12 September 2015, the Herring Road UAP (now called the Macquarie University Priority Precinct) was notified on the NSW Legislation website, which increased the height and density controls to accommodate further development around the station and major road intersections.

Context

Macquarie Park is identified as a strategic centre in *A Plan for Growing Sydney* for its role as an important employment centre within the Global Economic Corridor.

It is timely that a comprehensive review of the current planning approach for Macquarie Park is undertaken as the last review of the principal planning controls for the Corridor occurred in 2003, when LEP 137 was developed. A comprehensive review will assist in ensuring that the vision and controls for the Macquarie Park Corridor is consistent with the actions and desired outcomes identified in *A Plan for Growing Sydney* and will ensure that the Corridor continues to be a key contributor to the Australian economy as a premium commercial and business location. It will also address the increasing pressure from the State Government and development industry to investigate the potential for intensification and residential development within Macquarie Park in order to capitalise on the Corridor's access to three rail stations. This is evident in the State Government's commitment to deliver increased dwelling numbers through the Priority Precincts program and the number of Planning Proposals received by Council within the past two years. Council has received six (6) Planning Proposals relating to the Macquarie Park Corridor, three (3) of which proposed residential development.

On 1 September 2015, as part of the implementation of *A Plan for Growing Sydney*, the DoPE wrote to Council to establish a partnership to undertake a strategic investigation of Macquarie Park.

ITEM 8 (continued)

Council at its meeting on 22 September 2015 subsequently resolved inter alia:

- (b) That Council accept the invitation to partner with the NSW Department of Planning and Environment to undertake a strategic investigation of Macquarie Park.*

The Department has identified the following key areas that will be included in the draft scope of works and technical studies:

- Urban design
- Public domain
- Economic feasibility analysis (including Strategic Employment Study and Employment Centres Case Study Analysis)
- Social infrastructure and Open Space
- Flooding and drainage
- Utilities and Services Infrastructure

The draft scope of works also outlined the following key project deliverables:

- Planning framework: to identify land use zones, heights, floor space ratios and development controls to facilitate the redevelopment of the precinct, based on growth forecasts and projections generated from detailed analysis
- Public domain strategy: to nominate open space and public domain improvements to support redevelopment
- Infrastructure schedule: to outline and cost local and regional infrastructure required to support growth
- Infrastructure delivery: to identify mechanisms for the funding and delivery of required infrastructure, including through developer contributions.

The study area for the strategic review is shown in **ATTACHMENT 1 – MACQUARIE PARK STRATEGIC REVIEW – INVESTIGATION AREA**.

On 12 November 2015, the Macquarie Park Strategic Review – Ideas Workshop was conducted with council staff from the City Strategy and Planning directorate and relevant staff from the City Works and Infrastructure directorate. The purpose of the workshop was to develop guiding principles and highlight key considerations to inform the scope and outcomes of studies that are being undertaken in partnership with the Department as part of the strategic review.

ITEM 8 (continued)

Macquarie Park Strategic Review – Ideas Workshop

The workshop primarily focused on looking at the current strategic planning approach for the future of Macquarie Park in order to identify gaps and develop principles to address key issues relating to the implementation of the following actions identified in *A Plan for Growing Sydney*:

- Work with council to retain a commercial core in Macquarie Park for long-term employment growth.
- Work with council to concentrate capacity for additional mixed-use development around train stations, including retail, services, and housing.
- Facilitate delivery of Herring Road Priority Precinct and North Ryde Priority Precinct.
- Investigate potential future opportunities for housing in areas within walking distance of train stations.
- Support education and health-related land uses and infrastructure around Macquarie University and Macquarie University Private Hospital.
- Support the land use requirements of the Medical Technology knowledge hub.
- Investigate a potential light rail corridor from Parramatta to Macquarie Park via Carlingford.
- Investigate opportunities to deliver a finer-grain road network in Macquarie Park.
- Investigate opportunities to improve bus interchange arrangements at train stations.
- Work with council to improve walking and cycling connections to North Ryde train station.

Some key matters to consider in developing principles to guide the future development of Macquarie Park were also identified by analysing the current strategic planning approach and existing context and function of the Corridor, current development demands, and current constraints and infrastructure deficiencies. These key strengths and challenges highlighted in the workshop include:

Access and Transport	
Strengths	Issues / Challenges
<ul style="list-style-type: none"> • Three rail stations within the Corridor • Proposed finer grain access network • Access to funding opportunities to improve transport infrastructure 	<ul style="list-style-type: none"> • Traffic congestion • Prioritising pedestrian access • Achieving desirable modal split and reducing car dependency • Improving connectivity to residential centres (e.g. Eastwood, Top Ryde, etc.)

ITEM 8 (continued)

Employment and Business	
Strengths	Issues / Challenges
<ul style="list-style-type: none"> • 10th top location in Australia for economic contribution in 2012 - 2013 • Continuous employment growth • Employment diversity • Second only to Sydney City in the metro region (i.e. More commercial floor space than either North Sydney or Parramatta) 	<ul style="list-style-type: none"> • Retaining economic growth and maintaining confidence in Macquarie Park's future direction • Ensuring that Macquarie Park will remain attractive into the future to a range of companies and businesses • Street activation and night-time economy
Infrastructure and Governance	
Strengths	Issues / Challenges
<ul style="list-style-type: none"> • Quality existing and planned open space • Opportunities to fund infrastructure projects through current LEP provisions, development contributions plan, and voluntary planning agreements • Maturing relationship between businesses, University and other levels of Government as demonstrated by the 'Connect' and Priority Precincts Program • Civic works and infrastructure projects in the pipeline (e.g. North West Rail Link) 	<ul style="list-style-type: none"> • Current infrastructure is inadequate and are failing • Lack of public parking • Open Space deficiency • Need for strong and consistent strategic direction both at the State and local level • Political and landowner imperatives • Capitalising on development contributions to respond to growing need for additional support infrastructure and services • Leveraging from developments to ensure infrastructure delivery and design excellence
Urban Structure and Design	
Strengths	Issues / Challenges
<ul style="list-style-type: none"> • Established corporate and specialised hubs anchored at Macquarie Shopping Centre, Macquarie University, and hospital/bio-medical industry sector • Developing precincts around transport nodes 	<ul style="list-style-type: none"> • Addressing land use conflicts at the interface between residential uses and commercial, business, and retail uses • Disparity between height and density controls in priority precincts (Macquarie University Station and North Ryde Station) and other areas within the Corridor • Need for defined urban centres with distinct functions and character – a heart
Housing	
Strengths	Issues / Challenges
<ul style="list-style-type: none"> • State initiative to provide additional housing 	<ul style="list-style-type: none"> • Housing affordability • Responding to increasing demand for

ITEM 8 (continued)

<ul style="list-style-type: none"> • Proximity to employment • Proximity to open space and services (university, hospital, parks, employment) • Proximity to transport and connections to other centres 	<ul style="list-style-type: none"> • community facilities and open space • Ensuring that housing is located in high-amenity areas • Interface between higher density commercial development and residential uses • Creating workable vibrant communities
Community and Place Making	
Strengths	Issues / Challenges
<ul style="list-style-type: none"> • Vision and masterplan is being realised • Public domain works and civic improvements • Expanding resident and working community 	<ul style="list-style-type: none"> • Facilitating Macquarie Park's evolution from Business Park to a Commercial core • Providing diverse activities and services to cater for the growing resident and worker population • Fostering a sense of neighbourhood and social cohesion in a relatively new community

Based on the outcomes of the workshop, the following principles were developed to inform the strategic review of the vision and current planning approach to assist in guiding the future development of Macquarie Park:

Access and Transport
<ol style="list-style-type: none"> 1. Improve permeability and connectivity by delivering a finer grain access network and addressing traffic congestion and parking issues. 2. Improve connections to surrounding areas and other town centres within Ryde Local Government Area (LGA) and beyond. 3. Encourage active transport by providing adequate support infrastructure and prioritising pedestrian amenity. 4. Coordinate the delivery of transport infrastructure with development approvals to achieve outcomes in a timely manner.
Employment and Business
<ol style="list-style-type: none"> 5. Support the continued economic growth of the Corridor to ensure that it maintains its position as one of the top 10 contributors to the Australian economy. 6. Promote Macquarie Park as the premier employment centre and Central Business District (CBD) for the north sub-region by reinforcing its role as a strategic employment centre with diverse commercial, employment, and retail uses. 7. Create and retain a commercial core and business precinct where residential development is prohibited. 8. Reinforce and support Macquarie Park as a centre of excellence and innovation and medical technology anchored on the Macquarie University hospital and education precinct.

