

Meeting Date: Tuesday 8 November 2016
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 5.00pm

NOTICE OF BUSINESS

Item	Page
1 CONFIRMATION OF MINUTES - Meeting held on 11 October 2016	1
2 123 BOWDEN STREET, MEADOWBANK. LOT 4 DP 14964. Local Development Application for demolition and construction of a 7 storey mixed use development containing 1 commercial tenancy, 18 residential units and parking for 27 vehicles. LDA2015/0628.	6
3 6 AND 10 CLERMONT AVENUE AND 7, 8 AND 9 JENNIFER STREET, RYDE - LOT Y & X IN DP 418160 AND LOTS 7, 8 & 9 DP 28069. Development Application – Demolition including tree removal; staged construction of seniors housing development comprising a residential care facility and in-fill self-care housing over basement parking. LDA2016/0051.	141
4 FOOD TRUCK TRIAL	299

1 CONFIRMATION OF MINUTES - Meeting held on 11 October 2016

Report prepared by: Senior Coordinator - Governance

File No.: CLM/16/1/3/2 - BP16/1309

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 8/16, held on 11 October 2016, be confirmed.

ATTACHMENTS

1 MINUTES - Planning and Environment Committee Meeting - 11 October 2016

ITEM 1 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 8/16**

Meeting Date: Tuesday 11 October 2016

Location: Council Chambers, Level 1A, 1 Pope Street, Ryde

Time: 5.00pm

Councillors Present: Councillors Etmekdjian (Chairperson), Laxale, Pendleton, Salvestro-Martin and Stott.

Apologies: Nil.

Leave of Absence: Councillor Yedelian OAM.

Absent: Councillors Maggio and Simon.

Note: In the absence of Councillor Yedelian OAM, the Deputy Chairperson – Councillor Etmekdjian chaired the meeting.

Note: Councillor Laxale arrived at 5.06pm during public participation on Item 2.

Staff Present: Acting General Manager, Acting Director – City Strategy and Planning, Acting Director – Corporate and Community Services, Acting Manager – Strategic City, Acting Manager – Assessment, Senior Coordinator – Development Assessment, Senior Development Engineer, Client Manager, Senior Coordinator – Strategic Planning, Senior Strategic Planner, Planning Consultant (Creative Planning Solutions), Senior Coordinator – Governance, Governance, Risk and Audit Coordinator and Administration Officer – Councillor Support.

DISCLOSURES OF INTEREST

Councillor Laxale disclosed a Significant Non-Pecuniary Interest in Item 2 – 1 Lumsdaine Avenue, East Ryde – LDA2016/0197 for the reason that an objector is known to him.

1 CONFIRMATION OF MINUTES - Meeting held on 13 September 2016

Note: This matter was dealt with later in the Meeting as detailed in these Minutes.

ITEM 1 (continued)

ATTACHMENT 1

2 1 LUMSDAINE AVENUE, EAST RYDE- LOT 435 IN DP31253. Development Application for demolition, and construction of a two (2) storey dual occupancy (attached) and strata subdivision. LDA2016/0197.

Note: Penny Pedersen (objector), Jackson Wong (objector) and Mounzer Mortada (applicant's architect) addressed the meeting in relation to this Item.

Note: Councillor Laxale arrived at 5.06pm during public participation on this Item.

Note: Councillor Laxale disclosed a Significant Non-Pecuniary Interest in this Item for the reason that an objector is known to him. He left the meeting at 5.13pm and was not present for consideration or voting on this Item.

Note: Correspondence from Jill Shadbolt and Brad Timbrell (objectors) was tabled in relation to this Item and a copy is ON FILE.

Note: Documentation and five (5) photographs provided by Jackson Wong were tabled in relation to this Item and copies are ON FILE.

RECOMMENDATION: (Moved by Councillors Etmekdjian and Salvestro-Martin)

That the consideration of this matter be deferred to Council for determination.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **25 OCTOBER 2016** as substantive changes were made to the published recommendation.

Note: Councillor Laxale returned to the meeting at 5.17pm.

3 191 SHAFTSBURY ROAD, EASTWOOD - LOT 30 DP 663281. Alterations and additions to an existing dwelling house, and change of use to a twelve (12) room boarding house with basement parking pursuant to the provisions of State Environmental Planning Policy Affordable Rental Housing 2009. LDA2015/0480.

Note: Russell Prescott (applicant) addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Laxale and Etmekdjian)

(a) That Local Development Application No. LDA2015/0480 be approved subject to the **ATTACHED** conditions (Attachment 1).

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

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Councillor Laxale

Against the Motion: Councillors Etmekdjian, Pendleton, Salvestro-Martin and Stott

Note: This matter will be dealt with at the Council Meeting to be held on **25 OCTOBER 2016** as dissenting votes were recorded.

4 1 ANGAS STREET, MEADOWBANK. LOT 60 DP 4773. Local Development Application for a residential apartment building containing 26 apartments & parking for 29 vehicles and strata subdivision. LDA2015/0540.

Note: Robert Renew (objector representing the owners of apartments at The Bay 3-13 Angas Street, Meadowbank) and Don Smith (applicant's town planner) addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Laxale and Etmekdjian)

- (a) That Local Development Application No. 2015/0540 for 1 Angas Street, Meadowbank be approved subject to the attached conditions (**Attachment 1**).
- (b) That the persons who made submissions be advised of Council's decision.

On being put to the Meeting, Councillor Pendleton abstained from the voting and accordingly her vote was recorded Against the Motion.

Record of Voting:

For the Motion: Councillors Etmekdjian and Laxale

Against the Motion: Councillors Pendleton, Salvestro-Martin and Stott

Note: This matter will be dealt with at the Council Meeting to be held on **25 OCTOBER 2016** as dissenting votes were recorded.

5 PLANNING PROPOSAL - 176 BLAXLAND ROAD, RYDE

Note: Joseph Sassine (owner) addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Laxale and Salvestro-Martin)

That Council defer consideration of the Planning Proposal for the General Manager and Director to meet with the applicant to discuss provision of appropriate public benefit given the applicant has not complied with Council's resolution for the provision of Affordable Housing with the Planning Proposal.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **25 OCTOBER 2016** as substantive changes were made to the published recommendation.

1 CONFIRMATION OF MINUTES - Meeting held on 13 September 2016

RESOLUTION: (Moved by Councillors Salvestro-Martin and Laxale)

That the Minutes of the Planning and Environment Committee 7/16, held on 13 September 2016, 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.

The meeting closed at 5.55pm.

CONFIRMED THIS 8TH DAY OF NOVEMBER 2016.

Chairperson

2 123 BOWDEN STREET, MEADOWBANK. LOT 4 DP 14964. Local Development Application for demolition and construction of a 7 storey mixed use development containing 1 commercial tenancy, 18 residential units and parking for 27 vehicles. LDA2015/0628.

Report prepared by: Senior Town Planner; Senior Coordinator - Major Development

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

File Number: GRP/09/5/6/2 - BP16/1330

1. Report Summary

Applicant: Z Chanine.

Owner: B D Hales, J J Hales.

Date lodged: 9 December 2015.

The purpose of this report is to seek the determination of LDA2015/0628 that proposes to demolish the existing factory/warehouse structure on the site and construct a new seven storey mixed use building containing two basement car parks, ground floor commercial space of 47m², 18 residential units and rooftop common open space.

The site is legally described as Lot 4 in DP14964 and currently supports a warehouse within a B4 zoned area. The adjoining development to the north, south and east (opposite) of the site is commercial and light industrial premises while the development located to the rear (along Angas Street) of the site is primarily mixed use residential development. This area, due to the B4 zoning is undergoing significant change with the construction of mixed use residential flat buildings slowly replacing the commercial and light industrial premises, particularly along Bowden Street.

The application was notified and advertised from 27 January to 17 February 2016 where seven (7) submissions were received. These submissions raised the following issues:

- building height and number of storeys
- solar access
- privacy and amenity
- view loss

The proposal has been assessed against the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979 (EP&A Act), the Ryde LEP 2014, and Ryde DCP 2014, more specifically Part 4.2 Shepherd's Bay, Meadowbank of the Ryde DCP.

ITEM 2 (continued)

Under the Ryde LEP 2014 the site is zoned B4 Mixed Use for which the proposal is permissible with consent. The maximum height of buildings applicable to the site under Clause 4.3 and the Height of buildings map is 21.5 metres with a maximum floor space ratio (FSR) applicable to the site of 2.5:1. Under the provisions of the Ryde LEP 2014 the applicant has submitted a Clause 4.6 variation to Clause 4.3 as the proposal exceeds the allowable building height of 21.5 metres. The maximum building height for the proposal is 24.5m which is confined to the lift overrun and ancillary structures located on the rooftop terrace. These ancillary structures are to the stairwell and bathroom amenities, which is setback 6m from the building's front façade and 13m from the front boundary. The excess building height is not considered to have any detrimental impacts to the site or surrounding locality and this is discussed further in this report. The proposal is compliant with the maximum FSR standard.

The development provides appropriate articulation and is satisfactory in respect to the 9 design principles of SEPP 65 and is generally consistent with the requirements of the Apartment Design Guide (ADG) for development in a mixed use zone.

The application does not fully comply with the Ryde DCP 2014, specifically Part 4.2 Shepherd's Bay, Meadowbank, section 4.2.1 Height. The proposal is non-compliant with Figure 4.2.10 identifying the site to have a maximum 6 storeys for which the development proposes 7 storeys.

This variation is considered to be justified given a merit based assessment and it is considered that the proposal is acceptable when assessed using the objectives and controls of Ryde's DCP 2014 and is generally consistent with the provisions relating to residential flat buildings and the B4 Mixed Use zoning of the site.

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

Reason for Referral to Planning and Environment Committee: Over 5 submissions submitted

Public Submissions: 7 submissions were received objecting to the development.

Clause 4.6 RLEP 2014 objection required? YES (14%).

Value of works: \$4,650,500.00

RECOMMENDATION:

- (a) That LDA No. 2015/628 at 123 Bowden Street, Meadowbank be approved subject to the conditions in the **ATTACHED** conditions (Attachment 1).

ITEM 2 (continued)

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

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Clause 4.6 Variation
- 3 Heritage Officer's Comments
- 4 A4 Plans
- 5 A3 Plans - Part 1 - Subject to Copyright Provisions - CIRCULATED UNDER SEPARATE COVER
- 6 A3 Plans - Part 2 - Subject to Copyright Provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Natalie Piggott-Herridge
Senior Town Planner

Sandra Bailey
Senior Coordinator - Major Development

Report Approved By:

Vince Galletto
Acting Manager - Assessment

Liz Coad
Acting Director - City Strategy and Planning

ITEM 2 (continued)

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

Address	:	123 Bowden Street, Meadowbank
Site Area	:	578.7m ² Frontage 16.09 metres Depth 35.965 metres
Topography and Vegetation	:	The site has a slope from the rear west elevation to the front east elevation with a cross slope of north to south. The site has very little vegetation on site due to the nature of the commercial premises
Existing Buildings	:	Currently onsite is an existing warehouse
Planning Controls	:	
Zoning	:	B4 Mixed Use
Other	:	Ryde Local Environmental Plan 2014 State Environmental Planning Policy No. 55 (Remediation of land) State Environmental Planning Policy (Building Sustainability Index: BASIX) State Environmental Planning Policy 65 Design Quality of Residential Flat Development Development Control Plan 2014 Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

ITEM 2 (continued)



Figure 1: Aerial photo showing subject site and objector locations

3. Councillor Representations

Nil.

4. Political Donations or Gifts

Any political donations or gifts disclosed? NO.

5. Proposal

The application proposes the demolition of the existing building and construction of a 7 storey mixed use development over 2 levels of basement car parking comprising of the following:

- Basement 2 Level
 - 12 residential parking spaces, 2 bicycle spaces, 2 disabled parking spaces with shared zone, store areas, lift, internal stairs and exhaust fan room.

ITEM 2 (continued)

- Basement 1 Level
 - 7 residential parking spaces, 3 visitor parking spaces, 2 commercial tenancy parking spaces, 1 disabled visitor parking space, lift, store areas, exhaust fan room, fire hydrant pump room and internal stairs.

- Ground Floor
 - driveway to basement car park;
 - commercial unit of 47m² with adaptable bathroom;
 - entrance lobby, waste holding room, service room, and internal stairs from basement car park;
 - Unit 1 comprising of kitchen, living room, bathroom, study area, laundry, bedroom 1 with en-suite, bedrooms 2 and 3, outdoor terrace with timber decking and rear landscaping.

- Level 1
 - Lift and lobby area;
 - 3 units comprising of 2 x 2 bedroom and 1 x 1 bedroom units.

- Level 2
 - Lift and lobby area;
 - 3 units comprising of 2 x 2 bedroom and 1 x 1 bedroom units.

- Level 3
 - Lift and lobby area;
 - 3 units comprising of 2 x 2 bedroom and 1 x 1 bedroom units.

- Level 4
 - Lift and lobby area;
 - 3 units comprising of 2 x 2 bedroom and 1 x 1 bedroom units.

- Level 5
 - Lift and lobby area;
 - 3 units comprising of 2 x 2 bedroom and 1 x 1 bedroom units.

ITEM 2 (continued)

- Level 6
 - Lift and lobby area;
 - 2 units comprising of 1 x 2 bedroom and 1 x 3 bedroom units.
- Level 7
 - Rooftop terrace with bathroom, pergola, timber decking and landscaping;
 - Lift overrun and stairs.



Figure 2: Bowden Street frontage elevation

ITEM 2 (continued)

6. Background

Development Application LDA2015/628 was lodged on 9 December 2015. In accordance with Council's notification policy the application was neighbour notified from 27 January to 17 February 2016. A total of seven (7) submissions were received.

Referrals were sent to Council referral staff for comment and conditions on 21 December 2015. Issues were identified with the waste collection aspect of the application which was communicated to the applicant on 1 July 2016. A meeting was held on 11 July 2016 with the applicant and Council staff to discuss amendments to the application to accommodate waste collection.

Amended plans were lodged on 13 July 2016 with the following amendments to the ground floor plan:

- relocation of commercial unit off the northern boundary;
- relocation of the waste holding room along northern boundary and new bulky goods storage area incorporated in;
- amend configuration of unit 1

The following figures demonstrate the relocation of the ground floor. As the amended plan did not modify the building envelope, it was not necessary for these plans to be renotified.



Figure 3: Original ground floor plan

ITEM 2 (continued)



Figure 4: Amended Ground floor plan dated 13 July 2016

125 Bowden Street Meadowbank LDA2015/161

The neighbouring site at 125 Bowden Street lodged a development application on 7 April 2015. This application is identical to the proposal at 123 Bowden Street with the same height variation to the lift overrun and ancillary structures. This application was approved on 1 September 2016.

7. Submissions

The proposal was advertised and notified in accordance with Development Control Plan 2014 - Part 2.1, Notification of Development Applications. The application was advertised on 27 January 2016 and notification of the proposal was from 27 January 2016 until 17 February 2016.

As a result of the notification seven (7) submissions were received and it is noted that the majority of the submissions referenced the neighbouring development at 125 Bowden Street. The issues raised in the submissions were:

- non-compliance to Ryde LEP 2014 and Ryde DCP 2014 - building height and number of storeys
- privacy and amenity
- view loss
- solar access

ITEM 2 (continued)

1. Non-compliance to Ryde LEP 2014 and Ryde DCP 2014 - Building height and number of storeys:

Comment: The primary concern of the submissions is the fact that the building is of a height greater than the development along Angas Street, particularly 4 to 8 Angus Street, and this together with the breach in the building height will impact their lighting and amenity. The development of 4 to 8 Angus Street is approximately 16m and only 5 storeys in height. The submissions raise the issue that the proposal at 123 Bowden Street should be restricted to the same heights and number of storeys as those approved along Angas Street.

At the time the development of 4 to 8 Angus Street was approved the allowable building heights were less than what is now permissible under Ryde LEP 2014. The site at 123 Bowden Street has a permissible building height of 21.5m and, whilst the proposal has a minor breach of the building height due to the lift overrun and rooftop terrace.

The development results in a minor height non-compliance with the 21.5m height control. This non-compliance is restricted to the lift overrun and ancillary structures of the stairwell and bathroom facilities.

As detailed in greater detail in the report, this variation to the height control can be supported. The variation is consistent with other recently approved buildings by both Council and the Joint Regional Planning Panel and will not result in any adverse impacts to the adjoining properties.

The submission is correct in stating that the development does not comply with the number of storeys shown in Ryde DCP 2014. This planning instrument states 6 storeys whereas the development is 7 storeys. For the purposes of this control the lift overrun and rooftop is not considered a storey. In the event where a DCP control (based on storeys) conflicts with the height provisions of RLEP 2014 (based on metres), the DCP provision has no effect to the extent that it is "inconsistent or incompatible" with RLEP 2014 pursuant to Clause 74C(5) of the Environmental Planning and Assessment Act 1979. The height of the building is consistent with the desired future character of the area despite the number of storeys.

2. Privacy and amenity

Comment: Concerns have been raised that the rooftop garden will impact privacy and acoustic amenity. The building is setback 12m from the rear resulting in a building to building separation distance of 15.5m and 18m from block A of 4 to 8 Angus Street. Figure 5 below demonstrates the relationship between the subject site and the building at 4 to 8 Angus Street.

ITEM 2 (continued)



Figure 5: Level 6 floor plan showing distance separation to building A at 4 to 8 Angas Street



Figure 6: Rooftop terrace showing landscape screening along western elevation

Figure 6 is the rooftop terrace which shows screen planting along the western elevation that consists of 9 x Duranta Gold which reach a mature height of 1.2m and 1 x Dragon tree which reaches a mature height of 5-7m.

With the separation distances and the use of screen planting on the rooftop terrace there will not be a loss of amenity.

ITEM 2 (continued)

3. View Loss

Comment: The concern for view loss was raised by the resident in unit 21 which is located within building block B on level 2 (3rd storey). Figure 7 below demonstrates the relationship of unit 21 and the proposed development.

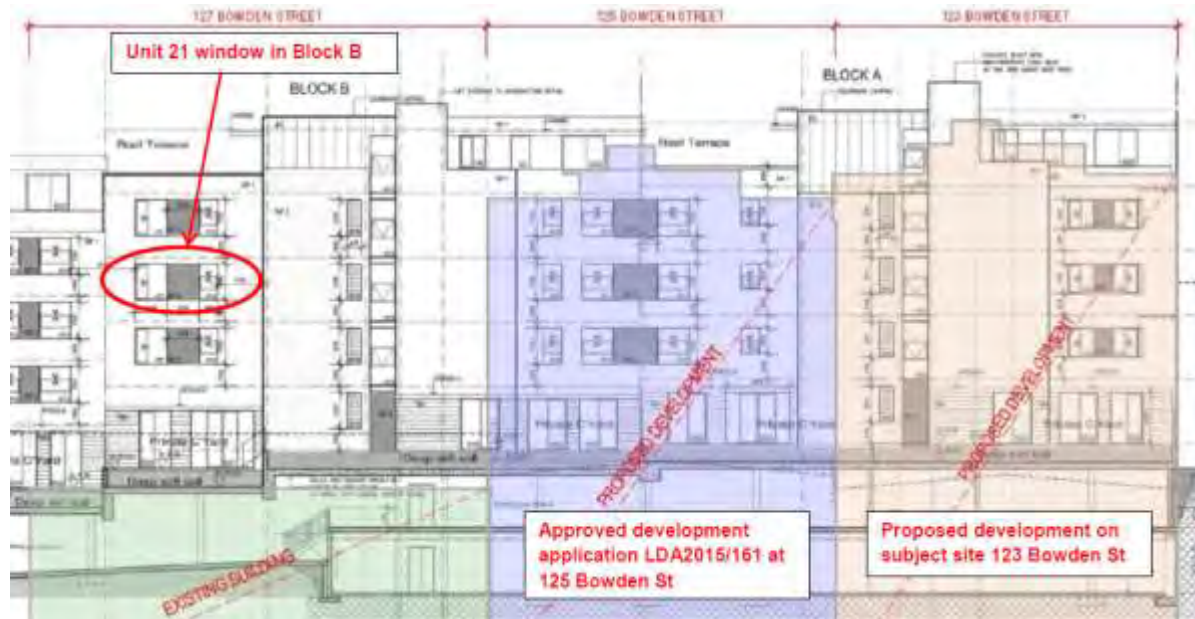


Figure 7: Southern elevation of 4 to 8 Angas St showing relationship with development and unit 21's windows

Views from this property are to the south-east towards Parramatta River or towards the east over Meadowbank as demonstrated in Figure 8.



Figure 8: View diagram

ITEM 2 (continued)

The view towards Parramatta River will not be blocked as a consequence of this development. The outlook towards the north-west will, however, be blocked.

While the views towards the river and over Meadowbank from this unit will not be blocked by this development, it is unrealistic to expect this property to retain the view/outlook once the development at 127-131 Bowden Street is redeveloped. This property also has a 21.5m height limit which will allow for a 6 to 7 storey building to be constructed. This height limit will affect the views from all of the lower levels within 4 to 8 Angas Street.

4. Solar access

Comment: With regards to the blocking of sunshine and overshadowing, there will be minimal impacts to the adjoining development. It should be noted that any development that meets the adopted planning controls will cause some overshadowing to the neighbouring sites.

Overshadowing will occur at 9am and this will affect apartments within Blocks B and C of 4 to 8 Angas Street. This shadow will not affect the properties by approximately 10.30am midwinter. The extent of overshadowing is not likely to materially affect the amenity of the adjoining properties. The following figures demonstrate the impact at 9am and 12 noon midwinter.



Figure 9: 9am shadow diagram to 4 to 8 Angas Street

ITEM 2 (continued)



Figure 10: 12pm shadow diagram

8. Clause 4.6 RLEP 2014 objection required? YES

A Clause 4.6 variation was lodged with the application seeking to vary the height development standard as required under Clause 4.3 of the RLEP 2014. The building height for this site is 21.5m and the proposal, at the top of the lift overrun, will measure 24.5m. This is a total breach of 3m at its worst point or 14%. The Clause 4.6 variation is assessed further in this report.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2014

Clause 2.3 Zone Objectives and Land Use Table

Ryde LEP 2014 commenced on 12 September 2014. The relevant provisions for this proposal are provided below and the following is an assessment of the proposed development against those provisions.

ITEM 2 (continued)

Clause 2.2 - Zoning

The site is zoned '*B4 Mixed Use*' under the provisions of the LEP 2014. The proposed development is permitted in this zoning.

Clause 2.3 – Zone Objectives

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

- *To provide a mixture of compatible uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible location so as to maximise public transport patronage and encourage walking and cycling.*

The proposed development complies with the above objectives. It will be consistent with the desired future character for the precinct by introducing a mixed use building consisting of residential and retail/commercial uses that responds appropriately to the sloping topography and location of the site. The massing and scale of the development is appropriate in terms of the existing and likely future built environment and the built form contributes to the character and public domain of the area.

Clause 4.3 Height of Buildings

Under Clause 4.3, the height of a building on for the land is not to exceed the maximum height of 21.5m.

Building height is defined in this planning instrument as meaning the vertical distance between (existing) ground level at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The building generally complies with the maximum height control except for the lift overrun, the stair well, the roof-top pergola over the communal open space and associated bathroom amenities. The extent of non-compliance is indicated in the table and cross-section provided below.

ITEM 2 (continued)

RLEP	Proposal	Extent of breach
RLEP 2014 4.3(2) Height of buildings		
21.5m max.	1. Roof Access / Lift Overrun	1.4m over the stairwell (RL35.85) 3m over the lift shaft (RL36.95).
21.5m max.	2. Roof-top Parapet (eastern edge)	0.2m at Bowden Street edge (RL33.45).
21.5m max.	3. Roof-top Parapet (western edge)	Complies
21.5m max.	4. Bathroom & Pergola	2.2m at the north-western edge of the pergola(RL36.185) & 1.8m at south-western elevation of bathroom



Figure 11: Cross section view

ITEM 2 (continued)



Figure 12: Bowden street elevation and rooftop plan viewed from Bowden Street

The substantive non-compliances in height occur due to the facilities associated with the roof-top communal open space. The overall structure of the building complies with the 21.5m height control with the exception of a minor breach at the eastern edge of the roof.

The layout of the roof-top communal open space comprises access (in the form of a lift and stairs), bathroom and deck with pergola. The lift is necessary to provide equity of access for all residents in the building and the stairs are necessary to provide emergency access. The location of the access is determined by the need to provide an efficient and accessible core for the building. Relocating these facilities to the western edge of the building would reduce the numerical non-compliance with the height of building control (because of the higher existing ground line) but would arguably increase the visual impact when viewed from the west and result in a less workable core for the building.

ITEM 2 (continued)

The other features that exceed the building height standard are an accessible toilet booth and a pergola. Again, the toilet is necessary to facilitate use of the space by residents.

Clause 4.6 of LEP 2014 allows exceptions to development standards. Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The consent authority must be satisfied that the applicant's written request has satisfied the above criteria and that the proposed development will be in the public interest as it is consistent with the zone objectives as well as the objectives of the particular development standard. A copy of the Clause 4.6 variation has been attached to the report.

Consent cannot be granted unless the concurrence of the Director-General of the Department of Planning and Environment has been obtained. The Department's Circular *PS 08-003* issued on 9 May 2008 informed Councils that it may assume the Director-General's concurrence for exceptions to development standards.

The relevant matters are discussed below.

1. Written request provided by the applicant.

The applicant has provided a written request seeking a variation to the development standard with justification in the Statement of Environmental Effects.

The applicant's submission notes that:

- Overall the extent of exceedance is considered minor in terms of verticality (max. 14%) and over the footprint of the building;
- All structures are located in the centre of the building footprint and make up a small percentage of the roof area which will not be visible from the local public domain of Bowden Street.

The roof-top facilities will be visible from the adjoining multi-storey buildings and this is addressed further in this report.

ITEM 2 (continued)

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

The applicant has provided a detail consideration against the provisions of Clause 4.6 and the aims of RLEP2014 and the objectives of the Height of Building control to justify the request for the proposed variation.

In summary, the request contends that the proposed variation is:

- Consistent with the objectives and application of Clause 4.6 in providing for flexibility in the application of development standards where it provided for a better planning outcome. The justification includes that the bulk of the building is compliant and the increase in height derives from the provision of access to roof-top communal open space to provide a better outcome in terms of liveability for residents of the site. This is in a context where the remainder of the development meets required standards and that the impact of the non-compliance is acceptable in terms of other considerations such as shadowing and visual appearance.
- Consistent with principles of the Land and Environment Court relating to such matters. In this regard, the submission contends that the proposed variation will not undermine or impede future application of the development standard and it will not be a means to affect general planning change. As such, the development remains compliant with the principles and general parameters of the built form controls and expectations within the planning framework

The proposed building height is compliant with the LEP control at the Bowden Street frontage. As a result, it will be in proportion with and in keeping with the character of existing and future similar development. The upper eaves of the building are at a height at or below the maximum permissible under the LEP.

The extent of non-compliance does not provide for an additional storey. The visual bulk of the building complies with the height control. It is noted that the height control of 21.5m can accommodate 7 storeys where the RDCP controls present a guideline figure of 6 storeys.

The proposal complies with the FSR control of 2.5:1 RLEP 2014 and therefore the height encroachments do not result in a non-complying density for the site.

Due to the orientation of sites, the encroachments to the 21.5m height control do not result in additional detrimental impacts to surrounding properties due to overshadowing. This has been illustrated previously in this report.

ITEM 2 (continued)

The overall height of the building is compatible with the emerging character of the area and the proposed height of the development meets the objectives of the height control in that articulation has been provided to the upper level of the building to assist in reducing the bulk as well as adding visual interest. It should be noted that Council has already approved a similar height non-compliance in the recently approved development at 125 Bowden Street.

The proposed height is considered to meet the objectives of the control. A strict numerical compliance with the development standard would not deliver any substantive additional benefits to the owners or occupants of the surrounding properties or the general public and such compliance can therefore be considered to be unreasonable and unnecessary in the circumstances of the case.

The scale of the non-compliance is considered not to result in any unreasonable impacts and as such, strict compliance with the development standard is considered to be unreasonable and unnecessary in the circumstances of the case.

The height of the proposed building is consistent with LEP 2014 with the exception of the minor breaches identified. It is considered that the applicant has demonstrated that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case.

3. Environmental grounds to justifying contravening the development standard.

The applicant has addressed the environmental grounds to justify the non-compliance as detailed in the above section.

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

The zone objectives have been discussed in an earlier section of the report. As previously concluded, the development complies with the objectives of the zone.

The objectives of the height of buildings clause - Clause 4.3(1) in RLEP 2014 – are considered below:

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

ITEM 2 (continued)

Comment: As demonstrated in the SEPP65/ADG consideration later in this report, the proposed development is compatible with the emerging character of the area. The bulk and scale of the building as viewed from the street is consistent with the planning controls and desired character for the Shepherds Bay Area. The overall built form ensures acceptable setbacks, streetscapes, scale and visual interest in the buildings.

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

Comment: The applicant has provided shadow diagrams for 9.00am, 12noon and 3.00pm in midwinter. The diagrams demonstrate that there will be no overshadowing to existing residential properties such as 4-8 Angas Street after 10.30am in midwinter and that the proposed height breaches will not add to the impact on neighbouring sites.

Solar access diagrams have been submitted which demonstrate the proposed development will receive adequate solar access. Again, the height non-compliance will not adversely impact on this aspect of the development.

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

Comment: The proposed development of a mixed use development with a commercial street frontage and residential units is in keeping with the intended future development for the Meadowbank precinct. The issue of site amalgamation has been pursued with the landowner and advice has been provided that there is no wish to consolidate with adjoining properties for a development site. It can be demonstrated that the subject site can be developed independently without impacting on the development potential of adjoining properties. The site is within walking distance to train, bus and ferry services.

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

Comment: The impact on adjoining properties has been considered previously in this report, in particular, solar access and privacy impacts. The height exceedance will not add to any impact due to shadowing which has been demonstrated in Figures 9 and 10. The non-compliant structures are associated with the use of the roof-top communal open space and, as stand-alone structures, they do not impact on privacy. The roof-top area will be used by residents of the new building only and the primary usable area being the pergola and deck have been located within the north-western corner of the building with setbacks between 1.2m and 2.5m.

ITEM 2 (continued)

The proposed terrace includes planter boxes around the perimeter to serve as privacy screening, therefore providing adequate visual and acoustic privacy for the residents of the neighbouring building. In any case, the floor of the terrace and parapets are compliant with the height control applying to the site.

It is noted that the adjoining residential building at 4 to 8 Angas Street, has a roof-top communal space area for building block A which also has planter boxes along the edge to provide screen planting. This communal space is diagonally off set from the subject site, as shown in Figure 13 below, and located above the subject site by approximately 1 storey. The fact that the neighbouring site's communal open space is not directly adjacent to the subject site and has both a level difference and a minimum 18 metre separation adequately addresses any potential amenity impacts.

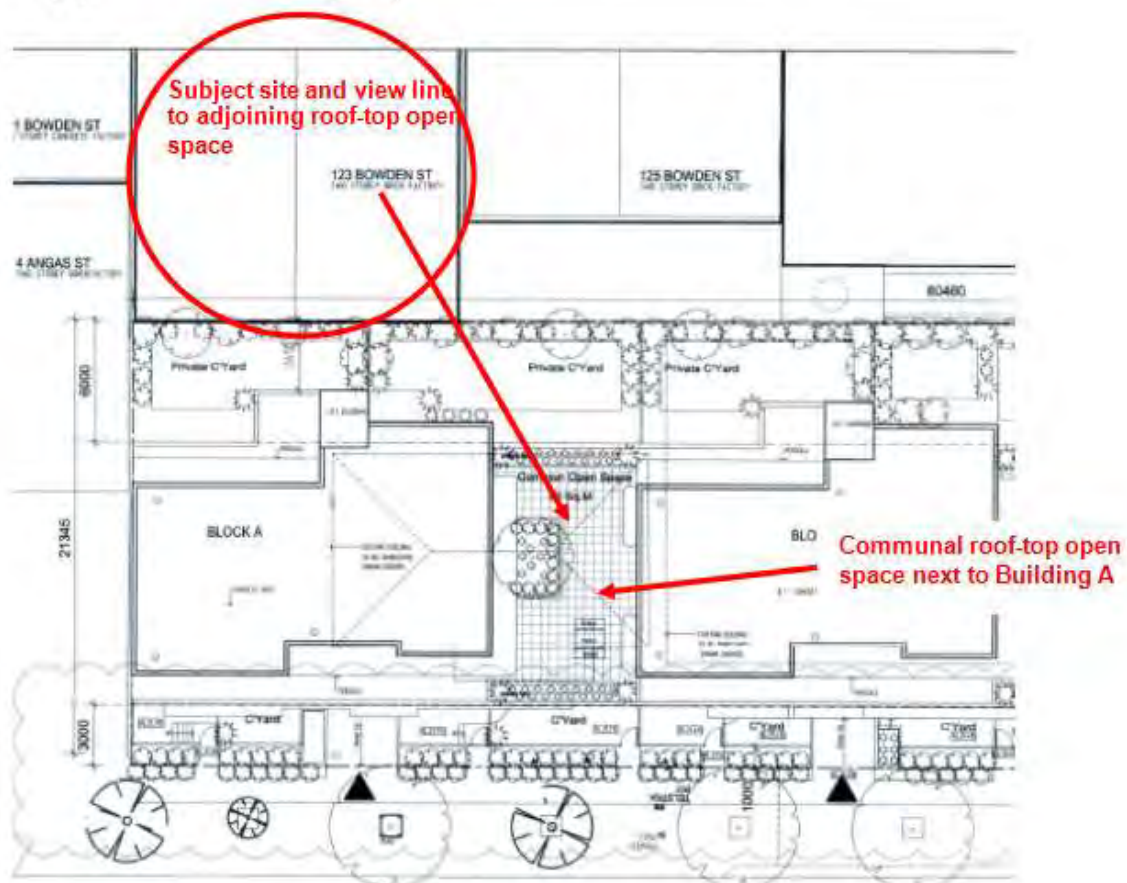


Figure 13: Partial approved site plan for LDA2011/0376 4 to 8 Angas Street Meadowbank

The final amenity issue for consideration is view impacts and any potential view loss neighbouring sites may have from the development. In this instance consideration needs to be given to the residential flat building at 4 to 8 Angas Street.

ITEM 2 (continued)

The following photograph shows the view of 4-8 Angas Street as viewed from the subject site. This diagram indicates that the lower levels of 4-8 Angas Street have not been designed to take advantage of the views. The upper level however has incorporated an outdoor space attached to a dwelling and larger windows.



Figure 14: Photograph showing the eastern façade of 4-8 Angas Street. The development at 3-13 Angas Street is located in the background.

Views from 4 to 8 Angas Street are either towards the east over Meadowbank or to the south-east towards Parramatta River. This is demonstrated in the following diagram.

ITEM 2 (continued)



Figure 15: View diagram

The following figure shows the south-western elevation of 4 to 8 Angas street with the proposed building superimposed in front.

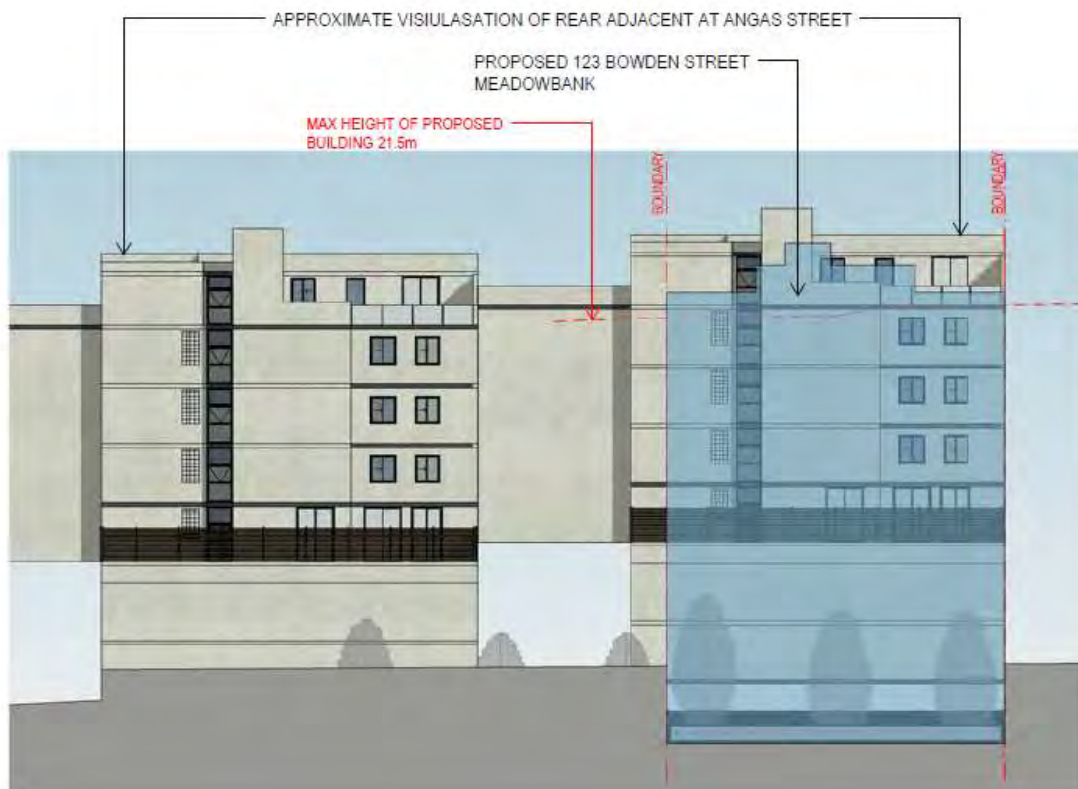


Figure 16: Approximation of building relationship to rear block A of 4 to 8 Angas Street

ITEM 2 (continued)

As is demonstrated in this figure, the view towards Meadowbank from the lower units of the building at 4 to 8 Angas Street will be affected by any redevelopment on 123 Bowden Street that rises to 21.5m. Due to the rear setback of the building at 123 Bowden Street, the view towards the river will be retained.

Views from the upper level will still be available. The following diagram identifies that the windows on this level are a kitchen window and bedroom window.

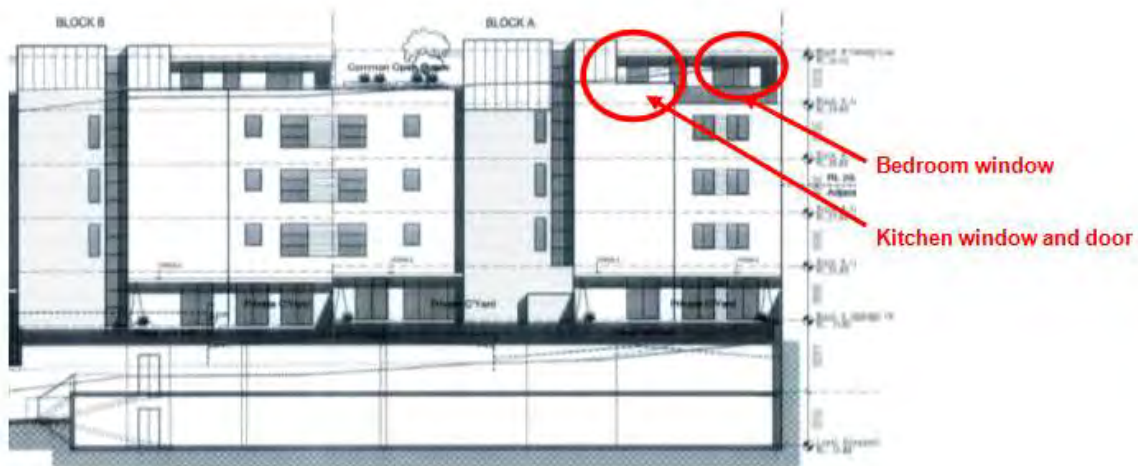


Figure 17: South-east elevation of Block A

The view towards the river is blocked from the kitchen window due to the unit's orientation and the fenestration of the building facades.

The views to the skyline and over Meadowbank will be partially impacted by the non-compliant structures, however these structures do not sterilise the view from the balcony or the bedroom.

The view from the bedroom and balcony towards the river will not be affected by this development.

From the perspective of Clause 4.6 consideration needs to be given to the impact from the non-compliance proposed due to the lift overrun and associated structures. When assessing view loss the four steps of view sharing was outlined in the Planning Principle set down in the case of *Tenacity Consulting v Warringah* [2004] NSWLEC 140. *"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views are valued more highly than views without icons. Whole views are valued more highly than partial views eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured."* In this instance views are available from level 1 and above.

ITEM 2 (continued)

This view consists of views of the river including Ryde Bridge and views over Meadowbank. The view of Parramatta River are valued more highly than the land views over Meadowbank.

“The second step is to consider from what part of the property the views are obtained.” All of the views are taken from a standing position. Similar views would also be available from a sitting position.

“The third step is to assess the extent of the impact.” On all but the upper level of the building the land views over Meadowbank will be blocked. Views however towards the south east towards Parramatta River will be retained. This impact from this development is considered to be moderate.

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable”.

The height non-compliance for this development is in relation to the upper level. The roof access and lift overrun will result in the greatest breach of the 21.5m height control with a variation of 1.4m and 3m respectively. The pergola results in a maximum 2.2m breach at the north-western edge. The impact to the views from 4-8 Angas Street occurs due to that part of the building that fully complies with the 21.5m height control. In other words that part of the building that does not comply with the height control will have no impact on views or minimal impact on views from the top most level of 4-8 Angas Street. It would not be possible to provide a more skillful design on the site to reduce the loss of views from the development at 4-8 Angas Street.

From the above, it is concluded that the view loss from 4 to 8 Angas Street is considered acceptable. It should also be noted that this assessment has only considered the current development application. As previously advised in the report Council has approved a development application at 125 Bowden Street and is currently considering a development application at 127 Bowden Street. These sites also have the same height control of 21.5m. In particular any development at 127 Bowden Street which complies with the height control, will have a significant impact on the water views from 4 to 8 Angas Street. This cannot be avoided due to the topography of the site.

ITEM 2 (continued)

As demonstrated in the report that part of the development that breaches the height control will not have an unsatisfactory impact on the views from the property to the rear. The views from this property are significantly affected by any development that is compliant with the height control.

The bulk of the building meets the applicable height of building control established for this locality. The building presents to Bowden Street and the footprint of the building sits over the lowest part of the site behind the front setback. The built form will also relate to the human scale by the development being appropriately articulated, both vertically and horizontally. Articulation has been provided to the upper level of the building which assists in reducing the bulk of the building as well as adding visual interest. The proposed development further relates to human scale by providing a commercial/retail use on the ground floor which will assist in activation of the Bowden Street frontage.

As demonstrated in the report, the impacts on the amenity of the adjoining property are acceptable.

(e) to emphasise road frontages along road corridors.

Comment: The site is not located on an important road frontage within a specific centre. Accordingly, objective (e) is not applicable to the development.

In accordance with the above, the development complies with RLEP 2014 objectives for the height control.

Conclusion

The variations to the height control of LEP 2014 are considered relatively minor and the development will still satisfy the objectives of the control. Despite the non-compliance with the height control, the development satisfies the criteria outlined in clause 4.6 and the variation is acceptable and can be supported.

ITEM 2 (continued)

Other Applicable Controls under Ryde LEP 2014

The table below considers other provisions relevant to the evaluation of this proposal:

Provision	Comment
Clause 5.1 Relevant acquisition authority	No part of the site is mapped as being reserved for acquisition for public purposes
Clause 5.9 Preservation of trees and vegetation	Two trees are affected by the proposal and their removal and replacement was recommended by the submitted Arborists Report as they would have been impacted by any redevelopment of the site or adjustment to the public domain. This was supported by Council's Consultant Landscape Architect. New trees and landscaping will be provided as part of the proposed development.
Clause 5.10 Heritage conservation	The proposal will have no impact on the former heritage property at No.37 Nancarrow Avenue which is currently being demolished. No objection is raised by Council's Heritage Officer (the comments from the Heritage Officer have been attached to this report).
Clause 6.1 Acid sulphate soils	The site contains soils classified as Class 5. Council's Environmental Health Officer has confirmed that an Acid Sulphate Soil Management Plan is not required.
Clause 6.2 Earthworks	Relevant matters nominated in this clause have been considered and no concerns have been identified.

(b) Relevant SEPPs

State and Sydney Regional Environmental Planning Policies

State Environmental Planning Policy No. 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, the consent authority must consider if the land is contaminated and, if so, whether it is suitable, or can be made suitable, for the proposed use.

ITEM 2 (continued)

The application is accompanied by a Preliminary Site Investigation which was prepared by Environmental Investigations P/L which concludes:

“...that there is potential for contamination to be present on site from possible contamination sources identified by the PSI. Although there is no available evidence to suggest that the site cannot be made suitable for the proposed development, a detailed site investigation (DSI) is recommended to quantitatively assess soil and groundwater at the site. It is recommended that the DSI be completed following demolition, which can be incorporated into DA consent conditions

The DSI cannot be undertaken prior to demolition because the site is essentially completely covered by a concrete slab, driveway and rock. Accordingly Council’s Environmental Health Officer has reviewed this aspect of the proposal and has raised no objection subject to the inclusion of conditions requiring a site investigation report to be carried out and submitted to Council for written approval prior to the issue of a construction certificate together with a site validation report should any remediation works be required as a result of the site investigation report (see conditions 58 and 60).

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

This Plan, now a deemed State Environmental Planning Policy, applies to the whole of the Ryde local government area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

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

State Environmental Planning Policy (Building Sustainability Index BASIX) 2004

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, a BASIX Certificate has been prepared (No. 677380M dated 30 October 2015) which provides the development with a satisfactory target rating.

ITEM 2 (continued)

Appropriate conditions will be imposed requiring compliance with the BASIX commitments detailed within the Certificate (see conditions 3 and 127).

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

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- The 9 SEPP 65 Design Quality Principles;
- The NSW Apartment Design Guide (ADG) guidelines;
- Urban Design Review Panel

The proposed development was considered by Council's Urban Design Review Panel at a meeting on 8 July 2015.

The Panel provided the following comments on the proposal that was submitted at that time for its consideration:

“Density

The Panel understands that the proposal uses all of the available FSR (2.5:1).

Height

Council advises that the Applicant has not provided a site survey and therefore the heights shown on the drawings cannot be verified. According to the drawings, the building exceeds the maximum permitted height by as much as approximately 4.7m. The Panel can see no justification for this non-compliance and strongly recommends that the proposal is reduced in height so that it is entirely within the LEP height limit.

Comment: The panel raised the issue of the proposal requiring compliance with Council's height limit of 21.5m. The application provided both a survey and a Clause 4.6 variation due to the ancillary structures for the roof top terrace exceeding the 21.5m height limit. This has been assessed and found to be acceptable for reasons outline in this report.

ITEM 2 (continued)

Massing

Above the ground floor, the front (Bowden Street) half of the building steps back from both side boundaries so that the greater part of the building bulk is located on the rear half of the site. Given the fall of the site towards Bowden Street, the presence of a multi-storey apartment building to the rear, the width and relative openness of Bowden Street and the potential for views eastwards from upper levels, the Panel recommends that the massing is revised to locate more of the building bulk towards Bowden Street and across the full width of the site at the front. Depending on the developed architectural character of the street façade, some modulation of the massing here is still encouraged, but the suggested change has various benefits described below which are considered worthwhile.

Setbacks

At Bowden Street, the front setbacks exceed the minimum required by Council's DCP. The site has limited depth and the proposed development would benefit from larger yards at the rear, whereas pushing the building back from the street is of little benefit. It is therefore recommended that the front setbacks be reduced to, or close to, the minimum permitted by the controls. This need not preclude some variation in the street wall setback if that enhances the architectural character of the design.

Because the site is relatively shallow and the new development to the rear (west) overlooks it, the rear setback of the proposal should ensure that, at a minimum, the separation distances in the SEPP 65 Apartment Design Guide (which are the same as those in the earlier RFDC) are achieved. (Without information about the neighbouring building, the Panel cannot establish if this is the case).

Comment: The original proposal heavily modulated the units towards the rear of the site and this was amended to concentrate the massing of the units towards Bowden Street as recommended. The front setback was amended to comply with the 4m required setback to the building line of the commercial unit.

Open Space

The provision of communal open space on the roof and the dedication of rear yard space to private courtyards are supported.

ITEM 2 (continued)

Ground Floor

The two apartments at ground level have a single aspect to the rear boundary and are two stories below ground level. They will not be able to achieve adequate levels of internal amenity and should be removed. Parking and the waste holding room could replace them (it is preferable that the waste room does not occupy street frontage). It may then be possible to pull the basement structure back from the rear boundary to create an area of deep soil along it. Substantial planting along the boundary would assist in improving privacy and outlook for the apartments above.

Access to the lift from the residential entry is indirect (functional and safety issues). Aligning the two is desirable.

Upper levels

The typical residential floors contain 3 units, two of which have their living/dining areas facing west and the rear courtyard. It would be preferable to reverse the through unit (04 and above), with the living/dining area facing east to Bowden Street. The revised massing and setbacks suggested above would facilitate this change. Overall, habitable room widths might also increase – it is preferable for the width of living areas to be a minimum of 4m and bedrooms 3m.

Comment: The Urban Design Review Panel recommended that the ground floor and upper levels be amended to facilitate better amenity and usability. The application underwent a considerable amount of redesign and the ground floor was significantly amended to provide only one three (3) bedroom unit with a single rear terrace, deletion of second unit, relocation of the waste holding room behind the lobby, relocation of the commercial unit to abut the eastern elevation and relocation of the basement parking 3.3m off the rear boundary to provide a deep soil planting area. Further amendments were made to address waste collection issues with the commercial unit relocated off the boundary wall to provide access to the relocated waste holding room from the southern side of the building. The waste collection room was also reconfigured to provide a bulky goods storage area.

It is also noted that the levels for the basement car parking were amended in that basement 2 carpark level of RL3.48 was amended to RL4.8 with a reduction in the basement 1 to ground floor ceiling height of 1.35m. Whilst this reconfiguration of the basement levels did not significantly raise the ground floor level, the amenity of the ground floor is now considered to be acceptable given that the one unit has been deleted and the single ground floor unit has been provided with an appropriate usable open space area that will have the benefit of rear landscape amenity.

ITEM 2 (continued)

The upper levels were also redesigned to address the panels concerns in both massing and living/dining orientation providing the recommended habitable room widths.

Design Quality Principles

Part 4 of the Policy requires the consent authority to take into consideration the design quality principles as set out in Schedule 1. These principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merits of proposed solutions. Accordingly the applicant provided an assessment of the proposal against these design principles in accordance with the Environmental Planning and Assessment Regulation.

The following table provides an assessment of the proposal against the 9 design principles of the SEPP:

Design Quality Principle	Comment
Principle 1: Context and neighbourhood character	
<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The subject site is located in an area currently undergoing significant change in response to the zoning of the area. This zoning is B4 which allows a mix of industrial, commercial and residential development. The desired future character for this precinct is to incorporate mixed higher density residential and commercial/retail development.</p> <p>The existing subdivision pattern limits the potential orientation of the building. The building design responds appropriately to the existing and likely future context of multi-storey residential buildings in the locality and particularly on the adjoining sites.</p> <p>The proposal offers a satisfactory presentation to Bowden Street and will provide improved pedestrian access along this part of Bowden Street.</p>
Principle 2: Built form and scale	
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the</p>	<p>The applicant has provided the following comments in regards to Built form and scale:</p> <p><i>The bulk, scale and height of the proposed development has been modelled to ensure compatibility with other existing buildings in the immediate and surrounding locality as well as being sympathetic with councils street building envelope controls. The proposed building is in keeping with the bulk and scale of the precinct whilst taking into consideration the current existing form of</i></p>

ITEM 2 (continued)

Design Quality Principle	Comment
<p>manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p><i>various neighbouring properties.</i></p> <p><i>The building has been designed with thorough consideration to comprehend the aesthetic treatment of major street front facade and rear lane facade. This has resulted in a detailed and intricate facade elevation which provides a high level of detail and overall visual appeal, taking cues from the immediate adjoining developments.</i></p> <p><i>The siting of the building has been planned complying with councils OCP setback controls and the LEP height controls, where required.</i></p> <p><i>The proposed development has been designed with a fluid built form that integrate into the streetscape and neighbours, with traditional notions using limited yet high quality building materials to ensure textural qualities are maintained within the façade treatment.</i></p> <p><i>The proposed building form, selected colours and material are a direct response to streetscape and locality as well as introducing fresh contemporary perspective along the existing streetscape.</i></p> <p>No objection is raised to the above assessment - the design of the building has responded to both the topography of the site and scale and siting of adjoining development. It will also be consistent in terms of massing and scale with recently approved mixed use developments in the locality.</p>
Principle 3: Density	
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposal complies with the LEP 2014 floor space ratio control of 2.5:1 and conforms to the desired density and scale of development for this location.</p> <p>This area is currently undergoing a transformation into a high scale mixed use area for which the proposal provides an appropriate density given its proximity to Meadowbank train station.</p>
Principle 4: Sustainability	
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on</p>	<p>Energy and water efficiency targets under SEPP (BASIX) 2004 are achieved.</p> <p>A Site Waste Minimisation and Management Plan has been submitted and assessed as acceptable by Council's Environmental Health Officer.</p> <p>The design is generally consistent with objectives for cross ventilation, solar access, energy efficiency and water management & conservation as provided in the</p>

ITEM 2 (continued)

Design Quality Principle	Comment
<p>technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>ADG. 72% or 13 units receive the minimum 2 hours of direct sunlight in winter and 13 units are also cross ventilated.</p>
<p>Principle 5: Landscape</p>	
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>A Landscape Plan has been prepared for the site for which Council's Consultant Landscape Architect has assessed and has found to be acceptable, subject to conditions (conditions 1(a) & (b), 47 and 83 to 85). The design has provided a 3m wide area along the western boundary of the ground floor to provide deep soil plantings which is considered to be satisfactory. The site also provides 194m² of communal open space on the rooftop which equates to 25%. This is above the requirements of the ADG.</p> <p>Each unit is also provided with a private balcony area sufficient for recreational use and amenity benefit while the ground floor unit has an outdoor terrace of 184m².</p>
<p>Principle 6: Amenity</p>	
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>72% (13 units) will receive a minimum of 2 hours solar access at midwinter thus exceeding the ADG minimum requirement of 70%.</p> <p>72% (13 units) will achieve natural cross ventilation again exceeding the ADG minimum requirement of 60%.</p> <p>Overall the proposed design and orientation of the units is considered to result in an acceptable level of amenity for future occupants of the building.</p> <p>The development also complies with relevant key controls contained in the ADG and amenity for the units is satisfactory in terms of unit size, visual and acoustic privacy, storage, indoor and outdoor space, and ease of access.</p>

ITEM 2 (continued)

Design Quality Principle	Comment
Principle 7: Safety	
<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The development is considered consistent with the CPTED principles as follows:</p> <ul style="list-style-type: none"> ➤ Clearly located entries to the residential and commercial uses. ➤ Constant passive surveillance of Bowden Street. ➤ Single access from entry to private lobbies. Each lobby also provides limited entries which will encourage familiarity between neighbours. ➤ Clear definition between public and private spaces, with residents only able to access the residential domain. <p>The application was referred to NSW Police whose comments were provided on 6 January 2016. The recommended conditions for safety and security outcomes have been included (see conditions 122 to 126).</p>
Principle 8: Housing diversity and social interaction	
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposal comprises 18 apartments as follows:</p> <ul style="list-style-type: none"> • 5 x 1 bedroom units; • 11 x 2 bedroom units; and • 2 x 3 bedroom units. <p>Of those, 2 apartments (>10%) will be adaptable and 13 will have open studies.</p> <p>This is considered to be a suitable mix of housing which should attract single, couples and family occupants alike into an area which is highly accessible to public transport and local shopping. In this regard, as a guide the Housing NSW Centre for Affordable Housing suggests 1 and 2 bedroom apartments contribute towards achieving housing affordability.</p>
Principle 9: Aesthetics	
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The development has incorporated a variety of materials and finishes to assist in the massing of the building as well as providing differentiation between the uses and various elements within the development. The aesthetics respond to the desired future character of the area.</p>

ITEM 2 (continued)

SEPP 65 Apartment Design Guide

The SEPP also requires the Council to take into consideration the requirements of the Apartment Design Guide. The development generally complies with the controls specified under this document. Notwithstanding, the application demonstrates that an acceptable level of amenity will still be achieved and depicts an improvement in the amenity for the overall number of individual apartments compared to the other buildings previously approved on the site.

As demonstrated below, the development complies with the general intent of these controls and are considered satisfactory.

Part 2 Developing the controls		
	Considerations	Consistent
Building Depth Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.	12-16m	Yes
Building Separation Minimum separation distances for buildings are: <i>Up to four storeys (approx 12m):</i> <ul style="list-style-type: none"> - 12m between habitable rooms/balconies - 9m between habitable and non-habitable rooms - 6m between non-habitable rooms <i>Five to eight storeys (approx 25m):</i> <ul style="list-style-type: none"> - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms 	Level 3 only: 15.5-18.87m 12-12.87m N/A 18-18.87m 15.5m N/A	Yes Yes Yes Yes
Front, Rear & Side Setbacks Street setbacks establish the alignment of buildings along the street frontage. Side and rear setbacks govern the distance of a building from the side and rear boundaries and govern the height of the building.	Setbacks have been provided in accordance with RDCP 2014.	Yes
Part 3 Siting the development Design criteria/guidance	Considerations	Consistent
3B Orientation Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.	The site is orientated to the east with the rear of the building facing the west. This allows adequate solar access to the building and due to this orientation minimises overshadowing to neighbouring residential developments.	Yes

ITEM 2 (continued)

<p>3C Public domain interface Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.</p>	<p>Safety of the public domain has been maintained, in particular with regard to the proposed vehicular access point through clear separation of the vehicular entry to the basement at the lowest point of the site, and pedestrian access to the commercial suite and the residential component.</p> <p>Living areas and balconies, where applicable along Bowden Street, have been orientated towards the public domain to improve safety and amenity.</p>	<p>Yes</p>												
<p>3D Communal & public open space Provide communal open space to enhance amenity and opportunities for landscaping & communal activities. <u>Design Criteria</u> 1. Provide communal open space with an area equal to 25% of site; 2. Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.</p>	<p>194m² Rooftop terrace provided. >50% solar access to the Rooftop terrace received.</p>	<p>Yes Yes</p>												
<p>3E Deep Soil Zone Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. <u>Design criteria</u> Deep soil zones are to be provided equal to 7% of the site area and with min. dimension of 3m.</p>	<p>9.2% or 53m² deep soil provided with 3.3m dimension.</p>	<p>Yes</p>												
<p>3F Visual Privacy Building separation distances to be shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. <u>Design Criteria</u> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="277 1720 798 2002"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms & balconies</th> <th>Non habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m(4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m(4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>Side Setbacks: Nil setbacks have been proposed between 125 and 121 Bowden Street which is consistent with the streetscape and previous approved developments.</p> <p>Rear Setbacks: Ground to level 2: 12m Level 3 above: 15.5-18.87m</p>	<p>Yes Yes Yes</p>
Building Height	Habitable rooms & balconies	Non habitable rooms												
Up to 12m(4 storeys)	6m	3m												
Up to 25m (5-8 storeys)	9m	4.5m												
Over 25m (9+ storeys)	12m	6m												

ITEM 2 (continued)

<p><u>Note:</u></p> <ul style="list-style-type: none"> • Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties. • At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m • No building separation is required between blank party walls. 		
<p>3G Pedestrian Access & entries Pedestrian Access, entries and pathways are accessible and easy to identify.</p>	<p>Clear pedestrian access has been defined with entry via main street frontage.</p>	<p>Yes</p>
<p>3H Vehicle Access. Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>Driveway has been located at lowest point of site and clearly defined from pedestrian path.</p>	<p>Yes</p>
<p>3J Parking Provisions. Car parking: For development in the following locations:</p> <ul style="list-style-type: none"> • on sites that are within 800 metres of a railway station; or • within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre, <p>the minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.</p>	<p>The site is located within 800m of Meadowbank train station therefore the minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less. Accordingly the traffic generating guide was utilised and found to be the same parking rates adopted by Council.</p> <p>See Comments within Part 9.3 of Ryde DCP 2014.</p>	<p>Yes</p>
<p>Bicycle Parking: Provide adequate motorbike, scooter and bicycle parking space (undercover).</p>	<p>2 bicycle spaces have been provided.</p>	<p>Yes</p>
<p>Basement Design for parking:</p> <ul style="list-style-type: none"> • Basement car park not to exceed 1m above ground (use stepped/ split level). • Natural ventilation to be provided for basement car parks. Any ventilation grills/ screening device to be integrated into the façade and landscape design. 	<p>Basement car park does not exceed 1m above ground.</p> <p>Ventilation is provided.</p>	<p>Yes</p> <p>Yes</p>

ITEM 2 (continued)

Part 4 Designing the building 4A Solar & daylight access Design Criteria Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter.		72% dwellings receive 2 hours solar access.	Yes												
Design should incorporate shading and glare control, particularly for warmer months.		Louvers, awnings and pergolas have been incorporated to provide glare control.	Yes												
4B Natural Ventilation All habitable rooms are naturally ventilated.		All habitable rooms are naturally ventilated.	Yes												
Design layout of single aspect apartments to maximises natural ventilation.		28% of units have been designed as single aspect units.	Yes												
Design criteria 1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.		72% units are cross ventilated.	Yes												
4C Ceiling Heights Ceiling height achieves sufficient natural ventilation and daylight access. The following is required as a minimum:															
<table border="1"> <tr> <td colspan="2">Min ceiling height for apartment & mixed use buildings</td> </tr> <tr> <td>Habitable rooms</td> <td>2.7m (3.1m floor to floor)</td> </tr> <tr> <td>Non Habitable</td> <td>2.4m</td> </tr> <tr> <td>2 storey apts</td> <td>2.7m for main living area , 2.4m for 2nd floor</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room</td> </tr> <tr> <td>Mixed used zone</td> <td>3.3m for ground & 1st floor to promote future flexibility of use.</td> </tr> </table>		Min ceiling height for apartment & mixed use buildings		Habitable rooms	2.7m (3.1m floor to floor)	Non Habitable	2.4m	2 storey apts	2.7m for main living area , 2.4m for 2 nd floor	Attic spaces	1.8m at edge of room	Mixed used zone	3.3m for ground & 1 st floor to promote future flexibility of use.	Min. 2.8m	Yes
Min ceiling height for apartment & mixed use buildings															
Habitable rooms	2.7m (3.1m floor to floor)														
Non Habitable	2.4m														
2 storey apts	2.7m for main living area , 2.4m for 2 nd floor														
Attic spaces	1.8m at edge of room														
Mixed used zone	3.3m for ground & 1 st floor to promote future flexibility of use.														
		Min. 2.4m	Yes												
		N/A													
		N/A													
		4m and 3m totalling 7m	Yes												

ITEM 2 (continued)

<p>4D Apartment size and layout Apartments are required to have the following minimum internal areas with one bathroom:</p> <ul style="list-style-type: none"> • Studio = 35m²; • 1 bedroom = 50m²; • 2 bedroom = 70m²; • 3 bedroom = 90m²; • 4 bedroom = 102m². <p><u>Note:</u> ➤ Additional bathrooms increase the minimum internal area by 5m².</p>	<p>All proposed units accomplish the minimum required area.</p>	<p>Yes</p>
<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	<p>Each habitable room has a window to an external wall at min 10%.</p>	<p>Yes</p>
<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts – habitable room (where the living, dining and kitchen are combined) be maximum depth of 8m from a window.</p>	<p>Max. depth 7.5m (ceiling height of 3m) Non-open plan: 3-5.725m Open Plan: 8.2m There is an additional 200mm depth to the open plan living/dining/kitchen to the units located on the north and southern sides of the building. This numerical non-compliance is due to the requirement to have the living spaces located with the balconies which have been orientated either to the front or rear of the site to provide solar access penetration, cross ventilation and passive security towards the public domain. This 200mm numerical non-compliance is not considered to have any detrimental impacts to the amenity of the units.</p>	<p>Yes No - See comment</p>
<p>Master bedrooms - minimum area of 10m² & other bedrooms 9m² (excluding wardrobe space).</p>	<p>Minimum requirement met.</p>	<p>Yes</p>
<p>Bedroom - minimum dimension of 3m (excluding wardrobe space)</p>	<p>Minimum requirement met.</p>	<p>Yes</p>
<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments; • 4m for 2 and 3 bedroom apartments. 	<p>Minimum requirement met.</p>	<p>Yes</p>
<p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</p>	<p>Minimum requirement met.</p>	<p>Yes</p>


ITEM 2 (continued)

<p>4E Private Open Space and balconies Apartments must provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p>Design criteria 1. All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="300 600 810 819"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Min. depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m²</td> <td>N/A</td> </tr> <tr> <td>1 bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table>	Dwelling type	Minimum area	Min. depth	Studio apartments	4m ²	N/A	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	<p>All minimum sizes for balconies have been provided.</p>	<p>Yes</p>
Dwelling type	Minimum area	Min. depth															
Studio apartments	4m ²	N/A															
1 bedroom	8m ²	2m															
2 bedroom	10m ²	2m															
3+ bedroom	12m ²	2.4m															
<p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	<p>Ground floor unit has 182m² rear terrace provided.</p>	<p>Yes</p>															
<p>Primary private open space and balconies are appropriately located to enhance liveability for residents.</p>	<p>POS and balconies appropriately located.</p>	<p>Yes</p>															
<p>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p>	<p>POS and balconies adequately integrated.</p>	<p>Yes</p>															
<p>4F Common circulation and spaces. Design criteria 1. The maximum number of apartments off a circulation core on a single level is 8. 2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>Maximum 3 units per circulation. Not applicable.</p>	<p>Yes N/A</p>															
<p>Design Guide: Daylight and natural ventilation should be provided to all common circulation space above ground. Windows should be provided at the end wall of corridor, adjacent to the stair or lift core.</p>	<p>Due to the location of the common circulation space solar access has been provided via a solar tube light shaft.</p>	<p>Yes</p>															
<p>4G Storage Adequate, well designed storage is to be provided for each apartment. Design criteria 1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p>																	

ITEM 2 (continued)

Dwelling type	Storage size volume		
Studio	4m ³	<p>For 18 units, a total area of 148m³ is required. Storage areas of approximately 150m³ are designated in the basements.</p> <p>Thirteen of the units include a study nook which may also serve to enhance internal storage space.</p> <p>If additional storage is desired, residents may install headspace lockers at the end of their car parking space.</p>	Yes
1 bedroom apt	6m ³		
2 bedroom apt	8m ³		
3 + bedroom apt	10m ³		
<p>At least 50% of the required storage is to be located within the apartment. Additional storage is conveniently located, accessible and nominated for individual apartments (show on the plan).</p>			
<p>4H Acoustic privacy Noise transfer is minimised through the siting of buildings and building layout.</p> <p>Noise impacts are mitigated within apartments through layout and acoustic treatments.</p> <p>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>		<p>The development has been designed to minimise potential noise transmissions between apartments.</p>	Yes
<p>4K Apartment mix A range of apartment types with different number of bedrooms (1 bed, 2 bed, 3 bed etc) should be provided.</p>		<p>Apartments mix is:</p> <ul style="list-style-type: none"> • 5 x 1 bedroom apartments (27.8%); • 11 x 2 bedroom apartments (61.1%); • 2 x 3 bedroom apartments. (11.1%) <p>Two apartments (10%) will be adaptable. Overall the proposed mix is considered reasonable.</p> <p>Unit 1 on the ground floor is a 3 bedroom unit with access to the large decks</p>	Yes
<p>4L Ground floor apartments Design of ground floor apartments delivers amenity and safety for residents.</p>		<p>Ground floor unit is located at rear of building with adequate amenity and safety provided.</p>	Yes
<p>4M Facades Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents. Building functions are expressed by the façade.</p>		<p>The proposed façade is well articulated and provides for a range of materials, creating visual interest along the street.</p>	Yes

ITEM 2 (continued)

<p>4N Roof design Roof treatments are integrated into the building design and positively respond to the street.</p>	<p>The proposed roof includes a communal open space area. The flat nature of the roof is considered acceptable in the context of the site and its surrounds.</p>	<p>Yes</p>
<p>Opportunities to use roof space for residential accommodation and open space are maximised.</p>	<p>Rooftop terrace provided to provide communal open space.</p>	<p>Yes</p>
<p>Roof design incorporates sustainability features.</p>	<p>Roof design incorporates sustainability features in terms of design and materials used.</p>	<p>Yes</p>
<p>4O Landscape design Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable</p>	<p>The proposed landscape design enhances the amenity of the streetscape and provides significant public domain.</p>	<p>Yes</p>
<p>4P Planting on structures Appropriate soil profiles are provided.</p>	<p>Appropriate soil profiles have been provided for the ground floor rear terrace and rooftop terrace.</p>	<p>Yes</p>
<p>4Q Universal design Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided.</p>	<p>Building achieves 100% accessible as identified in the submitted Accessibility Report.</p>	<p>Yes</p>
<p>4R Adaptive reuse New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place. Adapted buildings provide residential amenity while not precluding future adaptive reuse.</p>	<p>Not applicable.</p>	<p>N/A</p>
<p>4S Mixed use Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</p>	<p>Commercial tenancy of 47m² has been provided at the frontage with separate ground level residential access clearly defined.</p>  <p><i>Figure 18: ground floor plan of commercial tenancy</i></p>	<p>Yes</p>

ITEM 2 (continued)

<p>4T Awnings and signage Awnings are well located and complement and integrate with the building design.</p>	<p>Awning provided in accordance with ADG.</p>	<p>Yes</p>
<p>4U Energy efficiency Development incorporates passive environmental design measures – solar design, natural ventilation etc.</p>	<p>Development incorporate Energy efficient measures in accordance with Basix requirements.</p>	<p>Yes</p>
<p>4W Waste management Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents. Domestic waste is minimised by providing safe and convenient source separation and recycling.</p>	<p>Waste room is provided adjacent to stair well on Ground floor level. Route to the waste room is brief and enclosed from car pathways.</p>	<p>Yes</p>
<p>4X Building maintenance Building design detail provides protection from weathering. Systems and access enable ease of maintenance. Material selection reduces ongoing maintenance costs.</p>	<p>Building maintenance will be achieved subject to conditions and required provisions relating to body corporates.</p>	<p>Yes</p>

(c) Relevant REPs

There are none that affect this application.

(d) Any draft LEPs

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

(e) Any Development control plan

Ryde DCP 2014:

Part 4.2 Shepherds Bay, Meadowbank

This part of the DCP reflects the Council's current direction for Meadowbank and the development has been designed having regard to the DCP 2014 controls.

The following sections are applicable for this part of the DCP.

ITEM 2 (continued)

2.2 Desired Future Character

The DCP contains a number of objectives with regard to the desired future character of Shepherd's Bay. The proposed development is consistent with the objectives in that it will contribute to providing:

- A higher density transit-orientated neighbourhood and includes a mix of residential and retail/commercial uses.
- Integration with surrounding neighbourhoods and buildings and maximises the view potential towards Parramatta River.
- It will provide an improved public domain and level of amenity for higher density in the area.

3.0 Design Excellence Provisions

A suitable site analysis has been submitted with the application.

4.0 General Development Controls

The general development controls are applicable to all development within the Shepherd's Bay area and include the public domain interface, architectural characteristics, noise and vibration attenuation and car parking. The applicable controls to this development are discussed in the following table.

Control	Comments	Comply
4.1 – The Public Domain Interface		
4.1.1 Mixed Use Development		
Mixed-use development will comprise a combination of medium and high density residential development with compatible employment related activity; or Compatible employment related activities include: <ul style="list-style-type: none"> ▪ restaurants and cafés ▪ small scale retail establishments such as convenience stores ▪ small commercial offices and studios ▪ professional suites ▪ home offices. 	The proposed development includes medium density residential dwellings with a single commercial unit of 47m ² in size located at the street frontage ground floor level. This will provide a compatible employment related activity such as a commercial office or retail shop.	Yes

ITEM 2 (continued)

Control	Comments	Comply
Home office accommodation is allowed throughout the area.	Home offices are not proposed as part of the development but this does not preclude units potentially being adapted in the future.	N/A
Retail developments, restaurants and cafés are to be generally located at street level	The commercial component of the development is at street level.	Yes
Commercial uses are encouraged at the level immediately above street level, including but not confined to, professional and commercial offices, services such as dry cleaners, newsagency, and leisure uses such as a gym, places of worship or meeting rooms.	First floor commercial uses are not proposed.	N/A
Ground floor apartments are to be of flexible design to facilitate change of use and ensure privacy for occupants.	A ground floor commercial/retail tenancy is proposed fronting Bowden Street. Unit 1 is of sufficient size to facilitate change of use that retains privacy for occupants.	Yes
Where upper levels of development are used for either commercial or residential activity, the amenity of both uses must not conflict or be compromised by other uses in the development.	Not applicable.	N/A
Private living spaces and communal or public spaces should be clearly identified and defined.	The development has incorporated private living spaces for each apartment in the form of either a deck or balcony. In addition, communal open space is to be provided by a roof-top area accessible to all residential apartments.	Yes
Pedestrian entry to the residential component of mixed-use developments should be separated from entry to other land uses in the building/s and have a clear address and presentation to the street.	Two pedestrian entries to the residential component of the building are well separated from the entry to the ground floor commercial/retail tenancy. From these residential lobbies it will be possible to access the street, car parking, and communal open space.	Yes

ITEM 2 (continued)

Control	Comments	Comply
4.1.2 Public Domain, Access and Pedestrian & Cyclist Amenity		
The achievement of maximum heights and density is contingent on meeting the public domain provisions of this plan and all public domain items being provided by the proponent.	The site has frontage only to Bowden Street. Conditions are recommended with regard to public domain works (see conditions 67 and 68).	Yes
New development must be provided with a minimum of one barrier free access point to the main entry.	Barrier free access points are provided to the main entry point on Bowden Street.	Yes
Publicly accessible pedestrian and cycle ways must be provided through large sites (even if not envisioned by this plan).	Not applicable to this site	N/A
New pedestrian and cycleway access points, gradients and linkages are to be designed to be fully accessible by all.	The proposed development provides the required levels of access.	Yes
New commercial development should provide facilities, including showers, lockers etc, to encourage walking and cycling to work – refer to Part 9.3 – Parking.	The commercial unit is not capable of providing additional facilities given its size. Given the small nature of the tenancy at 47m ² it is not considered practicable to require these facilities to be provided.	No – variation acceptable
New roads, shared ways, pedestrian and cycle paths shall be provided in accordance with Figure 4.2.03.	Figure 4.2.03 identifies the footpaths in Angas Street, Bowden Street and Constitution Road to be upgraded with new/improved footpaths. An upgraded footpath is proposed for Bowden Street as part of the development - addressed as a condition of consent (see condition 67).	Yes
Constitution Road, Faraday Lane and Porter Street are to be widened.	Not applicable to this site.	N/A
<ul style="list-style-type: none"> Constitution Road, Faraday Lane and Porter Street (see Figure 4.2.03, Figure 4.2.04, Figure 4.2.04a, Figure 4.2.04b, Figure 4.2.05, Figure 4.2.06 and Figure 	Not applicable to this site.	N/A

ITEM 2 (continued)

Control	Comments	Comply
<p>4.2.07) are to be widened.</p> <ul style="list-style-type: none"> The design of new roads, shared ways footpaths and cycle paths shall be in accordance with Figure 4.2.03, Figure 4.2.04, Figure 4.2.04a, Figure 4.2.04b, Figure 4.2.05, Figure 4.2.06 and Figure 4.2.07. Shared pedestrian links, cycle ways, public roads and lanes are to be of a high standard and treated in a way which indicates their shared status. The selection of paving, street furniture, lighting, bollards, signage and paving should compliment the existing upgrade works to Shepherds Bay (refer to the Ryde Public Domain Technical Manual). 	<p>Not applicable to this site.</p> <p>Not applicable to this site.</p>	<p>N/A</p> <p>N/A</p>
<p>The design and location of vehicle access to developments should minimise conflicts between pedestrian and vehicles on footpaths, particularly along high volume pedestrian streets.</p>	<p>Vehicular access to the basement car park is provided via a new entry driveway from Bowden Street. The design of the vehicular access is in accordance with the relevant Australian Standard and provides for separate pedestrian movement.</p>	<p>Yes</p>
<p>Service vehicle access is to be combined with parking access and limited to a maximum of one access point per building.</p>	<p>All vehicle entry will occur from the Bowden Street driveway.</p>	<p>Yes</p>
<p>Wherever practicable, vehicle access is to be a single crossing, perpendicular to the kerb alignment.</p>	<p>The development complies with this requirement.</p>	<p>Yes</p>
<p>Vehicle access ramps parallel to the street frontage will not be permitted.</p>	<p>The vehicle access driveways/ramps are perpendicular to the kerb alignment.</p>	<p>Yes</p>

ITEM 2 (continued)

Control	Comments	Comply
Vehicle entries are to have high quality finishes to walls and ceiling as well as high standard detailing. No service ducts or pipes are to be visible from the street.	It is proposed to include a condition on the consent to ensure that the walls of the vehicle entries that will be visible from Bowden Street will have high quality finishes and do not contain any service ducts or pipes (see condition 78).	Yes
The ground floor of all development is to be flush with the street footpath for the predominant level of the street frontage and at the main entry to the building.	The proposed ground floor commercial tenancy is essentially flush with the footpath level at the north-eastern corner of the site.	Yes
Recesses for roller doors and fire escapes are to be wide and shallow to provide for personal security. Narrow, deep recesses are to be avoided.	The driveway entrance ramp meets the expectations of this control. This will enable a vehicle wishing to enter the basement to queue on the ramp rather than the road. The recess that is provided will not affect the streetscape nor will it adversely affect the safety of any pedestrians.	Yes
Pedestrian links must be a minimum width of 3.5m, clear of buildings and open 24 hours a day. Pedestrian links identified in Figure 4.2.03 must be dedicated to Council.	Not applicable to this site.	N/A
Developments must be setback from the corner on blocks with poor site lines. The setback distance will be at the discretion of Council.	Not applicable to this site.	N/A
The Rothsay Avenue to Bowden Street pedestrian link must be a minimum width of 6 m.	Not applicable to this site.	N/A
4.1.3 Implementation – Infrastructure, Facilities and Public Domain Improvements		
The public land such as the road verge adjoining a development site is to be embellished and if required dedicated to Council as part of any new development. The design and construction of the works are to be	The public domain adjacent to the site on Bowden Street will be embellished as part of the proposed development. Conditions of consent have been imposed to require these areas to be upgraded to Council's requirements (see conditions 67).	Yes


ITEM 2 (continued)

Control	Comments	Comply
undertaken in accordance with section Figure 4.2.03, Figure 4.2.04, Figure 4.2.05, Figure 4.2.06 and Figure 4.2.08.		
The Access Network being the roads, pedestrian connections and open space network as shown on Figure 4.2.03 is to be embellished if required and dedicated to Council as part of the new development. The design and construction of the works are to be undertaken in accordance with Ryde Public Domain Technical Manual and section 4.1.2 of this DCP.	A condition of consent will be included to require the Bowden Street footpath to be constructed in accordance with Council's public domain requirements (see condition 67).	Yes
Section 94 contributions still apply throughout the area, notwithstanding any land dedications, public domain improvements, infrastructure provision etc. as required by this DCP.	An appropriate condition of consent will be imposed on any development consent to reflect the required Section 94 contributions (see condition 36).	Yes
Views & Vistas		
Panoramic views of Parramatta River are to be maintained from Faraday Park, Settlers Park, Anderson Park, and Helene Park.	The development will not interfere with any views from the nominated locations.	Yes
Development is to ensure that vistas towards Parramatta River are maintained.	Views of Parramatta River from the nearby residential flat buildings will not be affected by this development to the extent that modifications or refusal is warranted having regard to the applicable planning controls.	Yes
Development must reflect the topography of the area taking into consideration views from the Rhodes Peninsula, Railway Bridge and Ryde Bridge.	This development will not adversely affect the views from the Rhodes Peninsula or Ryde Bridge due to the location of the site and orientation of the building.	Yes

ITEM 2 (continued)

Control	Comments	Comply
Maintain views for pedestrians and cyclists along the public open space to the Parramatta River.	The development will not adversely affect the views for pedestrians and cyclists along the public open space adjacent to Parramatta River.	Yes
Provide a four (4m) metre setback along both sides of Bowden Street and Belmore Street from the north at Constitution Road towards the south at the junction of Parramatta River. (Refer to section 4.2.08)	A 4m setback is proposed to Bowden Street.	Yes
New buildings are to take into account the existing views on the subject site and adjoining sites.	The impact on views from adjoining premises/residential buildings has been assessed and is considered to be acceptable in this regard. The proposed development will impact the windows of the rear adjoining building located along Angas Street, however this is due to the permissible height of 21.5m the subject site has. The upper level of the building on Angas Street retains acceptable views towards the river whilst the view from the communal open space located on top of this building has been maintained due to the topography and slope of the sites.	Yes
Orientate new development to take advantage of water views and vistas.	Views towards Parramatta River will not be available due to the proposed redevelopment of sites adjoining the site and the orientation of the development towards the east.	N/A
New developments are not to materially compromise views of the northern ridgeline of Meadowbank.	Whilst the proposed development does not comply with the LEP 2014 height control of 21.5m, this variation will not materially compromise views of the northern ridgeline of Meadowbank as the development sits below the rear adjoining residential flat building therefore having no impact.	Yes

ITEM 2 (continued)

Control	Comments	Comply
4.1.5 Landscaping & Open Space		
All development proposals are to be accompanied by a Landscape Plan prepared by a qualified and suitably experienced landscape architect. This is to include an Arborist report in respect of trees.	The development has provided an appropriate Landscape Plan and Arborist Report. There are only minor existing trees onsite which are proposed for removal subject to replacement planting.	Yes
Roof gardens are encouraged and must be considered in any landscaping plan.	A landscaped rooftop terrace is proposed and has been included in the landscaping plan.	Yes
Any development located adjacent to, or immediately across the road from open space is required to address the open space by way of design and orientation.	Not applicable to this site.	N/A
All existing mature trees that enhance the quality of the area are to be retained.	No significant trees are located onsite nor surrounding trees affected by the proposed development. Landscaping of the site is proposed.	Yes
Provide adequate deep planting zones above car parking and other concrete and similar structures to allow sustainable planting.	The development has provided an open space landscaped area at the rear of Unit 1 outside the basement level car park which will provide sufficient depth for planting.	Yes
Provide at ground floor level, where possible, open space for dwelling units and contiguous open garden areas to create common large landscaped space.	<p>The application proposes a private ground level landscaped area for unit 1. This terrace and landscaped area does not allow for a shared common open space area as this would impact on the amenity of the ground floor unit.</p>  <p><i>Figure 19: Ground floor plan showing rear terrace and landscaping</i></p>	N/A as not possible to provide.

ITEM 2 (continued)

Control	Comments	Comply
	However the remaining units are provided with separate private balconies and access to the roof top garden.	
Construction of roof areas of multi-unit developments is to make provision for useable roof gardens.	Roof top terrace with landscaping provided.	Yes
Where appropriate, developments should incorporate landscaping (such as planter boxes) integrated into the upper levels of building to soften building form.	Planter boxes are proposed on the upper level of the building associated with the roof-top terrace.	Yes
Building setbacks are to allow for landscaping/planting as in Section 4.2.2 Setbacks. For corner buildings a reduction of the landscape setback on one side will be considered on its merit.	The required 4m setback to Bowden Street is provided.	Yes
Building setbacks are to allow for landscaping/planting as in section 4.2.2 Setbacks.	Planter boxes and deep soil planting provided within setbacks.	Yes
For corner buildings a reduction of the landscape setback on one side will be considered on its merit. This reduction does not apply to foreshore setbacks.	Site is not a corner allotment.	N/A
Where a proposal involves redevelopment of a site the developer shall arrange for electricity and telecommunications utilities to be under-grounded along the entire length of all street frontages. Such utility modifications will be carried out to the satisfaction of the responsible authority (eg. Energy Australia). This is to improve the visual amenity of the area and allow street trees to grow unimpeded.	Ausgrid owns a significant number of underground cables within the carriageway and footways of Bowden Street. It has raised no objection to the development subject to appropriate liaison with the developer in the construction phase (see condition 13).	Yes

ITEM 2 (continued)

Control	Comments	Comply
<p>Permeable landscape surface materials are to be maximised, to allow maximum penetration of stormwater and urban runoff. Recommended permeable landscape materials include gravel, loosely fitting pavers, stepping stones, vegetative groundcover such as grass, creepers and shrubs.</p>	<p>The landscape design contains appropriate permeable landscape surfaces including ground covers, creepers and shrubs in the proposed landscape area provided.</p>	<p>Yes</p>
<p>4.1.6 Street Furniture & Public Art</p>		
<p>All development proposals are to be accompanied by a landscape plan, prepared by a qualified and suitably experienced landscape architect, indicating how public domain improvements including paving, street furniture and lighting will be incorporated into the development.</p>	<p>The submitted plans include a concept for the public domain design across the front of the site in Bowden Street. Further detailed plans will be required as a condition of consent. These conditions identify what is required for the public domain as well as requiring a plan to be submitted. The plan will require Council's approval prior to the issue of any Construction Certificate with works completed prior to the issue of any Occupation Certificate (see condition 67).</p>	<p>Yes</p>
<p>Public domain finishes including the style, colour and installation methods of street furniture, paving and street lighting shall be in accordance with Ryde Public Domain Technical Manual.</p>	<p>This will be addressed by appropriate conditions of consent (see condition 67).</p>	<p>Yes</p>
<p>Public art is to be provided in accordance with Council's Public Art Policy. Developers must examine opportunities to incorporate public art in both internal and external public spaces and indicate how public art will be incorporated into major developments. Embellishment of public places/spaces will be at developers' cost and the type</p>	<p>No detailed proposal for public art has been presented for the proposed development at the DA stage. The site has a narrow frontage to the public domain and a landscaping plan has been provided that shows works are proposed to embellish the pedestrian area in front of the site. A more detailed plan incorporating details of a public art strategy in accordance with Council's Public Art Policy will be required as conditions of consent. Condition 82 is recommended in this regard.</p>	<p>Yes</p>

ITEM 2 (continued)

Control	Comments	Comply
and amount of embellishment will be negotiated with Council.		
4.1.7 Safety		
Public spaces need to be designed to meet Crime Prevention Through Environmental Design (CPTED) Principles.	The application has been referred to NSW Police for review under CPTED principles. A number of recommendations have been made which have been incorporated into conditions 122 to 126. A condition is included for lighting and surveillance measures for the proposed public footpath.	Yes
Open sightlines and landscaping needs to be provided that allows for high levels of public surveillance by residents and visitors.	The landscaping along the street frontage will not obscure sight lines from or towards the development. In addition, the design also allows for casual surveillance of Bowden Street from the apartments.	Yes
Lighting is to be provided to all pedestrian ways, building entries, corridors, laundries, lifts, stairwells, driveways and car parks to ensure a high level of safety and security for residents and visitors at night.	Appropriate conditions are recommended with regard to external lighting to the development (see condition 123).	Yes
Entrances to public open spaces will need to encourage pedestrian use and establish clear sightlines to improve visual security.	Not applicable to this site.	N/A
The design of public domains must not result in dead ends or similar design outcomes.	Not applicable to this site.	N/A
4.2 – Architectural Characteristics		
4.2.1 Height		
The maximum building height is to comply with the heights shown in RLEP 2014. Buildings must comply with the maximum number of storeys shown in Figure 4.2.10.	The issue of height has been assessed previously in this report as a Clause 4.6 variation was submitted to vary the 21.5m height development standard. As a result of this assessment the height variation was considered to be satisfactory as the breach occurs as a result of ancillary structures associated with the roof top	No – variation acceptable

ITEM 2 (continued)

Control	Comments	Comply
	<p>terrace located on top of the 7th storey roof.</p> <p>The requirement of the development to be a maximum 6 storeys is not practical as the height limit will dictate the number of storeys within a building. In this instance the 7th storey roof is below the 21.5m height limit, therefore the additional storey does not have any impact on the size or density of the building. However it can be argued that the storey control under the DCP is not applicable due to the provisions under Clause 74C(5) of the EP&A Act 1979 where it states that the provisions of a DCP control has no effect where:</p> <p><i>(a) it is the same or substantially the same as a provision of an environmental planning, or</i></p> <p><i>b) it is inconsistent or incompatible with a provision of any such instrument.</i></p> <p>Regardless of this the additional storey within the development is appropriate within its local context and is consistent with the surrounding developments and future desired character of the area therefore the additional storey is supported.</p>	
<p>The ground floor height shall be four metres floor to floor regardless of use.</p>	<p>4m floor to floor height.</p>	<p>Yes</p>
<p>Any car parking above ground will have a minimum three metres (floor to underside ceiling) to allow for potential future conversion.</p>	<p>The development does not propose any car parking above ground.</p>	<p>N/A</p>
<p>Retail and commercial uses at ground floor are to have floor levels contiguous with finished footpath levels. On sloping sites the levels must be contiguous at entries.</p>	<p>The ground floor commercial space has a proposed continuous finished footpath level.</p>	<p>Yes</p>



ITEM 2 (continued)

Control	Comments	Comply
4.2.2 Setbacks		
Setbacks must be consistent with the setback map (Figure 4.2.12): 4m	4m setback to Bowden Street	Yes
Development in the vicinity of the station to have no setback at ground level (ie built to the lot boundary).	Whilst the site is located within the Station precinct it is not considered to be within the close vicinity of the station.	N/A
Setbacks for buildings of four storeys and above to be consistent with Figure 4.2.13.	Figure 4.2.13 refers to Church Street and Porter Street and is not applicable to the development.	N/A
Low native shrubs should be provided within all setbacks with the selection of species discussed with Council.	Landscape plan submitted with appropriate plantings.	Yes
Low signage relating to the use of the building is permitted within the Church Street setback.	Not applicable.	N/A
All setbacks are exclusive of the road reservation.	Setbacks exclusive of road reservation.	Yes
4.2.3 Roof Form		
Buildings below RL15 must have articulated roofs as they will be viewed from buildings above.	Not applicable.	N/A
The use of solar panels on roofs is permitted where possible.	The application does not include the provision for the installation of solar roof panels.	N/A
Pitched roofs of up to 30% are permitted for buildings that are 3 storeys or less.	Not applicable.	N/A
Attic roofs are to be avoided—as they are not in character with the locale.	Not applicable.	N/A

ITEM 2 (continued)

Control	Comments	Comply
4.2.2 Building Articulation		
<p>Building facades should be articulated within a 3-metre zone to provide entries, external balconies, porches, glazed balcony enclosures, terraces, verandahs, sun shading elements etc.</p>	<p>The development complies with this requirement.</p>	<p>Yes</p>
<p>Penthouses should be set a minimum of four metres from any building façade.</p>	<p>Given the narrow nature of the site and the approach to push the new development as far away from 4-8 Angas Street as practicable, it is difficult to provide a viable top floor that is setback by 4 metres from all four building facades. A more site specific approach has therefore been applied which provides for a useable top floor and achieves the building articulation outcomes of the control.</p> <p>The two side boundaries have a zero setback. Both the northern and southern facades are “build to boundary” or zero setback. This is the best way to ensure that privacy is protected at this level.</p> <p>On the eastern façade, the building is articulated by an insert (7.5 metres deep) above level 6 which also provide skylight access to Unit 16. Above on Level 7 this inset is extended to the northern boundary of the site. To the south of this inset is an articulation of 3 metres across the front of the building. The upper level setback is considered satisfactory.</p>	<p>No – variation acceptable</p>

ITEM 2 (continued)

Control	Comments	Comply
	 <p><i>Figure 20: Level 6 floor plan</i></p> <p>On the western face, there are deep balconies on the northern units and an inset window for the second bedroom of the southern units providing an articulation to the building which will not be seen from the public domain.</p>  <p><i>Figure 21: Level 6 showing western balcony</i></p> <p>As such, it is considered that the design achieves the objectives of the control in terms of providing an articulated façade that provides visual and architectural interest and results in a building appearance that will be complementary to the locality and emerging streetscape character.</p>	

ITEM 2 (continued)

Control	Comments	Comply
Articulate buildings to respond to orientation, views, breezes, privacy, views, acoustic requirements, street widths and the relationship of the building to external garden spaces.	The development provides adequate articulation to the front and rear elevations.	Yes
Articulate buildings vertically and horizontally: materials and building setbacks on the upper storeys are to be used to reduce the perceived bulk of buildings.	The finishes and materials of the development will add to the vertical and horizontal articulation in the building. The proposed building is considered highly articulated and the proposed design successfully integrates the use of setbacks, articulation and materials to reduce the perceived bulk and scale of the building.	Yes
Provide and denote entries along street frontages and public domain spaces where appropriate.	Entries will be clearly identifiable from the public domain.	Yes
Buildings are to address streets, open spaces and the river foreshore. Street frontages are to be parallel with or aligned to the street alignment.	The proposed building frontage is parallel with the street alignment. Lobby entry is proposed from Bowden Street.	Yes
Provide balconies and terraces, particularly where buildings overlook public spaces.	Each unit is provided a balcony, the majority of which face Bowden Street.	Yes
All facades visible from the public domain are to be durable, low maintenance and of high quality.	The development complies with this requirement.	Yes
External glass to be non-reflective and have a maximum of 20% tint.	To be conditioned (see condition 72).	Yes
<i>Private and Communal Open Space</i>		
Private open space with sunlight access, ventilation and privacy shall be provided for apartments in accordance with SEPP65.	Refer to ADG table for discussion.	Yes

ITEM 2 (continued)

Control	Comments	Comply
No more than 50% of communal open space provided at ground level shall be paved or of other non-permeable materials.	Not applicable - communal open space is proposed in the form of a roof-top terrace. The paved area of this space will exceed 50%.	No – variation acceptable
Landscaping to be in accordance with approved landscape plan.	A condition is recommended requiring landscaping to be provided in accordance with the approved landscape plan prior to the occupation of the development (see condition 128).	Yes
4.2.6 Residential Amenity		
In considering compliance with SEPP65, regard will be given to: i. limitations imposed by heritage items to be retained on the site; ii. sunlight access to adjoining balconies of living rooms; and iii. appropriate urban form, site orientation and other constraints.	There is no heritage item on the site. The application is acceptable with regard to the provisions of SEPP65 and the ADG (see consideration previously in this report).	Yes
Apartments below a sloping ground level shall apply the SEPP 65 guideline for lightwells.	No units are below ground level.	Yes
4.3.2 Energy Efficient Design		
Residential development must be designed in accordance with principle outlined in the Building Sustainability Index (BASIX).	The applicant has submitted a BASIX Certificate which demonstrates that the development complies with the requirements.	Yes
4.3.3 Waste Management Refer to Part 7.2		
4.4.2 Noise and Vibration Attenuation		
New residential developments, including those within a mixed-use building, are required to consider noise attenuation and acoustic treatment in their design.	The applicant has submitted an acoustic report which has identified that the development is impacted by relatively low volumes of traffic noise. Recommendations are made for the treatment of window glazing to provide a satisfactory acoustic environment. A condition of consent will be imposed to ensure satisfactory noise attenuation and	Yes

ITEM 2 (continued)

Control	Comments	Comply
	acoustic treatment (see conditions 73, 120, and 147).	
Balconies and other external building elements are to be located, designed and treated to minimise infiltration of noise into the building and reflection of noise from the façade.	The proposed design satisfies this requirement and the submitted acoustic report includes consideration of these issues including glazing.	Yes
New units are to be constructed in accordance with: - AS 3671-1989 and -AS 3671-1987.	Conditions 37, 45, 54, 73 and 137 are recommended in this regard to ensure compliance with these standards and help provide acoustic amenity.	Yes
4.4 Parking Access and Loading		
On site loading and unloading facilities		
All new buildings are required to provide on-site loading and unloading facilities. Loading docks shall be located in such a position that vehicles do not stand on any public road, footway, laneway or service road and vehicles entering and leaving the site move in a forward direction.	The site does not have a designated loading dock, however two commercial car parking spaces are provided which provides an area of 5.4m x 5.8m totalling 31.32m ² . The level of commercial activity for the site will not require a separate loading dock as there is only one commercial tenancy proposed for the building and given the likely volume of deliveries that will occur this can be managed via conditions (see condition 161). Due to the nature of the development the likelihood of a large delivery truck accessing the basement is minimal and Council's Senior Development Engineer notes that provision has been made to accommodate a headroom clearance of 2.5m in the lowest basement parking level. This would enable a slightly larger vehicle (a long wheel base Toyota Hi-Ace) to enter from Bowden Street. For the given floor area, this level of service is considered appropriate. Given the relatively small size of the proposed commercial tenancy and the constraints of the site, this is considered a reasonable outcome.	No – variation acceptable

ITEM 2 (continued)

Control	Comments	Comply
Loading docks that extend more than 7.5m into a building, mechanical ventilation might be required.	Not applicable.	N/A
4.5 Flooding and Stormwater		
Development must comply with Part 8.6 Floodplain Management of this DCP.	Note: The site is not located within a flood area. This clause is not applicable to the development.	N/A

Precinct Specific Development Controls

The Shepherd's Bay Area consists of 4 precincts that are differentiated by land-use, urban form and district character. Each precinct has additional and specific planning principles and planning and urban design controls that are to be applied to the precinct. The site is located within Precinct 1: Station Precinct. The planning objectives and controls are contained in the following table.

	Comments	Compliant
Principles		
<i>To ensure compatible uses such as commercial near the station and residential in areas further away from the station.</i>	The subject site is located at the eastern edge of the Station precinct (furthest from the station). It is predominantly residential with a single retail/commercial tenancy.	Yes
<i>To ensure a more intense built form around transport nodes with a gradation from these areas.</i>	The proposed built form is essentially consistent with the controls applying to the site.	Yes
<i>To provide public domain improvements that mitigate the impacts of increased density in the area.</i>	The proposal incorporates improvements to the public domain on Bowden Street as required.	Yes
Controls		
<i>Views from Parramatta River must be protected and not be interrupted by a continuous line of buildings.</i>	The subject site located well away from the foreshore area and will have no impact on views to Parramatta River.	Yes
<i>Apartments fronting the main railway line must be treated with suitable acoustic glazing and appropriate solar control.</i>	Not applicable to the subject site.	N/A

ITEM 2 (continued)

	Comments	Compliant
<i>Acoustic treatment is to be considered for development fronting the railway cutting.</i>	Not applicable to the subject site.	N/A
<i>Awnings are required on Railway Road with a minimum height of 3.2m.</i>	Not applicable to the subject site.	N/A
<i>Properties between Angas Street and Faraday Lane, between Constitution Road and Underdale Lane, must be accessed from Angas Street.</i>	Not applicable to the subject site.	N/A
<i>Properties between Faraday Lane and Railway Road, between Constitution Road and Underdale Lane, must, wherever possible, be accessed from Railway Road.</i>	Not applicable to the subject site.	N/A

Part 7.1 Energy Smart, Water Wise

This DCP provides a strategic framework for achieving sustainable development and new developments are required to comply with the minimum energy performance standard.

Due to the introduction of the BASIX legislation, any provisions of the Council's DCP that intends to reduce the consumption of mains supplied potable water, or reduce emissions of greenhouse gases or improve the thermal performance of a building are superseded. This is only applicable to the residential component of the building. For this reason, there is no additional requirements that impact on the residential component.

In any case, the application is accompanied by an energy efficiency report which is considered acceptable.

The following table demonstrates the requirements for the commercial uses.

Control	Comment	Compliance
<i>New Shops, Industrial and Commercial Premises</i>		
<i>The total anticipated energy consumption for the base building is no greater than 450MJ/am²</i>	No information was submitted with the development application to demonstrate compliance. An appropriate condition of consent	Yes

ITEM 2 (continued)

Control	Comment	Compliance
<i>for commercial uses and 900MJ/am² for retail uses.</i>	can be imposed of any future application for use of the commercial unit.	
<i>Hot water systems must consider the most efficient option available to minimise greenhouse gas emissions.</i>	A condition of consent will be imposed. (See condition 3).	Yes
<i>Water efficient fixtures are to be installed to all showerheads and toilet cisterns. These are to achieve AAA rating.</i>	A condition of consent will be imposed. (See condition 3)	Yes
<i>The use of electrical appliances such as dishwashers, refrigerators, freezers and washing machines are to have a minimum Energy Star Rating of 4.5 Stars.</i>	A condition of consent will be imposed. (See condition 3).	Yes
<i>The installation of energy efficient lighting, motion detectors and dimmers is encouraged.</i>	A condition of consent will be imposed (see condition 3).	Yes

Part 7.2 Waste Minimisation and Management

As the development involves the demolition and construction of buildings, a Waste Management Plan (WMP) was submitted with the application. This has been reviewed by Council's Environment Health Officer and is considered satisfactory. Appropriate conditions of consent are recommended including the requirement ensure appropriate management of this aspect of the development.

This DCP also requires that development provide an appropriate space for the separate storage of residential and commercial waste. The development complies with these requirements. With regard to ongoing waste management and as detailed in the Waste Officers referral section previously in this report, it has agreed that residential bins being brought out to the Bowden Street frontage for collection subject to conditions is acceptable given the specific site circumstances.

Arrangements will need to be made to ensure proper handling of waste from any future occupant of the commercial tenancy. The tenancy has its own waste storage area and the commercial tenant can arrange a suitable scheme that will not impact on residential storage and collection.

ITEM 2 (continued)

Part 9.2 Access for People with Disabilities

This DCP requires that for residential development it is necessary to provide an accessible path of travel from the street to and through the front door to all units on each level of the building. Also 10% (2) of the units are to be adaptable units in terms of AS4299. The commercial component of the development is required to comply with all of the applicable provisions of the DCP.

The application includes an Access Report prepared by ASL which demonstrates the proposed development will comply with the DCP access requirements. Condition 74 and 75 requires compliance with the recommendations of the report.