ITEM 8 (continued)

9. Utilise a planning framework to achieve planning outcomes that facilitate sustainable long-term economic growth and to ensure Macquarie Park's market competitiveness and desirability.

Infrastructure and Governance

10. Provide a better connected open space network by addressing gaps and improving linkages between public spaces and connections to the national park and residential areas.
11. Ensure adequate social infrastructure such as child care and schools, community and cultural hubs, libraries, etc. to cater for the growing worker and resident population.
12. Utilise a coordinated approach for infrastructure delivery by establishing partnerships between the State government, Council, key landowners and the local community.
13. Provide opportunity to an increase or variation in planning outcomes and ensure value capture to deliver infrastructure and community benefits.

Urban Structure and Design

14. Define well-connected urban centres within the Macquarie Park Corridor with distinct functions, uses, and character.
15. Promote sustainable design by encouraging design excellence and built forms that create architectural interest and respond to local context and human scale.
16. Ensure seamless transition between land uses by improving the relationship between the public and private domain.

Housing

17. Provide a diverse range of housing types with an increased focus on liveability and affordability in select locations with high amenity and convenient access to public transport, open space, and services.
18. Allow for housing that is located in the immediate vicinity to the existing residential and mixed use areas at Macquarie University Station precinct and North Ryde Station precinct.
19. Explore the creation of a unique specialised mixed use precinct in the vicinity of Macquarie Park Station that meets the corporate residential demands of the Corridor.

Community and Place Making

20. Foster a sense identity and community by creating living centres with an expanded public domain and interactive spaces that enable social gatherings and interactions.
21. Deliver social outcomes by encouraging community involvement and corporate responsibility.
22. Improve street activation and night-time economy by promoting Macquarie Park as a destination with a balanced and diverse range of activities.

ITEM 8 (continued)

Next Steps

It is suggested that the General Manager write to the Department requesting to use the principles to guide the scope and outcomes of the strategic review of Macquarie Park.

The key project deliverables, scope of works, project methodology, and timeframes for the Strategic Review being undertaken in partnership with the Department are set to be finalised by late December 2015. The draft background and technical studies are aimed to be presented to Council by April 2016. This will be followed by a precinct-wide Planning Proposal, which will be proposed for exhibition by mid-2016.

Financial Implications

Adoption of the recommendation will have no financial impact.

Options

- (a) That Council endorse the principles from the Macquarie Park Strategic Review workshop to guide the strategic investigation of Macquarie Park being undertaken in partnership with the Department.

This option would enable a better integrated approach and provide principles to guide the scope of the strategic investigation based on the strategic expertise and local contextual knowledge of Council staff from City Strategy & Planning and City Works & Infrastructure.

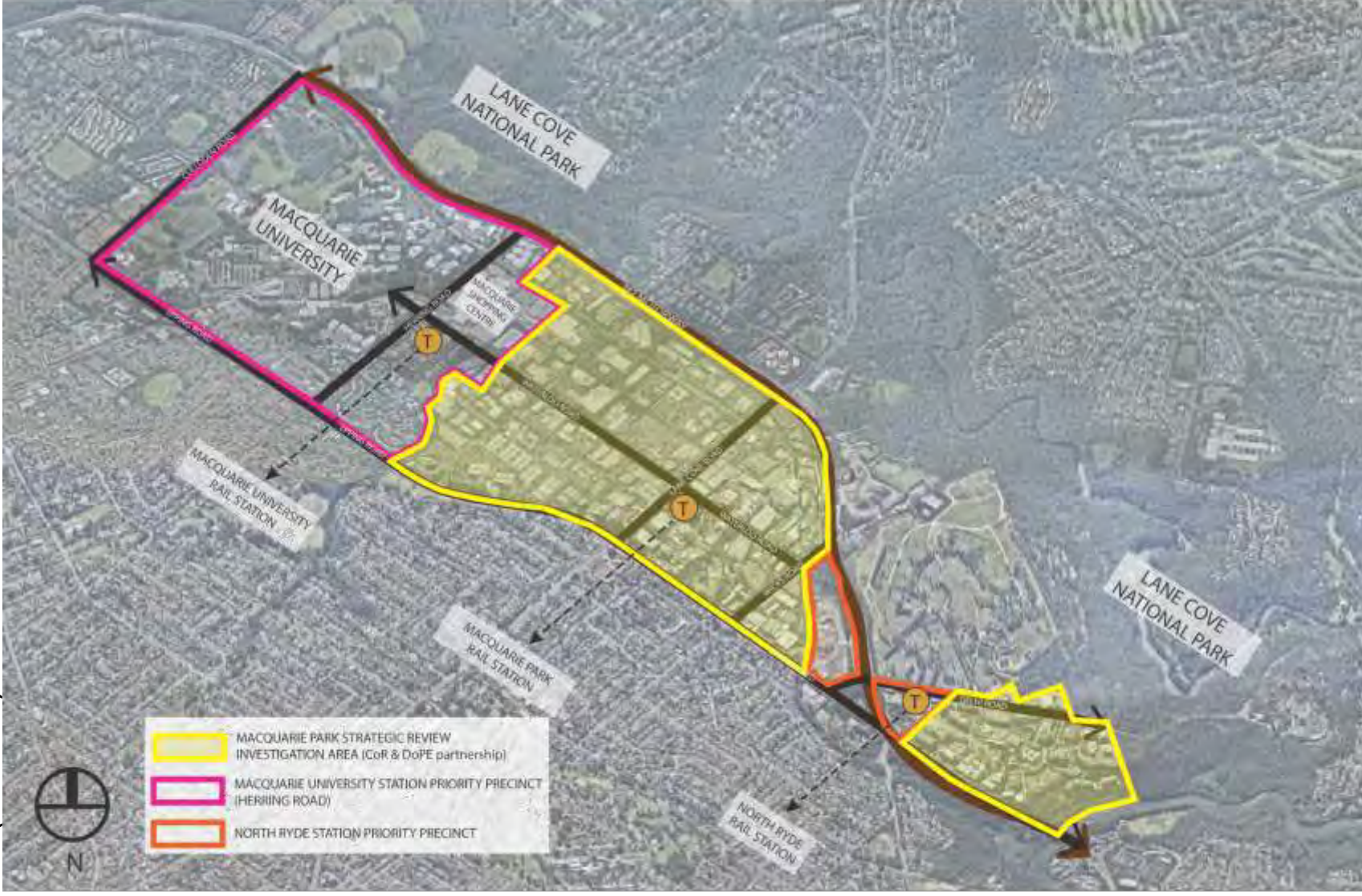
- (b) That Council does not to endorse the principles from the Macquarie Park Strategic Review workshop.

This option would not result in comprehensive and meaningful contribution to the partnership with the DoPE in reviewing the strategic approach relating to Macquarie Park.

As outlined in this report, Option (a) is the preferred option for the reasons stated above.

ITEM 8 (continued)

ATTACHMENT 1



9 TREE MANAGEMENT REVIEW

Report prepared by: Senior Strategic Planner

File No.: DCP2012/3 - BP15/1278

REPORT SUMMARY

The purpose of this report is to advise on the outcomes of an internal review of Council's tree management policies and processes. The review was conducted in response to a resolution of Council in March 2015.

A number of recommendations are proposed which aim to improve clarity for residents undertaking tree works on private land and allow more extensive tree works without approval, including:

- Allowing the pruning of up to 10% of the crown of a tree within each calendar year;
- Increasing the distance where tree works can be conducted without approval from 3 metres from the stem of a tree of a legally constructed dwelling, outbuilding greater than 20m², carport or pool to 4 metres;
- Adding further trees as exempt from requiring approval for tree works/ removal;
- Clarifying the information for applicants;
- Modifying the current appeal process; and
- Enhancing the process for tree works undertaken on public land, in particular by increasing the height of pruning that can occur without approval (internal process only) from 3 metres to 5 metres.