Part 9.3 Car Parking

Council's Senior Development Engineer has reviewed the proposed parking provision against Council's DCP requirements.

The development provides 19 residential spaces plus 2 accessible spaces for the adaptable units, 4 visitor spaces (including 1 accessible space) and 2 spaces for the future commercial use- thereby satisfying Council's parking requirements. The site is also within walking distance to train, bus and ferry services.

Condition 163 is recommended with regard to car parking allocation.

With regard to on-site loading and unloading facilities, this issue has been considered previously in this report and the application is considered acceptable in this regard.

City of Ryde Section 94 Development Contribution Plan 2007

The development will require Section 94 contributions in accordance with Council's current Section 94 Contributions Plan.

Construction of a mixed use development comprising of

- * 5 x 1 bedroom units;
- * 11 x 2 bedroom units;
- * 2 x 3 bedroom units and
- * 46m² of commercial/retail space [note: given it is not possible at this time to confirm the future use of the tenancy for commercial or retail use, the contribution has been calculated on the basis of becoming a commercial use given this is what is stated on the architectural plans (Dwg no. DA102)]

ITEM 2 (continued)

The required contributions are as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$49,917.82
Open Space & Recreation Facilities	\$118,302.04
Civic & Urban Improvements	\$43,197.85
Roads & Traffic Management Facilities	\$5,905.92
Cycleways	\$3,680.77
Stormwater Management Facilities	\$11,473.91
Plan Administration	\$992.38
The total contribution is	\$233,470.69

Condition 36 is recommended accordingly.

10. Likely impacts of the Development

(a) Built Environment

All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report. The development is considered satisfactory in terms of environmental impacts.

(b) Natural Environment

The proposed development is permitted in the zone and is located within an established urban area. There will be no significant adverse impacts on the surrounding land uses or the natural environment. Imposition of Council's standard conditions of consent relating to protection of the natural environment are considered satisfactory to mitigate any adverse impact the proposed development will have.

(c) Any other issues

Safer by Design

In assessing this development application Council must have regard for the "*Crime Prevention Guidelines to Section 79C of the Environmental Planning and Assessment Act, 1979*" issued by the Department of Planning in April 2001. These guidelines include 4 key areas for assessment:

1. Surveillance
2. Access Control
3. Territorial Reinforcement
4. Space Management

ITEM 2 (continued)

Generally, the proposed development is capable of addressing each of the above criteria in an acceptable manner and conditions 122 to 126 are recommended in this regard.

Construction Impacts

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2014. Council's standard conditions of consent to control the impact of the construction activities are recommended (see conditions 94 to 106). In addition, condition 107 is recommended with regard to geotechnical monitoring during excavation.

Hours of Operation (Commercial tenancy)

As the intended use of the commercial tenancy is not yet known, a condition, which is consistent with a similar condition imposed on surrounding mixed use developments within Meadowbank, is recommended to set the following hours of operation:

Monday to Saturday: 7am to 10pm

Sundays and Public Holidays: 8am to 9pm

Public Domain

Council has a Public Domain Technical Manual that applies to Meadowbank. This document specifies the landscaping, paving and street furniture required to be provided as part of an upgrade of the existing public domain. In this instance, the public domain area for works is across the frontage of the site (16.09 metres). The Public Domain Officer has specified the works required earlier in this report and as such a plan for the works will be required for approval by Council prior to the Construction Certificate.

11. Suitability of the site for the development

Council's map of Environmentally Sensitive Areas identifies the following constraints affecting the subject property:

Acid Sulfate Soils (Buffer Zone): The site is shown to possibly contain soils classified as Class 5 and does not fall within Class 1-4 Acid Sulfate Soils zones. Council's Environmental Health Officer has found that an Acid Sulfate Soils Management Plan is not required in this instance.

Heritage Items: No impacts as per Council's Heritage Officer's referral below.

ITEM 2 (continued)

12. The Public Interest

Having regard to the assessment contained in this report, it is considered that approval of the development is in the public interest.

13. Consultation – Internal and External

Internal Referrals

Senior Development Engineer: The proposed development and revised plans were referred to Council's Senior Development Engineer who provided the following comments.

“Stormwater Management

The proposed stormwater management system will discharge directly to the public inground drainage infrastructure fronting the site. Due to the proximity to receiving waters, onsite detention is not required.

A standard condition requiring the submission of detailed plans prior to the CC and inspection of the connection point by Council's Public Works section is advised in the following conditions.

Vehicle Access and Parking

A review of the parking area design notes the following matters;

- The access ramp from the basement garage is a single lane only and therefore presents some concern for potential conflicting vehicle flows. This situation can be addressed with a traffic signal system however the potential for this occurrence warrants consideration. The applicant's traffic consultant has provided an estimated level of traffic generation based on average rates given the recent RMS traffic generation data however the RMS also provides rates based on per unit, per carspace and per bedroom. Taking a conservative approach and adopting the maximum of these produces an estimated 7.38 (say 8) vehicle trips per hour (vtph) in the PM peak. With residential flows being dominant in one direction in the commute periods (75/25 split) the traffic movements are estimated to be broken into 6 vehicles entering (1 vehicle every 10minutes) and 2 vehicles exiting (1 vehicle every 30minutes), per hour. The probability of there being a conflicting flow is therefore very low. As such, a condition requiring the implementation of a traffic signal system is applied.*

ITEM 2 (continued)

- *The vehicle entry is noted to widen to accommodate 2 way flows at the vehicle entry point. The degree of this splay however is very abrupt and can be mitigated by increasing the splay length. This is addressed by condition.*
- *The section details depict that the clearance height over the main basement garage entry ramp reduces to 2060mm. In accordance with AS 2890.1, the clearance height must be no less than 2200mm and would require further modification to accommodate. As the clearance height for the ramp below is some 2400mm and the applicant has provided a significant length of level ramp grade entering the property at the boundary alignment, there is scope that the ramp grades can be finessed to accommodate these clearances. The matter is addressed by a condition of consent.*

In terms of parking demand, the following parking requirements are as follows:

Unit Type	Quantity	Min Req.		Max Req.	
Studio	0	0		0	
1 Bedroom	5	3	(3)	5	(5)
2 Bedroom	11	9.9	(10)	13.2	(14)
3 Bedroom	2	2.8	(3)	3.2	(4)
TOTALS	18	15.7	(16)	21.4	(23)
		<i>(16)</i>		<i>(22)</i>	

	Min (Residents)	Max. (Residents)	Visitors
SUB-TOTAL	16	22	3.6 (4)
TOTAL (Vis included)	19.6	(20)	25.6 (26)

The proposal incorporates 54m² of commercial floor area which could potentially be utilised for retail purposes. Applying the DCP Part 9.3 (Parking) rates yield either 1 commercial space (1 space per 50m²) or 2 retail spaces (1 space per 25m²).

The proposal provides 21 residential spaces (disabled spaces), visitor spaces and 2 commercial/ retail spaces, thereby addressing this component.

There are also 2 bicycle parking spaces noted in the basement parking area.

ITEM 2 (continued)

Waste and Service Requirements

As noted in the vehicle access and accommodation comments above, the proposed basement garage provides for the minimum vehicle clearance possible. The level of clearance would be insufficient to satisfy the height clearance requirements of AS 2890.2 for the smallest commercial vehicle requirements for an SRV, which warrants 3.5m of clearance. Notwithstanding the requirements of Councils waste section, the DCP Part 9.3 (Parking) however does not require a dedicated offstreet loading bay for this development which fronts a local road. Given the commercial floor area of 54m², the servicing requirements are also unlikely to warrant the need for an SRV vehicle to access the site.

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.

It is noted that a geotechnical report has not been submitted with the development application and therefore subsurface conditions are unknown. Consequently it is not possible to gauge whether the development presents any potential risks to adjoining property during excavation and construction. Notwithstanding this, the property is similar in scope to approved neighbouring development. Should development consent be issued, conditions requiring the preparation of a geotechnical monitoring program, its implementation, as well as potential dewatering activities undertaken during construction, has been enforced as conditions of consent. Similarly, in lieu of this information, the basement level must be constructed as a “tanked” structure to ensure there is no ongoing discharge to the public drainage system.”

The following recommended conditions have been included on the draft consent at **ATTACHMENT 1**: Conditions 14-17, 50 to 57, 66, 69 to 70, 91 to 93, 104, 135 to 137 and 163.

Environmental Health Officer: The issues reviewed by the EHO will be satisfied by conditions of consent (see conditions 19 to 26, 58 to 65, 112 to 120, 148 to 157 and 159 of **ATTACHMENT 1**).

Heritage Officer: The subject site is not a heritage listed item. After a review of the application, Council’s Heritage Officer has raised no objection to the proposal on heritage grounds.

ITEM 2 (continued)

Stormwater Co-ordinator: No objections to approval of this application subject to a condition addressing exclusion of stormwater from the basement (see condition 52 of **ATTACHMENT 1**).

Traffic Engineer: Council's Traffic Engineer has raised no objection to the application subject to recommended conditions of consent (see conditions 66, 88, 90, 110, 132 and 143 to 144 of **ATTACHMENT 1**). The proposed development is expected to generate a maximum additional traffic at the rate of between 3 to 3.8 vehicles per hour which can be accommodated within the existing road network.

Senior Co-ordinator – Asset Networks: Raised no objection to the proposal subject to attachment of conditions of consent (see conditions 18, 67 to 71, 82, 91, 95 and 141 of **ATTACHMENT 1**).

Senior Co-ordinator – Waste: No objection has been raised in relation to waste management for the proposal subject to the following comments and attachment of required conditions (see conditions 35, 49, 121, 139 to 140 and 164 to 165 of **ATTACHMENT 1**).

External Referrals

Landscape Architect: The proposed development was referred to Council's Consultant Landscape Architect who has stated the proposed landscaping is acceptable, subject to conditions of consent (refer conditions 1(a) & (b), 47 and 83 to 85 of **ATTACHMENT 1**).

NSW Police: No objection raised subject to a number of conditions being imposed (see conditions 122 to 126 of **ATTACHMENT 1**).

Ausgrid: No objection was raised to the development and the following comments made regarding the possible impact on Ausgrid's electrical plant and equipment. Ausgrid owns a significant number of major underground cables within the carriageway and footways of Bowden Street. Consequently, the finished surface levels over existing underground electricity cables in Bowden St must not be altered without permission from Ausgrid. If the existing levels (footway or roadway) are to be lowered in Bowden St, the developer will be required to contact Ausgrid to determine whether or not relocation/lowering of existing underground cables will be required in this vicinity (see condition 13 of **ATTACHMENT 1**).

14. Critical Dates

There are no critical dates or deadlines to be met.

ITEM 2 (continued)

15. Financial Impact

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

16. Other Options

None relevant.

17. Conclusion

The submitted application seeks approval for a mixed used residential/commercial development that is permissible within the applicable B4 Mixed use zone and is in keeping with the objectives and expectations of Council's planning controls. The proposal includes a non-compliance with the Height of Building controls that is considered acceptable on the basis that it relates to ancillary facilities for the development (being access and facilities for roof-top communal open space) and that it does not impact adjoining development to an extent beyond that for a compliant development.

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal, as amended, is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved.

ITEM 2 (continued)

ATTACHMENT 1

DRAFT CONDITIONS OF CONSENT
123 Bowden Street MEADOWBANK
LDA2015/628

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
Architectural Plans by CDArchitects	5/11/2016	J15266 – DA001 B
	5/11/2016	J15266 – DA003 A
	5/11/2016	J15266 – DA100 A
	5/11/2016	J15266 – DA101 A
	13/7/2016	J15266 – DA102 B
	5/11/2016	J15266 – DA103 A
	5/11/2016	J15266 – DA104 A
	5/11/2016	J15266 – DA105 A
	5/11/2016	J15266 – DA106 A
	5/11/2016	J15266 – DA107 A
	5/11/2016	J15266 – DA108 A
	5/11/2016	J15266 – DA109 A
	24/4/2015	J15266 – DA110 1
	13/7/2016	J15266 – DA200 C
	5/11/2016	J15266 – DA201 A
	13/7/2016	J15266 – DA202 C
	5/11/2016	J15266 – DA203 A
	5/11/2016	J15266 – DA400 A
	13/7/2016	J15266 – DA700 C
13/7/2016	J15266 – DA720 B	
13/07/2016	J15266 – X_DA204 C	
Stormwater Plans by Australian Consulting Engineers	28/10/2015	D00 A
	28/10/2015	D01 B
	28/10/2015	D02 B
	25/7/2016	D03 D
	28/10/2015	D04 A
	28/10/2015	D05 A

ITEM 2 (continued)

ATTACHMENT 1

Document Description	Date	Plan No/Reference
Landscape Plans by Greenland Design P/L	July 2016	1202.L.01 B
	July 2016	1202.L.02 B
	July 2016	1202.L.03 B

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

- (a) The deep soil planters adjacent to the rear boundary within the ground floor communal open space are to include two (2) additional canopy trees which are locally endemic, capable of reaching a minimum 15m in height and planted at a minimum pot/container size of 200 litres.
 - (b) The two (2) *Magnolia* 'Little Gem' proposed within the ground floor open space and rooftop communal open space are to be substituted for small-medium canopy trees which are capable of reaching a minimum of 8m in height and planted at a minimum 100 litre pot/container size.

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.** Compliance with all commitments listed in BASIX Certificate(s) numbered 677380M, dated 30 October 2015. The commercial premises is to comply with all of the requirements of Part 7.1 Energy Smart, Water Wise of Ryde Development Control Plan 2014.

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

5. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".

6. **Security Grilles.** This consent does not authorise the erection of any security grilles or barriers on the shopfront. Separate approval must be obtained for any such works.

ITEM 2 (continued)

ATTACHMENT 1

7. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
8. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
9. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
10. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
11. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
12. **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.
13. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Ausgrid, Sydney Water, Telstra, RMS, Council etc.) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
14. **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.

ITEM 2 (continued)

ATTACHMENT 1

15. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
16. **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.
17. **Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.
 - a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
 - b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
 - c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
 - d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.

ITEM 2 (continued)

ATTACHMENT 1

- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
 - f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
 - g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips within the carriageway of any public road.
18. **Engineering plans assessment and works inspection fees.** The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the assessment, prior to any approval being granted by Council.
19. **Construction and fit-out of retail or commercial premises.** The use and fit out of the proposed retail or commercial premises shall be subject to a separate application in accordance with the requirements for first use of premises.
- Note:** *should the proposed retail or commercial premises become a food premises then the following requirements shall be imposed during the construction stage:*
- (i) *The walls of all proposed food premises must be constructed of brick, concrete blocks, preformed panels filled with suitable material or other solid materials.*
 - (ii) *Adequate provision must be made for the installation of kitchen exhaust systems to the proposed food premises.*

ITEM 2 (continued)

ATTACHMENT 1

20. **Ventilation of basement carparks** — All car parking facilities within buildings shall be naturally or mechanically ventilated in accordance with the Building Code of Australia and Australian Standard AS 1668.2-2012: *The use of mechanical ventilation and airconditioning in buildings — Mechanical ventilation in buildings*.
21. **Fresh air intake vents.** All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
22. **Exhaust air discharge vents.** All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.
23. **Carpark exhaust vent.** The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and:
 - (a) at least 6 metres from any fresh air intake vent or natural ventilation opening; and
 - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.
24. **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.

Note: For Food and Drink Premises, a grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted. *Should a grease trap be proposed, details showing the location of the proposed grease trap must be submitted to the Principal Certifying Authority with the application for the Construction Certificate.*
25. **Storage of commercial wastes** -A separate garbage room must be provided in a convenient location on the premises for the storage of commercial wastes.
26. **Waste collection point for commercial waste** - The commercial waste must be collected from the garbage room located inside the building.

ITEM 2 (continued)

ATTACHMENT 1

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.

27. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
 - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
28. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
29. **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.
30. **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.

ITEM 2 (continued)

ATTACHMENT 1

31. **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.
32. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
33. **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.
34. **Demolition of Building.** In relation to the demolition of the existing building (or part of a building) on the site:
 - (a) A Preliminary Hazard Analysis Report prepared by an appropriately qualified consultants to be submitted to the Council detailing whether any hazardous materials exist on the site (e.g. lead in paints and ceiling dust or asbestos).
 - (b) Should any hazardous materials be identified as per item (a), a Work Management Plan shall be submitted to Council in accordance with AS2601 - Demolition of Buildings. The report shall contain details regarding:
 - (i) The type of hazardous material;
 - (ii) The level or measurement of the hazardous material in comparison to relevant Guidelines;
 - (iii) Proposed methods of containment; and
 - (iv) Proposed methods of disposal.
35. **Tip dockets.** Tip dockets identifying the type and quantity of waste disposed/recycled during demolition are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections

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.

ITEM 2 (continued)

ATTACHMENT 1

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

36. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$49,917.82
Open Space & Recreation Facilities	\$118,302.04
Civic & Urban Improvements	\$43,197.85
Roads & Traffic Management Facilities	\$5,905.92
Cycleways	\$3,680.77
Stormwater Management Facilities	\$11,473.91
Plan Administration	\$992.38
The total contribution is	\$233,470.69

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 Interim Update (2014), effective from 10 December 2014.

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

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

ITEM 2 (continued)

ATTACHMENT 1

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>.

37. **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**.
38. **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**.
39. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (Category: other buildings with delivery of bricks or concrete or machine excavation)
40. **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
41. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
42. **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**.
43. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work namely <#insert property addresses>. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the **Construction Certificate**.

ITEM 2 (continued)

ATTACHMENT 1

44. **Sydney Water Tap in™**. The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Sydney Water Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, eg relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

45. **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.
46. **Irrigation**. Irrigation is to be supplied to all raised planters located within common areas as well as the rooftop gardens to ensure adequate water is available to vegetation. Irrigation systems shall be fully automated and capable of seasonal adjustments. Details are to be submitted prior to the issue of the Construction Certificate.
47. **Landscape details**. Full details are to be provided for the rooftop terrace including the pergola structure, bench seating, planter walls, decking, paving and any lighting. Additionally, details are to include the interfaces between the decking and paving ground surfaces. Details are to be submitted prior to the issue of the Construction Certificate.
48. **BASIX & Energy Efficiency details to be included on the Construction Certificate**. The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.

ITEM 2 (continued)

ATTACHMENT 1

The fittings, fixtures and materials installed in association with the development (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council's DCP. Details are to be noted on the plans submitted with the Construction Certificate.

49. **Construction of garbage rooms** - All garbage rooms must be constructed in accordance with the following requirements:
- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
 - (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
 - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
 - (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
 - (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
 - (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material. In this respect the doorway is to allow for 240L bins to fit through. (Width 0.6m, depth 0.8m and height 1.1m);
 - (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
 - (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
 - (i) The room must be provided with adequate artificial lighting; and
 - (j) A hose cock must be provided in or adjacent to the room to facilitate cleaning.

Details demonstrating compliance are to be submitted on the Construction Certificate plans.

50. **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.

ITEM 2 (continued)

ATTACHMENT 1

51. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following revision(s) must be undertaken;

- a) The splayed vehicle entry at the boundary alignment must be extended/ realigned to allow for vehicles to overtake another, wholly within the property boundaries. To address this, a traffic engineer is to advise on the splay realignment by undertaking a swept path analysis, incorporating a B99 and B86 design vehicles, demonstrating that a B99 vehicle exiting the garage is able to manoeuvre around the northern side of a B85 vehicle waiting to enter. The modified splay is to be implemented in the plans to be submitted with the application for a Construction Certificate.
- b) All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. In this respect, the nominated height clearance of 2.06m is unsatisfactory and must be reconfigured to provide the minimum clearance height of 2.2m as required by AS2890. A revised driveway profile must be prepared, showing ramp lengths, grades, surface RL's and overhead clearances, taken from the Council approved boundary levels to the parking space area. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

52. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to Bowden Street fronting the property generally in accordance with the plans by Australian Consulting Engineers (Refer to Job No. 150969 Dwgs D01-D02 Rev. A dated 28 October 2015 & D03 Rev D dated 25 July 2016) subject to the following variation(s):
- The drainage inlet pit located on the verge of the road reserve is to be removed as it presents a liability to Council, and the sites drainage system discharge directly to the kerb, in accordance with the DCP Part 8.2.
 - The subsurface drainage system must be designed to preserve the pre-developed groundwater table so as to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid long term impacts related to the support of structures on neighbouring properties.

ITEM 2 (continued)

ATTACHMENT 1

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.

53. **Stormwater Management – Connection to Public Drainage System.** The connection to the public inground stormwater drainage infrastructure located in Bowden Street will require inspection by Council's Public Works section to ensure the integrity of this asset is maintained. The method of connection must comply with Council's DCP and Technical Standards and an inspection fee in accordance with Council's current fees and charges must be paid to Council prior to the issue of the Construction Certificate. Council must be notified when the connection has been made to the pit and an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval.

Where the point of connection is in neighbouring property, the applicant must provide written notification to the affected property owner no less than a week prior to the works and all structures/ surface areas affected by the drainage connection works must be reinstated at the completion of this activity, at no cost to the affected property owner.

54. **Geotechnical Design, Certification and Monitoring Program.** The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

ITEM 2 (continued)

ATTACHMENT 1

This engineer is to prepare the following documentation;

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

- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;
 - is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
 - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
 - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

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

55. **Site Dewatering Plan.** To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems, a Site Dewatering Plan (SDP) must be prepared and submitted with the application for a Construction Certificate.

ITEM 2 (continued)

ATTACHMENT 1

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

- All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
- Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
- Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
- The consultant is to liaise with Council's Public Works - Stormwater Asset Management section concerning the determination of an appropriate rate of discharge to the public inground drainage system. Consideration will be given to the capacity of the downstream system and the ability of the site to detain stormwater during the construction period. Should there be no public inground drainage infrastructure in which to drain to, the maximum rate of discharge is to be limited to 30L/s to the kerb.
- Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- Be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
- Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.
- Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act.

ITEM 2 (continued)

ATTACHMENT 1

56. **Tanked Basement Levels.** The discharge of groundwater and seepage flows to the public drainage system can have adverse impacts due to the build-up of slime/ algae growth in gutters, create nuisance ponding during dry periods and reduces the amenity of the area, all of which impact the surrounding community. To address this, all below ground levels of the development must be designed and constructed as a tanked structure, to prevent the infiltration of groundwater into the property. Accordingly the groundwater drainage systems must be designed and constructed to maintain the pre-developed groundwater regime. The structural design of the basement levels and subsurface drainage system must be overseen by a suitably qualified structural/ geotechnical engineer, who is to provide certification with the application for a Construction Certificate, that the design has been undertaken in accordance with this condition.
57. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work, namely 4-8 Angas Street, 123 Bowden Street and 127-131 Bowden Street. A copy of the dilapidation survey is to be submitted to the Accredited Certifier and Council prior to the release of the Construction Certificate.
58. **Detailed site investigation report.** The proponent must submit a detailed site investigation report for Council's consideration and written approval. The detailed site investigation report shall be carried out by an appropriately qualified contamination consultant in accordance with the requirements of the relevant NSW EPA Guidelines approved under the Contaminated Land Management Act 1997 and must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997).
- The report shall demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use. If remediation is required, the report should also set out the remediation options available for the site and whether the work is considered to be category 1 or category 2 remediation work.
59. **Council may require site audit of detailed investigation report** - If requested by Council, the proponent must submit a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997*, verifying the information contained in the detailed site investigation report.

ITEM 2 (continued)

ATTACHMENT 1

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

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

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

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

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

63. **Remediation work** - All remediation work must be carried out in accordance with the requirements of:
- (a) *State Environmental Planning Policy No. 55 - Remediation of Land*;
 - (b) any relevant guidelines published by the NSW Environment Protection Authority; and
 - (c) any council policy or development control plan relating to the remediation of land.

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

65. **Mechanical ventilation details.** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted for approval with the application for the Construction Certificate. Such details must include:

ITEM 2 (continued)

ATTACHMENT 1

- (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems; and
- (b) A design certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and the conditions of this Consent.

66. **Construction Traffic Management Plan.** A Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of Construction Certificate. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CTMP shall provide details on measures to be taken to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

The CTMP must as a minimum:

- (a) Make provision for all construction materials to be stored on site at all times.
- (b) Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- (c) Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in any public roadway/ domain in the vicinity of the site are not permitted unless approved by Council.
- (d) Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- (e) Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- (f) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street tree's.
- (g) Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and supplied to Council.

ITEM 2 (continued)

ATTACHMENT 1

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites” and Councils DCP 2014 Part 8.1 (Construction Activities).

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and is to be paid at the time that the Traffic Management Plan is submitted.

67. **Public domain improvements.** The public domain is to be upgraded in Bowden Street frontage of the development site in accordance with the City of Ryde Public Domain Technical Manual (PDTM), Section 5 – Meadowbank, and the City of Ryde DCP 2014 Part 4.2 – Shepherd’s Bay, Meadowbank, Precinct 1 – Station. This work is to include but not be limited to paving, multifunction light poles, street furniture and plantings. A public domain plan is to be submitted to Council for approval by Council, prior to the issue of the Construction Certificate.
- a) The footpath on the frontage of the development site along Bowden Street is to be designed and constructed with full width grey granite pavers.
 - b) Street trees to be provided in accordance with the Meadowbank Street Tree Master Plan. The Public Domain Technical Manual identifies “*Fraxinus griffithii*” (Evergreen ash) or “*Fraxinus oxycarpa* ‘Raywood’” (Claret Ash) as the designated tree for Bowden Street frontage of the development.
 - c) All telecommunication and utility services are to be placed underground along the Bowden Street frontage of the site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to Council and relevant utility authorities for approval prior to commencement of work.
 - d) New street lighting serviced by metered underground power and on multifunction poles (MFPs) shall be designed and installed to Australian Standard AS1158.3.1-1999 Road Lighting, with vehicular luminance category V5 and pedestrian luminance category P2 along Bowden Street.

ITEM 2 (continued)

ATTACHMENT 1

The consultant shall liaise with Council's Public Works Group in obtaining Council's requirements and specifications for the MFP's and components, including the appropriate LED luminaire and location of the meter boxes. Plans are to be submitted to Council for approval prior to lodgement of the scheme with Ausgrid for their approval.

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

68. **Public Infrastructure Works** – Engineering drawings prepared by a Chartered Civil Engineer (with NPER registration with Engineers Australia) are to be submitted to Council for approval prior to the issue of a Construction Certificate. The works shall be in accordance with the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable. All works must be completed to Council's satisfaction at no cost to Council, prior to the issue of any Occupation Certificate.

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

- a) The proponent shall reconstruct half width road pavement along the Bowden Street frontage. The plans should show the extent and details of road pavement reconstruction along the Bowden Street frontage of the site.
- b) The removal of all redundant vehicular crossings and the construction of new kerb and gutter along the Bowden Street frontage of the development site. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter.
- c) The extent and details of the footpath pavement construction along the Bowden Street frontage of the site.
- d) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council and their requirements being fully complied with.

Note: Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards specified in the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, Section 5 "Standards Enforcement".

ITEM 2 (continued)

ATTACHMENT 1

69. **Driveway Access and boundary alignment Levels** - The applicant is to apply to Council for site specific driveway access and boundary alignment levels prior to the issue of the Construction Certificate. The application shall be accompanied by engineering plans of civil works along the frontage of the development site. The Council issued levels shall be incorporated into the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.
70. **Vehicle Footpath Crossings** – The footpath crossings shall be constructed where vehicles cross the footpath, to protect it from damage resulting from the vehicular traffic. The crossing is to be constructed to match the paving style along the frontages of the development site and conform to the boundary alignment levels issued by Council's Public Works Division. The location, design and construction shall comply with the City of Ryde Development Control Plan 2014 Part 8.3 Driveways and Part 8.5 - Public Civil Works, and all relevant Australian Codes and Standards. In order to avoid the access driveway looking like a public road, kerbs shall not be returned to the boundary alignment line.
71. **Public Domain Works – Maintenance Bond.** To ensure satisfactory performance of the required public domain works, a maintenance period of six (6) months shall apply to the works in which Council will take ownership of, on completion of the development. The performance period shall commence from the date of issue by Council, of the Compliance Certificate. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. A bond in the form of a cash deposit or Bank Guarantee of \$20,000 shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.
72. **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.
73. **Compliance with Acoustic Report.** The development, including all noise and vibration control measures, is to comply with the recommendations contained in the Acoustic DA Assessment Report prepared by Acoustic Logic. Details demonstrating compliance are to be submitted on the Construction Certificate plans.

ITEM 2 (continued)

ATTACHMENT 1

74. **Disabled Access.** Prior to the issue of a Construction Certificate, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate Drawings fully comply with the Building Code of Australia and Australian Standards AS1428.1, AS4299, AS1735.12 and AS2890.6. The report is to be provided to the PCA and Council (if Council is not the PCA).
75. **Adaptable Units.** A total of two (2) adaptable apartments are shall to be provided within the development. These apartments are to comply with all of the spatial requirements as outlined in DCP 2010 Part 9.2 and AS4299. Details demonstrating compliance is to be provided on the Construction Certificate plans. Prior to the issue of the **Construction Certificate**, a suitably qualified access consultant is to certify that the development achieves the spatial requirements of DCP 2014 Part 9.2 and A54299.
76. **Design Verification.** Prior to a Construction Certificate being issued with respect to this development, the Principial Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.
77. **Service infrastructure/utilities.** Unless specifically shown on the approved architectural plans, all service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval, such infrastructure shall be located on the subject site and appropriately screened from view. Electrical substations specifically shown on the approved architectural plans should also include appropriate screening where possible. Details of all service infrastructure/utilities are to be approved prior to the issue of the Construction Certificate.
78. **Vehicular Entry.** The vehicular entry and exit are to have high quality finishes and detailing to the walls and ceiling. No service ducts or pipes are to be provided within the vehicular entry. Details demonstrating compliance is to be submitted on the Construction Certificate plans.
79. **Storage.** Storage areas for each residential unit are to be provided, as a minimum, in accordance with the 'rules of thumb' storage requirements contained in the Residential Flat Design Code. Details demonstrating compliance is to be submitted on the Construction Certificate plans.

ITEM 2 (continued)

ATTACHMENT 1

80. **Soil Depth over Structures.** Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Residential Flat Design Code / Apartment Design Guidelines. Information verifying that the development complies with these requirements to be provided on the Construction Certificate plans.
81. **Retaining Walls.** Details of the retaining walls are to be provided prior to issue of the Construction Certificate.
82. **Public Art Plan.** Prior to the issue of a Construction Certificate, a site specific Public Art Plan is to be submitted for approval by Council. This plan is to be prepared by an arts and cultural planner and will be required to address the following:
- (a) Identify opportunities for the integration of public art in the proposed development;
 - (b) Identify themes for public art;
 - (c) Durability, robustness and longevity of the public art; and
 - (d) Demonstrate how public art is incorporated in the site and built form design.
83. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by the following table of this consent or otherwise necessary as a result of construction works approved by this consent:

Tree No.	Species	Recommendation
1	<i>Acmena smithii</i> (Hedge row) – ‘Lilly Pilly’	Remove
2	<i>Callistemon viminalis</i> – ‘Weeping Bottlebrush’	Remove
3	<i>Callistemon viminalis</i> – ‘Weeping Bottlebrush’	Retain & Protect
4	<i>Abelia x grandiflora</i> – ‘Glossy Abelia’	Retain & Protect

Trees that are shown on the approved plans as being retained must be protected against damage during construction.

84. **Tree works – provision of arborist details.** All tree removal work is to be carried out in accordance NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications. Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alters, Council is to be notified, in writing, within seven working days.

ITEM 2 (continued)

ATTACHMENT 1

85. **Tree Protection Schedule.** A Project Arborist with minimum AQF level 3 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained within the subject site and trees located within 5m of the subject sites side boundaries. 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.

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1.	Indicate clearly (with spray paint on trunks) trees approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2.	Establishment of tree protection fencing	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3.	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4.	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5.	Final inspection of trees by project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

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.

86. **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,

ITEM 2 (continued)

ATTACHMENT 1

- (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
 - (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- 87. Excavation adjacent to adjoining land**
- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
 - (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
 - (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 88. Pre-commencement dilapidation report.** The submission of a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties, and public infrastructure (including roads, gutters, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining private properties, prior to the commencement of construction.
- 89. 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.
- 90. Dilapidation Report.** To ensure Council's infrastructures are adequately protected a dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to the location, description and photographic record of any observable defects but to the following infrastructure where applicable.

ITEM 2 (continued)

ATTACHMENT 1

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

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

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

91. **Ground Anchors.** The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's Public Works Group, as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural plans prepared by a chartered structural engineer, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to the applicant paying all applicable fees in accordance with Council's Schedule of Fees & Charges at the time of the application.
92. **Hoarding Permit.** The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
93. **Property above/below Footpath Level.** Where the ground level adjacent the property alignment is above/below the ultimate footpath level, as set by Council, adequate measures are to be taken (either by means of constructing approved retaining structures or batters entirely on the subject property) to support the subject land/footpath. An approved fence shall be erected along the boundary for public safety.

ITEM 2 (continued)

ATTACHMENT 1

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.

94. **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*.
95. **Hold Points during construction** - Inspections shall be required by Council's Engineer, at the following hold points: -
- a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
 - b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
 - c) Upon compaction of the applicable sub-base course.
 - d) Upon compaction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course)
 - e) Upon installation of any formwork and reinforcement for footpath concrete works.
 - f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

Fees are payable in respect to the inspections in accordance with Council's Schedule of Fees & Charges at the time of the inspections.

Alternatively, the Applicant may submit certification from a suitably qualified Civil Engineer (with NPER-3 registration with Engineers Australia), at each stage of the inspection listed above, confirming that the works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

ITEM 2 (continued)

ATTACHMENT 1

96. **Noise from construction and demolition work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from demolition and construction work.
97. **Noise management plan** - Where demolition or construction activities are likely to cause significant noise or vibration (eg. jackhammering ,rock breaking or impact piling) a noise management plan must be prepared by a suitably qualified acoustical consultant and be submitted to the Principal Certifying Authority before the work commences. The plan must be prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009) and include:
- (a) Identification of nearby affected residences or other sensitive receivers.
 - (b) An assessment of the expected noise impacts.
 - (c) Details of the work practices required to minimise noise impacts.
 - (d) Noise monitoring procedures.
 - (e) Procedures for notifying nearby affected residents.
 - (f) Complaints management procedures.
98. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
99. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
100. **Construction materials.** All materials associated with construction must be retained within the site.
101. **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.

ITEM 2 (continued)

ATTACHMENT 1

102. 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.

103. 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".

104. Traffic Management. Any traffic management procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

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

106. Erosion and Sediment Control. The applicant shall install erosion and sediment control measures in accordance with the approved plan by Australian Consulting Engineers Pty Ltd. (Refer to Job No. 150055 Dwgs D05 Rev A. dated 12 February 2015) at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.

107. Geotechnical Monitoring Program - Implementation. The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

ITEM 2 (continued)

ATTACHMENT 1

108. Site Dewatering Plan – Implementation. The Site Dewatering Plan (SDP) on the site must be constructed in accordance with the Construction Certificate version of the SDP submitted in compliance to the condition labelled “Site Dewatering Plan.”, the requirements of Council in regards to disposal of water to the public drainage infrastructure and the requirements of any Dewatering License issued under NSW Water Act 1912 in association with the works. A copy of the SDP is to be kept on site at all times whilst dewatering operations are carried out.

109. Stormwater Management - Construction. The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Australian Consulting Engineers Pty Ltd. (Refer to Job No. 150969 Dwgs D01-D02 Rev. A dated 28 October 2015 & D03 Rev D dated 25 July 2016) submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in connection to the trunk drainage system.

110. Implementation of Construction Traffic Management Plan. All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

111. Traffic Signal System. To prevent conflicting traffic flows at the point of the single lane driveway entry, a traffic signal must be installed to warn a driver approaching the access, of any vehicles entering from the opposite direction.

The signal system must;

- Be clearly visible from either approach and is to indicate to an approaching driver, by way of red light or wording, that a vehicle is approaching on the single lane access in the opposite direction,
- Default to green for entering traffic.
- Provide demarcated waiting bays (linemarked) for the waiting vehicle to stand. These are to be located clear of the swept turning path of the opposing vehicle to allow the vehicle to pass.

ITEM 2 (continued)

ATTACHMENT 1

The system is to be operational prior to the issue of any Occupation Certificate. Details of the system, including the system operation, components and placement within the development, must be detailed by a practising Traffic Engineer. This engineer is to submit these details and certify that the system has been installed accordingly, to the Accredited Certifier prior to the issue of any Occupation Certificate.

112. **Discovery of Additional Information** - Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.
113. **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.
114. **Removal of any underground storage tanks.** If any underground storage tanks are located on site, their removal must be carried out in accordance with:
- (a) Australian Standard AS 4976-2008: *The removal and disposal of underground petroleum storage tanks*; and
 - (b) *The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008.*
115. **Storage and removal of demolition and construction wastes.** All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the - environment and shall comply with the requirements of the Protection of Environment Operations Act, 1997.
116. **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.
117. **Transportation and disposal of wastes.** All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request. All transportation and disposal of waste shall be conducted in accordance with the Protection of Environment Operations Act, 1997 and the Protection of Environment Operations (Waste) Regulation 2014.
- Note: All asbestos wastes must be disposed of at a landfill facility licensed to receive asbestos waste.**

ITEM 2 (continued)

ATTACHMENT 1

118. **Surplus excavated material.** All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approves an alternative disposal site.
119. **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.
120. **Noise control measures** - All noise and vibration control measures nominated in the acoustical consultant's report and any related project documentation must be implemented.
121. **Tip docket**s identifying the type and quantity of waste disposed/recycled during demolition are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections
122. **CCTV Cameras:**
- a) The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. The cameras should include the foyer area to the buildings including the area around the mail boxes as mail theft in unit complexes in the Sydney Metropolitan area is an emerging crime. The cameras should also monitor the immediate vicinity outside the building including, but not limited to, the footpath area in front of the premises. CCTV cameras should also cover any lifts, public spaces and the basement car parks. Recordings should be made twenty four (24) hours a day seven (7) days a week.
 - b) As a minimum, CCTV cameras at entry and exit points to the premises **MUST** record footage of a nature and quality in which it can be used to identify a person recorded by the camera. All other cameras **MUST** record footage of a nature and quality in which it can be used to recognise a person recorded by the camera.
 - c) The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.
 - d) If requested by police, the applicant is to archive any recording until such time as they are no longer required.
 - e) Recordings are to be made in a common media format such as Windows Media Player or similar, or should be accompanied by applicable viewing software to enable viewing on any windows computer.
 - f) The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel.

ITEM 2 (continued)

ATTACHMENT 1

- g) If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.
- h) CCTV should be installed throughout the basement car park area and should include the entry and exit points to the car park.

123. **Lighting:** Lighting is to be provided around the site and all lighting is to comply with the following requirements:

- Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
- A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
- To reduce power consumption and comply with the relevant Australian and New Zealand Standards for Lighting, car park lighting is to be interfaced with motion detectors.
- Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal gardens.

124. **Access control:** The following measures shall be addressed in the fit out of the building:

- a) All areas should be fitted with doors that comply with Australian Design Standards.
- b) The locks fitted to the doors should be of a high quality and meet the Australian design standards.
- c) Any glass within these doors should be laminated to enhance the physical security of the doors.
- d) Access control should be set in place to exclude unauthorized access to restricted areas.
- e) Access should be restricted to residents only to the lifts and stairs leading to the apartments.
- f) Fire exit doors to the development should be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.
- g) The main entry/exit doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the unit.
- h) The balcony doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the unit.
- i) The windows to individual units should also be fitted with key operated locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the unit.

ITEM 2 (continued)

ATTACHMENT 1

- j) Intercom facilities should be incorporated into entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
- k) Letterboxes shall have good quality locks on them. Mail theft is an emerging crime in the Sydney Metropolitan area and as such is important that steps be taken to ensure that letterboxes are as secure as possible. CCTV shall be installed around the area where letterboxes are installed

125. **Car parking security.** Vehicular entry to the parking areas is to be through a secured roller shutter with an intercom system for visitor's access. The doors are to be controlled by locksets such as remote or card operating electronic lock sets. The phasing of the roller door needs to minimise the opportunity for unauthorised pedestrian access after a vehicle enters/exits the car park.

126. **Graffiti.** All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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.

127. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 677380M, dated 30 October 2015.

128. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of any **Occupation Certificate**.

ITEM 2 (continued)

ATTACHMENT 1

129. **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 Fire and Rescue NSW.

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

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

130. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of any **Occupation Certificate**.

131. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

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

ITEM 2 (continued)

ATTACHMENT 1

133. **Public domain – work-as-executed plan.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of any **Occupation Certificate**.
134. **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.
135. **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.
136. **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 pump/ sump components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's terms for these systems as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title. Note that completed WAE plans as well as certification of the completed stormwater management system must be provided with the application, prior to it being endorsed by Council.
137. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).

ITEM 2 (continued)

ATTACHMENT 1

- 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 the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
 - e) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
 - f) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
 - g) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
 - h) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.
138. **Certification of mechanical ventilation work** - Where any mechanical ventilation systems have been installed or altered, an installation certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
139. **Garbage Services.** Suitable arrangements must be made with the City of Ryde Council for the provision of garbage services to the premises prior to the issue of any Occupation Certificate.

ITEM 2 (continued)

ATTACHMENT 1

140. **Access to garbage room.** Safe easy access must be provided for waste collection vehicles to service the waste containers. “No Standing on Garbage Day (Monday) between 5.00am to 11.00am” signs will be placed on Bowden St to enable the trucks to access the bins for servicing. Details demonstrating how safe access will be achieved must be approved by the City of Ryde Council prior to the issue of any Construction Certificate. A signage plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process as per condition 159 below).
141. **Compliance Certificate – External Works.** Prior to the issue of the Occupation Certificate, a compliance certificate shall be obtained from Council confirming that all external works have been completed to Council’s satisfaction. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.
142. **Public domain – works-as-executed plan.** A works-as-executed plan for works carried out in the public domain must be provided to Council and endorsed by Council, as the Road Authority, prior to the issue of the Occupation Certificate. All public domain works are to be completed to Council’s satisfaction prior to the issue of the Occupation Certificate.
143. **Signage and Linemarking – External.** A plan demonstrating any proposed signage and line marking within Council’s Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Ryde Traffic Committee prior to the issue of an Occupation Certificate. **Note:** The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.
144. **Signage and Linemarking – Implementation.** The applicant is to install all signage and linemarking as per the plan approved by the Ryde Traffic Committee. These works are to be completed prior to the issue of an Occupation Certificate.
145. **Design Verification.** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential flat development achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154 of the *Environmental Planning and Assessment Regulations 2000*.

ITEM 2 (continued)

ATTACHMENT 1

146. **Public Art.** Prior to the issue of the final Occupation Certificate, the approved works contained in the Public Art Plan approved under this consent shall be implemented.
147. **Compliance Report.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria (including specifications for window glazing) must be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the issue of an Occupation Certificate.
148. **Registration of premises** - The operator of the business must register the premises with Council's Environmental Health Unit before trading commences. Notification forms can be found on Council's website www.ryde.nsw.gov.au or by contacting Council's Customer Service Centre on 9952.8222.

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.

149. **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.
150. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner, in compliance with the Protection of Environment Operations Act, 1997.
151. **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.
152. **Hazardous wastes** - All wastes classified as hazardous wastes under the *Protection of the Environment Operations Act 1997* must be transported to an appropriately licensed waste facility for disposal.
153. **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.

ITEM 2 (continued)

ATTACHMENT 1

154. **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.
155. **Air quality.** 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. Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
156. **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*.
157. **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.
158. **Council may require acoustical consultant's certification.** Council may require the submission of a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.
159. **Clean water only to stormwater system** - Only clean unpolluted water is permitted to enter Council's stormwater drainage system. The demolition, excavation, construction and operation of the premises shall comply with the Protection of Environment Operations Act, 1997.
160. **Hours of Use (Commercial Unit).** Unless otherwise approved, the following hours of operation apply to any use of the commercial tenancy:
- (a) Monday to Saturday: 7am to 10pm
 - (b) Sundays and Public Holidays: 8am to 9pm

ITEM 2 (continued)

ATTACHMENT 1

161. **Delivery and loading/unloading – hours.** No deliveries, loading or unloading associated with the commercial premises are to take place between the hours of 10pm and 7am on any day.
162. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the commercial premises shall take place wholly within the property. The commercial parking spaces located on Basement Level 1 are to be utilised for this purpose to ensure vehicular access and thoroughfare are not impeded.
163. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- 21 residential spaces
 - 2 retail/ commercial spaces; and
 - 4 visitor spaces
164. **Maintenance of access path for bins.** The paving from the waste storage area or garbage and recycling room must be moderately graded with no steps or uneven surfaces so that the waste containers can be safely and easily manoeuvred to the collection point.
165. **Signage for the garbage rooms.** Signs will be required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage.
166. **Universal key.** Where there is a lockable door to access a bin room or bulky waste storage room, the universal Council key should be installed so the contractor can access the room for servicing bins or collect the household cleanup items.

ADVISORY CONDITIONS

- A. Temporary dewatering of an amount above 3ML may require a water licence to be obtained from the Office of Water before construction commences. Please note that the proposal must not incorporate provision for permanent or semi-permanent pumping of groundwater seepage from below-ground areas. A fully tanked structure must be used.
- B. 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.rvde.nsw.gov.au,
- C. Pollution incidents causing or threatening harm to the environment must be reported to Council as soon as practicable on 9952 8222.

ITEM 2 (continued)

ATTACHMENT 2

25

Clause 4.6 Variation

The proposal includes roof top common open space, providing greater amenity and recreational opportunities for residents. The required lift overrun and fire stairs to that communal open space exceed the maximum building height controls within the *Ryde LEP 2014*.

These structures are located in the centre of the building, take up a very small percentage of the roof area and at worst (the lift overrun) exceed the building height limit by 3m. They are unlikely to be seen from the nearby public domain due the substantial fall of the host site by approximately 2m from west to east. While only those minor portions of the structure are higher than the LEP limit a request to vary to the standard is required and is provided below for Council's consideration.

Clause 4.6 of the LEP outlines the matters to be considered by Council where a proposal seeks to vary a numerical standard contained within the LEP. The relevant parts of the clause and comments thereon in relation to the proposal are shown below

4.6 Exceptions to development standards.

(1) The objectives of this clause are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.....*



123 Bowden Street, Meadowbank – Proposed Mixed Use Development (2015)

ITEM 2 (continued)

ATTACHMENT 2

26

Comment

Objective (a) provides the impetus for the clause in confirming its intention for flexibility in the application of development standards. This integrates well with a number of the Aims of the LEP, contained within *Clause 1.2* as shown below:

(a) to encourage a range of development, including housing, employment and recreation, that will accommodate the needs of the existing and future residents of Ryde,

(b) to provide opportunities for a range of housing types that are consistent with adjoining development and the existing environmental character of the locality,

(c) to foster the environmental, economic, social and physical development of Ryde so that it develops as an integrated, balanced and sustainable city,

(d) to improve access to the city, facilitate the maximum use of public transport and encourage walking and cycling,

(h) in relation to economic activities, to provide a hierarchy of retail, commercial and industrial activities that enable employment capacity targets to be met, provide employment diversity and are compatible with local amenity,

In varying the LEP height standards these objectives are adhered to in that the proposal achieves a balanced development outcome between an acceptable built form within the *B4* zone and the surrounding mixed density neighbourhood. The built form outcome will be one of quality, with care taken in the design phase to ensure that any impacts to surrounding properties and the public domain are ameliorated. Finally, the location of the site promotes walking and public transport use.

The terms of objective (b) of *Clause 4.6* are particularly relevant as it introduces the desired achievement from objective (a) in providing a *better outcome*, from applying a flexible approach. In the circumstances of this proposal a better outcome is achieved by varying the relevant height standard through:



123 Bowden Street, Meadowbank – Proposed Mixed Use Development (2015)

ITEM 2 (continued)

ATTACHMENT 2

27

- The re invigoration of a low use site with a new vibrant modern building, that although marginally greater in height, respects its surroundings and reduces its impact on nearby residential properties.
- The increased height derives from the provision of access to the roof top communal open space and the fall of the land from west to east. The roof top facilities are a benefit to the amenity of future residents and provide a better outcome in terms of liveability.
- The greater height is not readily evident from the public domain. The central location of the lift, stairs and the pergola reduce their visibility.
- When viewed from Bowden Street the visible portion of the structure is below the height limit and will therefore not dominate the streetscape.
- The provision of a development that maximises the opportunity for people to work within the community where they live and therefore reduce the impact on both private and public transport services.

A better planning outcome can also be considered in terms of the potential impact of the proposal from the increased height on the public domain and in an urban design sense. Any assessment of these issues must consider the proposal in terms of the context of the site, its built form, the need for residential development in the locality and the design parameters of SEPP 65 and the Ryde DCP.

These matters are discussed elsewhere in this report, with the proposal performing well in regard thereto.

It may be suggested in certain submissions that all of the above benefits could be achieved by a smaller compliant development. However, to ensure that the additional roof top service structures meet the LEP standard, would necessitate a reduction of a level within the building reducing its yield. Such a reduction would impact on the viability of the project to a level not commensurate with the minor nature of the proposed variation.

ITEM 2 (continued)

ATTACHMENT 2

28

In this context the orderly and economic use of the land as promoted by the objects of the EP&A Act, 1979 would be reduced, as would the site's capacity to provide increased commercial and residential variety and opportunities within the locality.

Subsection (3) of Clause 4.6 states as follows:

- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.....*

In assessing whether or not compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, it may be worth considering the principles laid down in the Land and Environment Court judgement of Cripps J. in *Hooker Corporation Pty Ltd v Harvisy Shire Council*.

In that decision the Court was considering an objection to a development standard under SEPP 1 and his Honour set out a number of important principles for consideration of such an objection.

While an objection under SEPP 1 is not contemplated in this case, two of the principles set out in that judgement are relevant to the subject proposal. These are:

- *It must be assumed that a development standard has a purpose; and,*
- *It is not to be used as a means to affect general planning change*

Clause 4.3 of the LEP contains objectives that clearly indicate the purpose of the building height control. Those objectives relevant to this issue are outlined below together with comments on the proposal's performance against them.



123 Bowden Street, Meadowbank – Proposed Mixed Use Development (2015)

ITEM 2 (continued)

ATTACHMENT 2

29

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

Comment: The proposed building height is compliant with the LEP height control at the Bowden Street frontage. As a result it will be in proportion and in keeping with the character of existing and future similar development.

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

Comment: The upper eaves and parapets of the building are all at a height below the maximum permissible under the LEP. It is these elements of the building, which will cast the shadow on to adjoining lands. As those elements are height compliant, any shadow impact will be the same as that anticipated by the relevant planning framework. The lift and stair overrun and pergola will not cast a shadow outside the roof top common open space.

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

Comment: The locational value of the subject site in terms of its proximity to public transport, shops and services has previously been discussed in this report.

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

Comment: The design has been derived from the perspectives of general compliance with relevant controls and to ensure that adjoining sites retain their maximum development potential. The proposal will sit well within its surroundings and will not detrimentally impact on the amenity of the area.