This report recommends that amendments to Ryde Development Control Plan 2014 Part 9.5 Tree Preservation be placed on public exhibition and that Council endorse the policy and procedural changes as outlined in this report.

RECOMMENDATION:

- (a) That Council endorse the amendments to Ryde Development Control Plan 2014 Part 9.5 Tree Preservation as shown at **ATTACHMENT 1**, and that the amended DCP be placed on public exhibition in accordance with the provisions of the NSW Environmental Planning and Assessment Act.

ITEM 9 (continued)

- (b) That the outcomes of the exhibition are reported back to Council following the exhibition period.
- (c) That Council endorse the proposed amendments to the appeal process for Tree Management Applications, information for applicants, and procedures for tree works on public land and affected by infrastructure construction and maintenance, as outlined in **ATTACHMENT 2**.
- (d) That Council amend the 2015/16 Schedule of Fees and Charges for “Request for review of determination of Tree Permit Applications” from \$65.50, to \$25.00 for a Stage 1 Review (by an alternative Council officer) and \$40.00 for a Stage 2 Review (by Council’s Internal Review Panel);
- (e) That Council amend the 2015/16 Schedule of Fees and Charges for “Request for review of determination of Tree Permit Applications- Eligible pensioner discount” from \$33.00, to \$12.50 for a Stage 1 Review (by an alternative Council officer) and \$20.00 for a Stage 2 Review (by Council’s Internal Review Panel);
- (e) That the new fees be advertised for 28 days, and should there be no objections, the new fees will commence.

ATTACHMENTS

- 1 Outline of Proposed Amendments
- 2 Proposed Amendments to Ryde Development Control Plan Part 9.5 - Tree Preservation
- 3 Explanation of Proposed Distance Requirement

Report Prepared By:

Lara Dominish
Senior Strategic Planner

Report Approved By:

Meryl Bishop
Acting Director - City Strategy and Planning

ITEM 9 (continued)

Background

At its meeting of 10 March 2015 Council resolved:

“To improve Council’s response on such matters in the future, the following actions be undertaken:

- 1. “That the General Manager undertake a comprehensive review of the Tree Preservation DCP to ensure that assessment criteria for tree pruning and removal remain appropriate;*
- 2. That the General Manager review Council’s adopted processes and procedures in relation to the procurement of quotes for tree removal and/ or pruning to prevent delays occurring in relation to unsafe trees;*
- 3. That the General Manager contact Ausgrid and other relevant utility providers with a view to establishing agreement on faster time frames for unsafe trees;*
- 4. That the General Manager prepare a report to Council on the outcomes of the abovementioned reviews and recommended actions for Council’s consideration”.*

An internal working group was established to review Council’s current approach to tree management. This included reviewing the current policy context, auditing other Council’s approaches to tree management and developing recommendations.

A Councillor workshop was held on 22 September 2015 to brief Councillors on the proposed recommendations.

A summary of the issues/ points raised by Councillors are outlined as follows:

- Clarification for the guidelines on when an arborist report is required- it should not be onerous for the applicant;
- Community representation should be included on the Internal Review Panel;
- Consultation required at Council’s Bushland and Environment Advisory Committee and the SES on the proposed changes;
- The fees for appeals of Tree Management Applications;
- Allow some pruning to be permitted without approval; and
- The need for assessment criteria.

ITEM 9 (continued)

The proposed amendments were presented to Council's Bushland and Environment Committee (BEAC) on 16 November 2015. The Committee provided the following comments:

- Tree Management Plans could be developed for some larger properties to avoid the need for Tree Management Applications for each instance of tree works;
- Works within a Tree Preservation Zone do not apply to existing infrastructure e.g. where a sewer line is broken;
- There appears to be a difference between the process and weight given for tree works as part of a Development Application and as a Tree Management Application;
- Other councils do not allow removal of trees within 4 metres of a dwelling or outbuilding;
- A suggestion was received that there is a requirement for Development Applications that a certain percentage of trees have to remain on the property that is to be developed to preserve more habitat for birds and other fauna.

The matters raised by BEAC have been discussed throughout this report where appropriate.

This report outlines the current policy context and procedures and makes a number of recommendations which aim to improve clarity for applicants, apply consistency in decision making and improve existing processes for trees on public land.

Current policy context

This section explains the policy documents which apply to tree management in the City of Ryde.

Strategic policy documents

Ryde 2025 Community Strategic Plan (adopted June 2013)

The Community Strategic Plan is the long term strategy for the community. Several outcomes, goals and strategies in the Plan relate to trees, including strategy 3.B.2 which is "*to actively collaborate with our community and businesses to care for and enhance our environment*".

ITEM 9 (continued)

Urban Forest Policy 2012 and Urban Forest Plan 2013

The Urban Forest Policy provides the guiding principles for tree management in the City of Ryde and what Council wants to achieve in relation to the urban forest. The Urban Forest Plan provides detailed background information and identifies actions to achieve those directions. These documents provide the strategic basis for Council's approach to tree management however applicants for Tree Management Applications are not required to refer to these documents.

Trees on private land

The documents listed below are required to be referred to by applicants for Tree Management Applications and outline which tree works can be conducted without approval.

Ryde Local Environmental Plan 2014 Clause 5.9

Clause 5.9 specifies that Council's Development Control Plan prescribes the tree and vegetation to which the clause applies. This clause is required as part of the Standard Instrument LEP.

Ryde LEP 2014 Clause 5.10 requires a Development Application to be submitted for the removal of any tree in a heritage conservation area or land on which a heritage item is located.

Ryde Development Control Plan (DCP) 2014 Part 9.5

Part 9.5 of Ryde DCP 2014 outlines the tree works are exempt from requiring approval, and which works require a tree permit (Tree Management Application) or a Development Application.

A tree is defined in RDCP 2014 as exceeding 5 metres in height or having a trunk circumference of more than 450mm at 1.4 metres above ground level.

On private land, RDCP 2014 requires approval (a Tree Management Application) for the following works:

- Any removal of a tree;
- Any pruning of the crown of a tree (except for deadwood);
- Any pruning or removal of roots (greater than 40mm in diameter) from a tree or inside its Tree Protection Zone; or
- Any alteration to the soil level within a Tree Preservation Zone.

ITEM 9 (continued)

Exempt works to a tree include:

- Removal of deadwood;
- Tree works where the stem of the tree is located within 3m of a legally constructed dwelling, outbuilding greater than 20m², carport or pool;
- Removal of certain species listed in RDCP 2014.

Exempt works cannot be carried out for trees on Council's Significant Tree Register, on land part of a vulnerable, threatened or endangered ecological community, forming part of a heritage item or within a heritage conservation area.

The DCP does not currently outline any assessment criteria for whether a tree management application will be supported by Council or identify valid reasons for the removal of a tree.

State Environmental Planning Policy (Exempt and Complying Development Codes)

For complying development, Clause 3.6A of State Environmental Planning Policy (Exempt and Complying Development Codes) does not require approval for the removal of trees that are not listed on Council's significant trees register, located within 3m of any building greater than 25m², and have a height of less than 8 metres for a new dwelling house or 6m for any other development.

Urban Forest Technical Manual

The Urban Forest Technical Manual provides detailed technical arboricultural information expanding on the information in Ryde DCP Part 9.5.

Significant Tree Register

The register identifies significant trees which cannot be removed without approval, and the process for requesting to add trees to the register.

Trees on public land

Trees on public land include trees located in parks, on nature strips (street trees) and on Council owned land.

ITEM 9 (continued)

Tree works on public land undertaken by Council are exempt from requiring an approval under Ryde DCP 2014 and there is an internal Service Level Agreement in place specifying where these works can occur without approval (discussed further below). Council's Street Tree Masterplan specifies which trees are to be planted in each of eight precincts within Ryde.

Current procedures

The following procedures relate to tree management on private and public land.

Trees on private land

Council assesses approximately 700 Tree Management Applications per year. Tree Management Applications are assessed by Tree Officers in Council's City Works and Infrastructure Directorate using an internal assessment form.

A separate Tree Management Application is not required where a Development Application has been lodged for building works on the site (any tree works are approved through the Development Consent). Any tree works associated with a Development Application are referred to an external landscape consultant for comment rather than the staff in the City Works and Infrastructure Directorate, except for Development Applications which propose works to trees on public land.