In this context and in consideration of the nature of the variation sought, it cannot be argued that the proposal is seeking to *effect general planning change*. The development, in the main, remains compliant with the principles and general parameters of the built form controls and expectations within the planning framework.

ITEM 2 (continued)

ATTACHMENT 2

30

A recent decision in the NSW Land & Environment Court provides further clarity in relation to the issues to be confirmed in deciding whether or not the application of the LEP standard is *unreasonable or unnecessary in the circumstances of the case*.

In the matter of Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 Pearson C has confirmed that the decision of Preston CJ in *Webbe v Pittwater Council* [2007] NSWLEC 827 provides indirect assistance only, in determining ways of establishing that compliance with a development standard in an environmental planning instrument might be seen as unreasonable or unnecessary:

At paragraphs 61 and 62 of the decision the Commissioner states:

*Of The written request argues that compliance is unnecessary in the circumstances of the case because the proposed development meets the objectives of the standard and the zone objectives, and that insistence on strict compliance would be unreasonable. Achieving the objectives of the development standard notwithstanding non-compliance with the standard was the most commonly invoked way of establishing that compliance with a development standard was "unreasonable or unnecessary in the circumstances of the case" under cl 5 of SEPP 1. *Webbe v Pittwater Council* [2007] NSWLEC 827 at [42] per Preston CJ. In *Webbe* at [44]-[48] Preston CJ identified other ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary, namely that the underlying objective or purpose is not relevant to the development; that the objective would be defeated or frustrated if compliance was required; that the development standard has been virtually abandoned or destroyed by the Council's own actions in departing from the standard; or that the zoning of the land is unreasonable or inappropriate.*

62 I agree with the submission of Four2Five that the wording of cl 4.6, being different to that in SEPP 1, requires the decision-maker to be faithful to the language of the clause rather than any stated principles developed in the application of SEPP 1, and that, subject to that caution, the case law developed in relation to the application of SEPP 1 may be of assistance in applying cl 4.6.



121 Bowden Street, Meadowbank – Proposed Mixed Use Development (2015)

ITEM 2 (continued)

ATTACHMENT 2

31

While we do not concern an objection under SEPP 1, to my view the analysis is equally applicable to a variation under cl 4.6 where cl 4.6(3)(a) uses the same language as cl 6 of SEPP 1. Consistency with the objectives of the development standard and the zone objectives is not addressed specifically in cl 4.6(4)(b), with separate attention required to the question of whether compliance is unreasonable or unnecessary, using the same expression as that in cl 6 of SEPP 1, in cl 4.6(3)(a) and 4.6(4)(a)(i) of the LEP.

The Commissioner's decision was confirmed in the decision of Pain J on judicial review.

In *North Shore Gas Company v North Sydney Municipal Council* (Land and Environment, New South Wales, 15 September 1986, unreported) Stein J similarly held that compliance with a development standard was not required where the standard has been virtually abandoned or destroyed by Council's own action.

In the case of the subject proposal, the matter of roof top open space facilities breaching building height limits has been considered by Council in relation to a number of recent DA's (including recent proposals before the Sydney East Joint Regional Planning Panel) and accepted on the basis of the improved amenity these facilities provide for future residents. In this sense the control has been virtually abandoned by the Consent Authority where it relates to such components of a development. This context is considered to be the same in relation to the subject proposal.

In view of all of the above, compliance with the numerical LEP standard for building height is considered to be unreasonable and unnecessary in the circumstances. If approved, the proposal (when built) will not be out of place with, nor detrimental to the amenity of its surroundings. It is also considered that the continued revitalisation and improvement of the Shepherds Bay area and Meadowbank Town centre can only benefit the community.

Clause 4.6 (3) then goes on to require:

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



123 Bowden Street, Meadowbank – Proposed Mixed Use Development (2015)

ITEM 2 (continued)

ATTACHMENT 2

33

Earlier in this report the relevant zone objectives and the proposal's conformity with them was discussed and found to be acceptable. Rather than repeating the reasons why the proposal meets these environmental planning grounds, it may be appropriate (for the purposes of this question) to consider the variation to the height standard in terms of the *environmental amenity and aesthetic character of the area*.

In considering the *environmental amenity* one looks at impacts such as overshadowing, privacy/overlooking, view loss, visual domination etc. These provide an indication of a proposal's suitability and reflect the matters for consideration under Section 79C of the Act.

The proposed additional structures on the roof will not generate any additional overshadowing to adjoining lands, as they are located in the centre of the building well back from the parapet. In numerical terms these structures are:

- 6.3m back from the front (east) and 8m from the rear (west) of the building,
- Over 4m from the northern facade and over 5m back from the southern building edge.

Any shadow cast will fall within the building footprint, thereby creating no impact. As the top floor eaves / parapet are within the permitted building height standard any shadow impact will remain commensurate with that anticipated within the planning controls for a compliant building.

The potential for privacy loss and overlooking derive from a building's orientation and the internal layout. The roof top communal open space is set back from the building facades and well screened and its use will not diminish the privacy of occupants of nearby buildings (present and future).

The building when completed will provide view opportunities from its upper levels to the same degree as those on adjoining and nearby sites as envisaged within the controls. The size and nature of the roof top structures and the minimal component that breach the height limit are such that they will not unreasonably impinge on views that may be enjoyed from existing or any future buildings on surrounding properties.



ITEM 2 (continued)

ATTACHMENT 2

33

Visual domination is an issue more generally associated with perceptions from the public domain and from multi storey buildings. In this case, the proposed building up to its upper level eaves and parapet is compliant with the relevant height standards and will remain its "fit" within its locality as envisaged by those controls. In that context the minor height overrun and the proposed relationship in bulk and scale terms is considered to be reasonable.

In determining the *aesthetic character of the area* it is reasonable to review the type and form of development existing in the near vicinity of the site and likely to occur in consideration of the future character of the area. Ryde LEP 2014 and the associated DCP provides for development uplift within the Shepherds Bay / Meadowbank Precinct. The controls permit buildings of a height and density equal to and greater than that related to the subject site.

The overall building envelope, excluding the upper portion of the roof top stair, lift overrun and pergola comply with those controls, with the variant structures in the main being set well back. They facilitate access and usability of the roof top space and or simply complete the upper residential floor, in a manner that will not impact on surrounding properties. The availability of the roof top recreational facilities will enhance the amenity within the area, which due to the permissible densities, will become much more urban than suburban.

An area's desired future character is generally evident from reviewing any proposed changes to the relevant planning framework affecting a site. In this case the relevant LEP and DCP have only recently been adopted. As mentioned above these plans facilitate a much greater level of development within the precinct. The expected built form outcome is similar to that proposed for the subject land, whilst the land use intention is one of mixed use.

In this context the proposal will sit well within the expected development outcomes and be commensurate with the desired future character of the area.

In light of this detailed assessment it would appear that neither the *environmental amenity* nor the *aesthetic character of the area*, are detrimentally impacted by the proposal and the minor non compliance of the roof top structures with the LEP height standard, is reasonable. In this sense it is fair to say that the underlying purpose of the standard has been met.



123 Rowden Street, Meadowbank -- Proposed Mixed Use Development (2015)

ITEM 2 (continued)

ATTACHMENT 2

34

Clause 4.6 of the LEP goes on further to relevantly state:

(2) Consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

Comment: These matters have previously been considered and are positively demonstrated by the proposal. The Director General has formally delegated his function to Council.

(3) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.....

Comment: No matters of State or Regional Environment Planning significance are compromised, nor will the proposed development create any environmental impact as indicated throughout this report. The proposal will not generate any amenity impacts to neighbours, whilst its bulk and scale is satisfactory.

The integrity and longevity of the provisions of the LEP should the variation in the height standard be granted by Council is a correct and proper consideration in the assessment of any development proposal. As shown in this report the LEP itself provides for flexibility in appropriate circumstances, such as in the case of the subject proposal.



ITEM 2 (continued)

ATTACHMENT 2

35

In conclusion, it is submitted that an assessment undertaken against the relevant planning framework indicates that the proposal is an acceptable one. It will not impact negatively on the amenity of nearby residents and its capacity to provide a better outcome has been demonstrated.

There are no other provisions of the LEP that are relevant to the proposal.

ITEM 2 (continued)

ATTACHMENT 3

Heritage Referral Response



To: Glenn Ford
From: Michael Edwards
Application No.: LDA2015/0628
Date: 22 December 2015
Address: 123 Bowden Street, Meadowbank

Consideration of the proposal:

The development proposal seeks Council's approval for the demolition of the existing buildings on the site and construction of a multi-storey residential flat building.

Reason for the Heritage Referral:

The development proposal has been referred for heritage consideration as the subject site is within the vicinity of 'Factory' (37 Nancarrow Avenue, Meadowbank (Item No.180), which is an item of heritage significance, listed on Schedule 5 of the Ryde LEP 2014.

Statement of Significance:

37 Nancarrow Avenue, Meadowbank:

The building has strong historical association with the Automatic Totalisators Limited Company, formed by engineer George Alfred Julius after taking out a patent on his "automatic totalisator: invention in 1913, to make and market the product.

The building operated as the ATL Company factory from 1947 till the 1970s. The building is of aesthetic significance as an Inter-war Functionalist style building of high quality designed by architects Dennis and Odling built as the Automatic Totalisators Building in 1947, purpose-built to accommodate the manufacture and development of automatic totalisators.

Source: State Heritage Inventory (SHI)

Consideration of the heritage impacts:

The subject site contains a commercial / industrial building which is austere in its form and characteristics and considered to have little architectural interest or value. Subsequently, the building is of low heritage value and demolition is supported.

The subject site is situated within a precinct which is largely characterised by building typologies attributed to the late 20th Century and with little architectural interest or heritage value, although the site is within the vicinity of the former Automatic Totalisators Building in Nancarrow Avenue.

A limited visual relationship exists between the two sites and the proposed redevelopment of the subject site will not result in any material affectation to the heritage item, nor will detrimentally obscure the setting and context of the heritage item.

Notwithstanding, in August 2007, Council considered a draft Flood Management Strategy for the Ann Thorn Park catchment.

The report identified that '*various studies had been undertaken which informed the Strategy, identifying that the existing embankment on Constitution Road at Ann Thorn Park presents a high risk to life and property for the existing downstream properties in a major flood event*'. To control this risk, the report concluded that a Flood Management Strategy is required which includes, inter-alia, the lowering of

ITEM 2 (continued)

ATTACHMENT 3

Constitution Road and that 'successful implementation of the strategy is dependant upon the creation of 16m wide overland flow path at this [37 Nancarrow Avenue] and other downstream sites, and would specifically necessitate the demolition of the existing heritage building at No. 33-37 Nancarrow Avenue, Meadowbank.'

Subsequently, Council resolved to endorse and incorporate the Flood Management Strategy for the Ann Thorn Park catchment into the Master Plan which was at the time, being prepared for the Meadowbank area. The Council resolution also required that the report be referred to the Heritage Advisory Committee for 'advice on measures to document and display the heritage values of the existing building at No.33-37 Nancarrow Avenue, should redevelopment take place in the future'.

In March 2013, the Planning Assessment Commission (PAC) granted 'concept approval' for Concept Plan MP09_216, involving the mixed use development of the site, including residential, retail, and commercial and community uses.

The Planning Assessment Commission (PAC) considered the issue of demolition of the existing heritage listed building and the 'concept approval' has given 'in-principle' support to the demolition.

Reluctantly, it must be accepted that demolition of the building at 37 Nancarrow Avenue, Meadowbank will occur on the basis that:

- a) Council has resolved to support the Flood Management Strategy for the Ann Thorn Park catchment and that successful implementation of the Flood Management Strategy is dependent upon the creation of a 16m wide overland flow path, which specifically necessitates the demolition of the existing heritage building.
- b) The Planning and Assessment Commission (PAC) have granted concept approval to the redevelopment of the Shepherds Bay precinct and in considering the heritage item, have accepted that the safety benefits of the proposed stormwater management upgrades that will necessitate the demolition of the building, outweigh the benefits to the community of retaining the heritage item.

However, were the heritage item to be retained, the proposed redevelopment of the subject site would not give rise to any unacceptable impacts on the heritage item.

Recommended conditions

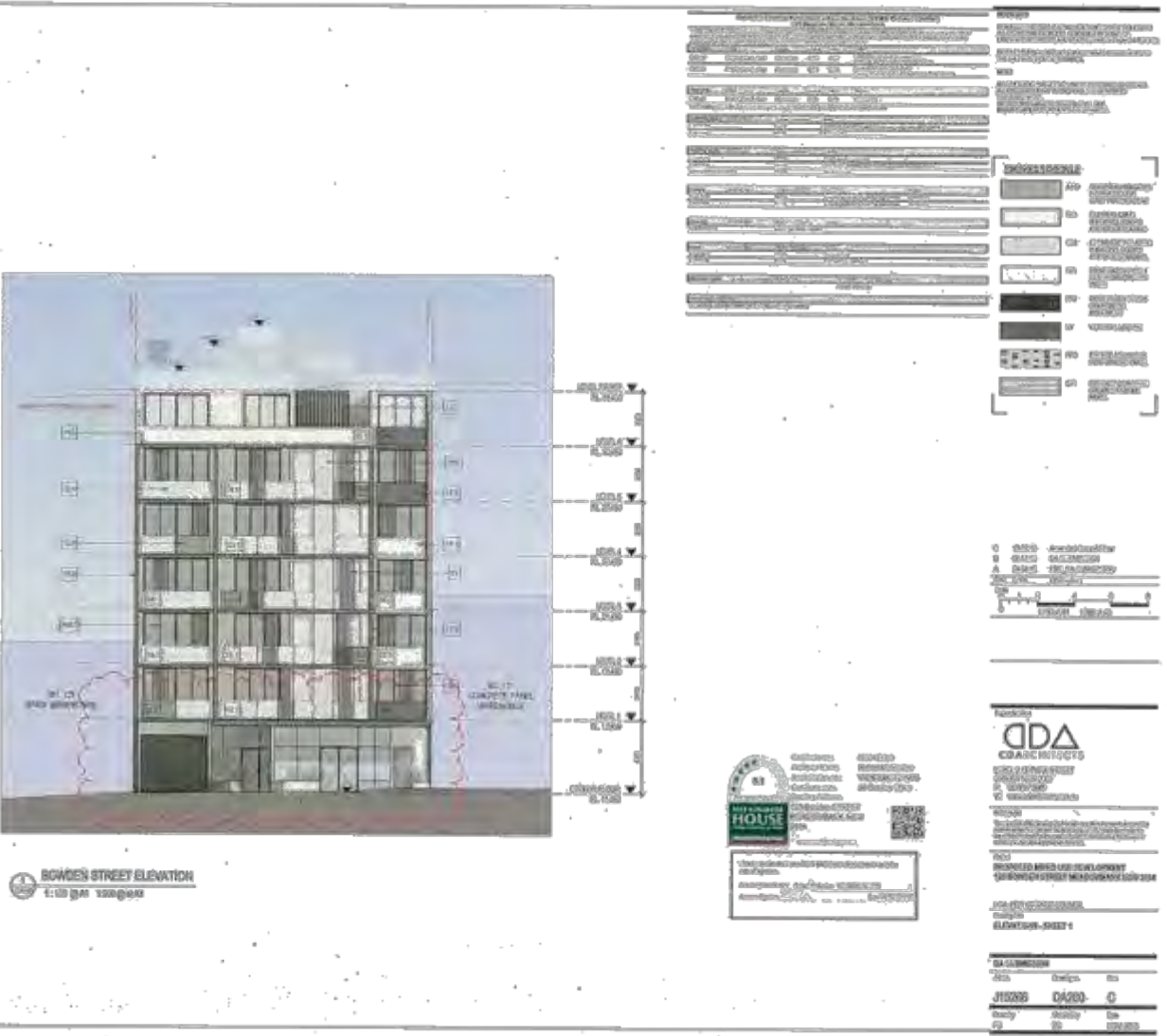
There are no conditions recommended.

Regards,

Michael Edwards
Heritage Advisor

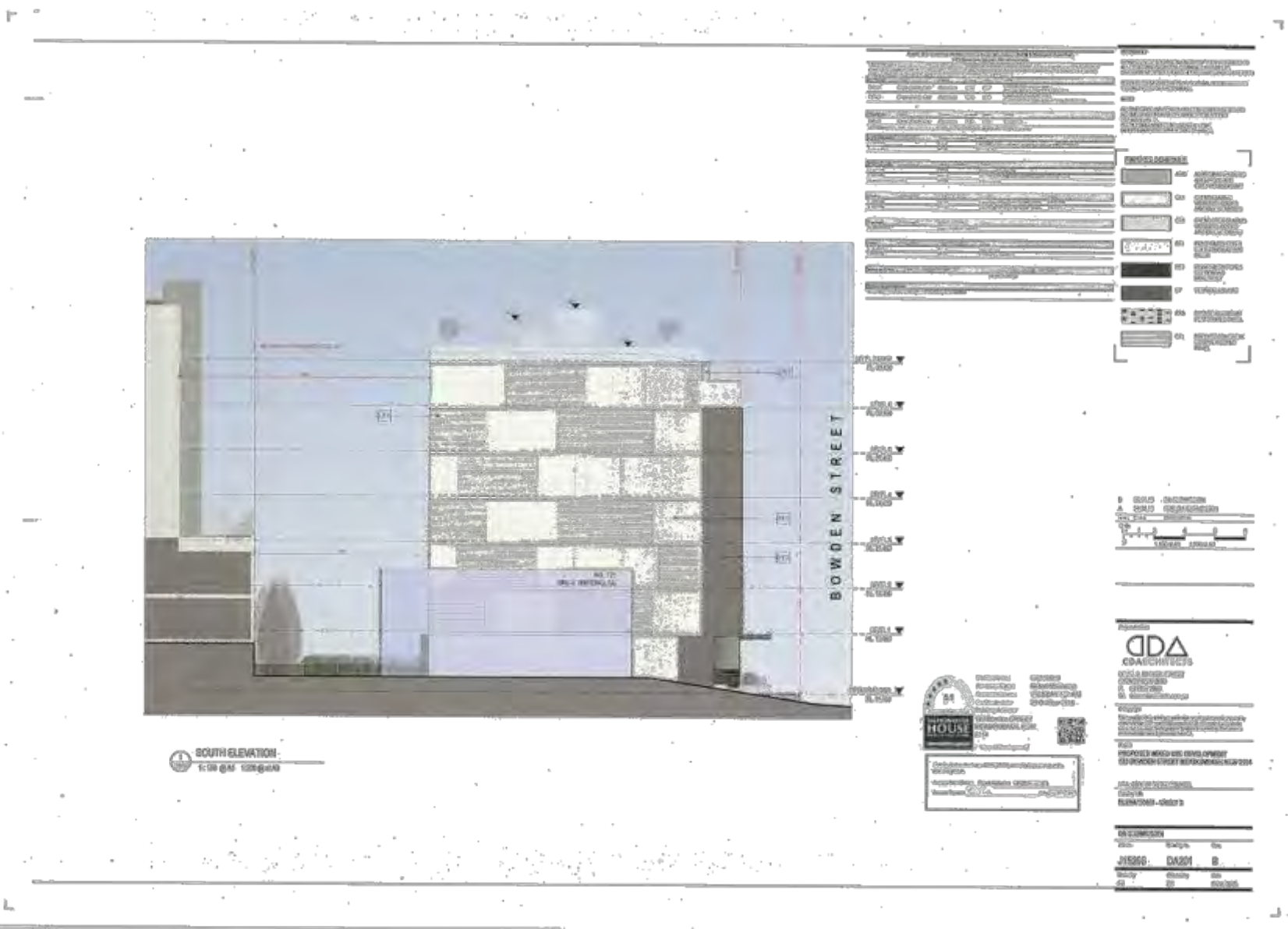
ITEM 2 (continued)

ATTACHMENT 4



ITEM 2 (continued)

ATTACHMENT 4



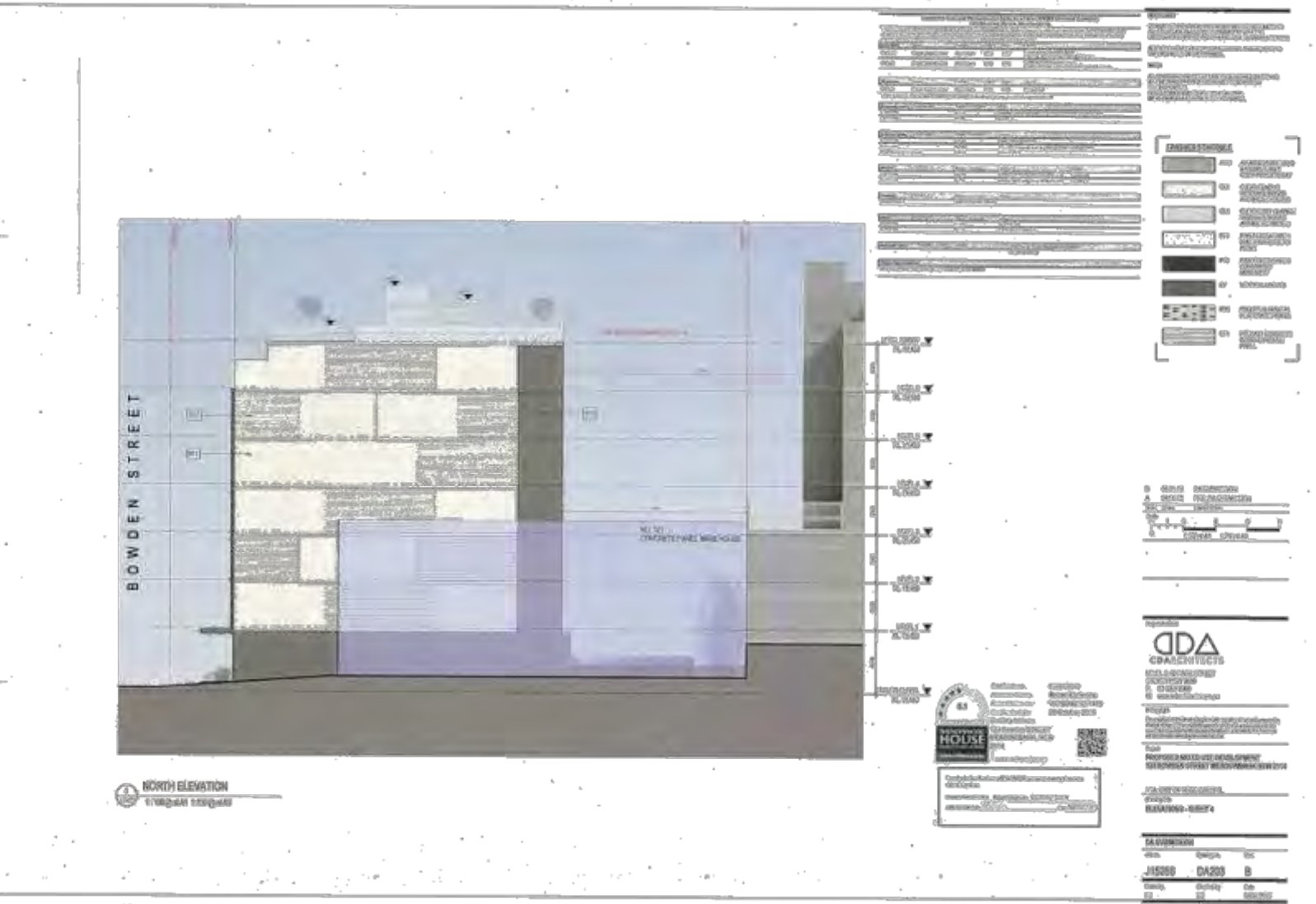
ITEM 2 (continued)

ATTACHMENT 4



ITEM 2 (continued)

ATTACHMENT 4



ITEM 2 (continued)

ATTACHMENT 4

1. The proposed development is consistent with the objectives of the Ryde Local Environmental Plan 2014 (LEP 2014) and the Ryde Development Control Plan 2014 (DCP 2014).
 2. The proposed development is consistent with the objectives of the Ryde Local Government Strategic Plan 2014-2019.
 3. The proposed development is consistent with the objectives of the Ryde Local Government Strategic Plan 2014-2019.



4. The proposed development is consistent with the objectives of the Ryde Local Environmental Plan 2014 (LEP 2014) and the Ryde Development Control Plan 2014 (DCP 2014).
 5. The proposed development is consistent with the objectives of the Ryde Local Government Strategic Plan 2014-2019.

DDA
 CO-ARCHITECTS
 1/111 RYDE ROAD
 RYDE NSW 1513
 PH: (02) 9371 1111
 WWW.DDA.CO-ARCHITECTS.COM.AU

Project: Ryde Community Centre
 Client: Ryde Council
 Project Manager: [Name]
 Architect: [Name]

Date: 21/06/2016
 Scale: 1:1000
 Drawing No: 01-01



21 JUNE 12PM - MIDWINTER SHADOW DIAGRAM



21 JUNE 9AM - MIDWINTER SHADOW DIAGRAM



21 JUNE 3PM - MIDWINTER SHADOW DIAGRAM



- 3 6 AND 10 CLERMONT AVENUE AND 7, 8 AND 9 JENNIFER STREET, RYDE - LOT Y & X IN DP 418160 AND LOTS 7, 8 & 9 DP 28069. Development Application – Demolition including tree removal; staged construction of seniors housing development comprising a residential care facility and in-fill self-care housing over basement parking. LDA2016/0051.**

Report prepared by: Creative Planning Solutions; Senior Coordinator - Development Assessment

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

File Number: GRP/09/5/6/2 - BP16/1343

1. Report Summary

Applicant: Engine Room Venture Management Pty Ltd

Owners: D. Gordon Pty Ltd, D. Gordon Pty Ltd as Trustee of Clermont Trust, Clermont Aged Care Pty Ltd.

Date lodged: 9 February 2016

This report considers a development application (DA) for demolition of all existing structures, tree removal, and construction of a staged seniors housing development comprising of a residential care facility, and also in-fill self-care housing (“independent living units”) over a basement car park. The proposed residential care facility development is to replace an existing residential care facility on the subject site which is of comparable size, but has reached the end of its economic life. The independent living units will be an addition to the seniors housing development and will be located to the west of the existing residential care facility.

Details of the staging are as follows:

- **Stage 1** – Demolition of the existing dwellings at 7, 8, and 9 Jennifer Street and 6 Clermont Avenue, and associated tree removal, construction of a single storey independent living units building with temporary fit-out as a residential care facility containing 23 beds; construction of a temporary car park off Jennifer Street for 6 vehicles for use in conjunction with the temporary residential care facility; construction of on-site detention (OSD) tank and related stormwater infrastructure; and associated landscaping.
- **Stage 2** – Demolition of the existing residential care facility onsite and ancillary buildings at 10 Clermont Avenue and associated vegetation removal; site excavation to provide for one basement car parking level containing 29 car spaces and a loading bay; construction of a two-storey residential care facility containing 56 beds; construction of a two-storey residential care facility building containing 8 units; and associated landscaping.

ITEM 3 (continued)

- **Stage 3** – Conversion of the temporary residential care facility into 7 independent living units; amalgamation of the 5 existing allotments into one lot; and associated landscaping.

When complete, the development will contain a total of 56 beds (in the two-storey residential care facility building at the north/eastern side of the site), and a total of 15 independent living units (8 units in a two-storey building near the centre of the site, and 7 units in a single storey building at the south/western side of the site).

The subject DA was notified to adjoining property owners between 19 February 2016 and 16 March 2016 in accordance with the provisions of the *Ryde Development Control Plan 2014* (DCP2014). In addition, the proposal was advertised in the Northern District Times on 16 February 2016. In response, seven (7) submissions were received from surrounding properties.

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

- Parking and Traffic;
- Overshadowing;
- Noise;
- Visual Privacy;
- Bulk, and Scale;
- Response to Topography;
- Safety and Amenity;
- Stormwater;
- Heritage;
- Fencing;
- Vegetation Removal;
- Telephone and Power Lines; and
- Construction Time

The proposal has been assessed against the heads of consideration of Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act), *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP), and where relevant the provisions of *Ryde Local Environmental Plan 2014* (LEP2014), and DCP2014. The areas of non-compliance relate to the following (summarised, refer to body of the report for more detailed assessment):

- Clause 26 Seniors SEPP – ‘Location and access to facilities’ (addressed via conditions requiring upgrade works within Yamble Reserve to ensure provision of a “suitable access pathway”);
- Clause 40(4)(b) Seniors SEPP – ‘Height in zones where residential flat buildings are not permitted (non-compliance, supported);

ITEM 3 (continued)

- Section 3.5 of Part 3.4 of DCP2014 – Front/Secondary Setbacks (non-compliance, assessed on merit).

Despite the non-compliances outlined above and the issues of concern raised in submissions, on balance the proposal is generally satisfactory for approval as discussed in the body of the report and attached compliance checklists.

The proposal will replace an existing residential care facility that has reached the end of its economic life and which no longer provides the level of services and facilities expected of a modern residential aged care facility, in particular the development once completed will provide for both independent living units and residential care beds, including residents with dementia.

The proposal will also include a range of seniors housing accommodation to provide for ageing-in-place and therefore offer existing and future residents a range of accommodation and services that they do not currently enjoy.

Council's Senior Co-ordinator – Cultural and Social Planning has provided a general comment in relation to this development proposal, regarding the current and likely future need for housing for older people. In this regard, Ryde has an ageing population consistent with the population across Sydney and Australia, and the existing strong demand for aged housing is likely to increase. The proposed development will assist to offer alternate housing choices such as retirement village living and age care facilities, and will therefore help meet the housing needs for this ageing population.

It is therefore considered the proposal is in the public interest. Accordingly the DA is recommended for approval subject to conditions. This includes deferred commencement conditions in relation to stormwater engineering matters.

Reason for Referral to Planning and Environment Committee: Requested by Councillor Pendleton, number of submissions received (7) and the nature of the proposed development.

Public Submissions: Seven (7) submissions were received from surrounding properties.

SEPP 1 (or clause 4.6 RLEP 2014) objection required? Yes – 'Height in zones where residential flat buildings are not permitted' Clause 40(4)(b) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Value of works \$16,064,616

ITEM 3 (continued)

RECOMMENDATION:

- (a) That Local Development Application No. LDA2016/0051 at 6 and 10 Clermont Avenue and 7, 8 and 9 Jennifer Street, Ryde be approved subject to the **ATTACHED** conditions – see **Attachment 1**.
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1** Draft Conditions of Consent
- 2** Compliance Table - Seniors SEPP
- 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
Senior Coordinator - Development Assessment**

Report Approved By:

**Vince Galletto
Acting Manager - Assessment**

**Liz Coad
Acting Director - City Strategy and Planning**

ITEM 3 (continued)

2. Site (Refer to attached map overleaf)

- Address** : 6 and 10 Clermont Avenue and 7-9 Jennifer Street, Ryde
LOTS X & Y in DP 418160 and LOTS 7, 8 & 9 in DP 28069
- Site Area** : 4,913m²
Southern frontage to Clermont Avenue of 67m
Eastern frontage to Clermont Avenue of 40m
Northern frontage to Jennifer Street of 108m
South-western side/rear boundary of 83m to adjoining property at 4 Clermont Avenue and 9 Eulo Parade
North-western side/rear boundary of 64m to adjoining property at 6 Jennifer Street and properties fronting North Road
Note: All areas and dimensions taken from survey and online aerial mapping measurement tools.
- Topography and Vegetation** : The subject site has a modest fall of approximately 3.3m from Clermont Avenue in the east to the common boundary with those properties fronting North Road in the west. It is noted the gradient in the western portion of the site steepens somewhat. The 3.3m fall occurs over a distance of 120m for an average gradient of 1:36. Forty-seven (47) trees have been identified on the subject site, ranging from trees with high significance to non-significant trees that are exempt from the City of Ryde's Tree Preservation Order.
- Existing Buildings** : A two-storey residential care facility containing 55 beds is currently located at 6 and 10 Clermont Avenue. Vehicular access to this existing facility is via a driveway from Clermont Avenue. Parking for twelve (12) vehicles, an ambulance and the facility's mini-bus is also located on this land.
- Each of the allotments at 7, 8 and 9 Jennifer Street currently contain a single storey dwelling house of brick or weatherboard construction with tiled roofs.
- Planning Controls/
Zoning** :
 - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

ITEM 3 (continued)

- Ryde Local Environmental Plan 2014:
 - Zone: R2 – Low Density Residential

Other

- : • Ryde Development Control Plan 2014
- Seniors Living Policy (Urban Design Guidelines for Infill Development)



Aerial Image of subject site and immediate surrounds.

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

ITEM 3 (continued)



Image captured from Clermont Avenue looking north at the southern boundary of 6 & 10 Clermont Avenue where the existing residential care facility is located on the site.

Source: www.google.com.au



Image captured from Jennifer Street looking at towards the end of the cul-de-sac. Noted in the left of frame is the northern boundary of 6 & 10 Clermont Avenue where the existing residential care facility is located, and to the right of frame is the single dwelling houses at 7, 8, and 9 Jennifer Street which also form part of the subject site to be redeveloped under LDA2016/0051.

Source: www.google.com.au

ITEM 3 (continued)

3. Councillor Representations

Name of Councillor: Councillor Pendleton

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

Date: 16 February 2016

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

On behalf of applicant or objectors? Unknown

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

4. Political Donations or Gifts

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

5. Proposal

The proposal seeks demolition of all existing structures, tree removal, and then construction of a staged seniors housing development comprising of a residential care facility, and also independent living units over a basement car park.

It is important to note that the site currently includes an existing residential care facility of comparable size to that which is to be reconstructed. The applicant has advised the existing development has reached the end of its economic life and is incapable of offering expected levels of service for such a facility.

The details of each stage within the construction process is outlined below:

Stage 1

- Demolition and Site Preparation - Demolition of the existing dwellings at 7, 8 and 9 Jennifer Street and 6 Clermont Avenue, and associated tree removal, with the exception of the large Lemon Scented Gum tree that is to be retained, near the Jennifer Street cul-de-sac frontage.
- Temporary Residential Care Facility - In order to minimise the disturbance to existing residents at the current residential care facility on the site, the applicant proposes to construct the one-storey independent living units building and temporarily fit this out as a 23-bed residential care facility. This building will be converted to independent living units at Stage 3 when the new two-storey residential care facility building is completed.

ITEM 3 (continued)

- Vehicular Access, Car Parking and Loading - Construction of a temporary car park off Jennifer Street for 6 vehicles for use in conjunction with the temporary residential care facility.
- Stormwater - Construction of an on-site detention (OSD) tank and related stormwater infrastructure; and
- Landscaping - Limited landscaping associated with the temporary residential care facility to be provided.

Stage 2

- Demolition and Excavation - Demolition of the existing residential care facility and ancillary buildings at 10 Clermont Avenue and associated vegetation removal to provide for the one basement car parking level containing 29 car parking spaces and a loading bay.
- New Residential Care Facility - Construction of the new two-storey residential care facility, generally in the same location as the existing residential care facility on the site. The new building will generally extend along the north-eastern frontage to Clermont Avenue and the frontage to Jennifer Street. The main pedestrian and vehicular access will be from the Clermont Avenue frontage where near the existing residential care facility access point. This vehicular access area will comprise of a large landscaped entry courtyard and a porte cochère for ambulance access and drop-off.

The ground floor of the residential care facility contains an entry foyer with administration offices and a small adjoining café. Two 'wings' of the building at this level will contain 18 and 12 beds (30 total) respectively and north-facing, central dining/lounge and staff areas will be provided.

The first floor level of the residential care facility will contain 14 and 12 beds (26 total) in each wing respectively, also with north-facing, central dining/lounge and staff areas.

- New Self-Contained Housing - Construction of a two-storey independent living units over the basement which will contain a total of eight (8) dwellings. This includes 5 x one-bedroom dwellings and 3 x two-bedroom dwellings with pedestrian access via Jennifer Street. These independent living units will have direct access to the basement car parking via a lift and stairway.

ITEM 3 (continued)

- *Vehicular Access, Car Parking and Loading* - All vehicular access to the site is proposed via the existing access point off Clermont Avenue which will be augmented to accommodate ambulance parking bay and drop-off area. All car parking and loading is proposed to be contained within the single level basement carpark which will contain 29 car parking spaces (including 14 accessible parking spaces), a loading bay and a mini-bus bay.
- *Stormwater* - Stormwater infrastructure for Stage 2 is to be connected to the OSD that was constructed in Stage 1.
- *Landscaping* – Landscaping associated with the works for Stage 2 is proposed to be carried out.

Stage 3

- *Self-Contained Housing* - Conversion of the temporary residential care facility into 7 independent living units, comprising 5 x 1-bedroom and 2 x 2-bedroom dwellings. Pedestrian access to this building will be off Jennifer Street, while access to the basement car park is to be via a walkway joining the independent living units to the lift and stairway;
- The temporary landscaping associated with the previous stages is to be replaced with the landscaping detailed on the submitted landscape plan.
- Amalgamation of the five existing allotments into a single parcel of land to formalise the new site.

Operational Details

The proposed residential care facility will employ up to 80 full and part time staff. The maximum number of staff on the site at any one time will be 18. At the busiest time of the day this will be the Director of Nursing, the Deputy Director of Nursing, Cook, Kitchenhand, Laundry hand, Registered Nurse on 1st Floor, Registered Nurse on Ground Floor, two (2) Activities Officers, seven (7) Assistants in Nursing, a Gardener, and a Receptionist.

The proposed residential care facility is to operate 24 hours, 7 days a week.

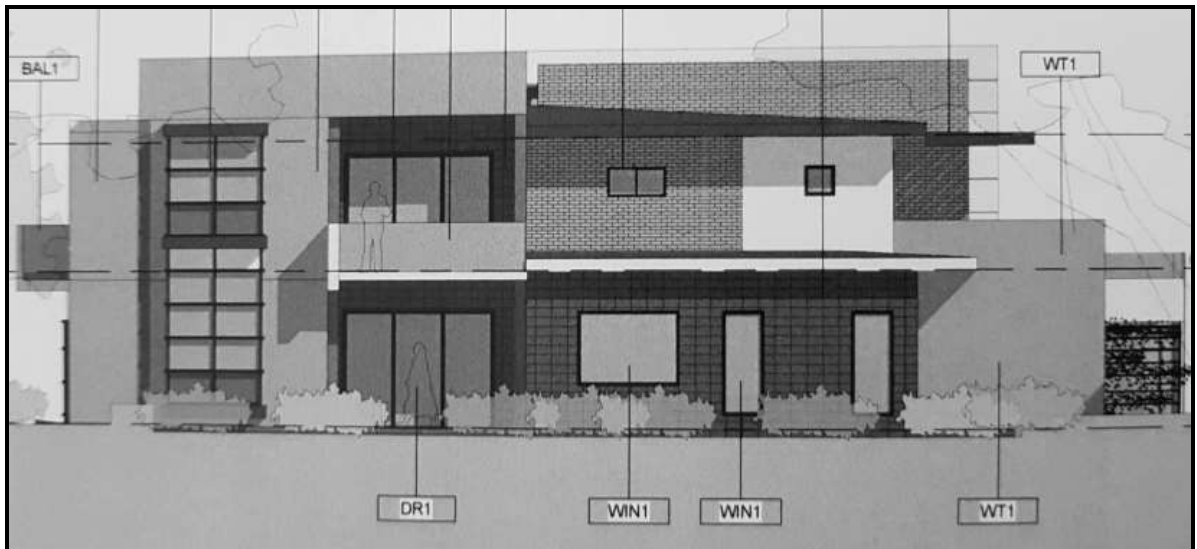
The applicant proposed that delivery and service vehicles will access the development at basement level. A dedicated service parking bay is to be provided at the service lobby providing access within the basement for deliveries up to 8.8m rigid vehicles. An additional maintenance bay and bus bay are provided in the basement.

Ambulance access is to be provided so that transfers can be affected directly to the Lift Lobby on the eastern side of the basement level.

ITEM 3 (continued)

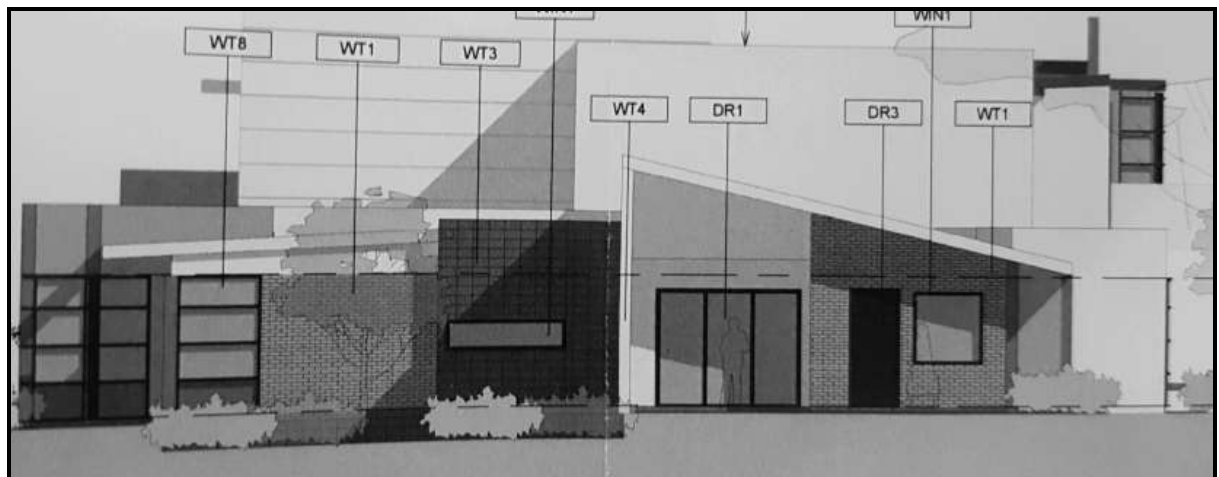
Deliveries to the site along with waste collection are proposed to be restricted between the hours of 7am to 5pm, 5 days a week.

A dedicated bin and waste storage area is located adjacent to the Lobby area on the northern side of the basement level. Bins are to be collected by the current contractors servicing the existing residential care facility.



Eastern elevation of the two-storey independent living units building nearer the residential care facility.

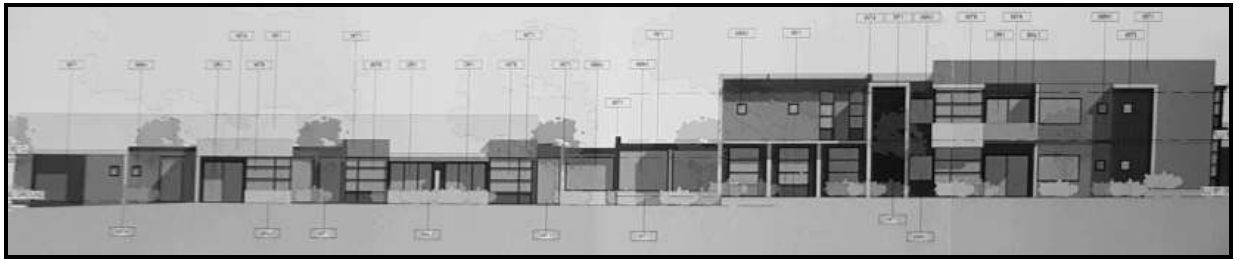
Source: Applicant's submitted plans.



Western elevation of the single-storey independent living units building nearer the rear boundary of the site adjacent to the dwellings that front North Road.

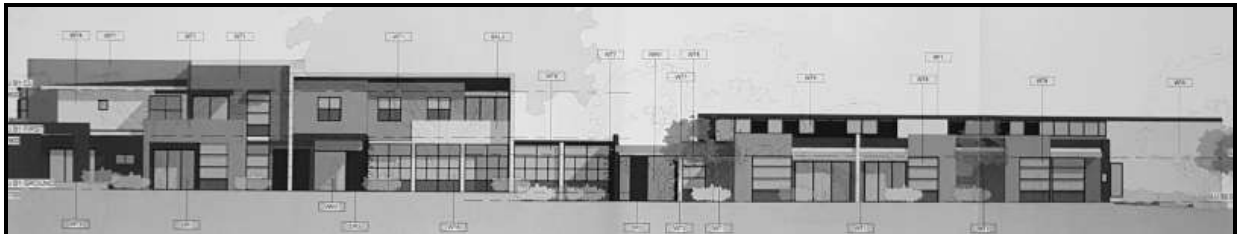
Source: Applicant's submitted plans.

ITEM 3 (continued)



Southern elevation of the entire independent living units building. Noted to the right of frame is the two-storey component nearer the front of the site, and to the left of frame the single storey component of the building nearer the boundary of the dwellings that front North Road.

Source: Applicant's submitted plans.



Northern elevation of the entire independent living units building. Noted to the left of frame is the two-storey component nearer the front of the site, and to the right of frame the single storey component of the building nearer the boundary of the dwellings that front North Road.

Source: Applicant's submitted plans.



Northern elevation of the residential care facility building as it presents to the Clermont Street and Jennifer Street intersection

Source: Applicant's submitted plans.



Western elevation of the residential care facility building as it presents to the cul-de-sac of Jennifer Street.

Source: Applicant's submitted plans.

ITEM 3 (continued)



South-western elevation of the residential care facility building as it presents internally within the site.

Source: Applicant's submitted plans.



Southern elevation of the residential care facility building as it presents internally within the site and to the southern boundary beyond with Clermont Avenue.

Source: Applicant's submitted plans.

6. Background

The following provides a brief overview of the background relating to the proposed development on the subject site:

Previous DA – LDA2014/82

- In 2014, a previous applicant (Milestone Australia Pty Ltd) lodged a DA with Council for a seniors housing development at 6 and 10 Clermont Avenue and 8 and 9 Jennifer Street, Ryde consisting of a 55 beds residential care facility at ground floor level, 17 assisted living units at first floor level and a basement car park level containing car parking and ancillary support facilities.
- The DA was ultimately withdrawn based on numerous non-compliances with the relevant planning controls under the Seniors SEPP, and amenity impacts the proposal imposed on adjoining properties due to its partial three-storey height.

Generally, it is considered that the previous development proposal was unsatisfactory for a number of reasons and could not be supported by Council officers, however the current proposal is a significant improvement in terms of design, and (as discussed in more detail throughout this report) and is able to be supported and recommended for approval, subject to conditions.

ITEM 3 (continued)

In particular, the following is a brief comparison table of the two development proposals, showing the situation regarding compliance with the key planning controls (in the Seniors SEPP).

Seniors SEPP control	Existing Development	Previous Proposal LDA2014/82	Current Proposal LDA2016/51
Proposed Number of Units:	Existing Residential Care Facility has 55 beds – on <u>1 site</u> being No 10 Clermont Ave.	Residential Care Facility with 55 Beds and 17 independent living units – over <u>4 sites</u> being 6 Clermont, 10 Clermont, 8 Jennifer and 9 Jennifer	Residential Care Facility with 56 beds and 15 independent living units – over <u>5 sites</u> being 6 Clermont, 10 Clermont, 7 Jennifer, 8 Jennifer and 9 Jennifer
Height (in metres)	Existing residential care facility at No 10 Clermont = 9.74m (E side) 8.42m (W side). Dwellings at: 6 Clermont = 4.83m; 7 Jennifer = 4.75m; 8 Jennifer = 6.14m; 9 Jennifer = 5.52m	13.227m (at highest point) Non-compliance	7.3m (at highest point) Complies.
Number of Storeys	Residential care facility at 10 Clermont Ave is 2 storeys. Detached dwellings (to be demolished) on 6 Clermont, and 7, 8, and 9 Jennifer are all single storey	3 storeys (in part) Non-compliance	3 storeys (in part) Non-compliance (see discussion throughout report)

ITEM 3 (continued)

Seniors SEPP control	Existing Development	Previous Proposal LDA2014/82	Current Proposal LDA2016/51
Floor Space Ratio	Existing residential care facility approx. 0.35:1. FSR of detached dwellings all approx. 0.3:1	1:1 (in one building) Complies	1:1 for residential care facility. 0.5:1 for self-contained dwellings. Complies
Landscaped Area	Existing residential care facility approx. 250m ² (not including driveways, paths and other paved areas)	Residential Care Facility – required 1375m ² / provided 915.84m ² . Self-contained dwellings – required 1196.83m ² / provided 915.84m ² . Non-compliance	Total Landscaped area – 2228m ² required / 2231m ² provided Complies.
Car Parking	Existing residential care facility has some 12 formal parking spaces and 4-5 informal spaces throughout the site. All detached dwellings have 1 formal car space (garage or carport) within each site	30 car spaces required / 29 provided. Non-compliance	25 car spaces required / 29 provided. Complies.

ITEM 3 (continued)

Subject DA – LDA2016/51

- Throughout 2015, numerous meetings were subsequently held between Council and the applicant to discuss a new alternate design for redevelopment of the subject site that now also includes 7 Jennifer Street.
- On 9 February 2016 the subject DA was lodged with Council. As noted above, the subject site for this DA now also includes No 7 Jennifer Street.
- The application was notified to adjoining property owners from 19 February to 16 March 2016. In addition, the proposal was advertised in the Northern District Times on 16 February 2016. In response, seven (7) submissions were received from surrounding properties.
- On 29 April 2016 the applicant was provided with a list of issues associated with the development following Council's preliminary assessment, and the closure of the notification period. These issues covering construction of a suitable access pathway to the Quarry Road bus stops (required to ensure compliance with the "Location and Access to Facilities" requirements in the Seniors SEPP), building height, solar access (compliance with requirements internal solar access within the development), private open space, visual privacy and inconsistencies/details on the plans were to form a request for additional information from the applicant.
- On 17 May 2016 a meeting was held with the applicant to discuss the issues raised in Council's correspondence of 29 April 2016. In this meeting, the issues outlined in Council's request for additional information were clarified, and it was resolved the applicant would submit additional information to address the issues raised.
- On 14 June 2016 the applicant submitted a response to Council's additional information request, and also a response to some of the issues raised by objectors.
- On 27 July 2016, a further additional information request was issued to the applicant based on the applicant's additional information submitted in June 2016, and also feedback from Council's technical officers in their referral responses. This included issues in relation to the construction of a suitable access pathway within Yamble Reserve to the Quarry Road bus stops, waste management, traffic, and solar access to independent living units. A further meeting with the applicant was held 10 August 2016 to discuss the information required to clarify the extent type of works to be undertaken within Yamble Reserve.
- On 22 August 2016, the applicant provided Council with a response to the additional information request issued by Council on 27 July 2016.

ITEM 3 (continued)

The additional information/detail related to the provision of safe pedestrian access through Yamble Reserve, and also details of fencing and privacy screening at/near the side and rear boundaries (adjoining the sites at No 4 Clermont Ave; No 29, 31 and 33 North Road; and No 6 Jennifer Ave). The nature of this additional information did not warrant formal re-notification to all neighbours – however the detail of the fencing and privacy screening has been discussed directly with the individual property owners affected. Details of such discussions are included in the Submissions Section of this report (below).

7. Submissions

The application was notified to adjoining property owners between 19 February 2016 to 16 March 2016 in accordance with the provisions of the DCP2014, – Part 2.1, Notification of Development Applications. In addition, the proposal was advertised in the Northern District Times on 16 February 2016.