The consideration of existing and proposed trees as part of Development Applications are assessed comprehensively with the aim to achieve a workable outcome for the applicant and to ensure tree corridors/ habitat areas and significant trees are retained.

Enforcement action for any works undertaken without the required approvals is the responsibility of the City Works and Infrastructure Directorate.

The following issues currently relate to tree procedures on private land:

- The controls are considered onerous and too confusing. There are no assessment criteria in current policies for assessing applications;
- Information available to applicants is confusing;
- Appeal process and procedures is not widely understood and outcomes are poorly communicated;

ITEM 9 (continued)

- Time and cost for applicants;
- There is some risk for Council where a Tree Management Application for removal is refused and the tree fails.

Appeal process

If a Tree Management Application is refused, the applicant can request an appeal. Currently approximately 2-3% of the 700 Tree Management Applications processed annually are appealed.

The appeal process is as follows:

1. Application is reviewed by alternative Tree Officer in the City Works and Infrastructure Directorate. In the past 2.5 years, approximately half of the 48 applications reviewed have been overturned at this stage (i.e. approval has been granted for the tree works).
2. If not approved by the alternative officer, the applicant can request a review by Council's Internal Review Panel. Prior to recent changes to Council's organisational structure, this Panel was comprised of the former Group Manager Community Life, former Service Unit Manager Open Space, and one other independent Council officer (usually from the Building and Design Advisory Service). Over the past 2.5 years, 6 of the 9 applications reviewed have been overturned (i.e. approval has been granted for the tree works). The Internal Review Panel does not have set criteria for the assessment of tree management applications but will consider matters such as personal circumstances or impacts of the tree on the health of the resident. The functions of the Internal Review Panel prevent excessive appeals proceeding to Council's Works and Community Committee.
3. If the application is not approved by the Internal Review Panel and the applicant wishes to pursue the tree works, it is then referred to Council's Works and Community Committee for consideration. Over the past 2.5 years, all of the 3 applications reviewed have been overturned. If the Committee's decision is not unanimous, the application is referred to Council.
4. Land and Environment Court. No applications have been determined recently by the Land and Environment Court.

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Information for applicants

Currently information on the process for seeking approval for tree works is within Ryde LEP 2014 and DCP 2014. An Urban Forest Application Guide and Urban Forest Management flyer provides information on the assessment process. Applicants submit a tree permit application form based on this information.

This is supplemented by information on Council's webpage. Part of Council's webpage ("Tree Permit Assessment Process") also outlines non-valid reasons for removing a tree and assessment criteria for a Tree Permit application. The source of this information is unknown and the content is not reflected in any other tree management policy.

Trees on public land

Council's (internal) Service Level Agreement for tree services specifies that where tree works are proposed on public land for removal of any tree, or pruning of trees over 3 metres in height, the works are referred to Council's former Natural Areas and Urban Forest team (now Tree Officers within the Operations Department) for approval prior to being undertaken by Works staff in the Operations Department. This constitutes approximately 750 referrals a year, or approximately 35% of the total tree works undertaken by the Directorate. For urgent tree removals, the Tree Officers will allow removal after the inspection.

The Department generally conducts tree works in a 6 week rotation over 6 precincts of the local government area. The budget for maintaining Council trees has increased from \$350,000 five years ago to \$835,000 this financial year.

For tree works near power lines (which must be conducted by accredited staff), Ausgrid is contacted. However if a timely response is not received (not undertaken within 2 weeks) or the works are urgent, Council will engage an independent accredited contractor to conduct the work dependent on the level of risk, generally within 10 working days. Appointing the contractors will be undertaken in accordance with Council's procurement policy requirements.

Exemptions from the requirements can be obtained when the works are considered urgent.

ITEM 9 (continued)

The following issues currently relate to tree procedures on public land:

- Delays/ restrictive approval requirements;
- Council often performs the role of Ausgrid with tree removal/ pruning near power lines; and
- Inconsistent approach Council taking with regard to Ausgrid matters.

Following Council's resolution 10 March 2015, Council staff wrote to Ausgrid on 21 April 2015 requesting that the contact details of appropriate personnel be forwarded to Council to expedite the process in future. Ausgrid have since advised that their webpage and phone numbers are sufficient for any enquiries relating to tree works.

Where Development Applications (DAs) involve works to trees on public land, these applications are referred to the Tree Officers who provide comments and DA conditions. These conditions are not standardised and are usually inconsistent with the format used for DA conditions.

Recommended actions

A number of potential changes to Council's current tree management policies and procedures were considered as part of the review to address the issues identified as part of the review process. These amendments are outlined in **ATTACHMENT 2** and relate to:

1. Tree works requiring an application
2. Information for applicants
3. DAs involving tree works
4. Appeal process
5. Works on public land
6. Tree works affected by infrastructure construction and maintenance.

The significant changes proposed to the current policy or procedures are discussed as follows. Proposed amendments to Ryde DCP 2014 have been shown in **ATTACHMENT 1**.

Tree works requiring an application

It is proposed to amend Ryde DCP 2014 to make the following changes to the approval requirements for tree works:

ITEM 9 (continued)

Definition of a tree

No changes are proposed to the current definition of a tree (greater than 5m in height or where the trunk circumference is greater than 450mm at 1.4m above ground level). This definition is consistent with most other Councils although some allow the works to taller trees without approval (e.g. North Sydney- 10 metres). The tree circumference is consistent with the Forestry Commission definition.

Prune the crown of a tree

Ryde DCP 2014 requires approval for any pruning (other than removal of deadwood). Some other councils allow pruning of a certain percentage of the crown within a certain time period (e.g. Warringah allow less than 10% of the crown to be pruned every 12 months, Willoughby permit less than 33% without approval over a 5 year period).

It is proposed to amend Ryde DCP 2014 by amending the definition of Tree Works as outlined in the draft DCP amendments to allow for the pruning of up to 10% of the crown of a tree to be pruned every 12 months.

This would encourage tree maintenance and reduce the number of minor Tree Management Applications, although it is acknowledged that there may be some issues in monitoring compliance.

The experience of other Councils is that permitting the pruning of a proportion of the crown of a tree is appropriate. A fact sheet will be prepared to explain the 10% pruning provision and training will be undertaken with Customer Service staff.

Root pruning and adjustment of surrounding soil levels

Ryde DCP 2014 requires approval for pruning or removal of any roots (greater than 40mm in diameter) from a tree or inside its Tree Protection Zone, or to alter soil levels within the Tree Preservation Zone. It is proposed to amend Ryde DCP 2014 to delete this requirement and require approval for Tree Works within the structural root zone that would affect the structural stability of the tree. The structural root zone (SRZ) is to be calculated using the following table:

ITEM 9 (continued)

Diameter (mm) of trunk at ground level	0-150	300	500	1000	1500	2000
SRZ radius from trunk at ground level (mm)	1500	2200	2500	3600	4200	5000

A diagram has been included in the draft DCP amendments to explain the table as shown below:

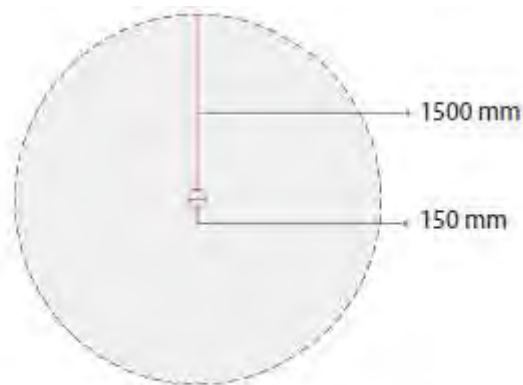


Figure 1.4.1 Structural Root Zone Example

Figure 1: Structural Root Zone diagram

This amendment will eliminate the need for applicants to measure the size of roots and simplify interpretation for applicants.

It is necessary to restrict the pruning and removal of roots through a DCP control as there is considerable risk of tree instability and impacts on tree health if root pruning is permitted without approval. Works to existing infrastructure are not exempt as they could destabilise the structural stability of the tree and cause a safety risk.

Tree works near dwellings and outbuildings

Ryde DCP 2014 allows Tree Works without approval where the stem of a tree is located within 3 metres of a legally constructed dwelling, outbuilding greater than 20m², carport or pool. It is proposed to amend this control to increase the distance at which an exemption can be obtained to 4 metres. This will reduce the number of Tree Management Applications by approximately 150 per year and enable the management of trees which are likely to cause structural damage to buildings or a risk to human life. A diagram explaining the proposed change is at **ATTACHMENT 3**.

ITEM 9 (continued)

Removal of certain species

Ryde DCP 2014 exempts certain trees from requiring approval for removal (including Camphor Laurels). It is recommended to add the following four trees as exempt (i.e. not require approval for removal):

Robinia pseudoacacia (Golden Robinia)

Acacia saligna (Golden Wattle)

Cotoneaster sp. (Cotoneaster)

Celtis sinensis (Hackberry).

Council is to note that the removal of Camphor Laurels will remain an exempt activity.

Information for applicants

A number of improvements to the existing information available to applicants for Tree Management Applications have been outlined in the attached table.

Ryde DCP 2014 does not currently contain the criteria taken into consideration in the assessment of Tree Management Applications. This makes it difficult for applicants to understand the considerations that will be made by the Tree Officers in the assessment of their application.

It is proposed to amend the DCP to include specific assessment criteria to be considered when removing a tree, such as unacceptable risk, diseased condition, life expectancy, property damage and potential interference with a proposed structure or works. These criteria are similar to information currently provided on Council's website ("Tree Permit Assessment Process") and are as follows:

"The applicant must outline the justification for conducting the tree works with regard to the following assessment criteria:

- i. The tree's species, age, health, vigour, structural condition, stability, and growth habit and surrounding environment;*
- ii. Existing and potential habitat value of the tree or section of the tree being considered for pruning;*
Note: Trees with hollows or other potential habitat may need to be assessed by an ecologist or wildlife specialist.

ITEM 9 (continued)

- iii. *The trees ecological value, including whether the tree is located within a threatened ecological community;*
- iv. *Risk of spreading disease from the tree to other trees;*
- v. *Potential structural damage to the property and/ or risk to human life;*
- vi. *The likely effect of the proposed tree works (e.g. root pruning) on the stability of the tree;*
- vii. *The tree's amenity value including visual amenity and canopy coverage.*

Note: The following are not considered valid reasons for removing or pruning a tree:

- *To improve solar access or views*
- *Impact on minor structures*
- *To reduce leaf, fruit, resin, or bird droppings into gutters, downpipes and pools*
- *To construct a fence*
- *Damage to buildings or structures which have not been built in accordance with the relevant planning controls and legislation in force at the time of construction*
- *Damage to buildings or structures where alternative tree sensitive construction measures could be undertaken*
- *Root damage to a water, drainage, or sewer system that is old (e.g. terracotta pipes) or in a poor condition*
- *Bushfire Hazard control works not undertaken by the NSW Rural Fire Service (in the instance of an emergency)".*

This will provide clarity for landowners, assessing officers and the Internal Review Panel in considering tree applications and consistency and transparency in decision making.

Appeal process

It is proposed to amend the appeal process for Tree Management Applications by:

1. Requiring Council's Internal Review Panel to assess applications against the new assessment criteria which will form part of Ryde DCP2014 (when amended);

ITEM 9 (continued)

2. Allowing applicants an opportunity to address the Internal Review Panel;
3. Change the membership of the Internal Review Panel to include the Director of City Works and Infrastructure, the Manager Operations (as these two positions are now responsible for Tree Management Applications in Council's new organizational structure), and one other independent Council officer. One technical representative from within Council is also proposed to be added to the Panel;
4. Engaging an external independent arborist to provide a report before tree management reviews go to Works and Community Committee to inform the decision-making process. The cost to Council would be approximately \$1000 per annum; and
5. Change the cost of appeals from \$65.50, to \$25 for a Stage 1 Review (by an alternative Council officer) and \$40 for a Stage 2 Review (by Council's Internal Review Panel). This report recommends that these fee changes be publicly exhibited, and if no submissions are received, the new fee commence as part of the current 2015/16 Fees and Charges.

These proposed changes aim to improve decision making for Tree Management Application appeals.

Trees on public land

Processes for trees on public land are outlined in the table at **ATTACHMENT 2**, including:

- Increase the height of trees which may be pruned without approval by the Tree Officers from 3 metres to 5 metres;
- Ensuring Council coordinates tree works near power lines if no response is received by Ausgrid the service will be expedited based on the level of risk but generally completed within 10 days.

The recommended changes relate to internal Council procedures and no policy amendments are required to be exhibited.

Consultation with external bodies

This report recommends that the draft amendments to Ryde DCP 2014 Part 9.5 Tree Preservation be exhibited for 28 days for public comment. The report also recommends that the proposed changes to Council's Fees and Charges be exhibited.

ITEM 9 (continued)

The exhibition of the DCP will be promoted by:

- Notification in the local newspaper;
- Displaying under “Have Your Say” on Council’s website; and
- Being available for viewing at Top Ryde, North Ryde, Eastwood, Gladesville and West Ryde libraries, Ryde Planning and Business Centre and the Civic Centre.

During the exhibition Council’s Bushland and Environment Committee, the State Emergency Service and Ausgrid will be invited to comment on the draft DCP and policy and procedural provisions.

The outcomes of the community consultation will be reported back to Council following the exhibition period.

Options

1. Proceed with the recommendation as outlined in this report;
2. Proceed with the recommendation but amend or delete some recommendations as needed;
3. Not make any changes/ status quo. This would not improve consistency in decision making, clarity for applicants or delays for trees located on public land and is not recommended.

The preferred option is to proceed with the recommendation as outlined in this report.

ITEM 9 (continued)

ATTACHMENT 1

	Issue	Current requirement	Recommended amended requirements	Comment														
Tree works requiring an application																		
1	Tree removal	Approval needed for works for trees greater than 5m in height or where trunk circumference is greater than 450mm at 1.4m above ground level, other than certain exempt works	No change	Consistent with most other councils who have between 4-6m height. Tree circumference is consistent with the Forestry Commission definition.														
2	Prune the crown of a tree	Approval needed for pruning other than deadwood	Amend to allow pruning of 10% of the crown within each calendar year.	Discussed in the main report.														
3	Root pruning and adjustment of surrounding soil levels	Approval needed to prune or remove roots (greater than 40mm in diameter) from a tree or inside its Tree Protection Zone (TPZ) or alter soil levels within the TPZ	Amend to “no works within the structural root zone that would affect the structural stability of the tree”. The structural root zone is to be calculated using the following table: <table border="1" data-bbox="840 933 1733 1075" style="margin-left: 20px;"> <tr> <td>Diameter (mm) of trunk at ground level</td> <td>0-150</td> <td>300</td> <td>500</td> <td>1000</td> <td>1500</td> <td>2000</td> </tr> <tr> <td>SRZ radius from trunk at ground level (mm)</td> <td>1500</td> <td>2200</td> <td>2500</td> <td>3600</td> <td>4200</td> <td>5000</td> </tr> </table>	Diameter (mm) of trunk at ground level	0-150	300	500	1000	1500	2000	SRZ radius from trunk at ground level (mm)	1500	2200	2500	3600	4200	5000	Discussed in the main report.
Diameter (mm) of trunk at ground level	0-150	300	500	1000	1500	2000												
SRZ radius from trunk at ground level (mm)	1500	2200	2500	3600	4200	5000												
4	Tree works near dwellings and outbuildings	No approval required to conduct tree works (including removal) where the stem of the tree is located within 3m of a legally	Amend to increase to within 4m of a legally constructed dwelling, outbuilding greater than 20m ² , carport or pool. See diagram at Attachment 3. Some other Councils allow removal of trees within a certain distance of buildings, and increasing the distance by 1 metre is not unreasonable.	Discussed in the main report.														