In response, seven (7) submissions were received from surrounding properties, as shown on the aerial photograph below.



Aerial image of the subject site and surrounds indicating those properties which have made a submission objecting to the proposed development. The subject site is highlighted in red.

Source: Applicant's submitted plans.

ITEM 3 (continued)

A – Parking and Traffic – Objectors have raised concerns that the proposed development will result in on-street parking being minimised, in particular Jennifer Street. Construction related traffic and parking issues have also been raised by objectors, in particular relating to the following:

- the number of trucks coming through Jennifer Street during the construction of the proposed development.
- provisions for off-street parking for work trucks and construction equipment.
- possibilities of obstruction to and from nearby residential properties during the construction of the proposed development; and
- that approved construction hours should be reduced to minimise the effect of peak hour traffic.

Assessing Officer Comments:

Clause 48 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP) prescribes that a consent authority (Council) must not refuse consent to a DA under the Seniors SEPP for the purpose of a residential care facility on the grounds of parking for residents and visitors if at least 1 parking space is provided per 10 beds (or 1 per 15 dementia beds) plus 1 space per 2 employees, plus 1 ambulance space.

Clause 50 of the Seniors SEPP prescribes that consent must not be refused for self-contained dwellings on the grounds of parking if at least 0.5 car spaces is provided for each bedroom.

For the residential care facility component of the development, the proposal seeks consent for 12 dementia beds, 44 other beds, 18 employees on site at any one time.

Given this and the rates outlined above, the parking requirement for the residential care facility would be 15 car parking spaces, and 1 ambulance parking space.

For the independent living units component of the development, there will be 10 single bedroom dwellings and 5 two-bedroom dwellings. This equates to a total of 20 bedrooms, and therefore a parking requirement of 10 spaces.

The overall parking requirement to achieve compliance with the provisions of the Seniors SEPP is therefore 25 spaces.

The proposal provides for 15 car parking spaces and 1 ambulance space associated with the residential care facility component, and provides 14 car parking spaces for the independent living units component, for a total of 29 car spaces. Accordingly, the proposal achieves the minimum requirements of the Seniors SEPP for parking, and therefore, the proposal cannot be refused on the basis of parking.

ITEM 3 (continued)

It is important to note that the provisions of Part 9.3 of Ryde DCP 2014 stipulate that parking for seniors housing must be provided in accordance with the Seniors SEPP. In this regard, compliance with the Seniors SEPP means compliance is also achieved with Council's DCP2014.

As part of the assessment of traffic and parking matters for the subject DA, the proposal was referred to Council's Senior Development Engineer for comment, as discussed in the Referrals Section later in this report.

The Senior Development Engineer's comments make an assessment in terms of the parking requirements and traffic impacts of the proposed development. Further, given that larger development sites can have an impact on local traffic and parking arrangements, Council's Senior Development Engineer has recommended conditions to ensure any such impacts are minimised, which include conditions regarding:

- restoration of any disturbed road/footway areas;
- road activity permits (as required under the Roads Act 1993);
- traffic management during construction (to ensure the safety of pedestrians and traffic at all times when work is being undertaken, eg provisions of footpaths, security fences, parking of construction vehicles, construction parking zones, as well as preventing damage of services in the public road)
- truck shaker grid.

In terms of traffic impacts, as part of the assessment of the subject DA, the proposal was referred to Council's Traffic Engineer within the City Works and Infrastructure Team. The response from the Traffic Engineer is provided below:

The traffic report prepared by Traffix dated December 2015 and subsequent responses have been reviewed by the Traffic Section.

Traffic generation for the proposed development (i.e. 56 beds and 15 Independent Living Units) is expected to be around 15 to 20 vehicle trips per peak hour. The existing facilities would generate about 15 vehicle trips per peak hour. Therefore, the net increase in traffic is expected to be less than 5 additional vehicle trips per hour, which is considered negligible on the road network.

Refer to Development Engineer's comments/conditions regarding the adequacy of car parking provision. It is noted that proposed car parking provision is considered satisfactory for all stages of the development.

Refer to Public Domain conditions for footpath requirements within the Yamble Reserve.

ITEM 3 (continued)

Given the above, the objector's concerns in relation to traffic and parking have been satisfactorily addressed through provision of compliant parking arrangements, and through the imposition of conditions of consent. The proposal would have a negligible increase in traffic compared to the existing development.

B – Overshadowing. *Concerns raised by the objectors at 4 Clermont Avenue in regards to the proposed development overshadowing the front and rear of their property.*

Assessing Officer Comments: There are no controls for overshadowing of neighbouring properties under the Seniors SEPP. Under the provisions of DCP2014 (Part 3.3 Dwelling Houses and Dual Occupancy (Attached)), the following controls apply to overshadowing of neighbouring properties, and can therefore be used as a guide to making consideration of the concerns raised by the neighbour in terms of overshadowing:

- *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*
- *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.*

The dwelling house at 4 Clermont Avenue is located south of the subject site. As evidenced in the extracts of the shadow diagrams below, at least 50% of the principal area of ground level private open space of 4 Clermont Avenue will receive at least two hours solar access between 9am and 3pm in mid-winter.

The shadow diagrams demonstrate that the shadows cast by the proposed development will largely impact only on the side setback area for 4 Clermont Avenue, and to a lesser extent the front setback area later in the afternoon.

Also evidenced in the shadow diagrams below is some overshadowing occurring to the northern elevation of the two-storey component of the dwelling house at 4 Clermont Avenue. The site inspection revealed the only windows on this elevation of the building are garage windows. Given the DCP2014 control only relates to north-facing living area windows, compliance with the development control is achieved.

As such the proposal is deemed satisfactory from an overshadowing perspective, given the ability to achieve compliance with the solar access development controls under DCP2014.

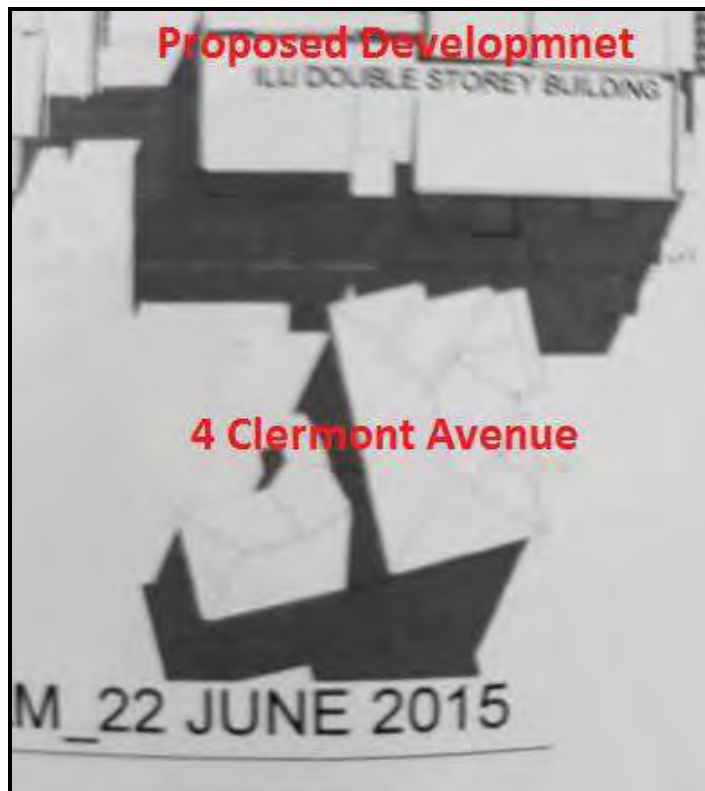
ITEM 3 (continued)



Shadow Diagram at 9am at the winter solstice. Shown in this diagram is overshadowing to the side setback area, however solar access to the front and rear yards at 4 Clermont Avenue is largely unchanged as a result of the proposed development, with the majority of overshadowing within the year yard generated from the dwelling house itself at 4 Clermont Avenue.

Source: Applicant's submitted plans.

ITEM 3 (continued)



Shadow Diagram at 12pm at the winter solstice. Shown in this diagram is overshadowing to the side setback area, however solar access to the front and rear yards at 4 Clermont Avenue is largely retained.

Source: Applicant's submitted plans.



Shadow Diagram at 12pm at the winter solstice. Shown in this diagram is overshadowing to the side setback area, however solar access to the front and rear yards at 4 Clermont Avenue is largely retained.

Source: Applicant's submitted plans.

ITEM 3 (continued)

C - Noise. Objectors have raised concern over operational noise associated with the proposed development, in particular operational noise from plant and equipment, and also noise associated with construction of the development.

Assessing Officer Comments: Submitted with the DA is a Noise Impact Assessment which has been prepared by Inhabit Australasia Pty Ltd.

This report has undertaken an assessment of the existing environment for the site, and then reviewed the proposal with regard to its likely noise impacts, in particular noise emitted from mechanical plant and equipment during operation of the senior's housing development.

Section 4 of this report makes a number of recommendations in order to mitigate noise emission from the site, and ensure the proposal achieves compliance with the noise assessment criteria established from the Office of Environment and Heritage's Industrial Noise Policy (INP), and relevant Australian Standards.

The recommendations include acoustic treatments to those mechanical plant and equipment items within the development that have been assessed as exceeding the noise objective. For example, treatments are recommended to the kitchen exhaust fan, kitchen makeup fan, air conditioning condensers in the basement, and the carpark supply fans. No treatments have been recommended in relation to the air-conditioning condensers adjacent to the independent living units due these elements being assessed as compliant.

It is intended that the acoustic report form part of the conditions of consent, and as such, the applicant will be bound to comply with the recommendations contained within the report.

Further to this, the following conditions have been recommended to ensure general compliance with the relevant legislation relating to noise control. Additionally, a condition has been recommended for a noise validation report (refer Condition 38) to ensure the recommended acoustic mitigation measures put forward by the applicant's acoustic engineer meet the relevant noise objectives, and ensure amenity is maintained to adjoining sensitive receivers.

Noise and vibration from plant or equipment - The operation of any plant or equipment installed on the premises must not cause:

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

ITEM 3 (continued)

(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.

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.*

Noise – Validation Report. *A validation report must be obtained from a suitably qualified and experienced consultant in acoustics three (3) months after the completion and operation of the residential care facility and occupation of the self-contained dwellings, and from time to time as reasonably requested by Council. The report should demonstrate and certify that noise from the development to adjoining sensitive receivers satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy, and conditions of Council's development consent.*

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the accumulation effect of mechanical plant and equipment on adjoining residential properties. Any recommendations outlined in the report are to be implemented in accordance with the report.

As part of the assessment of the subject DA, the proposal and the subject acoustic report were also referred to Council's Environmental Health Officers (EHO) for comment. In response, EHO have indicated that the proposal is supportable, subject to conditions of consent. These conditions of consent include measures to ensure noise emitted from the proposal is within acceptable limits, despite the recommendations of the acoustic report. Refer to the EHO referral response later in this report for further details.

D – Visual Privacy. *The resident at 4 Clermont Avenue has raised overlooking concerns from windows and balconies on the southern elevation of the independent living units dwellings. Concerns have been raised regarding privacy and noise impacts from the community room (and its terrace) for potential overlooking of the rear yard areas of No 4 Clermont Ave.*

Concerns have also been raised by objectors regarding the proposed trees being cut down resulting in a loss of visual privacy.

ITEM 3 (continued)

Concerns have been raised by the objectors at 33 North Road Ryde, regarding the proposed developments raised grass area resulting in a loss of visual privacy to the rear of their private open space.

Assessing Officer Comments: Council's preliminary assessment of the subject DA identified potential overlooking of adjoining property as a concern which had not adequately been addressed in the design of the independent living units. As such, additional information was requested from the applicant to address visual privacy impacts to neighbours by reducing opportunities for overlooking.

Of particular concern was overlooking to 4 Clermont Avenue, properties fronting North Road (29, 31 and 33 North Road) and 9-19 Eulo Parade.

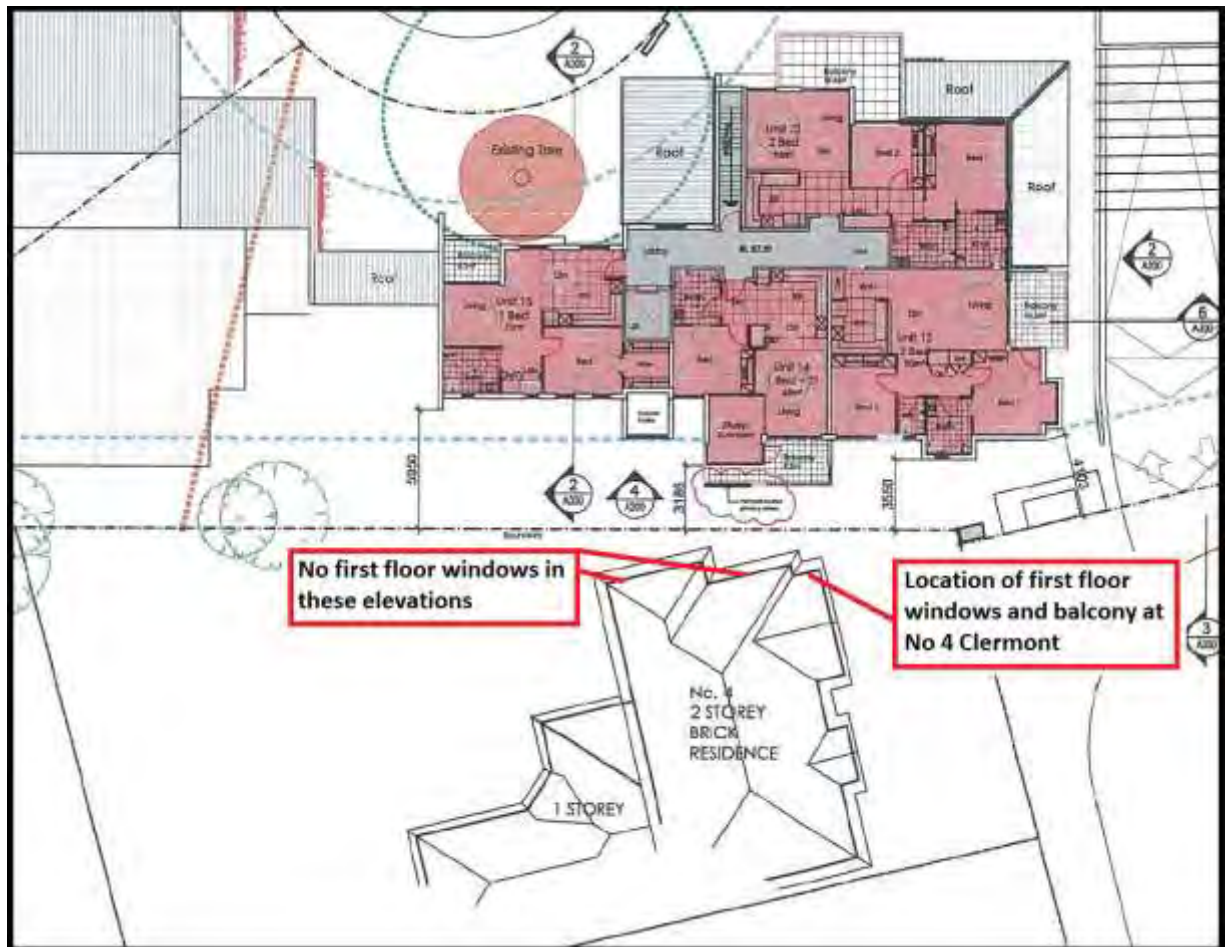
Submissions were received from the adjoining property owners at No 4 Clermont Ave, No 33 North Road, and No 6 Jennifer Street, including concerns regarding potential privacy impacts. The following section outlines the relationship of the development to each of those adjoining properties, as well as the details of measures proposed by the applicant to ameliorate any privacy impacts.

4 Clermont Avenue (adjoining to the south)

No 4 Clermont Ave immediately adjoins the subject site to the south, and contains a 2-storey dwelling. Concerns have been raised by the owner of this property in terms of privacy impacts.

The development proposes to locate one of the 2-storey buildings containing independent living units immediately adjacent to the dwelling on No 4 Clermont. Therefore, privacy impacts could result on No 4 Clermont, both to the dwelling itself and also to its rear yard area. This relationship is shown in the following drawing – of the first floor level of the development in relation to No 4 Clermont.

ITEM 3 (continued)

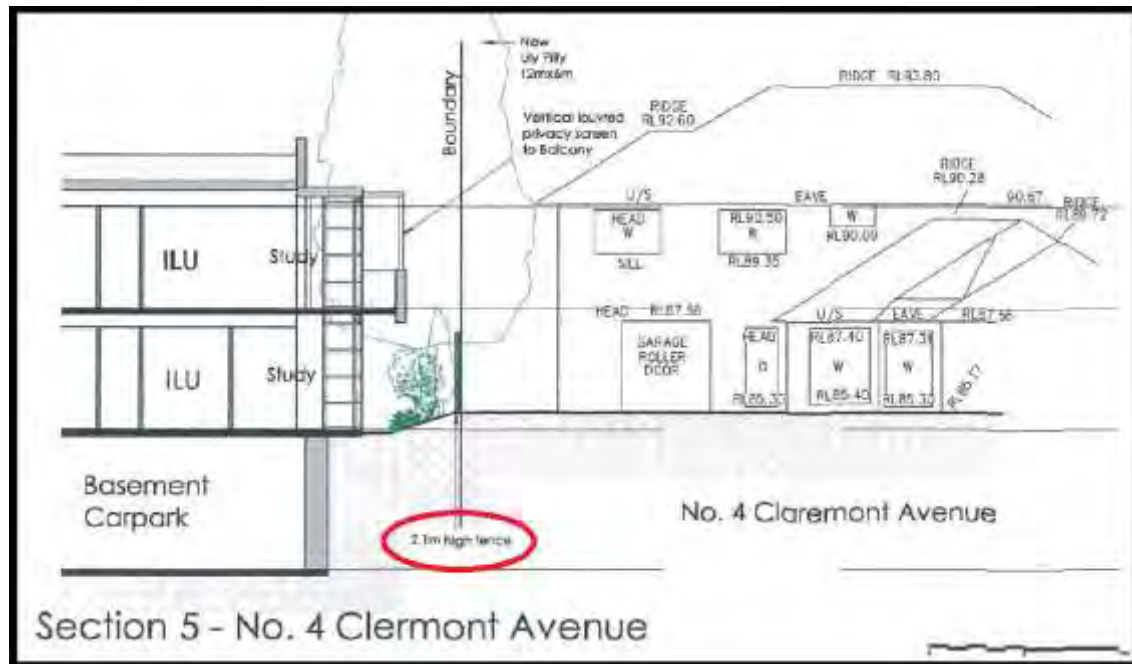


Plan showing relationship of proposed development to adjoining dwelling at No 4 Clermont.

Source: Extract of applicant DA plan, edited.

ITEM 3 (continued)

In response to potential privacy impacts, the applicant has proposed a 2.1m high boundary fence. Given that the ground floor level of the development is proposed to be slightly lower than existing ground level, this provision of boundary fencing is considered to adequately address any potential privacy impacts at the ground floor level, as shown in the following drawing:



Provision of 2.1m high fence to address privacy impacts at ground floor level between the subject development and No 4 Clermont Ave.

Source: applicant's DA plans (edited)

In relation to the privacy impacts at first floor level, as shown on the earlier of the 2 previous drawings, the proposal involves a block of 4 independent living units in close proximity of the adjoining dwelling at No 4 Clermont (with 3 of these units facing the direction of this property). Although the neighbour at No 4 Clermont Ave has concerns that the development contains a first floor terrace off the communal room, this is incorrect, as the communal room and its terrace is actually proposed for the ground floor level (not the first floor level), and therefore privacy and noise impacts from the communal room and its terrace will be able to be addressed by provision of boundary fencing (2.1m proposed).

ITEM 3 (continued)

The following drawing is an extract of the east elevation of the independent living units, marked up to identify the first floor windows and balcony facing onto No 4 Clermont Avenue:



Extract of elevation of independent living units 13-15 which face onto No 4 Clermont Ave.

Source: applicant DA plans, edited.

Particular concern is raised regarding the balcony of Unit 14, which is to be within 3m of the boundary, and close to a window (of an upstairs living room) and front balcony of the adjoining dwelling at No 4. Although the applicant proposes a vertical louvred privacy screen for part of the balcony of unit 14 (which will address potential overlooking from the study/sunroom window), this privacy screen would only resolve privacy impacts from the study/sunroom and not the living room window or the balcony adjoining. It is therefore recommended that a condition be imposed to extend the privacy screen for the full length of the balcony at the side of independent living unit 14. It is not considered that privacy screening is required to the other windows of units 13-15, because the size of the windows and nature of the rooms (either bedrooms or bathrooms) are not likely to result in privacy impacts to the neighbour.

In addition to the above privacy measures, the proposed landscaping has been augmented to propose three *Acmena smithii* (Lilly Pilly) trees in the setback between the balcony and the boundary with 4 Clermont Avenue. These trees have a mature height of 4m and will assist in the maintenance of privacy.

ITEM 3 (continued)

The applicant's amended details (described above) have been provided to the owner of the adjoining property at No 4 Clermont Ave. In response, this adjoining owner has advised that the proposed measures to address privacy issues do not resolve their issues of concern, and serves no useful purpose as it is only a partial screen – and therefore such concerns remain as per their original submissions received by Council following the original neighbour notification period. However, notwithstanding the concerns of the neighbour, it is considered that the development is satisfactory with regard to privacy impacts on No 4 Clermont Ave, subject to the following condition included at Condition 60 at **Attachment 1**:

Privacy screen – Independent Living Unit No 14. The vertical louvred privacy screen shall be provided for the full length of the first floor balcony of Unit 14. Details shall be provided for approval with the Construction Certificate.

The adjoining owner at No 4 Clermont has requested that that the boundary fencing be constructed of brick or a sound proofed product (ie not lapped and capped or colourbond). Another adjoining neighbour (No 6 Jennifer Ave) has also requested that they be consulted in relation to the details of the materials and type of fencing and privacy screens where these immediately adjoin neighbouring properties.

This is considered to be a reasonable requirement not only for this adjoining property (4 Clermont) and No 6 Jennifer Street, but all properties with which the subject site shares a common boundary. It is recommended that the following condition (included at Condition 61 at **Attachment 1**) be imposed in relation to consultation with all immediate neighbours regarding the construction of privacy screens and fencing at or near the property boundaries:

Privacy screens and boundary fencing. The privacy screens and boundary fencing shown on approved plan A-905 DA-03 shall be constructed in consultation with the owners of all immediately adjoining property. Full details of the type of privacy screens and fencing (including details of materials and type of construction as agreed with the adjoining property owners) shall be submitted for approval with the Construction Certificate.

9-19 Eulo Pde and 27, 29, 31 and 33 North Road (adjoining to the south and west).

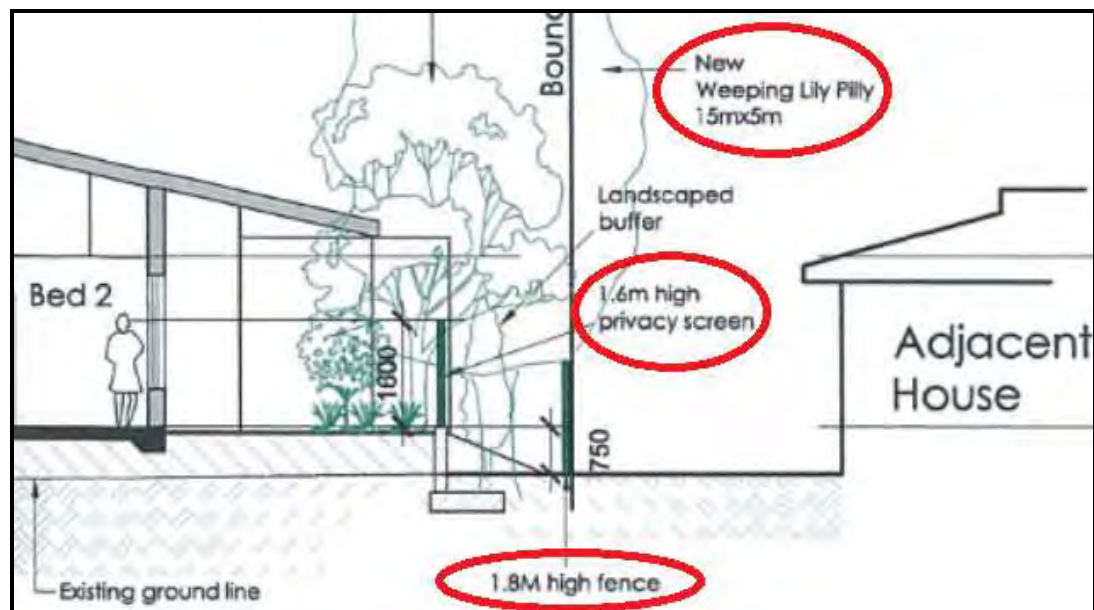
A number of properties adjoin the site to the south and west, namely 9-19 Eulo Pde and 27, 29, 31 and 33 North Road. Of these properties, only the owner of the property at No 33 North Road has made a submission to this DA, raising concerns about privacy impacts.

ITEM 3 (continued)

The development proposes a single storey independent living unit building (containing units 3, 4 and 5 facing in the direction of these adjoining properties. The applicant's revised plans include installation of 1.6m high privacy screens to those parts of the year yard areas of the independent living units that are elevated above ground level, and augmented vegetation buffers between the private open space areas and boundary fences. These treatments are considered to reduce viewing angles, and therefore ensure a satisfactory level of visual privacy is maintained to adjoining property. The drawings below include sections drawings submitted by the applicant demonstrating the effectiveness of the proposed privacy screens.

Given these treatments, it is now considered the proposal satisfactorily responds to the visual privacy and overlooking concerns raised by the objectors. It is noted that the applicants amended details have been provided to the adjoining owner at No 33 who made a submission regarding privacy impacts, and no further submission was received.

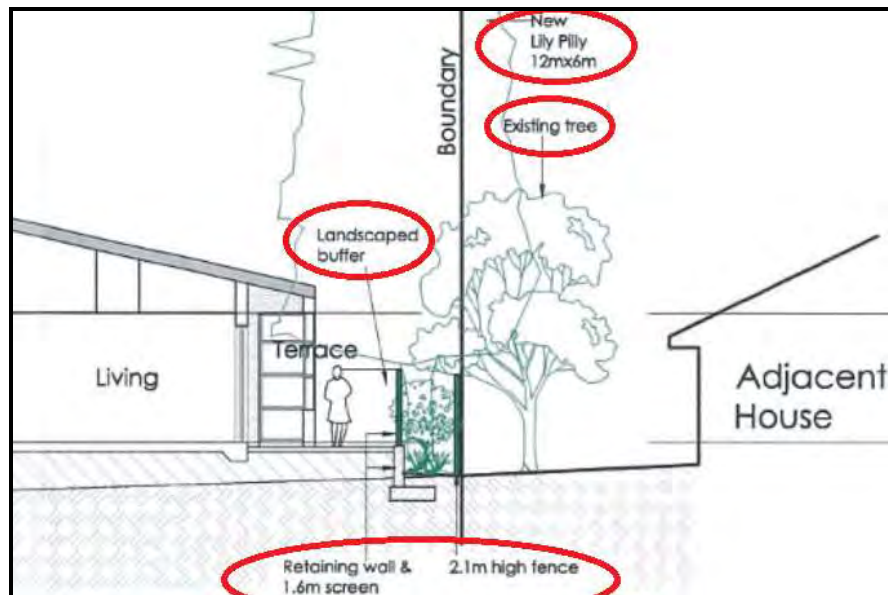
The following drawings show the relationship between the proposed development and adjoining sites:



Section showing the relationship between the internal areas of the single-storey independent living units at the south of the site (Eulo Parade) with the adjacent dwelling houses. Noted here is the 1.6m high privacy screen which has been installed and recessed from the boundary. The recessed area is to include a landscape buffer with the 1.8m high boundary fence. These elements combined are considered to maintain an acceptable level of visual privacy to adjoining properties.

Source: Applicant's submitted plans as part of additional information request.

ITEM 3 (continued)



Section by applicant showing the relationship between the external areas of the single-storey independent living units at the south of the site (Eulo Parade) with the adjacent dwelling houses. Noted here is the 1.6m high privacy screen which has been installed and recessed from the boundary. The recessed area is to include a landscape buffer with the 1.8m high boundary fence. These elements combined are considered to maintain an acceptable level of visual privacy to adjoining properties.

Source: Applicant's submitted plans as part of additional information request.



Section showing the relationship between the single-storey independent living units with the adjacent properties to the west of the site which front North Road. Noted here is the 1.6m high privacy screen which has been installed and recessed from the boundary. The recessed area is to include a landscape buffer with the 1.8m high boundary fence. These elements combined are considered to maintain an acceptable level of visual privacy to adjoining properties.

Source: Applicant's submitted plans as part of additional information request.

ITEM 3 (continued)

Overall, it is considered that the proposal will have an acceptable relationship to the adjoining properties in Eulo Parade and North Road in terms of privacy issues.

6 Jennifer Street (adjoining to the north-west)

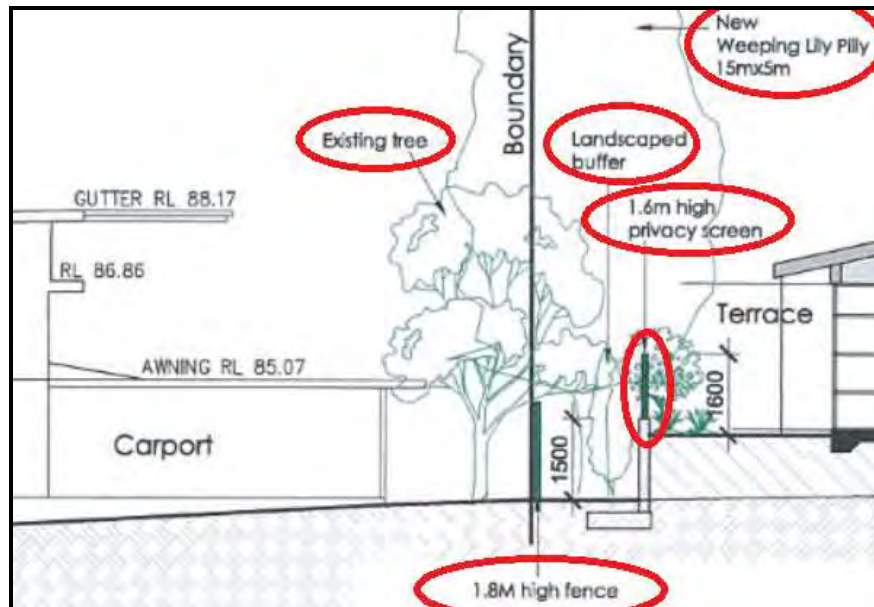
No 6 Jennifer Street immediately adjoins the subject site to the north-west, and contains a 2-storey dwelling. Concerns have been raised by the owner of this property in terms of privacy impacts.

The development proposes a single storey independent living unit building (containing units 1, 2 and 3) facing in the direction of this adjoining property. The applicant's revised plans include installation of 1.6m high privacy screens to those parts of the rear yard areas of the independent living units that are elevated above ground level, and augmented vegetation buffers between the private open space areas and boundary fences. These treatments are considered to reduce viewing angles, and therefore ensure a satisfactory level of visual privacy is maintained to adjoining property. Further, the adjoining dwelling contains a carport immediately adjacent to the boundary with the subject site, which will assist in maintaining privacy separation between the proposed development site and the adjoining property.

Given these treatments, it is now considered the proposal satisfactorily responds to the visual privacy and overlooking concerns raised by the objectors. It is noted that the applicants' amended details have been provided to the adjoining owner of this property who originally made a submission regarding privacy impacts, and no further submission was received to the amended details.

ITEM 3 (continued)

The following image shows the relationship between the proposed development and adjoining sites:



Section showing the relationship between the single-storey independent living units at with the adjacent dwelling house at 6 Jennifer Street. Noted here is the 1.6m high privacy screen which has been installed and recessed from the boundary. The recessed area is to include a landscape buffer with the 1.8m high boundary fence. These elements combined are considered to maintain an acceptable level of visual privacy to adjoining properties.

Source: Applicant's submitted plans as part of additional information request.

The applicant's amended details (described above) have been provided to the owner of the adjoining property at No 6 Jennifer Street. In response, this adjoining owner has advised that the 1.6m high privacy screens will provide extra (privacy) protection for the residents of the independent living units and additional privacy for the adjacent residents. However, the details provided did not detail the material or type of construction to be used. The adjoining owners at No 6 Jennifer Street have requested that they be consulted regarding the type of fencing to be used (ie in terms of materials and type of construction). As noted above, the proposed condition of consent regarding boundary fencing will be required to be done in consultation with each adjoining owner.

E – Bulk and Scale. Concerns have been raised by objectors regarding the size of the development being too large, and the scale not being compatible with the low density residential area.

Assessing Officer Comments: Clause 48 of the Seniors SEPP prescribes that a consent authority (Council) must not refuse consent to a DA under the Seniors SEPP for the purpose of a residential care facility on the grounds of density and scale if the density and scale of the buildings when expressed as a floor space ratio (FSR) is 1:1 or less.

ITEM 3 (continued)

Clause 50 of the Seniors SEPP prescribes that consent must not be refused for self-contained dwellings on the grounds of density and scale if the density and scale of the buildings when expressed as a FSR is 0.5:1 or less.

While the Seniors SEPP prescribes FSR standards for different forms of seniors housing, the Seniors SEPP does not cater for those developments which comprise of more than one form of seniors housing. As part of the assessment of the subject DA, clarification from the NSW Department of Planning was sought regarding situations where different forms of seniors housing are proposed.

The response from the Department was an acknowledgement the Seniors SEPP does not explicitly address how FSR standards should be applied for those developments which include a variety of seniors housing types. A merit based approach to application of the development standards under the Seniors SEPP was recommended by the Department.

Having regard to the above, the applicant was requested to demonstrate to Council how they had approached the design of the development having regard to the FSR development standards under the Seniors SEPP.

In a meeting held with the applicant on 17 May 2016, and in the applicant's subsequent additional information response letter dated 8 June 2016, the design approach to the FSR standard was outlined as follows:

- 1. The total number of aged care beds required by the applicant was derived (i.e. 56 beds) and after detailed design, the resulting gross floor area (GFA) within the residential care facility building to accommodate those beds was calculated as 2,151.4m².*
- 2. The GFA of the proposed residential care facility building was multiplied by the maximum FSR requirement under the Seniors SEPP for residential care facility of 1:1, providing for a site area requirement of 2,151.4m² for the residential care facility component;*
- 3. The residential care facility site area requirement was subtracted from the total site area of 4,913m² to generate a residual site area of 2,761.6m² that could be used for self-contained dwellings;*
- 4. The self-contained dwelling site area was multiplied by the maximum FSR requirement under the Seniors SEPP for self-contained dwellings of 0.5:1, providing a maximum GFA of 1,380.8m² for the self-contained dwellings; and*
- 5. The number of self-contained dwellings was a function of Step 4 above and detailed design, resulting in a GFA for the self-contained dwellings of 1,371m², being an FSR of 0.49:1, which complies with the Seniors SEPP.*

ITEM 3 (continued)

The above approach by the applicant is considered logical in the circumstances of the case, i.e. given no direction on this matter is presented within the Seniors SEPP.

The result of the applicant's approach is the residential care facility and independent living units components of the seniors housing development comply with the aggregated numerical requirements of the Seniors SEPP. Further the built form outcome distinctly reflects this, with the north-eastern portion of the site accommodating the residential care facility including a higher built form density akin to a building with an FSR of 1:1, and the south-western portion of the site accommodating the independent living units including a lower built form density akin to a building with an FSR of 0.5:1

For this reason, the proposal is considered to satisfactorily comply with the density and scale provisions of the Seniors SEPP.

As such, objections on the basis of the proposal constituting a bulk, scale or density incompatible with the low density residential area are not supported.

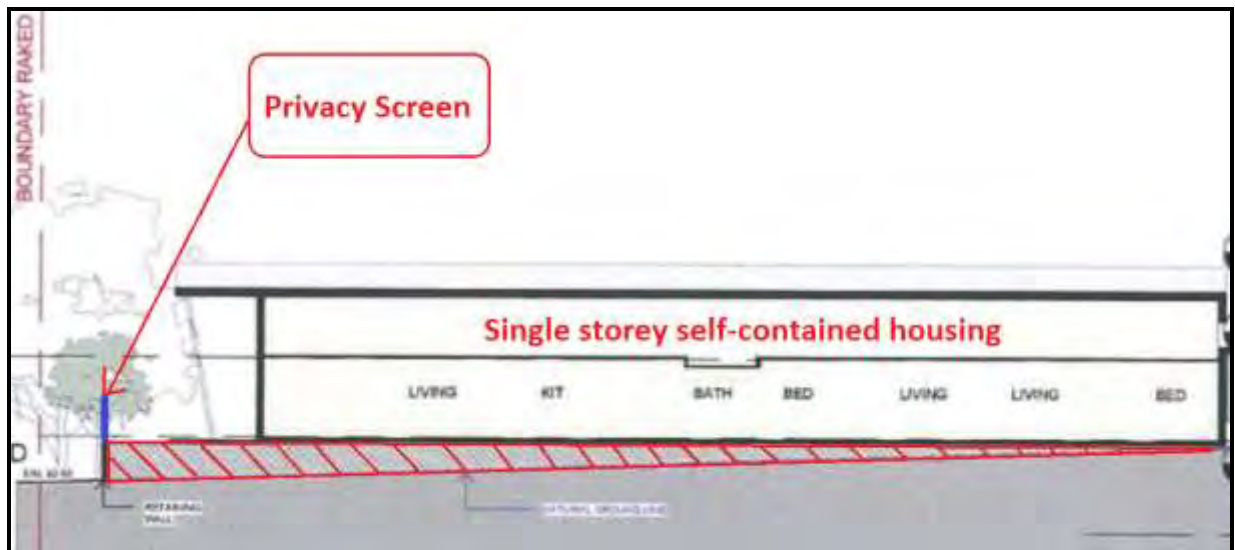
F – Response to Site Topography. Objectors have claimed the building's design poorly responds to the topography of the land and that it is unsympathetic to the slope of the site.

Assessing Officer Comments: Criticisms over the building's response to the site topography were raised by Council as part of the additional information request to the applicant. In particular, the resultant overlooking impacts that arose with the design of the independent living units to the rear of the site. In this area of the site, the single-storey independent living units were raised approximately 2m above existing ground level.

It was requested that the applicant revisit this building design outcome in the hope of reducing the levels of fill across the site.

Rather than modify the building form, the applicant's design response has been to introduce privacy screens, provide vegetation buffers, and augment tree planting to address potential overlooking concerns – as shown in the following drawing.

ITEM 3 (continued)



Section by the applicant indicating the how fill is utilised (hatched area) towards the rear of the site to establish a level building footprint for the single storey independent living units. Noted in this image is the setbacks from the boundary, privacy screens and vegetation buffers which have been utilised to minimise overlooking potential and maintain visual privacy.

Source: Applicant's submitted plans as part of additional information request.

As discussed above (in previous point of objection regarding privacy impacts), this approach is effective in maintaining a satisfactory level of visual privacy to adjoining development by reducing overlooking potential.

Despite the fill proposed, it is important to note the independent living units maintain building heights that comply with the development standards under the Seniors SEPP – that is a building height of not more than 8m (measured from existing ground level to the ceiling). Additionally, the dwellings to the rear comply with the number of storey controls under clause 40(4) the Seniors SEPP – i.e. being single storey for the rear 25% of the site.

It is acknowledged that terracing buildings, or introducing split-levels is not a feasible design outcome for seniors housing development. This is because there is a need to maintain a higher level of accessibility for seniors housing, and in such cases, some level of excavation and fill is necessary to achieve a level building footprint.

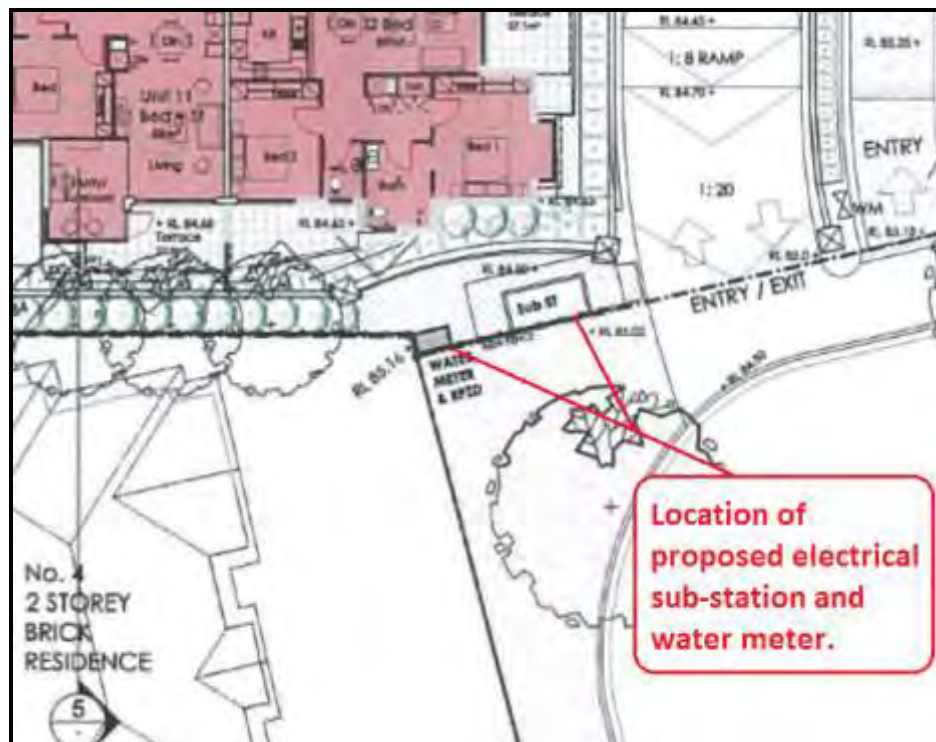
For the above reasons, the level of fill proposed for the rear single storey dwellings is considered justifiable in the circumstances of the case, particularly given that the proposal does not result in unacceptable impacts on neighbouring properties. As such, while the objections in relation site topography are noted, the proposal's design response following Council's additional information request satisfactorily mitigates the impacts to adjoining property.

ITEM 3 (continued)

G – Safety and Amenity – a number of safety concerns have been raised by the objectors at No 4 Clermont Ave, these include:

- the location of the proposed development's electrical substation and water meter and ventilation intake (for the basement car park) which is within close proximity to the objector's property at 4 Clermont Avenue.
- the location of the proposed driveway associated with the development and delivery trucks entering and exiting the underground car park;
- concerns raised in regards to trucks using the narrow streets of Clermont and Jennifer Street.
- the 3 tonne limit on Quarry Road and North Road which are the streets that lead to Clermont and Jennifer Street.

Assessing Officer Comments: The proposed electricity substation and water meter for the development is to be located adjacent to the main vehicular entry off Clermont Avenue. This is also located adjacent to the front boundary of the dwelling house at 4 Clermont Avenue – see following drawing.



Location of proposed electrical sub-station and water meter

Source: Applicant's DA plans.

ITEM 3 (continued)

The electricity service provider, Ausgrid, has strict specifications on the location and design of electrical substations required to service developments. In particular, the location of substations needs to be readily accessible for the purposes of carrying out routine maintenance and repair in times where equipment may be out of service. Sydney Water has similar requirements for water meters.

For this reason, substations and water meters are typically located on the boundary, and in close proximity to vehicular access points. It should be noted that the proposed vehicle access points and utility services are in a similar location to those of the existing facility.

To ensure the developer complies with the requirements of utility providers, the following standard condition is included at Condition 12 of the draft consent:

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

In addition to the above standard condition, the following additional condition of consent is recommended to ensure the electrical sub-station is designed and constructed to the satisfaction of the energy provider and included at Condition 74 at **Attachment 1**.

Energy Provider requirements for Substations. *Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.*

A number of concerns have been raised by the residents that the movement of heavy vehicles in and out of this driveway will impact on the amenity of adjacent dwellings, both in terms of noise and the obtrusive effects of headlights.

Submitted with the DA is a Noise Impact Assessment which has been prepared by Inhabit engineers. With regard to traffic noise emission, this report notes that the existing residential care facility on the site incorporates a total of 55 beds in a single building located to the north-east portion of the site. The proposal is for the demolition of this building to make way for a new upgraded facility that will incorporate 56 beds. As the number of beds will only increase by one (1), once the new building is operational the resultant increase on noise associated with vehicles servicing this facility is considered to be insignificant.

ITEM 3 (continued)

Furthermore, given all deliveries are to take place within the building's basement, noise associated with the loading and unloading of trucks is considered to be satisfactorily mitigated.

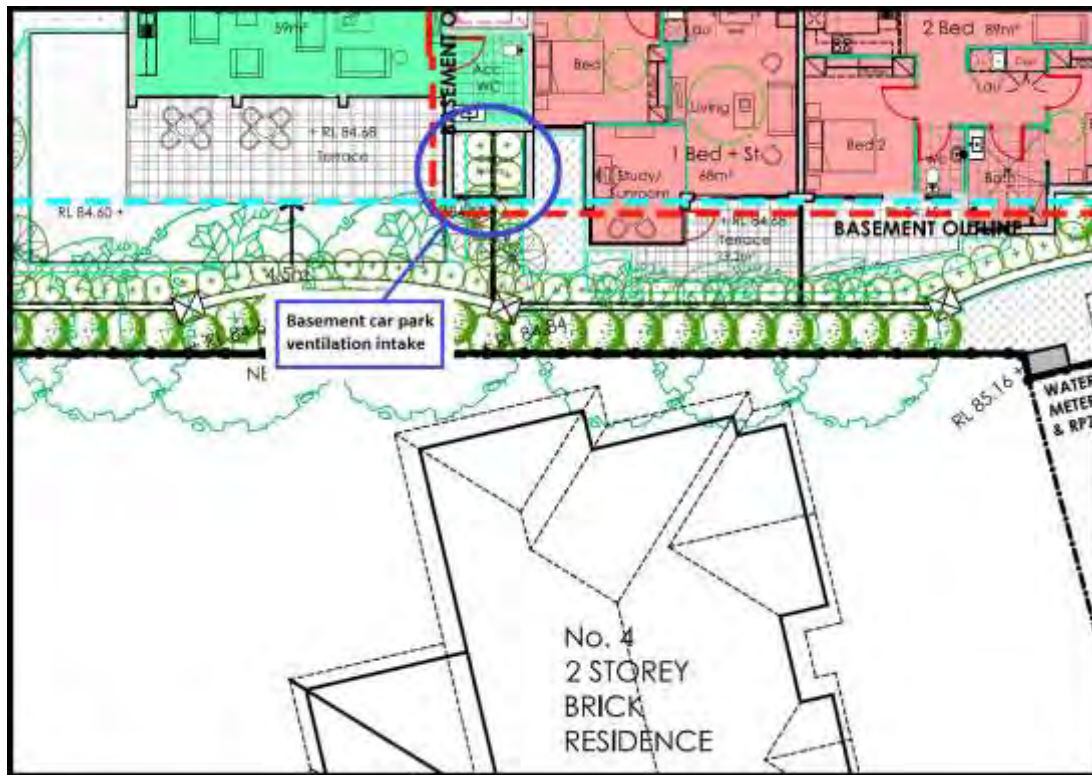
The Operational Management Statement submitted with the DA stipulates that all deliveries to the site and waste collection will be restricted between the hours of 7am and 5pm, 5 days per week. As this is essentially limited to daylight hours, objections on the basis of headlight impacts from trucks are unsupported.

To ensure deliveries and waste collection impacts on adjoining development is minimised, the following condition of consent will be included (refer Condition 141 at **Attachment 1**):

***Deliveries and Waste Collection.** All deliveries and waste collection to the site shall be restricted to Monday to Friday only, and between the hours of 7am and 5pm. No deliveries or waste collection is to occur on weekends or public holidays.*

Concerns have been raised regarding the location of the ventilation intake for the basement car park – this is located on the southern side of one of the independent living units buildings, near the centre of the site. It will be located close to the common boundary with No 4 Clermont Ave (see drawing below). Although the neighbour has referred to it as a “smoke stack” in their submission, it's purpose is to draw air in to the basement (ie not to discharge air), to provide ventilation to the basement car park. As it is an air intake (not a point of discharge), there will be no impact on the neighbour's property in terms of exhaust fumes or the like.

ITEM 3 (continued)



As part of the assessment of the subject DA, the proposal was referred to Council's Environmental Health Officer's (EHO) for comment. In response, EHO have advised the proposal is satisfactory, subject to the imposition of conditions. Reference is made to the referral response section later in this report for further details.

H – Stormwater. Objectors have raised concerns regarding adequacy of the stormwater drainage provisions which are proposed for the development. This includes adequacy of on-site detention, drainage pits across the site, and possible stormwater seepage due to the ageing nature of stormwater infrastructure.

Assessing Officer Comments: As part of the assessment of the subject DA, the proposal was referred to Council's Senior Development Engineer to review the proposed stormwater drainage arrangements for the development. In response, the following comments have been provided:

The proposed stormwater management system for the development discharges to an existing kerb inlet pit fronting No. 6 Jennifer Street and incorporates an onsite detention system. The general layout of the system appears satisfactory however when scrutinising the DRAINS analysis, it is noted that the system will not perform adequately from a hydraulic perspective. It would appear that the design is restricted due to the onsite detention being located at the lowest point of the site, the volume of the system and the difficulty in draining to this system from the other end of the site.

ITEM 3 (continued)

Due to the site topography, expanse of development, broad frontage to public drainage infrastructure in Jennifer Street and the separated building footprints presented by the proposal – there is merit in dividing the stormwater drainage system into two separate systems, each with their own OSD component. This will;

- *reduce the volume of each storage (and required depth),*
- *reduce the length of the drainage lines throughout the property, and,*
- *enable OSD to be provided for each stage of the development.*

Whilst this reconfiguration is feasible with negligible alteration to the architectural plan and can be designed compliant with the DCP, the amendment presents a significant reconfiguration of the drainage system that will warrant a review by Council prior to the development consent. It is therefore considered appropriate that the matter be addressed as a condition of deferred commencement.

The deferred commencement condition is copied below:

Stormwater Management. *The stormwater management plan must be amended to provide a drainage system compliant with Council's DCP throughout all stages of the development. The original plan also contained a number of deficiencies which are to be rectified in the reconfiguration of the system.*

The following revisions are required;

- (a) *The drainage system is to separate the onsite detention system into two separate systems, each serving a respective stage of the development and having a net PSD from the site equal to that as derived in the Stormwater Management Report by Wood and Grieve Engineers dated 2 October 2015. Stage 1 catchment area is cover the western portion of the site. Stage 2 obviously captures the remaining area.*
- (b) *The onsite detention unit for Stage 1 must be located under the entry lobby with external access grates on the north and south sides of the lobby. The Stage 1 detention system must discharge to the existing kerb inlet pit fronting No. 6 Jennifer Street.*
- (c) *The onsite detention unit for Stage 2 is to be located on the northwest side of the new residential care facility building, generally in the vicinity of the kerb inlet pit located at the bend in Jennifer Street, in which the system is to discharge to.*

ITEM 3 (continued)

- (d) *In both stages, the connection to the kerb inlet pit is to be in a manner which presents a hydraulically efficient connection (the angle of discharge is aligned with the dominant flow path), is elevated as high in the pit as possible and the diameter of the discharge line is minimised (ie a 375mm RFC pipe will not be accepted for a development of this scope).*
- (e) *Due to the level topography of the site and the inability to direct overflow to the point of discharge, the system should be designed to minimise upwelling wherever possible.*

The reconfiguration will warrant the submission of a revised DRAINS analysis. The plans and analysis (including input files for review) must be submitted to Council City Strategy and Planning Department for approval prior to activation of this development consent.