ITEM 9 (continued)

ATTACHMENT 1

	Issue	Current requirement	Recommended amended requirements	Comment
		constructed dwelling, outbuilding greater than 20m ² , carport or pool		
5	Removal of certain species	Certain species can be removed without approval	Add the following 4 trees to the exempt list: <i>Robinia pseudoacacia</i> (Golden Robinia), <i>Acacia saligna</i> (Golden Wattle), <i>Cotoneaster sp.</i> (Cotoneaster) and <i>Celtis sinensis</i> (Hackberry).	Discussed in the main report.
6	Tree works at educational establishments	Tree works exempt at Macquarie University or on State Government owned land	Add private schools as exempt. Clarify that these works must only be undertaken by the agency or their contractor.	See DCP amendments.
Information for applicants				
6	Policy	Information on the permission requirements are within Ryde LEP 2014 and DCP 2014 with no specific criteria for assessment of Tree Management TM Applications	Include specific assessment criteria to address areas such as age, health and stability, habitat value and amenity of the tree, and to specify non-valid reasons for the removal of a tree	Discussed in the main report.
7	Flyer	Urban Forest Application Guide and Urban Forest Management flyer	Amend name of "Urban Forest Management" flyer to "Tree Management in the City of Ryde"	More user friendly
8	Webpage	Information on Council's webpage	Amend to split the strategic documents from the documents applicants must refer to for a Tree	Clarity for applicants

ITEM 9 (continued)

ATTACHMENT 1

	Issue	Current requirement	Recommended amended requirements	Comment
			Management Application and provide a link DA part of webpage to tree page.	
9	Arborist report	Currently unclear when an arborist report is required	Clarify that an arborist report is only required where an appeal is requested	Clarity for applicants
Development applications involving tree works				
10	DAs for tree works	Any tree works in a DA referred to external landscape consultant (from an approved panel of tenderers) rather than Council's Tree Officers, except for DAs which propose works to trees on public land.	Amend to draft standard conditions for DAs that can be used in referrals prepared by Council's Tree Officers and external consultants.	Current conditions are not standardised
Appeal process				
11	Criteria for Internal Review Panel	The Panel does not have set criteria for the assessment of TM applications.	Develop assessment criteria as outlined in the proposed DCP amendments	Improves decision making and communication with applicants
12	Membership of Internal Review Panel	Panel does not have technical representation	Amend Panel membership	Discussed in the main report.
13	Process for appeals considered at Works and Community Committee	Appeals not approved by an alternative officer or the Internal Review Panel are referred to Council's Works and Community Committee for consideration	Amend by Council engaging external independent arborist to provide a report before the Committee.	This will help inform the Committee's decision-making.

ITEM 9 (continued)

ATTACHMENT 1

	Issue	Current requirement	Recommended amended requirements	Comment
15	Cost of appeals	Currently appeals cost \$65.50 regardless of how many of the above steps are undertaken	Amend to require payment of \$25 for Stage 1 of the appeal process and \$40 for Stage 2 appeals.	Council's fees and charges are proposed to be amended as outlined in the main report.
Trees on public land				
16	Works requiring approval by Tree Officers	Existing Service Level Agreement (SLA) specifies that where tree works are to be approved by the Tree Officers for removal of <u>any</u> tree or pruning of trees over 3m. For urgent tree removals, the Tree Officers will allow removal after initial inspection.	Amend SLA to allow pruning up to 5m without approval by Tree Officers. Continue requirement for tree removal to be approved by Tree Officers.	The Works staff from the Operations Department may consult with the Tree Officers if required. This approach to tree removal allows the Tree Officers to conduct resident consultation prior to any tree removal.
Tree works affected by infrastructure construction and maintenance				
17	Design consideration	In some cases trees are not identified in the design stage for public works.	Encourage civil engineering staff to consider alternative strategies such as root pruning and root barriers.	Identification of trees is itemised on the Design Consideration Form but this needs to be emphasised with design staff.
18	Tree works (including removal) near power lines	These works need to be conducted by accredited staff. If a timely response is not received from Ausgrid or the works are urgent, Council will engage an independent accredited contractor to	Council contacted Ausgrid requesting better service however the response (to use their webpage and standard contact number) was not constructive.	The City Works and Infrastructure Directorate have advised that they are satisfied with coordinating these works where required. If no response is received from Ausgrid within 10 working days, the works will commence dependent on level of risk, generally

ITEM 9 (continued)

ATTACHMENT 1

	Issue	Current requirement	Recommended amended requirements	Comment
			conduct the work at its own cost.	within 10 working days. There would be a cost to Council of approximately an additional \$10,000 per year (currently Council spends \$20,000 per year on tree works near power lines).
19	Quotations for works	Quotations are sourced through adopted preferred panel of arborists as follows: Up to \$2,000 - one quote, \$2,000- \$10,000- two quotes, Over \$10,000- three quotes. Exemptions can be obtained for urgent works.	No change.	It is recommended that a more efficient use be made of Council's preferred panel of arborists on the minor works tender in cases of urgent works.
Other				
20	Significant tree register review	The current Significant tree register provides both the process for listing a tree and the register itself.	None at this time.	The significant tree register will be reviewed at a later date.
21	Street tree planting	Council's programme of street tree planting was raised at the Councillor workshop	No change. As per Council's adopted Street Tree Masterplan.	All street tree planting is undertaken in accordance with Council's street tree manual. Trees planted prior to the operation of the manual were not planted according to the current requirements.

ITEM 9 (continued)

ATTACHMENT 2



ITEM 9 (continued)

ATTACHMENT 2

9.5 Tree Preservation

Translation

ENGLISH

If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 8.30am to 4.30pm or telephone the Telephone and Interpreting Service on 131 450 and ask an interpreter to contact the City of Ryde for you on 9952 8222.

ARABIC

إذا لم تفهم هذا المستند، يرجى القدوم إلى مركز بلدية رايد Ryde Civic Centre على المنياض 1 شارع ديفلين، رايد من الاثنين إلى الجمعة بين الساعة 8.30 صباحاً والساعة 4.30 بعد الظهر، أو الاتصال بمكتب خدمات الترجمة على الرقم 131 450 لكي نطلب من أحد المترجمين الاتصال بمجلس مدينة رايد على الرقم 9952 8222، تجنبا عنك.

ARMENIAN

Եթե այս փայլարը չէք հասկանալ, խնդրեմ եկե՛ք՝ Բայդ Սիվիկ Կենտրոն, 1 Տեյվլին փողոց, Բայդ, (Ryde Civic Centre, 1 Devlin Street, Ryde) Երկուշաբթիից Բուքար կա. ժամը 8.30 – կա. ժամը 4.30, կամ հեռախոսից՝ 131 450, և խնդրե՛ք որ թարգմանիչ մը Բայդ քաղաքապետարանին հետ կապ հաստատե՛ք՝ ձեր համար, հեռախոսիցով՝ 9952 8222 քննելու:

CHINESE

如果您看不懂本文，請在周一至周五上午 8 時 30 分至下午 4 時 30 分前往 Ryde 市政中心詢問 (Ryde Civic Centre, 地址: 1 Devlin Street, Ryde)。你也可以打電話至電話傳譯服務中心，電話號碼是: 131 450。接聽後你可以要求一位翻譯員為你打如下電話和 Ryde 市政廳聯繫，電話是: 9952 8222。

FARSI

اگر این مدرک را نمی فهمید لطفاً از صبح تا 4.30 بعد از ظهر دوشنبه تا جمعه به مرکز شهرداری رايد، Ryde Civic Centre, 1 Devlin Street, Ryde مراجعه کنید یا به سرویس مترجم تلفنی شماره 131 450 تلفن بزنید و از یک مترجم بخواهید که از طرف شما با شهرداری رايد شماره 9952 8222 تلفن بزند.

ITALIAN

Se non capite il presente documento, siete pregati di rivolgervi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 8.30 alle 16.30, dal lunedì al venerdì; oppure potete chiamare il Telephone Translating and Interpreting Service al 131 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 9952 8222.

KOREAN

이 문서가 무슨 의미인지 모르실 경우에는 1 Devlin Street, Ryde 에 있는 Ryde Civic Centre 로 오시거나 (월 - 금, 오전 8:30 - 오후 4:30), 전화 131 450 번으로 전화 통역 서비스에 연락해서서 통역사에게 여러번 대신 Ryde 시청에 전화 9952 8222 번으로 연락을 부탁드립니다.

Amend. No.	Date approved	Effective date	Subject of amendment

ITEM 9 (continued)

ATTACHMENT 2

Tree Preservation
Table of Contents

9.5

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ITEM 9 (continued)

ATTACHMENT 2

9.5 Tree Preservation

1.0 INTRODUCTION

1.1 Preservation of the Urban Forest

Individually and collectively, trees have environmental, economic and social value. The benefits of trees include amenity, visual quality, enhanced streetscape, native fauna habitat, soil conservation, enhanced microclimatic conditions, solar access control and improved air quality. Collectively all the individual trees form the Urban Forest canopy of the City of Ryde. This Urban Forest is a combination of street trees, park trees (including bushland) and trees on private property.

Effective management of trees as a natural resource and as part of the urban infrastructure of the City of Ryde depends upon the long term retention of existing trees, appropriate tree maintenance, protection of trees on development sites, and in relation to replacement trees, suitable tree relocation and considered species selection.

1.2 Objectives of this Part

Objectives

The objectives of this part are:

1. To maximise a sustainable Urban Forest canopy across the City of Ryde.
2. To conserve trees of ecological, heritage, aesthetic and cultural significance.
3. To protect and manage individual trees as an important community asset.
4. To establish the procedural framework and requirements governing the pruning, removal and subsequent replacement of trees within the City of Ryde.
5. To ensure all new development considers existing trees on the development site and provides opportunity for the healthy growth of large trees.

1.3 How to use this Part

1. This Part is to be read in conjunction with:
 - The City of Ryde Urban Forest Technical Manual (Technical Manual) and Application Guide (Guide) which provide instructions on:
 - i. requirements for arboriculture and other technical reports;
 - ii. technical arboricultural information;
 - iii. requirements as to the protection of trees on development sites;
 - iv. how to make an application under this Part; and
 - v. dealing with trees on adjoining properties.

Both documents can be viewed at www.ryde.nsw.gov.au

- Clause 5.9 Preservation of Trees or Vegetation of the City of Ryde Local Environment Plan 2014 (LEP 2014).
2. The controls in this Part, to the extent of any inconsistency in relation to trees, take precedence over the controls in other Parts of the City of Ryde Development Control Plan 2014 (DCP 2014).
3. All references to Acts, Regulations, Codes, Australian Standards, Plans, policies, the Technical Manual and the Guide are to those documents as amended from time to time.

ITEM 9 (continued)

ATTACHMENT 2

4. This Part has 4 sections:
 - Section 1 Introduction
 - Section 2 Exempt Works - Explains which Tree Works do not require a permit or Development Application approval.
 - Section 3 Tree Permits - Explains which Tree Works require a Tree Permit and sets out the controls for these works.
 - Section 4 Development Applications - Explains when a Development Application must be submitted and approved under this Part and sets out the controls for these Development Applications.

1.4 Meaning of Words

1. In this Part:

Crown means the portion of the tree consisting of branches and leaves and any part of the stem from which branches arise.

Deadwood means dead branches within the crown of a tree.

Stem means the part of the tree which supports branches, leaves, flowers and fruit and is also called "the trunk".

Structural Root Zone (SRZ) means the following area:

Diameter of trunk at ground level (mm)	0-150	300	500	1000	1500	2000
SRZ radius from trunk at ground level (mm)	1500	2200	2500	3600	4200	5000

Note: This does not apply to trees that have already been pruned. An advice from a Level 5 Arborist is required to determine where tree roots can be pruned. Please also refer to Figure 1.4.1 below:

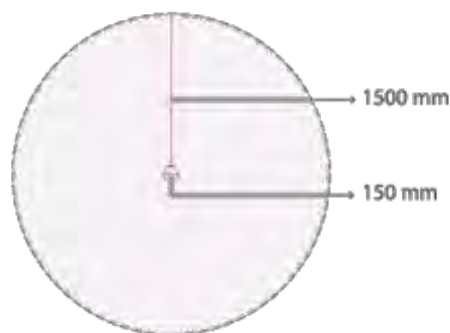


Figure 1.4.1 Structural Root Zone Example

Tree means:

- a. trees as defined in Part 10 Dictionary of DCP 2014 where the tree has a height of 5 metres or a stem circumference of 450mm at a height of 1.4 metres above ground level. This includes palm trees; and
- b. trees described as "major", "substantial" and "significant" in other Parts of DCP 2014.

ITEM 9 (continued)

ATTACHMENT 2

9.5 Tree Preservation

Tree Protection Zone means a specified area above and below ground calculated in accordance with AS 4970 - 2009 Protection of trees on development sites and is a radial distance from the centre of the stem set aside for the protection of a tree's roots and crown to provide for the viability and stability of the tree. Refer to section 3 of the Technical Manual for TPZ calculation guidelines.

Tree Works means:

- c. Any Pruning of **more than 10 per cent** of the crown of a Tree in a **12-month period** (except for deadwood in accordance with Section 2 of this Part);
- d. any removal of a Tree; **and/or**
- e. any pruning or removal of roots (greater than 40mm in diameter) from a Tree inside its Tree Protection Zone; **and/or any works within the Structural Root Zone.**
- f. any alteration (excavation or fill) to the soil level within the Tree Protection Zone of a Tree on the land or on adjoining land.

Urban Forest means all trees and vegetation (both naturally occurring and planted) that occur within or near urban areas.

2. Where the meaning of a term is not set out in Section 1.6 (1) above, the term will have the same meaning as set out (in order of precedence) in Part 10 Dictionary, LEP 2014, and the Environmental Planning and Assessment Act 1979 (EP&A Act) and Regulations.

1.5 Application of Australian Standards

All pruning work must be carried out in accordance with Australian Standard 4373 - 2007 Pruning of amenity trees.

The provisions of Australian Standard 4970 - 2009 Protection of trees on development sites must be fully complied with on all development sites upon which trees are located.

The Technical Manual sets out how these Australian Standards must be applied.

1.6 Enforcement

1. The following activities are prohibited: ringbarking, cutting down, topping, lopping, removing, injuring or wilfully destroying any Tree without a Tree Permit or Development Application approval issued by Council in accordance with this Part.

Note: A person will "injure" a tree if they damage the tree including (but not limited to) by:

- poisoning, applying herbicides or other toxic chemicals to a tree, spilling chemicals, washing off or directing water contaminated by chemicals (eg. oil, petroleum, paint, cement or mortar) within the Tree Protection Zone;
- tearing, breaking or snapping off the stem, branches and roots;
- damaging the root zone by compaction, excavation, filling and stockpiling materials within the Tree Protection Zone;
- wounding the stem with machinery (eg lawn mowers), fixing objects (eg. signs) to the stem or branches by nails, staples or wire, using tree climbing spikes in healthy trees to be retained (except for access to an injured tree worker), fastening materials around the stem or branches that circle and restrict the normal vascular function of the stem or branches.

ITEM 9 (continued)

ATTACHMENT 2



2. Failure to comply with this Part is a breach of section 126 of the EP&A Act for which pecuniary penalties apply. The court dealing with the offence may, in addition to or in substitution for any pecuniary penalty, direct a person to plant new trees and vegetation, maintain those trees and vegetation to mature growth, and provide security for the performance of that obligation.

ITEM 9 (continued)

ATTACHMENT 2

9.5 Tree Preservation

2.0 EXEMPT WORKS

Introduction

This section explains when approval from Council (either by Tree Permit or by Development Application) is not required to carry out Tree Works including the removal or pruning of a Tree.

This section does not apply to any Tree which:

- is listed on the City of Ryde Significant Tree Register;
- is or is located on a site classified as being part of a vulnerable, threatened or endangered ecological community or provides or has the potential to provide habitat for native fauna or fauna classified as vulnerable or threatened under the Threatened Species Conservation Act 1995 (NSW) or the Environmental Protection and Biodiversity Conservation Act 1999 (Cth);
- is or forms part of a heritage item; or
- is within one of the five heritage conservation areas within the City of Ryde.