Having regard to the above, objections to the proposal on the basis of stormwater drainage are considered to have been satisfactorily addressed by the required design amendments imposed by Council's Senior Development Engineer under Section 80(3) of the *Environmental Planning and Assessment Act 1979*.

1 – Heritage – *Concerns have been raised that the proposed development should incorporate into its design the original gates and stone walls of the site to recognise the site's heritage.*

Assessing Officer Comments: A review of Schedule 5 within Ryde LEP 2014 has revealed the subject site does not include or comprise of any heritage items. Furthermore, no items of environmental heritage have been identified on land adjoining the subject site.

As such, the heritage conservation provisions under clause 5.10 of LEP2014 do not apply to the subject site. For this reason, the DA was not referred to Council's Heritage Officer for comment.

It is noted that the low height fence could be demolished without the consent of Council under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Accordingly, objections in relation the demolition of the front fence cannot be supported.

ITEM 3 (continued)



Image captured from Clermont Avenue looking north toward the existing entry to the residential care facility on the site. Noted in this image is the low height wall and pillars either side of the driveway which are to be demolished in order to accommodate the new entry to the basement car park and residential care facility. As per Schedule 5 of LEP2014, the wall and entry pillars are not identified as a heritage item.

Source: <https://www.google.com.au>

J – Fencing – Concerns have been raised by objectors over the proposed boundary fencing arrangements. In particular, there has been concern over the potential use of Colorbond fencing material, and it's incompatibility with the character of the local area.

Assessing Officer Comments: The originally submitted architectural and landscape plans with the DA indicated that new 1.8m high boundary fencing is to be included for the site as part of the proposed works.

It was agreed with the objectors that a Colorbond fence would be an inappropriate presentation to the site's many street frontages, particularly given the character of the local area. This is consistent with the provisions of Ryde DCP 2014 which stipulates front fences are not to be of Colorbond material. Importantly, the DCP2014 also discourages front fencing being of timber paling material, however a timber paling fence is generally acceptable to secondary street frontages.

A review of the originally submitted landscape plan showed considerable landscape planting along the subject site's frontages, but insufficient detail on the materials of this fencing. Similarly, landscape buffer areas were provided between the development and side/rear boundaries, but again insufficient detail is provided on the type of boundary fencing proposed.

ITEM 3 (continued)

Given the nature of the proposed development, it is acknowledged fencing to suitably secure the site from its frontages to Clermont Avenue and Jennifer Street is warranted. However such fencing should be adequately detailed to enable a proper assessment by Council of its compatibility with the local area.

For this reason, the applicant was advised of the insufficient detail relating to site fencing as part of Council's additional information request in April 2016.

The response from the applicant now details that all site boundary fencing is to be lapped and capped timber paling fencing ranging between 1.8m and 2.1m in height.

Given the applicant's additional information response, it is considered the objector's concerns in relation to the use of Colorbond fencing has been resolved.

K – Vegetation removal – concern is raised by objectors over the proposed tree removal on site.

Assessing Officer Comments: As part of the assessment of the subject DA, the proposal was referred to Council's Consultant Landscape Architect and Consultant Arborist.

Council's Consultant Arborist has acknowledged that a high level of tree removal is proposed across the site, but is generally supportive of the proposal. Of the 47 trees identified on the site, 37 are proposed to be removed and 10 are to be retained.

However, it is important to note that all but 2 of these trees to be removed have been identified as being of low or very low retention value. It also should be noted that 18 of the 37 trees to be removed are exempt from the City of Ryde's Tree Preservation Order.

It is also important to note that the most significant tree on the site, being the *Corymbia citriodora* Lemon Scented Gum, located adjacent to the Jennifer Street boundary is to be retained and protected as part of the development.

The landscape plan submitted with the DA demonstrates a comprehensive approach to revegetation of the site to compensate for the vegetation removal proposed.

As demonstrated in the referral response section later in this report, Council's Consultant Landscape Architect has undertaken a review of the proposed landscape plan and raised no objection to the landscape design and compensatory tree planting, subject to conditions of consent.

L – Telephone and Power Lines – concern have been raised by objectors over the development's potential impact on telephone and power lines within the street.

ITEM 3 (continued)

Assessing Officer Comments: The following standard conditions of consent will be imposed on the development to ensure all works are suitably confined within the boundaries of the site, and that compliance with the relevant utility and service provider requirements is adhered to (refer Conditions 10 and 12 at **Attachment 1**).

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.

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

Further to the above, it has been assessed that the residential care facility and independent living units buildings will be located further than 5m of an exposed overhead electricity power line. As such, pursuant to the provisions of clause 45 of *State Environmental Planning Policy (Infrastructure) 2007*, no consultation with the electricity supply authority is required.

M – Construction Time - concerns have been raised over the unspecified length of time it will take to construct the proposed development.

Assessing Officer Comments: The Statement of Environmental Effects submitted with the DA provides detail on the works associated with each stage of the development's construction. However, little detail or commitment has been made in relation to the timeframes associated with the construction of the proposed development. It is noted that the applicant has verbally advised that the demand for aged care services is generally very high, and so they intend to complete the development as soon as practicable.

Generally, construction timeframes are not controlled via development consents, however, conditions of consent can be put in place to mitigate impacts that may be associated with longer construction times, and for larger scale developments.

Council's Senior Development Engineer has included a number of conditions relating to works being undertaken in the public domain, restoration, repairs and maintenance of the public domain, road activity permits and traffic management.

ITEM 3 (continued)

In addition to the above, the following conditions of consent are also recommended to ensure noise from the demolition, excavation and construction process is appropriately managed (refer Conditions 86 and 88). A condition requiring the developer to maintain a complaints register has also been recommended to allow the Principal Certifying Authority/Council to respond to concerns raised by the public which is included at Condition 115 of **Attachment 1**.

With these measures in place, the impacts on adjoining property are considered to be satisfactorily managed to acceptable levels during the construction of the proposed development.

Noise Management Plan - Demolition, Excavation, & Construction. *A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.*

The plan must include, but not be limited to the following:

- a) Confirmation of the level of community engagement that has, is and will be undertaken with the Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.*
- b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties during the main stages of work at neighbouring noise sensitive.*
- c) What course of action will be taken following receipt of a complaint concerning site noise, dust and vibration?*
- d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring properties to a minimum.*
- e) What plant and equipment is to be used on the site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring properties and other less intrusive technologies available.*

ITEM 3 (continued)

Construction noise. *The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.*

Complaints Register. *The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:*

- a) *The date and time of the complaint;*
- b) *The means by which the complaint was made;*
- c) *Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;*
- d) *Nature of the complaints;*
- e) *Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and*
- f) *If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.*

The complaints register must be made available to Council and/or the principal certifying authority upon request.

N – Front setbacks – *concerns have been raised regarding where the front setback is measured from in this development, and that such front setbacks are inconsistent with those of adjoining buildings in the vicinity of the subject site.*

Assessing Officer Comments: The issue of front setbacks are fully discussed later in this report (refer to DCP Compliance assessment section below). In summary, the provisions of the Seniors SEPP do not contain front setback requirements, and so a merit based assessment is required, including having regard to the provisions of Ryde DCP 2014 where applicable. As indicated in later in this report, it is considered that the front setbacks of the development are acceptable having regard to the setbacks of adjoining buildings, and having regard to the provisions of Ryde DCP 2014.

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

Under the provisions of clause 40 of the Seniors SEPP, a consent authority must not consent to a DA for seniors housing unless the proposed development complies with the standards specified in clause 40.

Subsection (4)(b) of clause 40 outlines that a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than two storeys in height.

ITEM 3 (continued)

The residential aged care facility adjacent to the north-eastern boundary of the site constitutes a three storey building where two levels of bedrooms and lounge rooms etc. are proposed above the lower level which comprises training / dining / laundry / kitchen rooms.

Given the requirements of clause 40, for Council to consider this variation a clause 4.6 written request under the provisions of LEP2014 would be required from the applicant to vary the development standard.

As part of the applicant's response to Council's additional information request, a clause 4.6 written request has been submitted. This written request to vary the aforementioned development standard is assessed in detail later in this report – see Seniors SEPP assessment below.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004

The purpose of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP) is to encourage the provision of housing which meets the needs of seniors or people with a disability. The Seniors SEPP aims to encourage the provision of such housing (including residential care facilities) to increase supply and make use of existing infrastructure and services.

These aims are achieved by setting aside local planning controls that would otherwise prevent the development of seniors housing, so long as a proposal meets the development criteria and standards set by the Seniors SEPP.

With the above in mind, the following is an assessment of the proposal against the relevant development criteria and standards of the Seniors SEPP.

Chapter 1 – Preliminary

Clause 4 of the Seniors SEPP outlines land to which the Seniors SEPP applies. Under this clause it is stipulated that the Seniors SEPP applies to all land in NSW that is primarily zoned for urban purposes, but only if development for the purposes of dwelling houses, residential flat buildings or hospitals are permitted on the land.

The subject site is located within the R2 Low Density Residential zone under LEP2014. In this zone, development for the purposes of dwelling houses and hospitals is permitted with consent. Accordingly, the Seniors SEPP applies to the site.

ITEM 3 (continued)

Clause 5 of the Seniors SEPP details the relationship of the Seniors SEPP with other environmental planning instruments, such as the LEP2014. In this regard it is noted that if there is an inconsistency between the Seniors SEPP and any other environmental planning instrument, the Seniors SEPP prevails to the extent of the inconsistency.

Chapter 2 – Key Concepts

The proposal seeks consent for a seniors housing development comprising partly a 'residential care facility' and partly a 'self-contained dwellings'. The definitions of these seniors housing types are provided below:

*a **residential care facility** is residential accommodation for seniors or people with a disability that includes:*

- (a) meals and cleaning services, and*
- (b) personal care or nursing care, or both, and*
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hostel, hospital or psychiatric facility.*

*a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.*

The applicant's submission has outlined that the self-contained dwellings on the site intended to be independent living units. As such, these are considered to constitute 'in-fill self-care housing' under the provisions of the Seniors SEPP. This is defined as follows:

***in-fill self-care housing** is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.*

Having established the proposal is to comprise of both self-contained dwellings and a residential care facility, the relevant development criteria and standards for these forms of seniors housing are assessed below.

ITEM 3 (continued)

Chapter 3 – Development for seniors housing

Part 1 - General

Clause 18 of the Seniors SEPP provides restrictions on the occupation of seniors housing undertaken under the Seniors SEPP. Specifically, that a consent authority must not consent to a DA made for seniors housing unless:

- a condition is imposed by the consent authority to the effect that only seniors, people who live with seniors or staff employed to assist in the administration and provision of services to seniors may occupy any accommodation to which the DA relates, and
- the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation that aforementioned.

Given the above, the following condition of consent is included at Condition 116 at **Attachment 1**:

Occupation Restriction. *A restriction must be registered on the title of the property, in accordance with Section 88E of the Conveyancing Act 1919, limiting accommodation of the seniors housing development the following kinds of people:*

- a) seniors or people who have a disability,*
- b) people who live within the same household with seniors or people who have a disability,*
- c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.*

Part 2 – Site-related requirements

Clause 26 of the Seniors SEPP provides a consent authority must not consent to a DA for seniors housing unless they are satisfied, by written evidence, that residents of the proposed development will have access that complies with the requirements of clause 26 of the Seniors SEPP.

ITEM 3 (continued)

Compliance can be achieved with clause 26 if a site is within 400m of a public transport service via a 'suitable access pathway' which meets the frequency requirements of the Seniors SEPP. For the purposes of clause 26, clause 26(4) outlines that:

- a) a **suitable access pathway** is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and
- b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.

With regard to the applicant's proposal, the distance from the site to the nominated public transport service bus stops on Quarry Road is not more than 400m. Additionally the nominated bus stops operate at the required frequencies, and will take residents to within 400m of the required facilities and services.

Importantly for the subject DA, the applicant's originally nominated path to the bus stops was not supported. The reasons for this are detailed further below:

- The access path between the site and entry to the Yamble Reserve car park contains numerous obstacles, including lack of kerb laybacks, and significant uplifting where tree roots have damaged the footpath.
- The access path between the site and the entry of the Yamble Reserve car park has a width ranging between 950mm-1000mm. This is less than the 1200mm minimum width of an access path stipulated under the Australian Standards for design for access and mobility.
- The submitted report titled 'Assessment of Compliance with Clause 26 of SEPP Seniors Living' (Clause 26 Report) and surveyed access path nominated a proposed route through the Yamble Reserve car park driveway. This car park driveway is gated, and signposted by the City of Ryde as closing on sunset. Given sunset during the winter months is as early as 5pm, the nominated route would block access between 5pm and 6pm, and therefore not provide a suitable access pathway for residents during all the required hours of the Seniors SEPP.
- The Yamble Reserve car park is utilised as the principal parking area for the North Ryde Community Preschool. This preschool has a capacity of approximately 100 children. Families and children arrive typically at 9am in the morning. During this time the car park is frequently at capacity (20 cars), and similarly in afternoon pick up times. Discussions with residents has also revealed that the Yamble Reserve car park is frequently at capacity on weekends and public holidays with cars observed parking on the grassed areas adjacent to the delineated parking area. In addition, the Yamble Street car park is designated as a mini-bus drop of and parking area for park users.

ITEM 3 (continued)

Given the proposal constitutes a significant intensification of the number of seniors or people with a disability residing on site, the originally nominated route through the Yamble Reserve car park and driveway was not considered to constitute a safe access path.

Despite the above, it was acknowledged the Statement of Environmental Effects (SEE) submitted with the DA outlined the applicant would be prepared to rectify the existing footpath damage in Clermont Avenue (see drawing below) and provide a separate paved footpath from Clermont Avenue past the carpark within Yamble Reserve should Council so require.

Given Council was unwilling to support the originally proposed access route identified within the applicant's clause 26 Report, Council issued the applicant with an additional information request requiring a suitably detailed concept public domain plan which demonstrated the applicant's proposal to construct a 'suitable access pathway' from the site along Clermont Avenue, and then around the Yamble Reserve driveway and car park. The concept public domain plan was to include, but not be limited to the following:

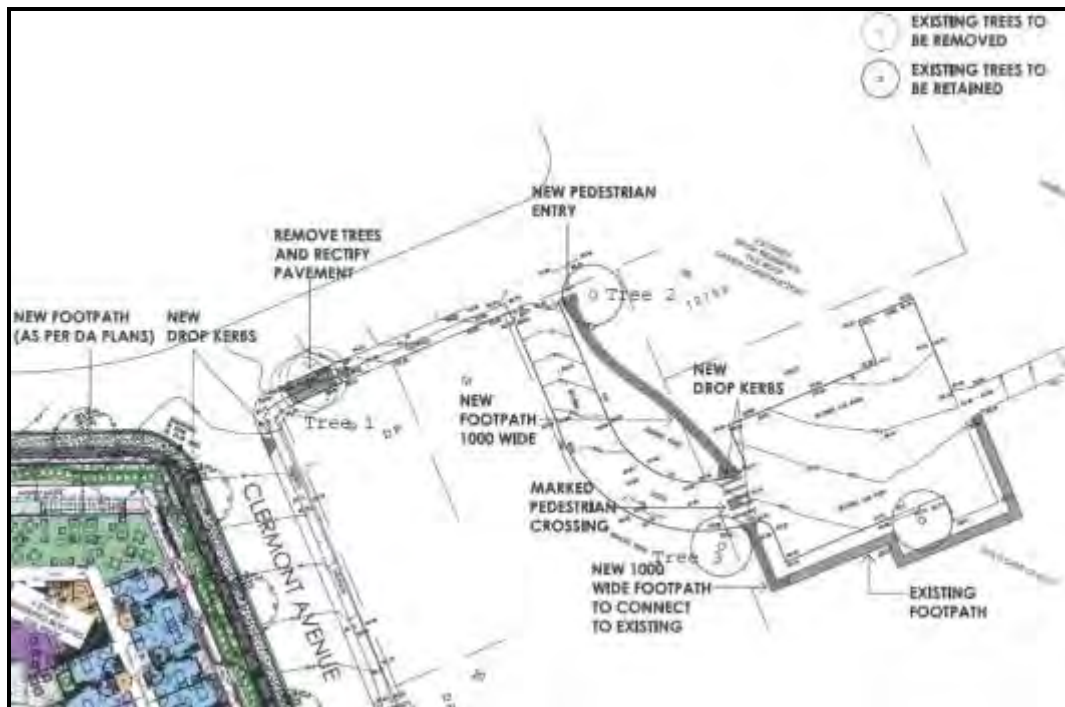
- Kerb crossing/laybacks for pedestrians;
- Compliant access path widths;
- Any necessary tree removal;
- All landscaping and proposed street tree planting;
- Power poles and street lighting;
- Safety design measures to mitigate conflict with pedestrians and vehicles, i.e. bollards etc.

In addition to the above, a revised Arborist Report was requested by Council which took into account the street trees, and any trees within Yamble Reserve that may be impacted upon by the applicant's revised alignment for the suitable access pathway.

On 14 June 2016 Council received the applicant's response to Council's additional information request. The applicant's submission has included plans showing the construction of footpaths along the entire frontages to Clermont Avenue and Jennifer Street, along with drop kerbs to provide wheelchair/motorised cart access across Clermont Avenue. In addition, a Pedestrian Access plan (see drawing below) has been submitted for pathway works along Clermont Avenue and past the car park within Yamble Reserve, linking to the existing pathway network in the park.

An addendum to the applicant's arborist report was also submitted detailing the street trees that would need to be removed from Clermont Avenue, along with replanting and landscaping in accordance with Council requirements.

ITEM 3 (continued)



Extract of Pedestrian Access plan submitted by the applicant in response to Council's additional information request. Noted is the proposed pathway around the Yamble Reserve car park, and upgrades along the Clermont Avenue in front of 9 and 11 Clermont Avenue.

Source: <https://www.six.nsw.gov.au> – edited by CPS for diagrammatic purposes

Due to the significant amount of works required within the public domain to achieve satisfactory compliance with the provisions of clause 26 of the Seniors SEPP, the Pedestrian Access plan submitted by the applicant as additional information was referred to Council's City Works and Infrastructure group. The following comments were made in the referral response:

- *The site is outside of the Ryde Town Centre; hence the Public Domain Technical Standards do not apply.*
- *The development would be subject to SEPP (Seniors Living), Ryde LEP and DCP2014 Parts 8.3 Driveway and Part 8.5 Public Civil Works.*
- *There is currently no paved footpath along the perimeter of this site. Drawing No A-060, Revision DA01, of Morrison Design Partnership, shows the Applicant's proposal for a new concrete footpath along the entire perimeter of the site.*
- *The alignment of the proposed footpath will be affected by the existing trees. Initial discussions with tree management staff indicate that those trees may be able to be removed and replaced with more suitable species for the location. Further advice to be sought from Council's Open Space Planning and Development Team.*

ITEM 3 (continued)

- *The exact type and position for the new street trees is to be advised by Open Space Planning and Development Team.*
- *There are three existing vehicular crossings in Jennifer Street; these would become redundant and will be required to be removed and replaced with new kerb and gutter and concrete footpath.*
- *There are two existing vehicular crossings in Clermont Avenue. Both of them need reconstruction: one will be replaced with kerb and gutter and the other will need to be redone without the concrete block in the gutter. Council will have to issue the relevant levels for this to occur.*
- *This type of development requires proximity to public transport. "There are two bus routes that service Quarry Road. The most direct route from the subject site is a 250m (approx.) walk through Yamble Reserve." (See page 10 of the Traffic Impact Assessment). The first part of this route is the public footpath in front of 9 and 11 Clermont Ave; this is not in good condition, due to the root intrusion of a big old tree.*
- *There will be a need for a new concrete pedestrian footpath on the northern side of the existing access road to the Council carpark.*
- *Note for the planner: In looking over the SEPP, it would appear that the Developer would be required to upgrade the footpath along Clermont Avenue in the vicinity of No. 9 & 11, as well as the northern side of the access road to the carpark at Yamble Reserve in order to comply with accessibility requirements of the SEPP. The new footpath in Yamble reserve is to be constructed at a minimum of 1.2 metres wide, however a wider path would provide for a safe travel path and interactions between mobility scooters and other park users.*
- *The street lighting around the perimeter of the development site will remain on the Ausgrid network but will require upgrading to improve illumination at pedestrian category P3.*
- *The applicant is to provide suitably prepared engineering plans providing details that demonstrate the smooth connection of the proposed road works into the remaining street scape. This will include relevant existing and design surface levels, drainage pit configurations, kerb returns, new street trees planting, etc.*
- *Road Opening Permits will be required for any construction work on the road.*
- *There will be several hold points for inspections during the course of the construction in the public domain area.*

ITEM 3 (continued)

(Note: Since these comments were provided by Council's City Works and Infrastructure officers, Council has undertaken some footpath upgrading works in Clermont Ave, including footpath replacement and footpath tree removal. Photos are provided later in this report).

At a meeting with the applicant on 10 August 2016, Council advised of the above public works that would be required to achieve satisfactory compliance with the provisions of the Seniors SEPP, and also Council's public domain requirements.

In a response form the applicant on 25 August 2016, it was advised Council's required public works to achieve compliance were generally onerous, and would not be complied with in full. The applicant raised particular issue with Council's required upgrades to street lighting, reconstruction of the kerb and gutter/roadway along a section of Clermont Avenue, relocation of utilities/signage at the entry to Yamble Reserve, the width of the footpath through Yamble Reserve, and new lighting in Yamble Reserve.

As such, the information submitted to date by the applicant in relation to the concept public domain works remains short of Council's technical officer expectations, and an agreement on the works required has not been achieved with Council.

Council's City Works and Infrastructure and Open Space/Landscape Planning Co-ordinator have generally recommended support for the proposed development and its nominated access alignment, subject to conditions.

In this regard, consent has been recommended, subject to the conditions prescribed by Council's technical officers within City Works and Infrastructure, and Open Space/Landscape Planning. For details on these conditions, reference should be made to the referral response section later in this report, and also the draft conditions of consent (specifically refer Conditions 65 and 66).

With the recommended conditions by Council's technical officers, it is considered that compliance with the provisions of clause 26 is achievable, and that a safe, suitable access pathway to the Quarry Road bus stops will be available to residents for the following reasons:

- The distance from the site to the nominated public transport service bus stops on Quarry Road is not more than 400m – see air photo below.
- The nominated bus stops operate at the required frequencies of the Seniors SEPP, and will take residents to within 400m of the required facilities and services.

ITEM 3 (continued)

- The site inspection of Yamble Reserve and a review of the City of Ryde's Plan of Management for Yamble Reserve identified lighting is included along the key pathways. Additionally street lighting on Quarry Road is included for that period in mid-winter between 5pm and 6pm when it may be dark. As part of the conditions of consent for the subject DA, street lighting on Clermont Avenue is to be augmented to comply with pedestrian category P3. The Action Plan for Yamble Reserve nominates additional lighting within the park which will only improve park illumination levels.
- The accessibility report submitted by the applicant demonstrates the gradients of pathways through the park meet the requirements of the Senior SEPP, and are therefore considered safe.
- The width of the paths through the park, and those recommended by Council by way of condition, have been assessed as being satisfactory to allow safe passing of wheelchairs if necessary.
- Yamble Reserve has been observed as including a number of park users at any one time, this is due to the large children's playground, and child care centre located within the park providing good casual surveillance. The Plan of Management also outlines that the park is used during the evening by the local community for walking and dog exercising as well as several organised community events throughout the year. Again this is considered to help with safety of residents using the park for access to the bus stops.
- The Plan of Management for Yamble Reserve specifies that regular maintenance tasks are undertaken at the reserve, including pathway and pavement repairs, inspection and repair of built structures including amenities, lights and shelters etc., inspection and repair of fixtures and furniture, toilet cleaning, rubbish removal etc.
- The Plan of Management also references the Disability Action Plan 2006-2008 and the Access and Equity Policy (2003), indicating that the key aims of the park are to ensure people with disabilities need have full access to the parks and linkage routes. Park furniture and signage is also accessible.
- A review of the online Crime Maps by the NSW Bureau of Crime Statistics and Research for Yamble Reserve does not indicate any crime hotspots (assault, robbery, malicious damage (low)) for the park, and as such, it is considered to present a relatively safe location.

Given the above, once the required upgrade works have been undertaken in the public domain, it is the assessing officer's opinion a 'suitable access pathway' will appropriately connect to the site to the bus stops on Quarry Road.

ITEM 3 (continued)

Reference should be made to referral response section later in this report for details of the recommended conditions by Council's technical officers to ensure a suitable access pathway is achieved.



Aerial image showing the walking distance via the applicants nominated suitable access pathway to be partially constructed from the subject site to the bus stops on Quarry Road is within the 400m requirement of the Seniors SEPP.

Source: <https://www.six.nsw.gov.au> – edited by CPS for diagrammatic purposes

ITEM 3 (continued)

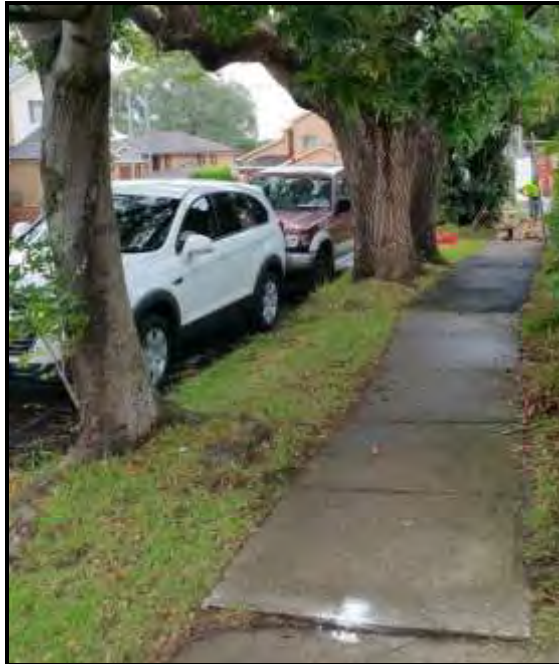


Photo (June 2016) showing the former footpath along Jennifer Street that has been partly replaced in order to accommodate a 'suitable access pathway' under the clause 26 of the Seniors SEPP. It is noted the Camphor laurel street trees to the left of frame have been removed to facilitate the footpath upgrade.



Photo (October 2016) showing footpath works already undertaken in Clermont Ave (front of No 9), including re-construction of footpath and removal of Camphor Laurel trees.

ITEM 3 (continued)

Part 3 – Design requirements

Clause 31 of the Seniors SEPP outlines that in determining a DA for in-fill self-care housing, Council must take into consideration the provisions of the *Seniors Living Policy: Urban Design Guideline for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004.

Within **Attachment 2** of this report is a design compliance table outlining the proposal's performance against the provisions of the aforementioned Urban Design Guidelines. As demonstrated within table, the proposal achieves satisfactory compliance with the relevant objectives and performance criteria.

Clause 32 of the Seniors SEPP outlines that Council must not consent to a DA for seniors housing unless it is satisfied the proposal demonstrates adequate regard has been given to the principles set out in Part 3 Division 2 of the Seniors SEPP.

These principals within Division 2 cover the following:

- neighbourhood amenity and streetscape;
- visual and acoustic privacy;
- solar access and design for climate;
- stormwater;
- crime prevention;
- accessibility; and
- waste management

Covered throughout this report, in both the responses to objections raised by the applicants, and also the assessment of the proposal against the relevant planning provisions, is a demonstration on how the proposal achieves consistency with the above mentioned design principals.

The design principal in relation to 'crime prevention' has however not yet been covered. In this regard, it is noted the site planning generally allows observation of the approaches to dwelling entries, and general observation over common areas throughout the development, whether this be by way of living room window orientation, or the orientation of balconies.

The fifteen self-contained dwellings are separated into two different buildings with separate shared entries, thus reducing the number of dwellings which are accessed by the common entry points. Gates are included to these areas further assisting with security.

ITEM 3 (continued)

Given the above, the proposal is considered to be of satisfactory design to enable consistency with the crime prevention design principals outlined under clause 37 of the Seniors SEPP.

Part 4 – Development Standards to be complied with

Division 1 – General

Clause 40 of the Seniors SEPP provides development standards for seniors housing development. As covered within subsection (1) of this clause, Council must not consent to a DA for seniors housing unless the proposal complies with these standards. Each standard is outlined below, followed by a response from the assessing officer on how the proposal performs against each of these objectives:

- *Site size - The size of the site must be at least 1,000 square metres.*

Assessing Officer Comment: The subject site has an area of approximately 4,913m².

- *Site frontage - The site frontage must be at least 20 metres wide measured at the building line.*

Assessing Officer Comment: The subject site has combined frontage of over 215m.

- *Height in zones where residential flat buildings are not permitted – height of all buildings must be 8m or less, and a building adjacent to a boundary must be not more than 2 storeys in height. Further, a building located in the rear 25% of the site must not exceed 1 storey in height.*

Assessing Officer Comment: The proposed development has been assessed as having a maximum building height of 7.04m, measured from the ceiling level RL91.34 in the north-western corner of the residential care facility and existing ground level below of RL84.3.

Note: The definition of 'height' under the Seniors SEPP differs from that under LEP2014, in the height under the Seniors SEPP means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point. Under LEP2014 height is measured from ground level (existing) to the highest point of the building.

The rear 25% of the site includes the independent living units which are single storey only.

ITEM 3 (continued)

However, the residential care facility adjacent to the north-eastern boundary of the site constitutes a three storey building where two levels of bedrooms and lounge rooms etc. are proposed above the lower level which comprises training/dining/laundry/kitchen rooms.

As outlined earlier within this report, for Council to consider this variation a clause 4.6 written request under the provisions of LEP2014 was required from the applicant to vary the development standard.

As part of the applicant's response to Council's additional information request, a clause 4.6 written request has been submitted. This written request to vary the aforementioned development standard is assessed below.

Assessment of Applicant's Clause 4.6 Written Request

The provisions of clause 4.6(2) of LEP2014 stipulate the following:

*Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other **environmental planning instrument**. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause. [Emphasis Added]*

The Seniors SEPP is an 'other environmental planning instrument' and the development standard at clause 40(4)(b) of the Seniors SEPP is not expressly excluded from the operation of clause 4.6. Accordingly, consent may be granted to the variation.

Clause 4.6(3) indicates that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention.

A Clause 4.6 written request has been submitted by the applicant. This written request has adequately justified the contravention of the development standard. In particular, the applicant has justified that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as well as demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard, in accordance with clause 4.6(3) of LEP2014.

Further to the above, the submitted Clause 4.6 written request has appropriately demonstrated that the proposed development will be in the public interest because it is consistent with the objectives of the R2 Low Density Residential zone under LEP2014.

ITEM 3 (continued)

A review of the submitted Clause 4.6 written request has considered the applicant's reasoning for varying a development standard. As such, it is of the opinion of the assessing officer that it would be unreasonable and unnecessary to achieve compliance with the development standards in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard, for the following reasons:

- The design of the proposed residential care facility purposely includes the majority of service rooms in the Basement Level, entirely below ground level in order to minimise the potential negative streetscape impacts of having such rooms above ground.
- The proposal includes a continuous residential presentation to Clermont Avenue and Jennifer Street frontages which provides for a better urban design outcome, such as an active integration with the existing residential streetscape;
- By being within the building's basement, these service rooms do not contribute to the bulk and scale of the development, therefore ensuring the proposal maintains a two-storey presentation to the street;
- The two-storey presentation of the development is consistent in scale with other dwellings in the street which are also two-storeys in height.
- The proposed residential care facility complies with the overall 8 meter height limit prescribed by the Seniors SEPP;
- The residential care facility does not adversely overshadow surrounding residential property, nor will it obstruct any significant views to, from or across the site.
- The proposal achieves compliance with the FSR standards prescribed by the Seniors SEPP, and cannot therefore be refused on the basis of bulk and scale;
- The proposal will replace an existing residential care facility that has reached the end of its economic life and which no longer provides the level of services and facilities expected of a modern residential aged care facility.
- The proposal will provide a range of seniors housing accommodation to provide for ageing-in-place and therefore offer existing and future residents a range of accommodation and services that they do not currently enjoy.

ITEM 3 (continued)

For the above reasons, the clause 4.6 written request to vary the development standard under clause 40(4)(b) of the Seniors SEPP is considered to be well founded.

In this regard it is considered that enforcing compliance with the aforementioned development standard would be unreasonable and unnecessary, and that there are sufficient environmental planning grounds to justify the contravention of the development standard.

Division 3 – Hostels and self-contained dwellings – standards concerning accessibility and useability

Clause 41 of the Seniors SEPP outlines that Council must not consent to a DA for self-contained dwellings unless the proposal complies with the standards specified in Schedule 3 of the Seniors SEPP.

Contained within **Attachment 2** of this report is a compliance table assessing the proposal's performance against the standards specified in Schedule 3. Additionally, the applicant has submitted a *Statement of Compliance Access for People with a Disability* report prepared by Accessible Building Solutions outlining the proposal ability to achieve compliance with the provisions of Schedule 3 of the Seniors SEPP.

To ensure the proposal satisfactorily achieves compliance with the provisions of Schedule 3, the following condition is recommended and included at Condition 39 of the draft consent at **Attachment 1**:

Disabled Access & Mobility - The building must be provided with “access and facilities for people with disabilities” to comply with all the requirements of Part D3 of the Building Code of Australia, relevant provisions of AS1428 and the applicable provisions of Schedule 3 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Part 7 – Development standards that cannot be used as grounds to refuse consent

Division 2 – Residential care facilities

Clause 48 of the Seniors SEPP outlines that Council must not refuse consent to a DA made for the purpose of a residential care facility on a number of specified grounds. Each of these specified grounds is outlined below, followed by a response from the assessing officer on how the proposal performs against each item:

- *Building height – if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys)*

ITEM 3 (continued)

Assessing Officer Comment: As outlined earlier within this report, all buildings on the subject site have been measured as having a building height of 8 metres or less, when using the appropriate definition for building height included within clause 3 of the Seniors SEPP.

- *density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less*

Assessing Officer Comment: When assessing compliance with this standard, it is also important to have regard to the correlating FSR standard for self-contained dwellings, which specifies an FSR limit of 0.5:1 – see clause 50(b). Both aspects are discussed below.

While the Seniors SEPP prescribes FSR standards for different forms of seniors housing, the Seniors SEPP does not cater for those developments which comprise more than one form of seniors housing on the same site. As part of the assessment of the subject DA, the assessing officer had discussions with the NSW Department of Planning on the matter for guidance.

The response from the Department was an acknowledgement the Seniors SEPP does not explicitly address how FSR standards should be applied for those developments which include a variety of seniors housing types. A merit based approach to application of the development standards under the Seniors SEPP was recommended by the Department.

Having regard to the above, the applicant was requested to demonstrate to Council how they had approached the design of the development having regard to the FSR development standards under the Seniors SEPP.

In a meeting held with the applicant on 17 May 2016, and in the applicant's subsequent additional information response letter dated 8 June 2016, the design approach to the FSR standard was outlined as follows:

1. *The total number of aged care beds required by the applicant was derived (i.e. 56 beds) and after detailed design, the resulting gross floor area (GFA) within the residential care facility building to accommodate those beds was calculated as 2,151.4m².*
2. *The GFA of the proposed residential care facility building was multiplied by the maximum FSR requirement under the Seniors SEPP for residential care facility of 1:1, providing for a site area requirement of 2,151.4m² for the residential care facility component;*

ITEM 3 (continued)

3. *The residential care facility site area requirement was subtracted from the total site area of 4,913m² to generate a residual site area of 2,761.6m² that could be used for self-contained dwellings;*
4. *The self-contained dwelling site area was multiplied by the maximum FSR requirement under the Seniors SEPP for self-contained dwellings of 0.5:1, providing a maximum GFA of 1,380.8m² for the self-contained dwellings; and*
5. *The number of self-contained dwellings was a function of Step 4 above and detailed design, resulting in a GFA for the self-contained dwellings of 1,371m², being an FSR of 0.49:1, which complies with the Seniors SEPP.*

The above approach by the applicant is considered logical in the circumstances of the case, i.e. given no direction on this matter is presented within the Seniors SEPP.

The result of the applicant's approach is the residential care facility and independent living units components of the seniors housing development comply with the aggregated numerical requirements of the Seniors SEPP. Further the built form outcome distinctly reflects this, with the north-eastern portion of the site accommodating the residential care facility including a higher built form density akin to a building with an FSR of 1:1, and the south-western portion of the site accommodating the independent living units including a lower built form density akin to a building with an FSR of 0.5:1

For this reason, the proposal is considered to satisfactorily comply with the density and scale provisions of the Seniors SEPP.

- *landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,*

Assessing Officer Comment: Based on the residential care facility including 56 beds, a total landscaped area of 1,400m² would be required.

However as the site also includes 15 independent living units, and additional landscaped area equal to 30% of the site area for the independent living units is required also. Given the area for the independent living units is 2,761.6m², this would therefore require an additional landscaped area component of 828.48m².

Based on the above, a total landscaped area of 2,228.48m² is required.

The proposed development has been assessed as including a landscaped area of 2,231m², and therefore meets the minimum requirements of the Seniors SEPP.

ITEM 3 (continued)

Note: The Seniors SEPP includes a different definition for landscaped area than that contained under the Ryde Development Control Plan 2014. Notably it includes so much of that part as is used or to be used for rainwater tanks, swimming pools or open-air recreation facilities, but does not include so much of that part as is used or to be used for driveways or parking areas.

- *parking for residents and visitors: if at least the following is provided:*

Assessing Officer Comment: The proposed residential care facility includes 12 dementia beds, 44 other beds, 18 employees and will require 1 ambulance space. This therefore necessitates parking for 15 vehicles, plus 1 ambulance parking space.

The proposal will provide 15 car parking spaces within the basement, along with 1 ambulance parking bay. Accordingly, the residential care facility component of the proposal complies with the provisions of clause 48(d) and Council cannot refuse consent of the DA on the basis of parking for residents and visitors.

Division 4 – Self-contained dwellings

Clause 50 of the Seniors SEPP outlines that Council must not refuse consent to a DA made for the purpose of independent living units on a number of specified grounds. Each of these specified grounds is outlined below, followed by a response from the assessing officer on how the proposal performs against each item:

- *Building height – if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),*

Assessing Officer Comment: As outlined earlier within this report, all buildings on the subject site have been measured as having a building height of 8 metres or less. The independent living units component of the development is not more than 2 storeys in height.

- *Density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,*

Assessing Officer Comment: Refer to assessment above for residential care facility.

- *Landscaped area: a minimum of 30% of the area of the site is to be landscaped,*

Assessing Officer Comment: Refer to assessment above for residential care facility.

ITEM 3 (continued)

- *Deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,*

Assessing Officer Comment: Of the 2,761.6m² associated with the independent living units, approximately 1,370m² has been assessed as constituting 'deep soil area'. This equates to approximately 49% of the site area, and as such complies with the standard. When considering the redevelopment site as a whole, this deep soil zone is predominantly located to the rear. It is acknowledged however that due to the site's highly irregular shape, and three street frontages, the 'rear' of the site is not immediately apparent. However, the rear is generally considered to be the western portion of the site.

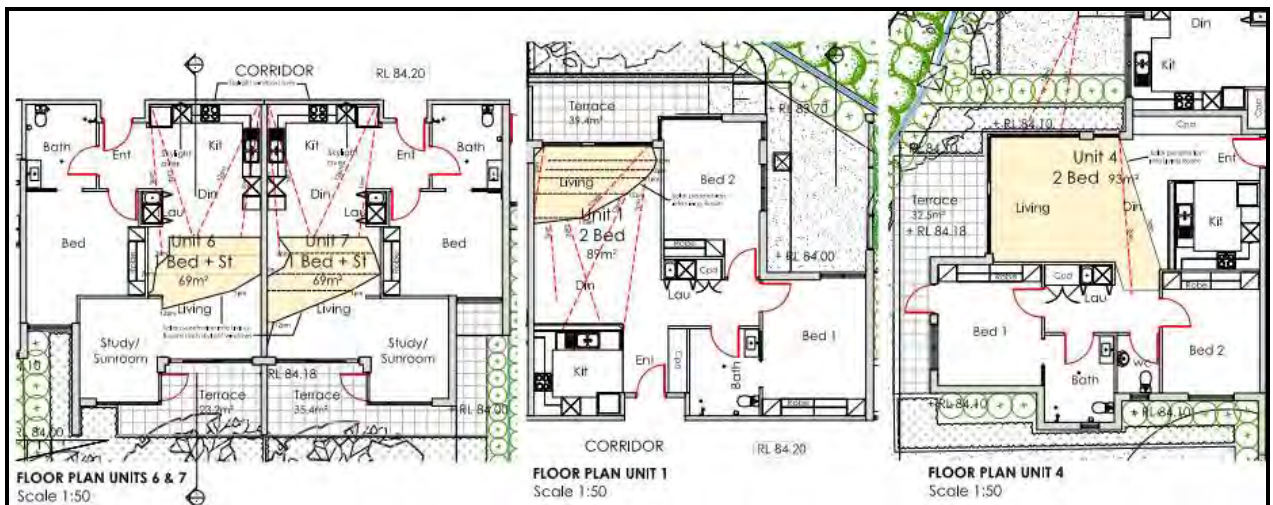
- *Solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,*

Assessing Officer Comment: Insufficient information was submitted as part of the original DA to accurately verify compliance with the solar access provisions. In particular, concern was raised whether Unit's 1, 4, 6 and 7 would achieve the required solar access. Accordingly, revised solar access diagrams in both plan and elevation format were requested from the client to demonstrate compliance with the minimum standards of the Seniors SEPP.

Below is an extract from the applicant's additional information response demonstrating solar access is achieved to these dwellings via the high levels windows on the northern elevation of the single storey building. Other dwellings and private open space areas within the development have been assessed as receiving a satisfactory level of solar access.

The result is 73% of the dwellings achieving compliance, therefore achieving consistency with clause 50(e) of the Seniors SEPP.

ITEM 3 (continued)



Solar access plans submitted by the applicant demonstrating the living rooms of Units 1, 4, 6 and 7 will achieve adequate solar access during mid-winter in accordance with the provisions of the Seniors SEPP.

Source: Solar access plans submitted by applicant as additional information

- *Private open space for in-fill self-care housing: if:*
 - (i) *in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and*
 - (ii) *in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,*

Assessing Officer Comment: A review of the plans included with the original DA submission revealed that all ground floor self-contained dwellings have at least 15m² of private open space, which includes an area of at least 3m wide by 3m long and is accessible from a living area. The exception however was the dwelling adjacent the fire stair and office, which did not provide a minimum area of 15m², nor a minimum 3m x 3m dimension.

Revised plans have since been submitted by the applicant following Council's additional information request which now demonstrate all dwellings complying with the minimum private open space standards outlined under clause 50(f) of the Seniors SEPP.

ITEM 3 (continued)

- *Parking: if at least 0.5 car spaces for each bedroom is provided*

Assessing Officer Comment: A total of 20 bedrooms are provided across the independent living units dwellings as part of the proposal. This accordingly necessitates parking for 10 vehicles.

A review of the basement parking provisions reveals parking for 14 vehicles is allocated to the independent living units. As such, the development achieves compliance with clause 50(h) of the Seniors SEPP.

Note – this concludes the assessment of the proposal against the relevant provisions of the Seniors SEPP. An assessment of the relevant provisions of LEP2014 is now provided, having regard to the provisions of clause 5 of the Seniors SEPP, and the relationship the Seniors SEPP has with other environmental planning instruments – see discussion on the effects of clause 5 earlier in this report.

(b) Ryde Local Environmental Plan 2014

Zoning

Under the Ryde LEP 2014 the zoning of the subject site is R2 Low Density Residential. The proposed development, being 'seniors housing', is identified as being prohibited under the R2 zoning. Despite this, it is acknowledged the subject development has been lodged pursuant to the provisions of the Seniors SEPP, and is made permissible on the land by clause 4(1) of this policy.

The proposal is considered capable of satisfying the objectives for residential development as it will provide for the housing needs of the community within a low density residential environment.

The proposal satisfactorily maintains the existing general low density nature of the zone as the development achieves compliance with the relevant bulk and scale provisions for residential care facility and independent living units buildings. The modern form of the development will assist in the enhancement of the local streetscape through the provision of architectural features to the façade, such as balconies and porticos fronting the primary and secondary street frontages. These features provide articulation to the façade as well as allow passive surveillance opportunities over the street.

ITEM 3 (continued)

Principal Development Standards

It is acknowledged that the proposal includes amalgamation of the allotments forming the development site upon completion of the Stage 3 works. As such, clause 4.1 'minimum subdivision lot size' of LEP2014 is applicable to the proposal. As per Council's Lot Size Map for LEP2014, the minimum lot size for subdivision on the subject site is 580m². Given the proposed subdivision will result in an amalgamated lot with an area of 4,913m², compliance with clause 4.1 of LEP2014 is achieved.

No other development standards under LEP2014 are considered applicable to the proposed development. The relevant standards for seniors housing proposals made under the Seniors SEPP have been addressed earlier in this report.

Miscellaneous Provisions

Clause 5.9 – Preservation of trees or vegetation

It is acknowledged LEP2014 prescribes that a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council

The proposal includes tree removal, and appropriately is seeking development consent for this tree removal under LDA2016/0051. Reference is made to the Landscape Referral response later in this report for further details.

(b) Relevant State Environmental Planning Policies (SEPPs)

State and Sydney Regional Environmental Planning Policies

State Environmental Planning Policy No.55 – Remediation of Land

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

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

Standard conditions of consent relating to contamination, fill and removal of hazardous materials will be imposed to assist in mitigating any potential impacts.

ITEM 3 (continued)

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

Under the *Environmental Planning and Assessment Act 2000* (Regulations), all of the independent living units are defined as 'BASIX affected buildings', and according to the provisions of the BASIX SEPP apply.

A compliant BASIX Certificate (Cert. No. 676306M, dated 30 November 2015) has been submitted with the subject DA. A standard condition of consent will be imposed to ensure compliance with the BASIX Certificate.

Note: The residential care facility component of the building has is subject to the National Construction Code 2015 – Section J via the JV3 Alternative Assessment pathway. A Section J report has been submitted with the DA by Inhabit engineering consultants.

(c) Any draft LEPs

No draft environmental planning instruments that have been identified which are considered relevant for the proposed development on the subject site.

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

Ryde Development Control Plan 2014

Ryde DCP 2014 applies to the subject site, however only in a limited capacity due to the development being lodged pursuant to the provisions of the Seniors SEPP.

DCP2014 does not include any specific provisions for seniors housing developments, however it is appropriate to take into consideration the setback provisions contained under DCP2014, given that front setbacks are not prescribed in the Seniors SEPP. The relevant setback provisions to apply would be those relating to multi-dwelling housing, given this is the built form outcome most representative of the proposed development.

In this regard, an assessment of the proposal against the setback provisions of DCP2014 are provided below.

Front Setback

Comment: The Seniors SEPP does not contain front setback controls, and it is considered appropriate to utilise Council's setback controls for multi-dwelling housing developments (Part 3.4 DCP 2014) for guidance, in the absence of anything more specific.

ITEM 3 (continued)

For front setbacks, Part 3.4 Ryde DCP 2014 states that buildings should be setback either the average or same distance as one of the buildings on adjoining sites (generally either 6.5m to 7.5m). At this site, the distance between buildings on the sites immediately adjoining (at 4 Clermont Ave and 6 Jennifer Street) is separated by a large distance (over 200m) and a highly articulated alignment of Clermont Ave and Jennifer Street, it is very difficult to determine what the front setback should be for this development, and a merit based approach to front setbacks is appropriate.

The proposal provides an average 4.5m front setback to Clermont Ave and Jennifer Street, and while there are some parts of the building which slightly encroach within this 4.5m setback, there are other parts of the building where it significantly exceeds 4.5m.

The sites immediately opposite contain buildings with setbacks of 2-3m (for a 2 storey building to the north-east at No 9 Clermont) and 2-3m (for a single storey building to the south-east at No 1 Clermont).

The following is an aerial photo, showing the large distance between buildings on the immediately adjoining sites (4 Clermont and 6 Jennifer), the position of the existing buildings on the subject site, as well as the setbacks of buildings immediately opposite.

ITEM 3 (continued)



Air photo showing large distance between buildings on immediately adjoining sites (4 Clermont and 6 Jennifer), the position of existing buildings on the subject site, as well as the setbacks of buildings immediately opposite.

(Source: Air Photo from Council's mapping system, edited).

The approach has demonstrated the proposal is capable of achieving satisfactory compliance with the objectives of Council's setback controls, and as such is supportable when having regard to the provisions of Section 79C(3A)(b) of the Act

A merit based approach to assessing compliance with Council's front setback provisions is appropriate. The objectives of the setback controls are provided below, followed by a response form the assessing officer on how the proposal performs against each objective.

To allow sufficient separation within the development and from adjoining properties to ensure privacy between dwellings;

Assessing Officer Comment: This objective is considered to apply more to side and rear setbacks, rather than front setbacks.

ITEM 3 (continued)

To allow for substantial landscaping and pervious areas;

Assessing Officer Comment: The proposal has achieved compliance with the landscape area requirements of the Seniors SEPP, and as such is considered to allow for satisfactory landscaping and pervious areas.

To allow sufficient manoeuvring area for vehicles;

Assessing Officer Comment: As part of the assessment of the subject DA, the proposal was referred to Council's Senior Development Engineer for comment. In response, Council's Senior Development Engineer has provided support for the proposal, subject to the imposition of conditions. In this regard, the proposal is taken to allow sufficient manoeuvring for vehicles.

To ensure the development is in keeping with the existing streetscape; and

Assessing Officer Comment: As outlined above, the subject site essentially forms an island surrounded by the angled alignments of Clermont Avenue and Jennifer Street. As such, there is little consistency to maintain within the streetscape. Nevertheless, the proposal generally includes setbacks up to 4.5m, increases and decreasing slightly to allow for building articulation. Given the circumstances, the proposal will be satisfactorily in keeping with the existing streetscape.

To allow the retention of existing substantial trees.

Assessing Officer Comment: The proposal will result in a significant level of tree removal across the site. However as outlined earlier in this report (and also in the Landscape Referral response), the majority of these trees have been identified as non-significant/substantial. The large Lemon Scented Gum on the Jennifer Street frontage is proposed to be retained as part of the development, and this has been identified as the most substantial on the site.