Trees classified as being part of a vulnerable, threatened or endangered ecological community within the City of Ryde include the following tree species: *Syncarpia glomulifera* (Turpentine), *Eucalyptus punctata* (Grey Gum), *Eucalyptus paniculata* (Grey Ironbark), *Eucalyptus eugenioides* (Thin-leaved Stringybark), *Eucalyptus saligna* (Sydney Blue Gum), *Eucalyptus pilularis* (Blackbutt), *Allocasuarina torulosa* (Forest Oak) and *Angophora costata* (Sydney Red Gum). To identify if any of these classifications apply to your Tree please view www.ryde.nsw.gov.au/Environment/Bushland+and+Wildlife/Native+Vegetation

To identify if your Tree or land has heritage significance please view: www.ryde.nsw.gov.au/Development/Heritage

Controls

- a. The following are exempt works:
 - i. Removal of deadwood provided the work is carried out in accordance with Australian Standard 4373 – 2007 Pruning of amenity trees and NSW WorkCover Code of Practice: Amenity Tree Industry 1998.
 - ii. Tree Works on a Tree where the stem of the Tree at ground level is within 3.4 metres of:
 - the outside enclosing wall of a legally constructed dwelling or outbuilding of over 20 square metres;
 - the outside edge of the footings of a carport; and/or
 - the outside edge of the coping of a legally constructed swimming pool.

This exemption does not apply to a Tree on adjoining land. The Tree and the dwelling house or other structure referred to above must both be on the same land for the exemption to apply.

Note: The term “legally constructed” means built in compliance with environmental and planning legislation and instruments in force within the City of Ryde at the time of construction.
- iii. Pruning of less than 10 per cent of the crown of a tree in a 12-month period.

Note: All work must be carried out in accordance with the Australian Standards 4373-2007 “Pruning of Amenity Trees” and in accordance with the current NSW Workcover Code of Practice - Amenity Tree Industry.
- iv. Tree Works on a Tree on land owned or under the care, control and management of Council where the Tree Works are carried out by Council.

ITEM 9 (continued)

ATTACHMENT 2

Tree Preservation
3.0 Tree Permits

9.5

- v. Tree Works carried out on a Tree by the State Emergency Service or Rural Fire Service in response to an emergency or severe natural event.
- vi. Tree Works on a Tree on land owned by private schools, the Macquarie University, or the State Government and carried out by the agency or their contractor.
- vii. Tree Works required under the provisions of Section 48 of the Electricity Supply Act 1995.
- viii. Tree Works on any Tree on the following list:

BOTANICAL NAME	COMMON NAME
<i>Acacia saligna</i>	Golden Wattle
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alnus jorulensis</i>	Evergreen Alder
<i>Arecastrum romanzoffianum</i> (syn. <i>Syagrus romanzoffianum</i>)	Cocos Palm
<i>Bambusa</i> spp.	Rhizomatous Bamboo
<i>Celtis sinensis</i>	Hackberry
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Cotoneaster</i> sp.	Cotoneaster
<i>Erythrina crista-galli</i>	Cockscorb Coral Tree
<i>Erythrina x sykesii</i>	Indian Coral Tree
<i>Ficus benjamina</i>	Weeping Fig
<i>Ficus elastica</i>	Rubber tree
<i>Lagunaria patersonii</i>	Norfolk Island Hibiscus
<i>Ligustrum lucidum</i>	Broad leaf Privet
<i>Ligustrum sinense</i>	Narrow leaf Privet
<i>Nerium oleander</i>	Oleander
<i>Olea europaea africana</i>	African Olive
<i>Populus</i> spp.	Poplars
<i>Robinia pseudoacacia</i>	Golden Robinia
<i>Salix</i> spp.	Willows
<i>Schefflera actinophylla</i>	Umbrella tree
<i>Tamarix aphylla</i>	Athel tree
<i>Toxicodendron</i> spp.	Rhus tree
All edible fruit and nut trees except <i>Acmena</i> spp. (Lilly Pilly), <i>Syzygium</i> spp. (Lilly Pilly), <i>Elaeocarpus</i> spp. (Blueberry Ash) or <i>Macadamia</i> spp. (Macadamia Tree).	

ITEM 9 (continued)

ATTACHMENT 2

9.5 Tree Preservation

3.0 TREE PERMITS

Introduction

This section explains when a Tree Permit is required to carry out Tree Works. Trees on private land are critical to the Urban Forest within the City of Ryde and accordingly Council wishes to preserve and protect these trees.

If you are applying for a Complying Development Certificate under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 you need to obtain a Tree Permit to carry out any Tree Works to a Tree on your land.

If a Development Application has been approved for the removal of a Tree, a Tree Permit is not required for that Tree.

Controls

- a. A Tree Permit must be obtained before any Tree Works are carried out on a Tree other than works requiring a Development Application under Section 4 of this Part. An arboricultural report, and other reports and information may be required to be submitted as part of the Tree Permit assessment process. Requirements for arboricultural reports are set out in section 4 of the Technical Manual.
- b. A Tree Permit must be obtained for any pruning: a) of the crown of a Tree, (including deadwood) and / or b) pruning or removal of roots (greater than 40mm in diameter) from a Tree inside its Tree Protection Zone that is or forms part of a heritage item or is within one of the five heritage conservation areas within the City of Ryde.
- c. All Tree Works must be carried out in accordance with the NSW WorkCover Code of Practice: Amenity Tree Industry 1998 and, in relation to pruning, Section 5 of the Technical Manual.
- d. Trees removed as a consequence of approval by a Tree Permit must be replaced, in accordance with section 6 of the Technical Manual, to effectively maintain the Urban Forest canopy.

Note: If a Tree is considered to be:

- dead;
- dying; or
- posing an imminent risk to human life or property,

a Tree Permit Application is required to be submitted to Council for the removal of that Tree. If Council is satisfied that the tree is dead, dying or posing an imminent risk to human life or property, it will issue a letter confirming that the Tree is exempt from the requirement for a Tree Permit and Tree Works may be undertaken.

Note: If you want to remove a Tree which is or forms part of a heritage item or is within one of the five heritage conservation areas within the City of Ryde you must apply for a Development Application under Section 4 of this Part.

- e. The applicant must outline the justification for conducting the tree works with regard to the following assessment criteria:
 - i. The tree's species, age, health, vigour, structural condition, stability, and growth habit and surrounding environment
 - ii. Existing and potential habitat value of the tree or section of the tree being considered for pruning

Note: Tree with hollows or other potential habitat may need to be assessed by an ecologist or wildlife specialist.

ITEM 9 (continued)

ATTACHMENT 2

Tree Preservation
3.0 Tree Permits

9.5

- iii. The tree's ecological value, including whether the tree is located within a threatened ecological community
- iv. Risk of spreading disease from the tree to other trees
- v. Potential structural damage to property and/or risk to human life
- vi. The likely effect of the proposed tree works (e.g. root pruning) on the stability of the tree
- vii. The tree's amenity value including visual amenity and canopy coverage

Note: The following are not considered valid reasons for removing or pruning a tree:

- To improve solar access or views
- Impact to minor structures
- To reduce leaf, fruit, resin, or bird droppings into gutters, downpipes, and pools
- To construct a fence
- Damage to buildings or structures which have not been built in accordance with the relevant planning controls and legislation in force at the time of construction
- Damage to buildings or structures where alternative tree sensitive construction measures could be undertaken
- Root damage to a water, drainage, or sewer system that is old (e.g. terracotta pipes) or in a poor condition
- Bushfire Hazard control works not undertaken by the NSW Rural Fire Service (in the instance of an emergency)

ITEM 9 (continued)

ATTACHMENT 2

9.5 Tree Preservation

4.0 DEVELOPMENT APPLICATIONS

Introduction

The City of Ryde contains a number of areas with heritage significance. On land within these areas, Development Application approval must be obtained before carrying out Tree Works on any Tree regardless of whether any other development is proposed for that land. This section explains when Development Application approval under this Part must be obtained.

Requirements relating to Trees on development sites are set out in section 2 of the Technical Manual.

Controls

- a. A Development Application approval must be obtained before any removal of a Tree if either the Tree or the site upon which the Tree is located:
 - is or forms part of a heritage item. Heritage items are identified in Schedule 5 of LEP 2014 and are shown on the Heritage Map www.ryde.nsw.gov.au/Development/Heritage
 - is within one of the five heritage conservation areas within the City of Ryde. You can check whether your property is within one of these areas by looking at the Heritage Map www.ryde.nsw.gov.au/Development/Heritage
- b. Trees removed as a consequence of Development Application approval must be replaced, in accordance with section 6 of the Technical Manual, to effectively maintain the Urban Forest canopy.

ITEM 9 (continued)

ATTACHMENT 2



ITEM 9 (continued)

ATTACHMENT 2



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ITEM 9 (continued)

ATTACHMENT 3

Explanation of distance requirement