Accordingly, the proposed front setbacks are considered to achieve consistency with the above objective.

Setbacks for Secondary Street Frontage

DCP2014 prescribes secondary street frontage setbacks of 4.5m for multi dwelling house developments. As covered above, the proposed development predominantly includes setbacks to Clermont Avenue and Jennifer Street of 4.5m. However, some building articulations have resulted in minor encroachments into what may be considered as the secondary street setback areas.

ITEM 3 (continued)

Despite this, the proposal is satisfactory when having regard to the objectives of the DCP2014 setbacks controls. Accordingly, pursuant to the provisions of Section 79C(3A)(b) of the *Environmental Planning and Assessment Act 1979*, the front setback arrangements are acceptable.

Side and Rear Setbacks

DCP2014 prescribes side setbacks of 4.5m for multi dwelling housing, however this may reduce to 3m for not more than 50% of a dwelling's wall length to allow for variation and interest in building design.

The proposal includes side setback of 4.5m, with some articulations not less than 3m for 50% of the dwelling's wall length. As such, the side and rear setbacks have been assessed as compliant with the provisions of DCP2014.

Other provisions of DCP2014

The following parts of DCP2014 are also considered applicable to the proposed development:

Part 7 – Environment

- Part 7.1: Energy Smart, Water Wise
- Part 7.2: Waste Minimisation and Management

Part 8 - Engineering

- Part 8.1: Construction Activities
- Part 8.2: Stormwater and Floodplain Management
- Part 8.3: Driveways
- Part 8.5: Public Civil Works

Part 9 – Other Provisions

- Part 9.2: Access for People with Disabilities
- Part 9.3: Parking Controls
- Part 9.5: Tree Preservation

The above components of DCP2014 are considered to appropriately be addressed by the referral of the DA to Council's technical officer, including Development Engineers, Landscape Architect/Arborist, Environmental Health Officers, Building Surveyors, Waste Management Officers, Public Works, Traffic Engineers and Senior Co-ordinator of Design. Reference should be made to the referral response section below for further details.

ITEM 3 (continued)

Section 94 Contributions Plan

Council's Section 94 Contributions Plan applies to a range of development types, including "seniors housing". In particular, the Contributions Plan contains the following note in relation to "seniors housing":

Seniors housing is as defined under clause 10 of State Environmental Planning Policy (Seniors Living) 2004. The occupancy rate and contribution applied relates to self-contained dwellings. The contribution for other forms of seniors housing such as hostels will be based on an assessment of the expected demand for public facilities that the development generates.

The above note in the Contributions Plan states that the occupancy rate relates to "self-contained dwellings" which (within the Contributions Plan) has an occupancy rate of 1.5 persons per dwelling. As the proposal involves self-contained dwellings (ie the independent living units at the south/western end of the site), it is appropriate to levy section 94 contributions for this type of development.

It would not be appropriate for Council to levy Section 94 contributions for the beds in the residential care facility for the following reasons:

- There is only a net increase in one (1) bed in the current proposal compared to the existing development;
- This part of the development is generally for residents requiring a higher level of care (including dementia patients), the residents are unlikely to use the range of community facilities and services for which Section 94 contributions are payable;
- The note in the Section 94 contributions Plan (as above) expressly states that the occupancy rate and contribution applies to self-contained dwellings (ie not beds in a residential care facility).

The following are the Section 94 contribution types and amounts payable for the self-contained dwellings. Contribution calculations are sought on the basis of the new 15 self-contained dwellings, minus a credit for the 3 existing detached dwellings (that could be constructed without attracting Section 94 contributions).

ITEM 3 (continued)

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$16,983.79
Open Space & Recreation Facilities	\$41,810.45
Civic & Urban Improvements	\$14,220.51
Roads & Traffic Management Facilities	\$1,939.76
Cycleways	\$1,211.67
Stormwater Management Facilities	\$3,851.35
Plan Administration	\$326.62
The total contribution is	\$80,344.15

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 assessment of the proposed development. This has included a compliance check against all relevant planning controls, referral of the proposal to relevant technical officers within Council, and a detailed assessment report.

The assessment of the proposal has revealed that it is unlikely to adversely impact on the existing character of the locality in terms of bulk and scale. Whilst it is acknowledged that the scale and built form density of the subject site will increase as a result of the development, the proposed seniors housing development has been appropriately designed so that the buildings maintain a two-storey height limit at the front of the site, and single storey to the rear, so as to maintain an appearance sympathetic to the surrounding dwelling houses.

It is also noted that the primary controls governing the scale of the proposed development relating to building height, floor space ratio and setbacks contained within the Seniors SEPP and Council's DCP2014 have all been achieved. Furthermore, the objectives of the R2 Low Density Residential Zone as contained within the LEP2014 have also been achieved.

Having regard to the above, the proposed development is considered unlikely to significantly impact on the streetscape or surrounding development.

ITEM 3 (continued)

(b) Natural Environment

The proposed development is located in an established urban area, and as such is not considered to result in any significant impacts on the natural environment. Imposition of Council's standard conditions of consent, relating to protection of the natural environment, are considered to satisfactorily mitigate any adverse impacts from the proposed demolition and construction of the seniors housing development.

11. Suitability of the site for the development

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies no constraints affecting the subject property other than those already identified within this report. The subject site currently includes an existing residential care facility containing 55 beds, which is proposed to be replaced by the new facility containing 56 beds. As such, the suitability of the eastern portion of the site is already somewhat established by the existing development.

The western portion of the subject site is to include the self-contained dwellings for seniors. This portion of the site currently comprises dwellings houses at 7, 8 and 9 Jennifer Street, and as such this self-contained seniors accommodation will simply replace existing self-contained residential accommodation, albeit to a higher density.

This report has demonstrates that the impacts of the proposal have been satisfactorily mitigated, either through design, or application of conditions of consent. In this regard, the site is considered suitable for a seniors housing development, subject to the conditions outlined within the draft consent.

12. The Public Interest

The proposed development is considered satisfactory having regard to the objectives and requirements of the Seniors SEPP, and where relevant the provisions of LEP2014 and DCP2014. Any potential impact on adjoining properties has been considered and addressed within this report. As such it is considered that the proposed development is in the public interest.

13. Consultation – Internal and External

Internal Referrals

Development Engineer: As part of the assessment of the subject DA, the proposal was referred to Council's Senior Development Engineer. The response from Council's Senior Development Engineer is provided below:

ITEM 3 (continued)

Stormwater Management

The proposed stormwater management system for the development discharges to an existing kerb inlet pit fronting No. 6 Jennifer Street and incorporates an onsite detention system. The general layout of the system appears satisfactory however when scrutinising the DRAINS analysis, it is noted that the system will not perform adequately from a hydraulic perspective. It would appear that the design is restricted due to the onsite detention being located at the lowest point of the site, the volume of the system and the difficulty in draining to this system from the other end of the site. In particular the following issues are evident;

- A 375mm diameter drainage discharge line is proposed from the property to the point of discharge to the public drainage network. The nominated diameter is not supported given that it will impose on future and present services in the verge, is oversized for the scale of development and will require significant reconfiguration of the pit in order to accommodate the connection. It is possible the diameter of the line is to compensate for the performance deficiencies in the system.*
- The nominated invert of the discharge line will be at the base of the kerb inlet pit and it is angled against the main flow in the public drainage system. This is a poor arrangement for hydraulic performance and would result, in the very least, the outlet being submerged (reducing the rate of discharge) and, in the worst instance, potential for backflow into the private system. This does not appear to have been accounted for in the analysis.*
- The proposed drainage layout enables the entire site to discharge through the OSD system. Whilst this in accordance with the Councils DCP controls, a proportion of the surface drainage system will have upwelling at the inlet pits (surcharge), mostly due the limited depth of the OSD storage and the length of drainage to the OSD system. Whilst this would not be an issue if surcharge flows could be channelled to the point of discharge however this cannot be readily achieved due to the site topography. Most of the inlet pits have the same surface RL and therefore surface runoff will not be conveyed to the next pit downstream as the consultant presents in the analysis. This poses a risk to adjoining property and therefore the drainage system.*
- The nominated OSD storage location has a poor level of accessibility in providing only 2 inlet grates at one end of the pit. The detention tank is also located in a section of private courtyard which creates implications for maintenance of the system, in the event of failure (blockage) plus great imposition for the occupants of the unit when the system needs to be accessed. It is therefore warranted that OSD be located in a common area.*

ITEM 3 (continued)

Due to the site topography, expanse of development, broad frontage to public drainage infrastructure in Jennifer Street and the separated building footprints presented by the proposal – there is merit in dividing the stormwater drainage system into two separate systems, each with their own OSD component. This will;

- reduce the volume of each storage (and required depth),*
- reduce the length of the drainage lines throughout the property, and,*
- enable OSD to be provided for each stage of the development.*

Whilst this reconfiguration is feasible with negligible alteration to the architectural plan and can be designed compliant with the DCP, the amendment presents a significant reconfiguration of the drainage system that will warrant a review by Council prior to the development consent. It is therefore considered appropriate that the matter be addressed as a condition of deferred commencement.

Vehicle Access and Parking

The submitted Traffic and Parking Impact report makes note that the development application is submitted under the provisions of the SEPP (Housing for Seniors or People with a Disability), in relation to the self-contained dwellings and residential care facilities. Clauses 48 & 50 specify “Standards that cannot be used to refuse development consent...” and include sub-clauses relating to parking. Noting that the development is comprised of stages with varying uses, the parking demand of each stage is presented below;

Stage 1

<i>Component</i>	<i>Quantity (Beds / Bedrooms / Staff)</i>	<i>SEPP Parking Rate</i>	<i>Parking Required</i>	<i>Parking Provided</i>
<i>Staff</i>	<i>6</i>	<i>1 space per 2 employees</i>	<i>3</i>	<i>3</i>
<i>Residential Care</i>	<i>23</i>	<i>1 space per 10 beds</i>	<i>2.3 (3)</i>	<i>3</i>

ITEM 3 (continued)

Stage 1 will maintain a residential care facility on the western side of the site whilst construction is underway for stage 2, on the eastern side of the property. A review of the temporary arrangement notes that the plan accommodates an ambulance bay on the driveway area. Whilst the applicant's traffic consultant has suggested the implementation of dedicated parking restrictions in Jennifer Street, there are difficulties in enforcing this and so the off-street bay is desirable. Given the low turnover of parking in the parking area, available sight distance, the arrangement still maintains access and egress from the parking and that the development presents only a temporary stage, the proposed ambulance bay arrangement is supported. It is recommended that the condition of consent be applied requiring the ambulance bay to be demarcated and signposted to prevent vehicles blocking this area.

Stage 2

<i>Component</i>	<i>Quantity (Beds / Bedrooms / Staff)</i>	<i>SEPP Parking Rate</i>	<i>Parking Required</i>	<i>Parking Provided</i>
<i>Staff</i>	<i>18</i>	<i>1 space per 2 employees</i>	<i>9</i>	<i>9</i>
<i>Residential Care</i>	<i>44</i>	<i>1 space per 10 beds</i>	<i>4.4 (5)</i>	
<i>Residential Care (Only for dementia patients)</i>	<i>12</i>	<i>1 space per 15 beds</i>	<i>0.8 (1)</i>	<i>6</i>
<i>Self Contained Dwellings</i>	<i>11</i>	<i>0.5 space per bedroom (other than social housing provider)</i>	<i>5.5 (6)</i>	<i>14</i>

Stage 2 provides a basement parking level on the eastern side of the site providing 29 spaces whilst construction is underway on stage 3 (western side of the property). The provided level of parking satisfies the minimum parking requirement of 25 spaces.

ITEM 3 (continued)

Stage 3

<i>Component</i>	<i>Quantity (Beds / Bedrooms / Staff)</i>	<i>SEPP Parking Rate</i>	<i>Parking Required</i>	<i>Parking Provided</i>
<i>Staff</i>	18	1 space per 2 employees	9	9
<i>Residential Care</i>	44	1 space per 10 beds	4.4 (5)	
<i>Residential Care (Only for dementia patients)</i>	12	1 space per 15 beds	0.8 (1)	6
<i>Self Contained Dwellings</i>	20	0.5 space per bedroom (other than social housing provider)	10	14

Stage 3 involves the construction of 7 self-contained units on the western side of the property.

The development is noted to comply with the requirements of the SEPP throughout every stage of the development and is therefore satisfactory in this regard.

An assessment of the parking area in accordance with AS 2890.1 and the DCP notes;

- As noted above, it is warranted that the ambulance bay on the driveway entry for Stage 1 must be adequately demarcated and signposted.*
- The entry driveway to the portico on Clermont Avenue adjoins the principal driveway entrance to the basement level, resulting in a driveway crossover having an approximate width of 9m wide. This poses a safety issue due to the increased exposure time for pedestrians and therefore the driveway crossovers should be separated.*
- Space "R1" is only some 2.5m wide and adjoins a wall. As per AS 2890.1, the space is required to provide a further 300mm clearance above the minimum width (2.4m).*

ITEM 3 (continued)

These matters have been addressed by condition of consent.

Waste and Service Requirements

All stages of the development provide an ambulance bay, designed in accordance with AS 2890.2 for an SRV vehicle.

The applicant has indicated that the development will be serviced by a private waste contractor and indicated that their waste vehicle requirements are equivalent to an SRV and so the basement manoeuvring area and clearance heights have been designed to accommodate this.

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.

Landscape Architect and Arborist: As part of the assessment of the subject DA, the proposal was referred to Council's consultant landscape architect and arborist. In response, Council's consultant has acknowledged that a high level of tree removal is proposed across the site, but is generally supportive of the proposal. The following comments are extracted from the referral response:

Of the 47 trees identified on the site, 10 are to be retained, effectively meaning around 78% of site vegetation is to be removed.

However, it is important to note that all but 2 of these trees to be removed have been identified as being of low or very low retention value. It also should be noted that 18 of the 37 trees to be removed are exempt from the City of Ryde's Tree Preservation Order.

*It is also important to note that the most significant tree on the site, being the *Corymbia citriodora* Lemon Scented Gum, located adjacent to the Jennifer Street boundary is to be retained and protected as part of the development.*

The landscape plan submitted with the DA demonstrates a comprehensive approach to revegetation of the site to compensate for the vegetation removal proposed.

It is noted that the Landscape Masterplan (Drawing No. 101, Revision A, dated 1 September 2015) prepared by Site Image has been reviewed as part of this assessment. A review of the abovementioned landscape plan has revealed a generally satisfactory landscape design and open space arrangement.

ITEM 3 (continued)

Each of the self-contained dwellings at ground level have been provided a dedicated private open space consisting of a small paved terrace, with privacy screens and boundary plantings. The landscape planting adjacent to the boundaries provides buffer planting which will assist in the maintenance of privacy. Appropriate tree planting of adequate pot sizes has been included throughout the open space areas. Accordingly, the proposal is generally considered to meet the controls and objectives of the landscaping requirements of the Seniors SEPP, and where relevant Council's planning controls.

Environmental Health Officers: As part of the assessment of the subject DA, the proposal was referred to Council's Environmental Health Officers. The Environmental Health Officer has advised that the proposal is satisfactory subject to conditions which are included in the draft consent.

Building Surveyor: As part of the assessment of the subject DA, the proposal was referred to Council's Building Surveyor. No objections are raised subject to compliance with the Building Code of Australia.

Senior Co-ordinator – Cultural and Social Planning: Has provided the following comments:

Ryde has a growing aged population consistent with the Australian trends. This is due to the fact that the population in general is experiencing increased longevity. In 1960 life expectancy for males at birth was around 68 years. Today it is 78 years, and in 2042 the Commonwealth Government projects it to be around 83 years. Within the NSROC and SHOROC regions 15% of the total population is people over 65 years of age. Ryde's ageing population is consistent with these trends.

By 2031, this number is expected to grow to 191,000 and older people will make up 18 per cent of the total population increasing a demand for age care facilities and services. Between 2011 and 2026 forecasts for Ryde indicates a 46.4% increase in population of retirement age. Currently the percentage over 65 on the aged pension in Ryde are is 61.4%. ABS 2011 Census information shows that in the Ryde, Lane Cove and Hunters Hill LGAs there are a combined total of total of 7,704 55 to 84 year olds in lone person households containing 2+ bedrooms that are owned outright or with a mortgage.

The data indicates that there is growing need in Ryde to offer alternate housing choices such as retirement village living and age care facilities where competitive health and wellbeing options can be provided to the aged.

ITEM 3 (continued)

City Works and Infrastructure – Waste Management Officer: As part of the assessment of the subject DA, the proposal was referred to Council's Waste Management Officer within the Public Works team. In response it was outlined that Council's Health & Building officers will make comment and include conditions on waste matters, as waste is proposed to be collected within the site.

City Works and Infrastructure – Traffic Engineer: As part of the assessment of the subject DA, the proposal was referred to Council's Traffic Engineer within the public works team. The response from the traffic engineer is provided below:

The traffic report prepared by Traffix dated December 2015 and subsequent responses have been reviewed by the Traffic Section.

Traffic generation for the proposed development (i.e. 56 beds and 15 Independent Living Units) is expected to be around 15 to 20 vehicle trips per peak hour. The existing facilities would generate about 15 vehicle trips per peak hour. Therefore, the net increase in traffic is expected to be less than 5 additional vehicle trips per hour, which is considered negligible on the road network.

Refer to Development Engineer's comments/conditions regarding the adequacy of car parking provision (TRIM Reference D16/94607). It is noted that proposed car parking provision is considered satisfactory for all stages of the development.

Refer to Public Domain conditions for footpath requirements within the Yamble Reserve (see Condition 66 at **Attachment 1**).

Public Works – Public Domain: As part of the assessment of the subject DA, the proposal was referred to Council's Public Domain officer. The response from the public domain officer is provided below:

- The site is outside of the Ryde Town Centre; hence the Public Domain Technical Standards do not apply.
- The development would be subject to SEPP (Seniors Living), Ryde LEP and DCP2014 Parts 8.3 Driveway and Part 8.5 Public Civil Works.
- There is currently no paved footpath along the perimeter of this site. Drawing No A-060, Revision DA01, of Morrison Design Partnership, shows the Applicant's proposal for a new concrete footpath along the entire perimeter of the site.

ITEM 3 (continued)

- The alignment of the proposed footpath will be affected by the existing trees. Initial discussions with tree management staff (Derek Arnaiz and team) indicate that those trees may be able to be removed and replaced with more suitable species for the location. Further advice to be sought from Council's Open Space Planning and Development Team.
- The exact type and position for the new street trees is to be advised by Open Space Planning and Development Team.
- There are three existing vehicular crossings in Jennifer Street; these would become redundant and will be required to be removed and replaced with new kerb and gutter and concrete footpath.
- There are two existing vehicular crossings in Clermont Avenue. Both of them need reconstruction: one will be replaced with kerb and gutter and the other will need to be redone without the concrete block in the gutter. Council will have to issue the relevant levels for this to occur.
- *This type of development requires proximity to public transport. "There are two bus routes that service Quarry Road. The most direct route from the subject site is a 250m (approx.) walk through Yamble Reserve." (See page 10 of the Traffic Impact Assessment). The first part of this route is the public footpath in front of 9 and 11 Clermont Ave; this is not in good condition, due to the root intrusion of a big old tree.*
- *There will be a need for a new concrete pedestrian footpath on the northern side of the existing access road to the Council carpark.*
- *Note for the planner: In looking over the SEPP, it would appear that the Developer would be required to upgrade the footpath along Clermont Avenue in the vicinity of No. 9 & 11, as well as the northern side of the access road to the carpark at Yamble Reserve in order to comply with accessibility requirements of the SEPP. The new footpath in Yamble reserve is to be constructed at a minimum of 1.2 metres wide, however a wider path would provide for a safe travel path and interactions between mobility scooters and other park users.*
- *The street lighting around the perimeter of the development site will remain on the Ausgrid network but will require upgrading to improve illumination at pedestrian category P3.*

ITEM 3 (continued)

- *The applicant is to provide suitably prepared engineering plans providing details that demonstrate the smooth connection of the proposed road works into the remaining street scape. This will include relevant existing and design surface levels, drainage pit configurations, kerb returns, new street trees planting, etc.*
- *Road Opening Permits will be required for any construction work on the road.*
- *There will be several hold points for inspections during the course of the construction in the public domain area.*

Open Space/Landscape Planning Co-ordinator: As part of the assessment of the subject DA, the proposal was referred to Council's Open Space/Landscape Planning Co-ordinator, as recommended by Council's Public Works – Public Domain group. The referral response is outlined below:

Reason for review: Proposal currently does not comply with a SEPP requirement of proximity to public transport. The Proposal proposes to construct a new footpath from Jennifer St into Yamble Reserve, connecting with existing CoR footpaths within the Reserve.

Open Space Planning:

Council requires a concept for approval that provides for future works to be completed in line with the plan of management. The plan of management identifies the Clermont Ave carpark entry point as being within the carpark near the childcare facility. The proposal by the applicant seeks to relocate this formalised entry point to the kerbside on Clermont Ave. For this reason Council are requesting the following as a minimum response from the applicant.

- *Formalised entrance to the reserve adjoining the pathway from Clermont Ave. This will need to include suitable gathering/circulation area, entry signage, boundary fencing, lighting, tree planting, ground planting and hedging species to screen fence lines.*
- *Footpath connection to existing pathway that takes into account Councils intention to increase the accessible car parking spaces within the car park.*
- *Kerb ramps and crossing aligned to best connect with existing pathway to eastern side of carpark.*
- *Pathway works within the park are required to be a minimum of 2000mm width to match the existing pathway.*

ITEM 3 (continued)

- *Ensure there is suitable pedestrian lighting connecting Clermont Ave to the existing lighting within Yamble Reserve.*
- *Planting is required to provide screening to the adjoining properties and shade to this new section of pathway*

The development proposed by the applicant is likely to significantly increase the visitation to Yamble Reserve. Council are requesting that the entrance and pathway connections are completed in a significant manner and not to the minimal response as suggested by the applicant.

Having regard to the above comments from Council's Open Space/Landscape Planning Co-ordinator, the above bullet-pointed items have been added to the condition titled 'Public Infrastructure Works' by Council's Public Works/Public Domain team. The condition of consent from Council's City Works and Infrastructure team has been amended to include the requirements of Council's Open Space/Landscape Planning Co-ordinator (refer Condition 66).

Public Infrastructure Works – *Public infrastructure works shall be constructed as outlined in this condition of consent, and must be completed to Council's satisfaction at no cost to Council, prior to the issue of the Stage 2 Occupation Certificate.*

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to Council's City Works and Infrastructure for approval prior to the issue of a Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.2 - Stormwater Management, Part 8.3 Driveways and Part 8.5 Public Civil Works.

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

- (a) The removal of all redundant vehicular crossings and replacement with new kerb and gutter.*
- (b) The re-construction of any damaged existing kerb and gutter where necessary along both the Jennifer Street and Clermont Avenue frontages.*
- (c) The full reconstruction of the road pavement for a minimum width of 500mm from the lip of the gutter, where new kerb and gutter and vehicular crossings are installed.*

ITEM 3 (continued)

- (d) *Construction of concrete footpath 1.2 metre wide along the Jennifer Street and Clermont Avenue frontages of the development site in accordance with the City of Ryde DCP 2014 Part 8.5 Public Civil Works.*
- (e) *Removal of the existing street trees (Camphor Laurel) immediately in front of 9 Clermont Avenue.*
- (f) *Re-construction of the existing concrete footpath in front of Nos 9 & 11 Clermont Avenue as part of the easy access pedestrian path from the new development to the bus stops in Quarry Road.*
- **Note:** *Some of these works referenced in (d) to (f) above have been undertaken, including re-construction of part of the footpath in front of No 9 Clermont Ave, and removal of the Camphor Laurel street trees. See photo earlier in this report.*
 - *The condition in the recommendation has been amended to delete the requirement for removal of the Camphor Laurel street trees, and amended to require footpath construction “where required” – given that some of the footpath construction has already been undertaken.*
- (g) *Construction of new 1.2 metre wide concrete footpath along the northern side of the access road from the existing footpath in Clermont Avenue to the carpark in Yamble Reserve, and construction of a connecting footpath from the carpark to the existing footpath in the Reserve. The connecting pathway works within Yamble Reserve are required to be a minimum of 2000mm width to match the existing pathway.*
- The footpath connection to the existing pathway shall take into account Councils intention to increase the accessible car parking spaces within the car park.*
- (h) *Planting is required to provide screening to the adjoining properties and shade to this new section of pathway through Yamble Reserve.*
- (i) *A formalised entrance to the reserve adjoining the pathway from Clermont Avenue. This will need to include suitable gathering/circulation area, entry signage, boundary fencing, lighting, tree planting, ground planting and hedging species to screen fence lines.*
- (j) *Construction of kerb ramps where required, to enable continuity of access paths.*

ITEM 3 (continued)

(k) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council and their requirements being fully complied with.

(l) Any other works required to make the construction effective.

Assessment Officer's Note: Discussions with Council's Open Space/Landscape Planning Co-ordinator indicates that the total cost of the works required to comply with the above requirements is around \$20,000.

External Referrals

None required.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

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

16. Other Options

None relevant.

17. Conclusion

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

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

The proposed seniors housing development is considered to result in a development that is consistent with the objectives of the R2 Low Density Residential zone. The proposal contributes to the delivery of a variety of housing types to meet the needs of the community within the R2 zone through the provision of a seniors housing development that caters to people requiring full time care, and also those capable of independent living.

ITEM 3 (continued)

The proposal has attracted a number of submissions from the notification of DA. These issues are considered to have been addressed via the applicant's submission of additional information, or assessed and found to be unsupported. Refusal of the application is not warranted based on the reasons contained in the submissions.

On the above basis, LDA2016/0051 at 6 and 10 Clermont Avenue and 7, 8 and 9 Jennifer Street Ryde is recommended for approval, subject to the conditions outlined within the draft consent. This includes deferred commencement conditions in relation to stormwater engineering matters.

ITEM 3 (continued)

ATTACHMENT 1

**DRAFT CONDITIONS OF CONSENT
6 & 10 CLERMONT AVE AND 7, 8 & 9 JENNIFER STREET RYDE
LDA2016/51**

DEFERRED COMMENCEMENT

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

1. **Stormwater Management.** The stormwater management plan must be amended to provide a drainage system compliant with Council's DCP throughout all stages of the development. The original plan also contained a number of deficiencies which are to be rectified in the reconfiguration of the system.

The following revisions are required;

- (a) The drainage system is to separate the onsite detention system into two separate systems, each serving a respective stage of the development and having a net PSD from the site equal to that as derived in the Stormwater Management Report by Wood and Grieve Engineers dated 2 October 2015. Stage 1 catchment area is cover the western portion of the site. Stage 2 obviously captures the remaining area.
- (b) The onsite detention unit for Stage 1 must be located under the entry lobby with external access grates on the north and south sides of the lobby. The Stage 1 detention system must discharge to the existing kerb inlet pit fronting No. 6 Jennifer Street.
- (c) The onsite detention unit for Stage 2 is to be located on the northwest side of the new RCF building, generally in the vicinity of the kerb inlet pit located at the bend in Jennifer Street, in which the system is to discharge to.
- (d) In both stages, the connection to the kerb inlet pit is to be in a manner which presents a hydraulically efficient connection (the angle of discharge is aligned with the dominant flow path), is elevated as high in the pit as possible and the diameter of the discharge line is minimised (ie a 375mm RFC pipe will not be accepted for a development of this scope).
- (e) Due to the level topography of the site and the inability to direct overflow to the point of discharge, the system should be designed to minimise upwelling wherever possible.

The reconfiguration will warrant the submission of a revised DRAINS analysis. The plans and analysis (including input files for review) must be submitted to Council City Strategy and Planning Department for approval prior to activation of this development consent.

ITEM 3 (continued)

ATTACHMENT 1

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
Existing Demolition Site Plan	15.10.2015	A-050, Revision DA01
Proposed Site Plan	15.10.2015	A-060, Revision DA01
Staging Plan	15.10.2015	A-070, Revision DA01
Stage 1 – Temp RACF Proposed Floor Plan	15.10.2015	A-075, Revision DA01
Concept Plan Basement Floor Level	18.08.2016	A100, Revision DA04
Ground Floor Level Concept Plan	30.05.2016	A-101, Revisions DA-04
First Floor Level Concept Plan	25.05.2016	A-102, Revisions DA-03
Roof Plan	16.10.2015	A-110, DA01
ILU Elevations	16.10.2015	A200, DA01
RACF Elevations 1	16.10.2015	A201, DA01
RACF Elevations 2	16.10.2015	A201, DA01
Site Elevations	16.10.2015	A203, DA01
Site Sections	27.05.2015	A300, Revision DA03
Adjacent Buildings Concept Plans and Sections	30.05.2016	A-905 DA-03
Landscape Masterplan	01.09.2015	101, Revision A
Landscape Plan - West	01.09.2015	102, Revision A
Landscape Plan - East	01.09.2015	103, Revision A
Landscape Details	01.09.2015	501, Revision A
Specification, Existing Tree Schedule & Indicative Plant Schedule	01.09.2015	501, Revision A
Pedestrian Access	30.05.2016	A-061, Revisions B
Assessment of Compliance with Clause 26 of SEPP Seniors Living, as amended by the Memorandum	Original report dated 6 October 2015 – memorandum dated 24 May 2016	Prepared by Accessible Building Solutions

ITEM 3 (continued)

ATTACHMENT 1

Traffic Impact Assessment, as modified by the addendum letter.	Original report dated 4 December 2016 – addendum letter dated 3 August 2016	Prepared by Traffix, Revision Report V03, Job Number 15.273
Arboricultural Impact Appraisal and Method Statement, as amended by the Tree Impact Statement Addendum	Original report undated – addendum dated 6 June 2016	Prepared by Naturally Trees
Waste Management Plan	14.10.2015	Prepared by Engine Room Venture Management
Operational Management Statement	16.12.2015	Prepared by Clermont Aged Care
Building Code of Australia Capability Statement	01.12.2015	Prepared by Blackett Maguire + Goldsmith
Statement of Compliance Access for People with a Disability	01.12.2015	Prepared by Accessible Building Solutions
Provisional JV3 Analysis	30.11.2015	Prepared by Inhabit, Revision 00
Stormwater Management Report	02.10.2015	Prepared by Wood & Grieve Engineers
Noise Impact Assessment	13.10.2015	Prepared by Inhabit, dated 13 October 2016

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.** Compliance with all commitments listed in BASIX Certificate(s) numbered 676306M, dated 30 November 2015.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (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.

ITEM 3 (continued)

ATTACHMENT 1

5. Fire Safety Matters/Changes in building use

- (a) A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

NOTE: The obligation under this clause to comply with Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.

- (b) This clause does not apply to the extent to which an exemption is in force under clause 187 and 188 in the Environmental Planning and Assessment Regulations 2000.
- (c) In this case clause, “Category 1 fire safety provision” has the same meaning as it has in Clause 3 in the Environmental Planning and Assessment Regulations 2000 subject to any terms of any condition or requirement referred to in Clause 187(6) or 188(4).

- 6. Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is “exempt development”.

- 7. Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

8. Hoardings.

- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
- (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

- 9. Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

- 10. Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

ITEM 3 (continued)

ATTACHMENT 1

11. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
12. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
13. **Bicycle/motorcycle parking.** An area shall be designated for motorbike and/or bicycle parking on the site within the basement level. A bicycle parking rack must be provided.

Environmental Health Conditions

14. **Connection by gravity flow** - All sanitary fixtures must be connected to the sewerage system by gravity flow.
15. **Construction and fit-out of food premises** – All proposed food premises must be constructed and fitted-out in accordance with the requirements of:
 - (a) Food Safety Standard 3.2.3: *Food Premises and Equipment*; and
 - (b) Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*.
16. **Standards for hairdresser's shops** - All proposed hairdressers shops must comply with the standards for hairdresser's shops set out in Schedule 2 of the *Local Government (General) Regulation 2005*.
17. **Floors of work areas** - The floors of all work areas must be constructed of a durable, impervious material that is non-slip and capable of being easily cleaned.
18. **Tiling of walls** - All walls adjoining wash basins, sinks and similar fixtures must be finished with glazed tiles or a similar smooth-faced impervious material where splashing is likely to occur.
19. **Hand washing facilities in work area** - A hand basin supplied with hot and cold running water through a common spout, together with an adequate supply of soap and clean single-use towels, must be provided in a readily accessible location within the work area.

ITEM 3 (continued)

ATTACHMENT 1

20. **Equipment cleaning sink** - A sink of adequate size to enable equipment to be scrubbed under water and supplied with adequate hot and cold running water must be provided on the premises for washing equipment.
21. **Shelves, fittings and furniture** - All shelves, fittings and furniture in work areas must be constructed of, or covered with, material that is durable, smooth, impervious to moisture and capable of being easily cleaned.
22. **Fresh air intake vents** - All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
23. **Exhaust air discharge vents** - All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.
24. **Carpark exhaust vent** - The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and:
 - (a) at least 6 metres from any fresh air intake vent or natural ventilation opening; and
 - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.
25. **Kitchen exhaust vent** - The kitchen exhaust vent must be located above roof level:
 - (a) at least 6 metres from any fresh air intake vent or natural ventilation opening;
 - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary; and
 - (c) at least 8 metres from any cooling tower.
26. **Installation, operating and maintenance requirements** - All air-handling and water systems regulated under the *Public Health Act 2010* must be installed, operated and maintained in accordance with the requirements of the *Public Health Regulation 2012*.
27. **Registration of water-cooling and warm water systems** - All water-cooling systems and warm water systems regulated under the *Public Health Act 2010* must be registered with Council's Environmental Health Unit within one (1) month of installation.

Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.

ITEM 3 (continued)

ATTACHMENT 1

28. **Storage of garbage and recyclable materials** - A separate room or area must be provided in a convenient location on the premises for the storage of garbage and recyclable materials.
29. **Construction of garbage rooms** - All garbage rooms must be constructed in accordance with the following requirements:
- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
 - (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
 - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
 - (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
 - (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
 - (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
 - (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
 - (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
 - (i) The room must be provided with adequate artificial lighting; and
 - (j) A hose cock must be provided in or adjacent to the room to facilitate cleaning.
30. **Access for waste collection vehicles** - Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and manoeuvring areas must be designed for maximum legal dimensions and weights and allow collection vehicles to enter and leave the premises in a forward direction.

Additional clearances must be provided for overhead and side loading where appropriate.

ITEM 3 (continued)

ATTACHMENT 1

31. **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.
32. **Installation of grease trap** - A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.

Engineering Conditions

33. **Design and Construction Standards** - All engineering works shall be carried out in accordance with the requirements as outlined within Council's DCP 2014 Part 8.5 Public Civil Works and relevant Development Control Plans except as amended by the conditions here within.
34. **Service Alterations** - All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the applicant's expense.
35. **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.
36. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
37. **Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Councils website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.

ITEM 3 (continued)

ATTACHMENT 1

- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
- b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.

ITEM 3 (continued)

ATTACHMENT 1

- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips within the carriageway of any public road.

38. **Noise – Validation Report.** A validation report must be obtained from a suitably qualified and experienced consultant in acoustics three (3) months after the completion and operation of the residential care facility and occupation of the self-contained dwellings, and from time to time as reasonably requested by Council. The report should demonstrate and certify that noise from the development to adjoining sensitive receivers satisfies the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Office of Environment & Heritage/Environment Protection Authority Noise Control Manual & Industrial Noise Policy, and conditions of Council’s development consent.

The report is to be forwarded to and approved by Council. This report must address (but not limited to) the accumulation effect of mechanical plant and equipment on adjoining residential properties. Any recommendations outlined in the report are to be implemented in accordance with the report.

39. **Disabled Access & Mobility** - The building must be provided with “access and facilities for people with disabilities” to comply with all the requirements of Part D3 of the Building Code of Australia, relevant provisions of AS1428 and the applicable provisions of Schedule 3 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

40. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 1985 and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities.

Note: A plan of traffic management is to be submitted to and approved by the Consent Authority.

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.

ITEM 3 (continued)

ATTACHMENT 1

41. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
 - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
42. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
43. **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.
44. **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.
45. **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.
46. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
47. **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.

ITEM 3 (continued)

ATTACHMENT 1

48. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
49. **Demolition Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to commencing any demolition work.

The DTMP must:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- iii. Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless approved by City Works & Infrastructure Directorate.
- iv. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- v. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- vi. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- vii. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.

ITEM 3 (continued)

ATTACHMENT 1

- viii. The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites” and Councils DCP 2014 Part 8.1 (Construction Activities).
- ix. All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Demolition Traffic Management Plan is submitted.

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

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.

50. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$16,983.79
Open Space & Recreation Facilities	\$41,810.45
Civic & Urban Improvements	\$14,220.51
Roads & Traffic Management Facilities	\$1,939.76
Cycleways	\$1,211.67
Stormwater Management Facilities	\$3,851.35
Plan Administration	\$326.62
The total contribution is	\$80,344.15

ITEM 3 (continued)

ATTACHMENT 1

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 Interim Update (2014), effective from 10 December 2014.

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

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

A copy of the Section 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>.

51. **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**.
52. **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**.
53. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)
54. **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

ITEM 3 (continued)

ATTACHMENT 1

55. **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**.
56. **Sydney Water Tap in™.** The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Sydney Water Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, eg relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

57. **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.
58. **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**.
59. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.

ITEM 3 (continued)

ATTACHMENT 1

60. **Privacy screen – Independent Living Unit No 14.** The vertical louvred privacy screen shall be provided for the full length of the first floor balcony of Unit 14. Details shall be provided for approval with the **Construction Certificate**.
61. **Privacy screens and boundary fencing.** The privacy screens and boundary fencing shown on approved plan A-905 DA-03 shall be constructed in consultation with the owners of all immediately adjoining property. Full details of the type of privacy screens and fencing (including details of materials and type of construction as agreed with the adjoining property owners) shall be submitted for approval with the **Construction Certificate**.

Environmental Health Conditions

62. **Grease trap room details** - Details of any proposed grease trap room must be submitted for approval with the application for the Construction Certificate.

Engineering Conditions

63. **Waste and Service Vehicle Access.** The access to the on-site basement manoeuvring area including ramp grades, transitions and height clearance shall be designed to comply with 8.8m waste vehicle, as a minimum requirement. The waste vehicle length is 7.7m in transit. The height clearance required is 3.5m. Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 7.7m vehicle shall be submitted to and approved by the Council's Traffic Engineer prior to the issue of the Construction Certificate.
64. **Construction Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of any Construction Certificate. The CTMP must:-
- i. Make provision for all construction materials to be stored on site, at all times.
 - ii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
 - iii. Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works.

ITEM 3 (continued)

ATTACHMENT 1

- iv. Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- v. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- vi. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- vii. The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites” and Councils DCP 2014 Part 8.1 (Construction Activities).
- viii. All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

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

65. **Public domain improvements** - The public domain is to be upgraded in both Jennifer Street and Clermont Avenue frontages of the development site. A public domain plan for the following works shall be submitted to, and approved by, Council’s City Works & Infrastructure prior to the issue of the Stage 2 Construction Certificate.

ITEM 3 (continued)

ATTACHMENT 1

- (a) Footpath paving as specified in the condition of consent for public infrastructure works.
- (b) Street trees to be provided in consultation with Council's Open Space Planning and Development Team.

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

- (c) All telecommunication and utility services are to be placed underground along the Jennifer Street and Clermont Avenue frontages.
- (d) New street lighting using LED luminaires is to be designed and installed to Australian Standard AS1158:2010 Lighting for Roads and Public Spaces, with vehicular luminance category V5 and pedestrian luminance category P3 along Jennifer Street and Clermont Ave frontages. The street lighting will remain on the Ausgrid street lighting network.

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

66. **Public Infrastructure Works** – Public infrastructure works shall be constructed as outlined in this condition of consent, and must be completed to Council's satisfaction at no cost to Council, prior to the issue of the Stage 2 Occupation Certificate.

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to Council's City Works and Infrastructure for approval prior to the issue of a Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 *Part 8.2 - Stormwater Management, Part 8.3 Driveways and Part 8.5 Public Civil Works*.

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

ITEM 3 (continued)

ATTACHMENT 1

- (a) The removal of all redundant vehicular crossings and replacement with new kerb and gutter.
- (b) The re-construction of any damaged existing kerb and gutter where necessary along both the Jennifer Street and Clermont Avenue frontages.
- (c) The full reconstruction of the road pavement for a minimum width of 500mm from the lip of the gutter, where new kerb and gutter and vehicular crossings are installed.
- (d) Construction of concrete footpath 1.2 metre wide along the Jennifer Street and Clermont Avenue frontages of the development site in accordance with the City of Ryde DCP 2014 Part 8.5 Public Civil Works.
- (e) Re-construction of the existing concrete footpath (where required) in front of Nos 9 & 11 Clermont Avenue as part of the easy access pedestrian path from the new development to the bus stops in Quarry Road.
- (f) Construction of new 1.2 metre wide concrete footpath along the northern side of the access road from the existing footpath in Clermont Avenue to the carpark in Yamble Reserve, and construction of a connecting footpath from the carpark to the existing footpath in the Reserve. The connecting pathway works within Yamble Reserve are required to be a minimum of 2000mm width to match the existing pathway.

The footpath connection to the existing pathway shall take into account Councils intention to increase the accessible car parking spaces within the car park.
- (g) Planting is required to provide screening to the adjoining properties and shade to this new section of pathway through Yamble Reserve.
- (h) A formalised entrance to the reserve adjoining the pathway from Clermont Avenue. This will need to include suitable gathering/circulation area, entry signage, boundary fencing, lighting, tree planting, ground planting and hedging species to screen fence lines.
- (i) Construction of kerb ramps where required, to enable continuity of access paths.

ITEM 3 (continued)

ATTACHMENT 1

- (j) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council and their requirements being fully complied with.
 - (k) Any other works required to make the construction effective.
67. **Driveway Access and boundary alignment Levels** - The applicant is to apply to Council for site specific driveway access and boundary alignment levels prior to the issue of the Stage 1 Construction Certificate. The application shall be accompanied by engineering plans of civil works along the frontages of the development site. The Council issued levels shall be incorporated into the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.
68. **Vehicle Footpath Crossings** – The footpath crossings shall be designed and constructed to protect the footpath from damage resulting from the vehicular traffic. The crossing shall match the paving style along the frontages of the development site. The location, design and construction shall comply with the City of Ryde Development Control Plan 2014 Part 8.3 Driveways and Part 8.5 - Public Civil Works, and all relevant Australian Codes and Standards.

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

The applicant shall provide Council with certification from a Chartered Civil Engineer (registered on the NER of Engineers Australia) confirming that the vehicle footpath crossing and driveway design meet Council requirements and the relevant standards, prior to the issue of the Stage 1 Construction Certificate.

69. **Ground Anchors** - The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's City Works & Infrastructure Directorate, as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to the applicant paying all applicable fees in accordance with Council's Schedule of Fees & Charges at the time of the application.

ITEM 3 (continued)

ATTACHMENT 1

70. **Public Domain Works – Maintenance Bond.** To ensure satisfactory performance of the public domain works, a maintenance period of six (6) months shall apply to the works for which Council will take ownership of, following completion of the development. The maintenance period shall commence from the date of issue by Council, of the Compliance Certificate. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. A bond in the form of a cash deposit or Bank Guarantee of \$20,000 shall be lodged with the City of Ryde prior to the issue of the Stage 1 Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period. **The maintenance bond period does not commence until after the stage three**
71. **Engineering plans assessment and works inspection fees** – The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the assessment, prior to any approval being granted by Council.
72. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following revision(s) must be undertaken;

- a) Separate driveway crossovers must be provided fronting the entry to the portico and main basement garage ramp in lieu of the single, wide driveway crossover as depicted on the approved plans. This is to ensure that vehicles entering/ exiting the property to travel askew to the footpath area and that the pedestrian exposure time is reduced. In this respect, the crossovers must be separated by a minimum 2m. length of upright kerb, grass verge and concrete footpath so as to clearly designate this as a pedestrian refuge point.
- b) All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. A driveway profile must be prepared, showing ramp lengths, grades, surface RL's and overhead clearances, taken from the Council approved boundary levels to the parking space area. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle utilising the facility.

ITEM 3 (continued)

ATTACHMENT 1

- c) The parking space labelled “R1” adjoins a wall and therefore must provide a further 300mm clearance for access to the vehicle (min. space width is to be 2.7m).

These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of the relevant Construction Certificate.

73. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the public drainage network generally in accordance with the plans approved under the condition of deferred consent.

Connection to the public drainage infrastructure will require a road opening permit. Plans detailing these works are to be provided with the permit application and Council’s Public Works is to inspect the connection prior to backfill. This is to be noted on the detailed plans.

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

74. **Energy Provider requirements for Substations.** Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.

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.

ITEM 3 (continued)

ATTACHMENT 1

75. Site Sign

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

76. 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.

77. 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).

ITEM 3 (continued)

ATTACHMENT 1

78. Excavation adjacent to adjoining land

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

79. 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.

80. Work Zones and Permits. The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

81. Notice of Intention to Commence Work – Prior to commencement of the public domain works, a *Notice of Intention to Commence Work* shall be submitted to Council's City Works and Infrastructure Directorate. This Notice shall include the name of the Supervising Engineer, who will also be responsible for providing the certifications required at the hold points during construction, and copies of all Road Activity Permits issued for the works.

82. Pre-Construction Dilapidation Report. To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.

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

ITEM 3 (continued)

ATTACHMENT 1

The report is to be submitted to, and approved by Council's City Works & Infrastructure Directorate, prior to any work commencing.

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

83. **Road Activity Permits** - To carry out work in, on or over a public road, the Consent of Council is required as per the *Roads Act 1993*. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.
- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
 - b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. **A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.**
 - c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
 - d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.

ITEM 3 (continued)

ATTACHMENT 1

- e) Crane Airspace Permit - The applicant shall obtain a Crane over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
 - f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
 - g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.
84. **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.
85. **Waste management plan** - The waste management plan submitted with the development application does not meet the requirements of Section 7.2 of Council's *Development Control Plan 2014*. Prior to work commencing a new waste management plan must be submitted to and approved by Council. The new plan must include the types and estimated volumes of waste materials that will be generated; the proposed method of reuse, recycling or disposal; and the name and address of the recycling facility or landfill site if the waste is to be recycled or disposed of off-site. Reuse and recycling must be maximised.
86. **Noise Management Plan - Demolition, Excavation, & Construction.** A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

ITEM 3 (continued)

ATTACHMENT 1

The plan must include, but not be limited to the following:

- a) Confirmation of the level of community engagement that has, is and will be undertaken with the Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases..
- b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties during the main stages of work at neighbouring noise sensitive
- c) What course of action will be taken following receipt of a complaint concerning site noise, dust and vibration?
- d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring properties to a minimum.
- e) What plant and equipment is to be used on the site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring properties and other less intrusive technologies available.

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.

87. **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*.
88. **Construction noise.** The L_{10} noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
89. **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.

ITEM 3 (continued)

ATTACHMENT 1

90. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
91. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- Fill is allowed under this consent;
 - The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - the material is reused only to the extent that fill is allowed by the consent.
92. **Construction materials.** All materials associated with construction must be retained within the site.
93. **Site Facilities**
The following facilities must be provided on the site:
- toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - a garbage receptacle for food scraps and papers, with a tight fitting lid.
94. **Site maintenance**
The applicant must ensure that:
- approved sediment and erosion control measures are installed and maintained during the construction period;
 - building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - the site is clear of waste and debris at the completion of the works.
95. **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".
96. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.
97. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
98. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.

ITEM 3 (continued)

ATTACHMENT 1

99. **Tree works – arborist supervision.** A Consultant Arborist must be appointed to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site.
100. **Tree works – provision of arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.
101. **Excavation in TPZ.** Any excavations required within the Tree Protection Zone (TPZ) are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >20 mm diameter). Further, in order to prevent soil compaction and root damage these works should be conducted with non-motorised hand tools, air knife or directional drilling under the supervision of the Project Arborist.
102. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

Environmental Health Conditions

103. **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.
104. **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.
105. **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.
106. **Recyclable wastes** - All wastes intended for recycling must be transported to a facility where the wastes will be recycled or re-used.
107. **Transport and management of asbestos wastes** - All asbestos wastes must be transported to a landfill facility licensed to receive asbestos waste in accordance with the requirements of the Protection of the Environmental Operations (Waste) Regulation 2014.

ITEM 3 (continued)

ATTACHMENT 1

Engineering Conditions

108. **Implementation of Construction Traffic Management Plan.** All works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval. A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.
109. Construction inspections shall be required by Council's Senior Asset Engineer, Stormwater at the following hold points: -
- Prior to the set-out on site of the position of the drainage connection works to the existing Council's pit.
 - Upon installation of any pipe connection to the existing Council's pit and other associated drainage structures.
- An inspection fee shall be paid prior to the inspection.
110. **Hold Points during construction - Public Domain** - Inspections are required to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.

The Applicant shall submit to Council's City Works and Infrastructure, certification from the Engineer, at each stage of the inspection listed below. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

Council shall confirm receipt of the certificates and approval at each stage during the construction, before works are to proceed to the subsequent stage.

- a. Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
- b. Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
- c. Upon compaction of the applicable sub-base course.
- d. Upon compaction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course).

ITEM 3 (continued)

ATTACHMENT 1

- e. Upon installation of any formwork and reinforcement for footpath concrete works.
- f. Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

The Engineer's certificate for the final inspection shall confirm that the works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

111. **Traffic Management.** Any traffic management procedures and systems must be in accordance with *AS 1742.3 1996* and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.
112. **Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.
113. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by Wood and Grieve Engineers Pty Ltd. (Refer to Project No. 28342-SYD Dwg C-201 Rev 01 dated 14 October 2015) at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.
114. **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 submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.
115. **Complaints Register.** The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:
- a) The date and time of the complaint;
 - b) The means by which the complaint was made;
 - c) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect;

ITEM 3 (continued)

ATTACHMENT 1

- d) Nature of the complaints;
- e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the principal certifying authority upon request.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

116. **Occupation Restriction.** A restriction must be registered on the title of the property, in accordance with Section 88E of the Conveyancing Act 1919, limiting accommodation of the seniors housing development the following kinds of people:
- a) seniors or people who have a disability,
 - b) people who live within the same household with seniors or people who have a disability,
 - c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.
117. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 676306M, dated 30 November 2015.
118. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

ITEM 3 (continued)

ATTACHMENT 1

119. **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 Fire and Rescue NSW.

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

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

120. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

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

122. **Public domain – work-as-executed plan.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of any **Occupation Certificate**.

123. **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.

ITEM 3 (continued)

ATTACHMENT 1

124. **Signage and Linemarking – External.** A plan demonstrating the proposed signage and line marking within Council’s Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Ryde Traffic Committee prior to the issue of an Occupation Certificate.

Note: The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.

125. **Signage and Linemarking – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by the Ryde Traffic Committee. These works are to be undertaken prior to the issue of an Occupation Certificate.

126. **Compliance Certificate – External Landscaping Works** – Prior to the issue of Stage 2 Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Landscape Architect confirming that the public domain landscaping works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

Environmental Health Conditions

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

Engineering Conditions

128. **Public Domain Works-as-Executed Plans** – To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, and that the assets to be handed over to Council are accounted for inclusion in Council’s Assets Register, Works-as-Executed Plans (in both hard and soft copies – AutoCAD, CivilCAD, Civil 3D, 12D or any other commercially used program), certified by a Registered Surveyor shall be submitted to, and approved by Council, with any rectifications required by Council to be completed by the Developer prior to the issue of Stage 2 Occupation Certificate.

The Works-as-Executed Plans are to note all departures clearly in red, on a copy of the approved Construction Certificate drawings, and certification from a suitably qualified Civil Engineer shall be submitted to support all variations from the approved plans.

ITEM 3 (continued)

ATTACHMENT 1

129. **Post-Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.

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

The report is to be submitted to, and approved by Council's City Works and Infrastructure Directorate, prior to issue of the Final (Stage 3) Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, to assess whether restoration works will be required prior to the issue of the Stage 3 Occupation Certificate.

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

130. **Decommissioning of Ground Anchors** – Prior to the issue of the Stage 2 Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.

131. **Final Inspection – Assets Handover** - For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer following the completion of the external works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

132. **Compliance Certificate – External Works** – Prior to the issue of the Stage 2 Occupation Certificate, a compliance certificate shall be obtained from Council's City Works and Infrastructure confirming that all works in the road reserve including all public domain improvement works have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.

ITEM 3 (continued)

ATTACHMENT 1

133. **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 the relevant 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.
134. **Drainage System Maintenance Plan.** To ensure the approved onsite detention system and WSUD measures function as designed for the ongoing life of the development, a drainage system maintenance plan (DSMP) must be prepared for implementation for the ongoing life of the development.

The DSMP must contain the following;

- (a) All matters listed in Section 1.4.9 of the DCP Part 8.2 (Stormwater and Floodplain Management – Technical Manual).
- (b) The DSMP is to incorporate a master schedule and plan identifying the location of all stormwater components crucial to the efficient operation of the trunk drainage system on the development lot. This is to include (but not be limited to) pump/sump systems, WSUD components and all onsite detention systems. The master plan is also to contain the maintenance schedule for each component.
- (c) The DSMP is also to include safe work method statements relating to access and maintenance of each component in the maintenance schedule.
- (d) Signage is to be placed in vicinity of each component, identifying the component to as it is referred in the DSMP (eg. OSD – 1), the reference to the maintenance work method statement and maintenance routine schedule.
- (e) Designate areas inside the property in which the maintenance operation is to be undertaken for each component. Maintenance from the road reserve or public domain is not accepted. Areas are to be demarcated if required.
- (f) Locate a storage area for maintenance components / tools to be stored on site. The location is to be recorded in the DSMP.

The DSMP is to be prepared by a suitably qualified and practising drainage engineer in co-operation with a workplace safety officer (or similar qualified personal) and all signage / linemarkings are to be implemented prior to the issue of the final Occupation Certificate.

ITEM 3 (continued)

ATTACHMENT 1

135. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
 - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
 - c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
 - d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
 - e) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
 - f) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.
136. **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).

ITEM 3 (continued)

ATTACHMENT 1

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.

137. **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*.
138. **Waste storage/disposal – method.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
139. **Waste storage/disposal – containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
140. **Waste storage/disposal – recycling.** Wastes for recycling should be the stored in separate bins or containers and transported to a facility where the wastes will be recycled or re-used.
141. **Deliveries and Waste Collection - hours.** All deliveries and waste collection to the site shall be restricted to Monday to Friday only, and between the hours of 7am and 5pm. No deliveries or waste collection is to occur on weekends or public holidays.
142. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the property.
143. **Loading areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.

Environmental Health Conditions

144. **Storage of hazardous substances** - The storage of hazardous substances must comply with the requirements of the *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011*.
145. **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.
146. **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*.

ITEM 3 (continued)

ATTACHMENT 1

147. **Noise and vibration from plant or equipment** - 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.
148. **Clinical wastes** - The occupier must enter into an agreement with a licensed waste transporter for the collection and disposal of clinical wastes generated on the premises, and a copy of the service contract must be provided to Council on request.
149. **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.
150. **Non-sharps clinical wastes** - Non-sharps clinical wastes must be placed in a dedicated waste container with a yellow plastic liner clearly labelled 'contaminated waste'.
151. **Storage of clinical wastes** - All clinical wastes must be stored in a cool dry secure place until collected by the waste transporter.
152. **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.
153. **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.
154. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.

ITEM 3 (continued)

ATTACHMENT 1

Engineering Conditions

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

Stage 1

- 3 Staff parking spaces
- 3 Residential Care Facility spaces

Stage 2

- 9 Staff parking spaces
- 6 Residential Care Facility spaces
- At least 6 Independent Living Unit spaces

Stage 3 (Completion)

- 9 Staff parking spaces
- 6 Residential Care Facility spaces
- 14 Independent Living Unit spaces

156. **Stormwater Management – Implementation of maintenance program.** The stormwater management system components are to be maintained for the ongoing life of the development by the strata management/ owners corporation, as per the details in the approved drainage system maintenance plan (DSMP).

157. **Ambulance Bay – Stage 1.** To ensure that clear and unimpeded access is maintained at all times to the designated ambulance bay of the Stage 1 parking area, the bay is to be clearly linemarked / demarcated with signage and linemarking indicating it is a “No Stopping– Ambulances only” or words to that effect. The linemarking and signage must be installed prior to the operation of Stage 1 of the facility.

PRIOR TO SUBDIVISION CERTIFICATE

The following conditions in this Part of the consent apply to the Subdivision component of the development.

All conditions in this Part of the consent must be complied with prior to the issue of a Subdivision Certificate.

158. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.

ITEM 3 (continued)

ATTACHMENT 1

159. **Final plan of subdivision – title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.
160. **Section 88B Instrument.** The submission of an Instrument under Section 88B of the Conveyancing Act 1919 plus 3 copies, creating Easements, Positive Covenants and Restrictions on Use. This Instrument shall nominate the City of Ryde as the authority empowered to release, vary or modify the terms of the Instrument.
161. **Occupation Certificate.** A final occupation certificate in relation to Development Consent No.LDA2016/0051 must be in force.
162. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing 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 issue of the Subdivision Certificate.
163. **Utility provider – compliance.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc).
164. **Final Occupation Certificate.** The final occupation certificate associated with Development Consent DA2016/51 and any related S96 applications, must be issued for the entire development prior to the release of the Subdivision Certificate.
165. **Final Plan of Subdivision.** The submission of a final plan of subdivision plus three copies suitable for endorsement by the Authorised Officer.
166. **Title Details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.

ITEM 3 (continued)

ATTACHMENT 1

167. **Existing Easements and Restrictions.** The applicant must acknowledge all existing easements and restrictions of the use of land on the final plan of subdivision.
168. **Registration of easements.** The registration of all necessary easements is required to ensure all proposed lots will have legal access to all utility services, drainage and vehicular access. Prior to release of the Subdivision Certificate, certification shall be obtained from a registered surveyor and submitted to Council confirming the above requirement will be met upon registration of the linen plan at the Land and Property Information.
169. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Subdivision Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issue of the Subdivision Certificate.
170. **Utility provider** - compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, Council etc).
171. **88B Instrument.** The submission of an instrument under Section 88B of the Conveyancing Act 1919 with 2 copies, creating any Easements, Positive Covenants and Restrictions on use, the City of Ryde being the authority empowered to release vary or modify the same.
172. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to Section 88 of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention, WSUD and pump/ sump components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the 88 E instrument are to be in accordance with the Council's draft terms for these systems as specified in Council's DCP 2014 Part 8.4 (Title Encumbrances) Section 7, and to the satisfaction of Council.

ITEM 3 (continued)

ATTACHMENT 1

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.

Dietary Recommendations

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

ITEM 3 (continued)

ATTACHMENT 2



**SENIORS SEPP
DESIGN COMPLIANCE TABLE**

SENIORS SEPP REQUIREMENTS: In-fill Self-Care Housing comprising Self-Contained Dwellings

1. Clause 26 – Location and access to facilities requirements:

If a site does not meet these requirements the Seniors SEPP does not apply.

Development Standard	Required	Proposed	Complies (Yes / No / To Comply)
Travel Route Attributes			
Distance to shops, bank service providers and other retail and commercial facilities, community facilities, and the practice of a general medical practitioner OR Distance to public transport taking residents to a place not more than 400m from above facilities, and satisfying frequency requirements below	Not more than 400 m	Site is located within 400m of bus stop providing required bus service frequencies, (Stop ID 2112158 and 2112157)	Yes
Gradient of for distance of suitable accessible pathway, ie sealed footpath or other safe means for access by an electric wheelchair, motorised cart or the like	Overall average gradient 1 in 14, although following gradients acceptable along pathway: (i) no more than 1:12 for maximum 15 m at a time (ii) no more than 1:10 for maximum 5 m at a time (iii) no more than 1:8 for maximum 1.5 m at a time.	An Assessment of Compliance with Clause 26 of SEPP Seniors Living, prepared by Accessible Building Solutions has been submitted with the development application. The report identifies the most convenient path of travel, via Clermont	No - conditions

ITEM 3 (continued)

ATTACHMENT 2

Development Standard	Required	Proposed	Complies (Yes / No / To Comply)
		<p>Avenue and Yamble Reserve and concludes that this route is within the 400m limit and meets the required gradients, as well as providing an accessible path.</p> <p>The report, however, advises that the 1:14 gradient is not meet where kerb ramps are located.</p> <p>Furthermore, portions of the footpath/path of travel do not appear to meet the definition of a 'suitable access pathway'</p> <p>As such the applicant has made an undertaken to complete works within the public domain to ensure a suitable access pathway is provided.</p> <p>Refer to full commentary on this matter within assessment report.</p>	
Transport Frequency			
Sydney Statistical Division (includes Gosford-Wyong)	Available to and from site at least once between 8 am and 12 pm per day and at least once between 12 pm and 6 pm Monday to Friday (both days inclusive)	Bus stops on Quarry Road (Quarry Road near Smalls Road) meet the minimum transport frequency.	Yes

ITEM 3 (continued)

ATTACHMENT 2

Development Standard	Required	Proposed	Complies (Yes / No / To Comply)
		<p><i>car park that does not extend above ground level by more than 1 metre is not to be counted as a storey.</i> It is noted that this clause does not exclude any other use within the basement, other than a carpark.</p> <p>The basement level of the proposed development also includes, laundry rooms, kitchen area, storage rooms, staff training area, as well as WC's, which are not specifically excluded from the calculation of the number of stories.</p> <ul style="list-style-type: none"> The Dictionary of the Ryde LEP2014 defines a <i>storey</i> as described below: <p><i>storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:</i></p> <p>(a) <i>a space that contains only a lift shaft, stairway or meter room, or</i> (b) <i>a mezzanine, or</i> (c) <i>an attic.</i></p> <p>Although a basement is defined separately within the Dictionary of the Ryde LEP2014, as <i>the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is</i></p>	

ITEM 3 (continued)

ATTACHMENT 2

Development Standard	Required	Proposed	Complies (Yes / No / To Comply)
Buildings located in the rear of site	(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.	<p><i>less than 1 metre above ground level (existing)</i>, it is not specifically excluded from the definition of a <i>storey</i>, pursuant to the above-mentioned definition.</p> <p>Thus, the portion of the basement that is not occupied by a carpark, is defined a storey and the proposed development does not achieve compliance with this development standard.</p> <p>An assessment of the submitted plans has revealed that the portion of the building located in rear 25% of site does not exceed 1 storey.</p> <p>Due to the irregular shape of the subject site, there is not a clear rear portion of the site. This is largely due to the fact that a significant portion of the site has a boundary adjacent to Clermont Avenue or Jennifer Street.</p> <p>For the purpose of ensuring compliance with this development standard, the rear portion of the site is considered to be defined as the south western portion of the site, where it adjoins No. 6 Jennifer Street, a portion of the north-western side boundary of 4 Clermont Avenue, as well as a portion of the north-western boundary of 9 Eulo Parade.</p>	Yes

ITEM 3 (continued)

ATTACHMENT 2

Development Standard	Required	Proposed	Complies (Yes / No / To Comply)
		Further to the above, it is considered to be appropriate for the proposed development to transition to single storey within this portion of the site, as this is where the subject site directly adjoins existing residential development, thus minimising impact on neighbouring properties.	

3. Clause 41 & Schedule 3 – Access and useability standards for self-contained dwellings:

Design Issues / Design Principals and Better Practices	Complies – Yes / No / To Comply	Comment
--	---------------------------------	---------

Schedule 3 Standards applying to hostels and self-contained dwellings

<p>1. Application of standards in this Part</p> <p>The standards set out in this Part apply to any seniors housing that consists of hostels or self-contained dwellings.</p>	Noted.	The proposed development includes fifteen (15) self-contained dwellings. Eleven (11) self-contained dwellings are to be contained on the ground floor and four (4) self-contained dwellings are to be located on the first floor of the seniors housing development. Therefore the following standards are considered to apply.
<p>2. Siting Standards</p> <p>(1) Wheelchair Access – If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.</p> <p>(2) If the whole of the site does not have a gradient of less than 1:10:</p> <p>(a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and</p>	To Comply	The applicant has submitted a Statement of Compliance: Access For People With a Disability report, which has confirmed that access has been provided to all dwellings, as well as common areas, by an accessible path of travel and that details are to be verified at CC stage of works. To ensure this, a condition is to be inserted to require compliance.

ITEM 3 (continued)		ATTACHMENT 2
Design Issues / Design Principals and Better Practices	Complies – Yes / No / To Comply	Comment
<p>(b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.</p> <p>(3) Common Areas - Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.</p>		
<p>3. Security</p> <p>Pathway lighting:</p> <p>(a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and</p> <p>(b) must provide at least 20 lux at ground level.</p>	To Comply	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works. To ensure this, a condition is to be inserted to require compliance.</p>
<p>4. Letterboxes</p> <p>Letterboxes:</p> <p>(a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and</p> <p>(b) must be lockable, and</p> <p>(c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.</p>	To Comply	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works. To ensure this, a condition is to be inserted to require compliance.</p>
<p>5. Private Car Accommodation</p> <p>If car parking (not being car parking for employees) is provided:</p> <p>(a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and</p>	To Comply	<p>The proposed development includes basement parking which comprises both car parking for employees as well as residents.</p> <p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the</p>

ITEM 3 (continued)		ATTACHMENT 2
Design Issues / Design Principals and Better Practices	Complies – Yes / No / To Comply	Comment
<p>(b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and</p> <p>(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.</p>		<p>CC stage of works. To ensure this, a condition is to be inserted to require compliance.</p> <p>The submitted basement plan shows that a garage includes a security shutter.</p> <p>The DA has also been referred to Council's Senior Development Engineer who has indicated the proposal complies with the relevant provisions of the Seniors SEPP and Australian Standards.</p>
<p>6. Accessible Entry</p> <p>Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.</p>	To Comply	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works. To ensure this, a condition is to be inserted to require compliance.</p>
<p>7. Interior: General</p> <p>(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.</p> <p>(2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.</p> <p>(3) Circulation space at approaches to internal doorways must comply with AS 1428.1.</p>	To Comply	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works. To ensure this, a condition is to be inserted to require compliance.</p>
<p>8. Bedroom</p> <p>At least one bedroom within each dwelling must have:</p> <p>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:</p> <p>(i) in the case of a dwelling in a hostel—a single-size bed,</p> <p>(ii) in the case of a self-contained dwelling—a queen-size bed, and</p>		<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works. To ensure this, a condition is to be inserted to require compliance.</p>

ITEM 3 (continued)

ATTACHMENT 2

Design Issues / Design Principals and Better Practices	Complies – Yes / No / To Comply	Comment
<p>(b) a clear area for the bed of at least:</p> <p>(i) 1,200 millimetres wide at the foot of the bed, and</p> <p>(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</p> <p>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</p> <p>(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux.</p>		
<p>9. Bathroom</p> <p>(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,</p> <p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:</p> <p>(i) a grab rail,</p> <p>(ii) portable shower head,</p> <p>(iii) folding seat,</p> <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p>	<p>To Comply</p>	<p>All self-contained dwellings are single storey.</p> <p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works. To ensure this, a condition is to be inserted to require compliance</p>

ITEM 3 (continued)	ATTACHMENT 2	
Design Issues / Design Principals and Better Practices	Complies – Yes / No / To Comply	Comment
<p>(e) a double general power outlet beside the mirror.</p> <p>(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p>		
<p>10. Toilet</p> <p>A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.</p>	To Comply	<p>All self-contained dwellings are single storey.</p> <p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works. To ensure this, a condition is to be inserted to require compliance. Condition to be inserted which ensures appropriate compliance with all relevant toilet standards.</p>
<p>11. Surface Finishes</p> <p>Balconies and external paved areas must have slip-resistant surfaces.</p>	To Comply	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works.</p> <p>A condition is to be inserted which ensures appropriate compliance with slip resistant surface treatments.</p>
<p>12. Door Hardware</p> <p>Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.</p>	To Comply	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works.</p> <p>A condition is to be inserted which ensures appropriate compliance with slip resistant surface treatments.</p>
<p>13. Ancillary Items</p> <p>Switches and power points must be provided in accordance with AS 4299.</p>	To Comply	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works.</p> <p>A condition is to be inserted which ensures appropriate compliance with all standards relating to switches and power points.</p>

ITEM 3 (continued)

ATTACHMENT 2

Design Issues / Design Principals and Better Practices	Complies – Yes / No / To Comply	Comment
Part 2 Additional standards for self-contained dwellings		
<p>14. Application of standards in this Part</p> <p>The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of self-contained dwellings</p>	Yes	<p>The proposed development includes fifteen (15) self-contained dwellings. Eleven (11) self-contained dwellings are to be contained on the ground floor and four (4) self-contained dwellings are to be located on the first floor of the seniors housing development. Therefore the following standards are considered to apply.</p>
<p>15. Living Room and Dining Room</p> <p>(1) A living room in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.7.1 of AS 4299, and</p> <p>(b) a telephone adjacent to a general power outlet.</p> <p>(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</p>	To Comply	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works.</p> <p>A condition is to be inserted which ensures appropriate compliance with all relevant standards.</p>
<p>16. Kitchen</p> <p>A kitchen in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.5.2 of AS 4299, and</p> <p>(b) a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:</p> <p>(i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),</p> <p>(ii) a tap set (see clause 4.5.6),</p> <p>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</p> <p>(iv) an oven (see clause 4.5.8), and</p>	To Comply	<p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works.</p> <p>A condition is to be inserted which ensures appropriate compliance with all relevant standards.</p>

ITEM 3 (continued)	ATTACHMENT 2	
Design Issues / Design Principals and Better Practices	Complies – Yes / No / To Comply	Comment
<p>(d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) general power outlets:</p> <p>(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and</p> <p>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</p>		
<p>17. Access to kitchen, main bedroom, bathroom and toilet</p> <p>In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.</p>	N/A	All self-contained dwellings proposed are located on a single level.
<p>18. Lifts in Multi-storey Buildings</p> <p>In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.</p>	Yes / To Comply	<p>The submitted Access For People With a Disability report has not addressed this standard.</p> <p>However, an assessment of the proposed development has revealed that four (4) self-contained dwellings are located on the first floor, where lift access is provided from the basement and ground level.</p> <p>A condition is to be inserted which ensures appropriate compliance with all BCA standards.</p>
<p>19. Laundry</p> <p>A self-contained dwelling must have a laundry that has:</p> <p>(a) a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(b) provision for the installation of an automatic washing machine and a clothes dryer, and</p> <p>(c) a clear space in front of appliances of at least 1,300 millimetres, and</p> <p>(d) a slip-resistant floor surface, and</p>	Yes / To Comply	<p>All self-contained dwellings have been provided with a laundry.</p> <p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works.</p> <p>A condition is to be inserted which ensures appropriate compliance with all AS1428.1 standards.</p>

ITEM 3 (continued)

ATTACHMENT 2

Design Issues / Design Principals and Better Practices	Complies – Yes / No / To Comply	Comment
(e) an accessible path of travel to any clothes line provided in relation to the dwelling.		
<p>20. Storage for Linen</p> <p>A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.</p>	To Comply	<p>Six (6) of the self-contained dwellings has been provided with a linen storage cupboard.</p> <p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works.</p> <p>A condition is to be inserted which ensures appropriate compliance with clause 4.11.5 of AS 4299.</p>
<p>21. Garbage</p> <p>A garbage storage area must be provided in an accessible location.</p>	To Comply	<p>The submitted plans do not indicate garbage storage areas.</p> <p>The submitted Access For People With a Disability report has determined that the proposed development is capable of complying with this standard and that details are to be verified at the CC stage of works.</p> <p>A condition is to be inserted which ensures appropriate compliance with this standard.</p>

4. Clause 48 – Standards that cannot be used to refuse consent for residential care facilities

Note: Non-compliance with these standards does not require a consent authority to refuse a development application (applied to Part 5 development proposals). However non-compliance requires comprehensive justification in terms of social impact and SEPP objectives.

Development Standard	Required	Proposed	Complies (Yes/No)
Building Height	8 m or less	Building Height for RACF 7.04m EGL: RL84.3 Ceiling level: RL91.340 (measured at north western corner of RACF)	Yes
Density and Scale	Floor Space Ratio 1:1 or less	1:1 – refer to detailed discussion in assessment report.	Yes

ITEM 3 (continued)

ATTACHMENT 2

Development Standard	Required	Proposed	Complies (Yes/No)
Landscaped Area	Minimum 25 m ² per residential care facility bed	Landscaped area of 2,228.48m ² required. 2,231m ² provided – refer to detailed discussion in assessment report.	Yes
Car parking	Minimum <ul style="list-style-type: none"> (i) 1 car space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time and (iii) 1 parking space suitable for an ambulance 	<p><i>Requirement: 1 parking space for each 15 beds if the facility provides care only for persons with dementia</i></p> <p>Dementia beds to be provided within RACF = 12, therefore 1 car parking space is required (rounded up to the nearest whole number per Section 2.1 of Part 9.3 of Ryde DCP 2010).</p> <p><i>Requirement: 1 car space for each 10 beds in the residential care facility</i></p> <p>RACF beds = 44, therefore 5 car parking spaces are required (rounded up to the nearest whole number per Section 2.1 of Part 9.3 of Ryde DCP 2010).</p> <p><i>1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time and</i></p> <p>The submitted SEE states that a total of 18 staff are to be provided at any one time, as such 9 parking spaces are required.</p> <p>A total of 15 car parking spaces are required in association with the proposed RACF.</p> <p>Proposed:</p> <p>The submitted basement plan shows that a total of 15 car parking spaces are to be provided:</p> <ul style="list-style-type: none"> 1 space for 12 dementia beds, 5 spaces for 44 RACF beds 9 parking spaces for a total of 18 staff <p><i>1 parking space suitable for an ambulance</i></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 2

Development Standard	Required	Proposed	Complies (Yes/No)
		<p>The submitted SEE states that 1 Ambulance parking space is provided. Furthermore, the submitted Traffic Impact Assessment has stated that two ambulance parking bays will be provided. One of which is to be located adjacent to the main entry at ground level, and the other marked as 'truck bay' within the basement level.</p> <p>A total of 29 car parking spaces are provided, which includes 15 in association with the RACF and 14 in association with the self-contained dwellings, pursuant to clause 50 of the seniors SEPP.</p>	

Clause 50 – Standards that cannot be used to refuse consent for self-contained dwellings

Note: Non-compliance with these standards does not require a consent authority to refuse a development application (applied to Part 5 development proposals). However non-compliance requires comprehensive justification in terms of social impact and SEPP objectives.

Development Standard	Required	Proposed	Complies (Yes/No)
Building Height	8 m or less	<p>Maximum building height of self-contained dwelling: 7.3m</p> <p>EGL: RL82.4</p> <p>Ceiling level: RL89.7</p> <p>This is measured at the far south western corner of the self-contained dwellings.</p>	Yes
Density and Scale	Floor Space Ratio 0.5:1 or less	0.49:1 – refer to detailed discussion in assessment report.	Yes
Landscaped Area	Minimum 30% of the site is to be landscaped	Landscaped area of 2,228.48m ² required. 2,231m ² provided – refer to detailed discussion in assessment report.	Yes
Deep Soil Zone	<p>Minimum 15% of area of site.</p> <p>Minimum two thirds to be at rear of site.</p>	49% of site area for self-contained dwellings to include deep soil planting.	Yes

ITEM 3 (continued)

ATTACHMENT 2

Development Standard	Required	Proposed	Complies (Yes/No)
	Minimum dimension 3 m.	<i>if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on</i>	
Solar Access	70% of living areas & main private open space to receive minimum 3 hrs sunshine between 9 am and 3 pm at mid-winter.	According to the solar access diagrams submitted as part of the additional information request, of the 15 dwellings, it appears as though 11 of the dwellings or 73% will receive the required levels of solar access.	Yes
Private open space for in-fill self-care housing	<p>in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor.</p> <p>(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,</p> <p>Note. The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one. See Division 4 of Part 4.</p>	<p>A review of the applicant's revised plans has revealed that all ground floor dwellings have at least 15m² of private open space, which includes an area of at least 3m wide by 3m long and is accessible from a living area.</p> <p>The first level of the self-contained dwelling development contains 2 x 2 bedroom dwellings and 2 x 1 bedroom dwellings.</p> <p>The submitted plans indicate that each of the 1 bedroom dwellings proposes a balcony with an area of at least 6m² and each of the 2 bedroom dwellings proposes a balcony of at least 10m².</p> <p>The submitted Access For People With A Disability Report has stated that the proposal can achieve compliance with the access provisions of the BCA and SEPP Seniors Living.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

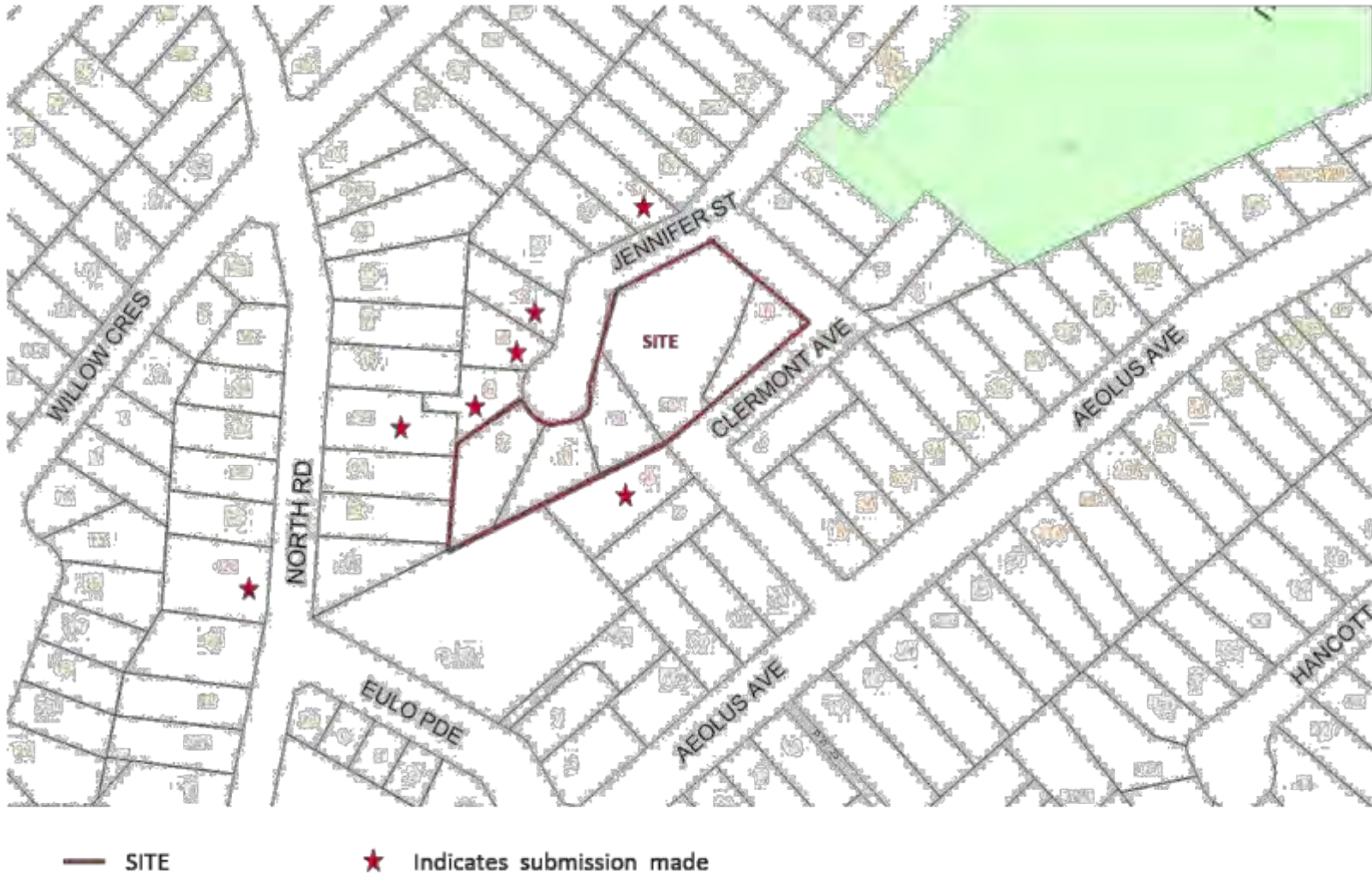
ITEM 3 (continued)

ATTACHMENT 2

Development Standard	Required	Proposed	Complies (Yes/No)
Car parking	0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider.	<u>No. of car parking spaces required:</u> Twenty (20) bedrooms are provided across the self-contained dwellings on the site. This necessitates parking for 10 vehicles. 14 spaces have been provided within the basement.	Yes

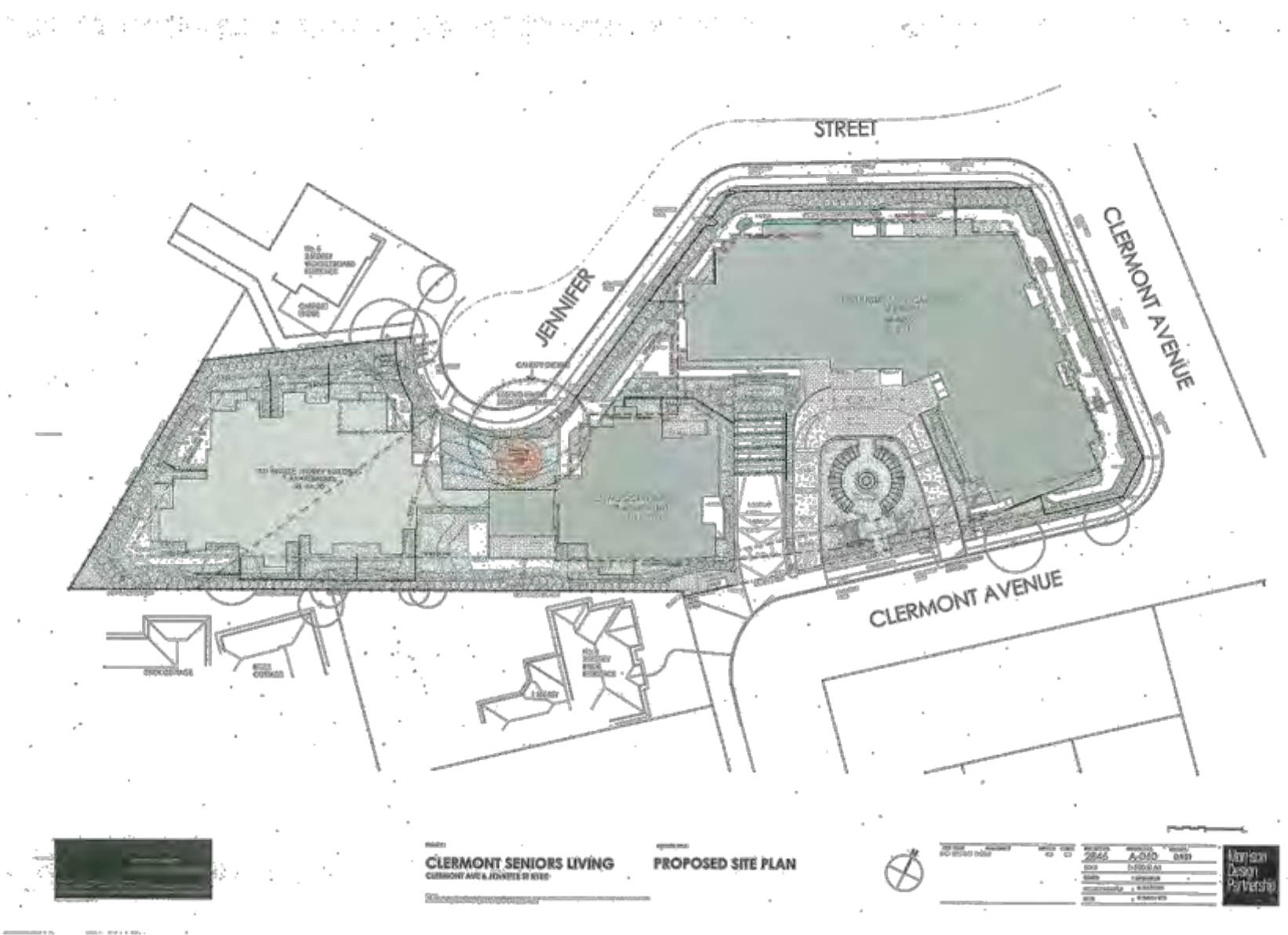
ITEM 3 (continued)

ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4



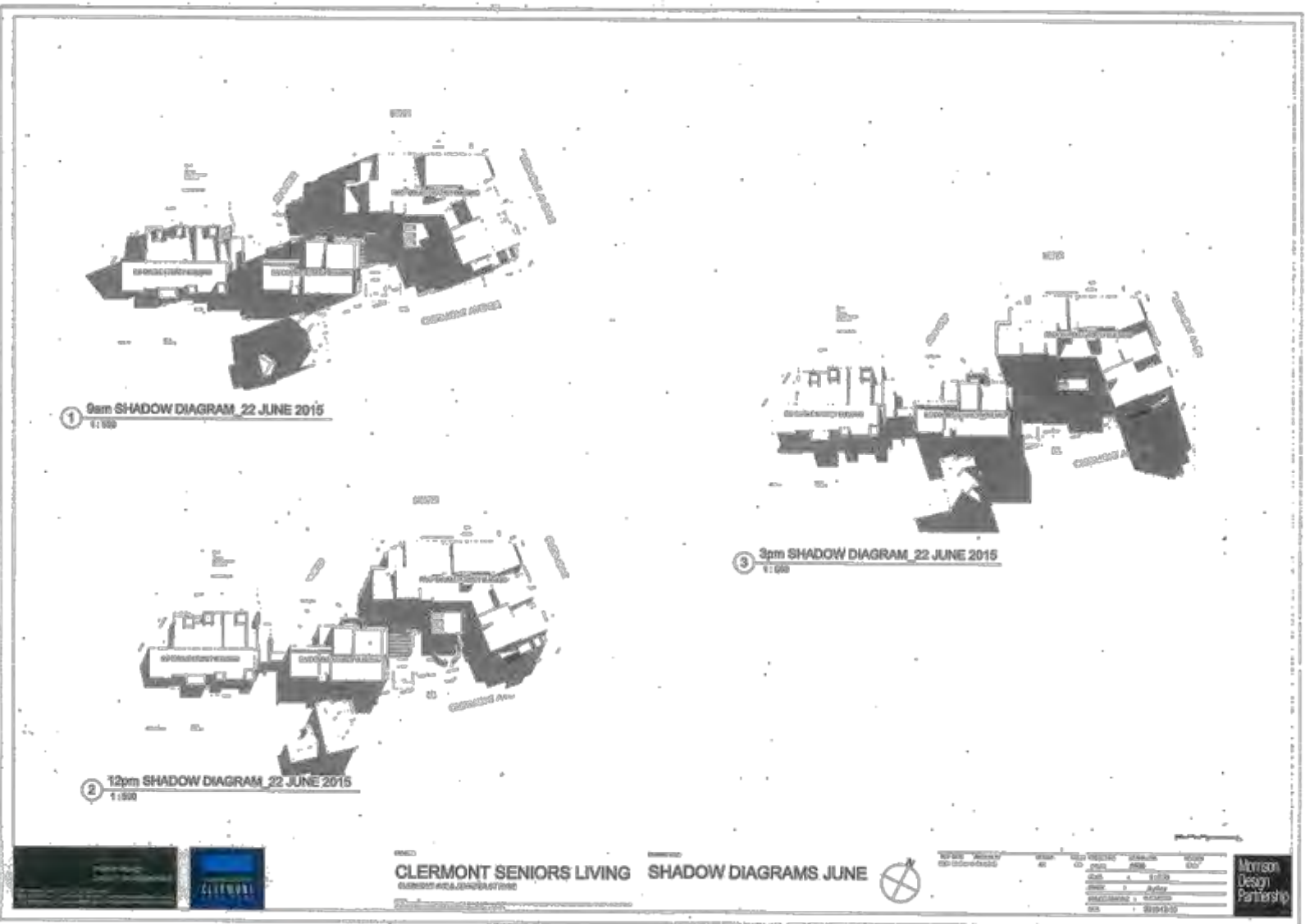
ITEM 3 (continued)

ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4



4 FOOD TRUCK TRIAL

Report prepared by: Neighbourhood Activation Officer
File No.: GRP/09/6/9 - BP16/640

REPORT SUMMARY

On 28 October 2014, Council resolved that *'Council staff proceed to develop guidelines to assist those operators interested in introducing mobile vendors on Council property, roads and foreshores and a manner in which these guidelines and opportunities could be promoted'*.

The City of Ryde does not currently have a policy or process that guides the operation of food trucks vending at on-street or off-street locations, other than as part of an approved event. There is also no process to guide the operation of food vans in off-street locations.

In 2015, a successful food truck event in Macquarie Park highlighted that the introduction of food trucks could enhance activation in the City of Ryde. Furthermore, the level of enquiries from the community regarding opportunities to participate in food truck activities is on the rise. The City of Sydney has established a food truck program which is being piloted by a number of Councils.

In order to assist Council to better understand the current demand for food trucks in the City of Ryde (by food truck businesses and consumers), it is recommended that a food truck trial is conducted over a 12 month period commencing 1 January, 2017.

The Food Truck Trial will:

- Identify opportunities for food truck businesses within the City of Ryde.
- Understand the current demand for mobile food vending in the City of Ryde.
- Investigate and trial locations which are identified by the food truck businesses as their preferred locations in which to trade.
- Understand the impacts of food truck businesses on existing businesses.
- Understand other potential issues that may arise as a result of food truck operations.
- Establish appropriate fees and charges for future food truck operations.

Council staff have recommended a series of sites to use in the proposed Food Truck Trial. These locations have been identified as suitable sites with respect to safety, risk management, business and activation opportunities.

During the proposed trial, additional sites may be considered. Additional sites proposed by operators would be investigated with appropriate conditions written into each individual approval.

ITEM 4 (continued)

All mobile food vending vehicle operators must have their vehicle inspected prior to issue of an approval. It is proposed that during the trial, the City of Ryde will recognise inspection reports issued by other Councils undertaken within the past three months. In addition, random food safety inspections may be carried out by Council staff at any time.

To encourage food trucks into the City of Ryde, it is proposed that there be no approval fee for food trucks for the period of the trial; only inspection fees will apply.

The details of the approval process are summarised at **ATTACHMENT 1 – ‘Guidelines for Food Truck Trial’**.

RECOMMENDATION:

- (a) A 12 month Food Truck trial is conducted within the City of Ryde, commencing 1 January 2017.
- (b) That there is no approval fee applied to operate food trucks for the period of the trial. Noting that fees will apply for inspection services as per the *City of Ryde – Fees and Charges 2016/17 and 2017/18*.
- (c) That the City of Ryde will recognise inspection reports issued by other Councils within the past three months.
- (d) That the outcomes of the trial be reported back to Council in February 2018.

ATTACHMENTS

- 1** Guidelines for Food Truck Trial

Report Prepared By:

Hannah Goodchild
Neighbourhood Activation Officer

Report Approved By:

John Brown
Senior Coordinator - City Activation

Dyala Govender
Acting Manager - Strategic City

Liz Coad
Acting Director - City Strategy and Planning

ITEM 4 (continued)

Background

Globally, there is a trend to encourage mobile food vending vehicles, particularly food trucks, to trade in public places independently of organised events. Food trucks activate spaces, bring people together and provide an exciting range of food choices in areas with limited options.

On 28 October 2014, Council resolved that *‘Council staff proceed to develop guidelines to assist those operators interested in introducing mobile vendors on Council property, roads and foreshores and a manner in which these guidelines and opportunities could be promoted’*.

As part of the Economic Development work plan, a Business Sentiment Survey was conducted by City of Ryde in November 2015. This survey indicated that an increased prevalence of food trucks was among the top five improvements suggested by business owners in Macquarie Park, Top Ryde and West Ryde.

As part of Council’s activation strategy for Macquarie Park, in November 2015 Council conducted a series of food truck events in Macquarie Park and engaged Food Trucks United to coordinate the events. On three consecutive weekdays, food trucks were parked on Giffnock Avenue and traded onto the footpath at lunchtime with the permission of the land owner, the event occupied some of the adjacent private land. The events were highly successful, with positive feedback received from community members and businesses.

This report investigates the current opportunities for mobile food vending in the City of Ryde. The report investigates the legislative requirements for mobile food vending approvals and recommends the process by which City of Ryde can administer and support mobile food vending in the LGA.

Definition - Mobile Food Vending Vehicles

A mobile food vending vehicle is any registered vehicle used on land that is either self-driven or that can be towed on the road and that is used in connection with the sale of food.

The definitions (outlined in *Attachment 1 - Guidelines for Food Truck Trial*) align with the City of Sydney’s Food Truck program, which has set the benchmark for mobile food vending operations in Metropolitan Sydney.

Food vans

A food van is a mobile food vending vehicle that serves food which is not potentially hazardous, or that involves low risk practices. This may include frothing milk, ice creams, coffee, cakes, soft drinks, or pre-packaged snack foods. An example of a food van could include; Home Ice-Cream, Mr. Whippy or a coffee cart.

ITEM 4 (continued)



Examples of food vans

Food trucks

A food truck is a mobile food vehicle that does not have a restricted menu. Food trucks typically have kitchen facilities and sell ready to eat take-away foods such as pasta, tacos, flame-grilled meats or similar “street foods”.



Examples of food trucks

Existing Legislation

All food businesses must comply with relevant legislation to operate in the City of Ryde. This includes:

- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, Subdivision 27A, mobile food and drink outlets, this code specifies that:

ITEM 4 (continued)

'The carrying out of the retail sale of food, drinks and related products on land from a mobile outlet such as a food truck, and or cart or other similar vehicle is development specified for the code'.

- *Local Government Act 1993 - Section 68*

Section 68 Part D of the *Local Government Act 1993* outlines that Council approval is required for any person engaging in a trade or business on community land.

Section 68 Part F of the *Local Government Act 1993* outlines that Council approval is required for a standing vehicle or any article for the purpose of selling any article in a public place.

- *Food Act 2003*

Section 21 of the Food Act 2003 requires all food businesses (including mobile food vending vehicles) to comply with the requirements of the Food Standards Code. To ensure compliance with these requirements, Council conducts regular and random food safety inspections of food premises.

Types of vending

It is important to define where a mobile food vending vehicle may or may not trade as this has implications for how the above legislation applies.

- *On-street trading*

A mobile food vending vehicle approved for on-street trading may pull up to a kerb and trade onto the footpath on Council controlled roads. Vehicles must be parked legally and not obstruct footpaths or driveways. A Section 68 approval from Council is required for on-street trading. This approval may nominate specific conditions (location, approved vending days and times, conditions of operation etc.). An example of on-street trading would be parking and trading on Giffnock St, Macquarie Park.

- *Off-street trading*

Off-street trading refers to trading in a location other than on Council controlled roads. This may include public reserves, public car parks, public parks, community land, and operational land. Off-street trading locations also require a Section 68 approval from Council.

This approval will nominate the specific trading location and may nominate specific conditions (location, approved vending days and times, conditions of operation etc.) relating to land use requirements (i.e. Plan of Management). An example of off-street vending would be parking and trading from the car park at Blenheim Park.

ITEM 4 (continued)

- *Trading as part of an approved event*

This type of trading is considered to be a 'Temporary Food Business'. It is informed by the guidelines for food businesses at Temporary Events published by the NSW Food Authority. Mobile food vending vehicles must be nominated by the Event organisers in their Event Booking Application Form submitted to Council.

Benchmarking Mobile Food Vending Vehicle operations against other Sydney Councils

Council's City Activation team has reviewed mobile food vending vehicle operations in similar and nearby Councils to inform processes and guidelines for a Food Truck Trial in the City of Ryde.

The City of Sydney is leading the way with respect to enabling mobile food vending vehicles (particularly Food Trucks) to operate independently of organised events.

The City of Sydney has developed a comprehensive series of documents to manage food truck operations in their LGA via the Sydney Food Truck Program.

The City of Ryde could successfully align with the Sydney Food Truck Program, supported by its documents, processes and utilizing a food truck app which allows Council to track where and when food trucks are operating throughout the LGA.

The Sydney Food Truck Program is currently being trialed in Liverpool, Parramatta, and Canada Bay Councils.

Internal Consultation

Council's City Activation Team has conducted consultation across Council with the following teams:

- Environmental Health (City Strategy and Planning)
- Strategic Planning (City Strategy and Planning)
- Properties (City Works and Infrastructure)
- Sportsgrounds and Recreation (City Works and Infrastructure)

The critical issues to be addressed in the policy included:

- Importance of safe food handling.
- Ensuring timely processing can be delivered to customers.
- Location and timings of operation and associated impact on amenity.
- Impact on existing businesses.
- Noise and litter resulting from the operation of Food Trucks.
- Resourcing requirements to administer monitor and enforce compliance.

ITEM 4 (continued)

Benefits of a Trial

While noting the success of the Sydney Food Trucks program, it is important to recognise that there are significant differences between the Sydney CBD and the City of Ryde's Town Centres and their surrounding communities. For example, it is anticipated that there may be a significant demand for food vans to operate in off-street locations. A trial will better assess different demand profiles associated with Food Trucks (as opposed to food vans or event related activities) and provide an opportunity to assess potential impacts on the community in a more controlled manner.

In order to assist Council to understand the current demand for food trucks in the City of Ryde (by food truck businesses and consumers), it is proposed that a food truck trial be conducted over a 12 month period commencing 1 January, 2017. *Attachment 1 - Guidelines for Food Truck Trial* provides a broad framework for how the proposed trial would operate and this is outlined below. This guideline has been developed in alignment with the Sydney Food Truck Program, but it has been tailored to better suit the local situation in the City of Ryde.

The Guidelines for Food Truck Trial provides a framework for operation and includes details on the application and approval process, locations for trading, requirements for food safety inspections, and applicable fees.

The Food Truck Trial will:

- Identify the current demand for mobile food vending in the City of Ryde.
- Investigate and trial locations identified for food truck businesses to operate.
- Enable Council the opportunity to assess the impacts of food truck businesses on the environment, the community and existing food businesses.
- Enable Council to assess the resourcing requirements to support the operation of Food Trucks within the City of Ryde. Once determined, an appropriate administration fee will be determined.

Current City of Ryde Approvals and Controls

Currently, the City of Ryde issues food vending approvals for two specific situations:

- Council's Environmental Health Team administer applications which apply to food vans which make brief intermittent (up to 15 mins) on-street stops to sell foods that are not potentially hazardous such as ice creams or similar.
- Council's Sportsgrounds and Recreation Team administer applications for mobile food vending vehicles that operate as part of an approved event being conducted in the City of Ryde. This process defines food vans or food trucks trading as part of the event as Temporary Food Stalls and operates in accordance with the Guidelines for food businesses at Temporary Events (NSW/FA/FI146/1302) published by the NSW Food Authority and any requirements of the Food Act 2003.

ITEM 4 (continued)

These existing processes cannot accommodate the specific trading requirements, and potential impact of food trucks as compared to food vans or stalls. To ensure the safety and amenity of the community while also allowing for the activation of appropriate spaces, a specific Food Truck Application and Approval Process has been designed.

The current processes for issuing approvals for Food Vans making brief intermittent stops (such as Ice Cream vendors), and Temporary Food Stalls as part of approved events will remain.

Proposed Food Truck Application and Approval Process

In order to address the further demand for Food Trucks outside of approved events the following process is proposed:

Step 1

Applicants will complete the *City of Ryde Food Truck Trial Pre Questionnaire (See Attachment 1 - Guidelines for Food Truck Trial)*. This will confirm details necessary to understand the approval requirements specific to each applicant.

Step 2

Applicants will then complete the *City of Ryde Food Truck Application* and submit the required supporting documentation (*See Attachment 1 - Guidelines for Food Truck Trial*). If an inspection is required, it will be conducted upon payment of the relevant inspection fee.

All applications that meet these requirements will be approved to participate in the trial. Each approval will be specific to each application and will list specific conditions relating to the nominated trading location.

- *Locations*

Council staff have identified the following sites after considering key criteria, including: safety, risk management, potential impact on businesses and activation opportunities.

The specific conditions for operation within these sites will be developed to comply with appropriate regulations and frameworks.

Selected sites to be trialed include:

- Blenheim Park, North Ryde
- Kissing Point Park, Putney
- Putney Park, Putney
- Fontenoy Park, Macquarie Park
- Cottonwood Cres, Macquarie Park
- Meadowbank Wharf, Meadowbank
- Anzac Park, West Ryde

ITEM 4 (continued)

During the trial, in consultation with existing food truck businesses, Council staff may identify additional locations for on-street and off-street vending. The locations identified would be investigated and conditions of trading in those locations would be established and written into each approval. Sites located within a radius of 100 metres of an existing food business will not be considered given their potential impact on existing businesses.

- *Fees*

To encourage mobile food vending businesses into the City of Ryde it is recommended that there be no approval fee for the period of the trial, and that only inspection fees would be applicable. The inspection fees nominated in the City of Ryde Fees and Charges 2016-2017 are:

Mobile food vending vehicle pre-inspection fee - \$77.00 per inspection

Food premises inspection fee - \$77.00 per 30 minutes

Going forward a specific administration fee will need to be determined to manage and support Food Trucks operating in the City of Ryde. The trial will inform the resourcing required and the appropriate fee to be applied following the trial.

- *Inspection Requirements*

All mobile food vending vehicle operators must have their vehicle inspected for food safety requirements prior to issue of an approval. It is proposed that during the trial the City of Ryde will recognise inspection reports issued by other Councils within the previous three months. In addition, random food safety inspections may be carried out by Council staff at any time. This proposal is supported by the Environmental Health Team which is responsible for carrying out food safety inspections and issuing Approvals to operate under S68.

- *Council Responsibilities*

The implementation of the Food Truck trailed will be undertaken by the City Activation Team and Environmental Health Team in City Strategy and Planning Directorate. Providing the applicant meets minimum requirements, it is expected that an approval to operate will be issued within 14 days of the application being received. The process and responsibilities are summarised at figure 2 below.

ITEM 4 (continued)

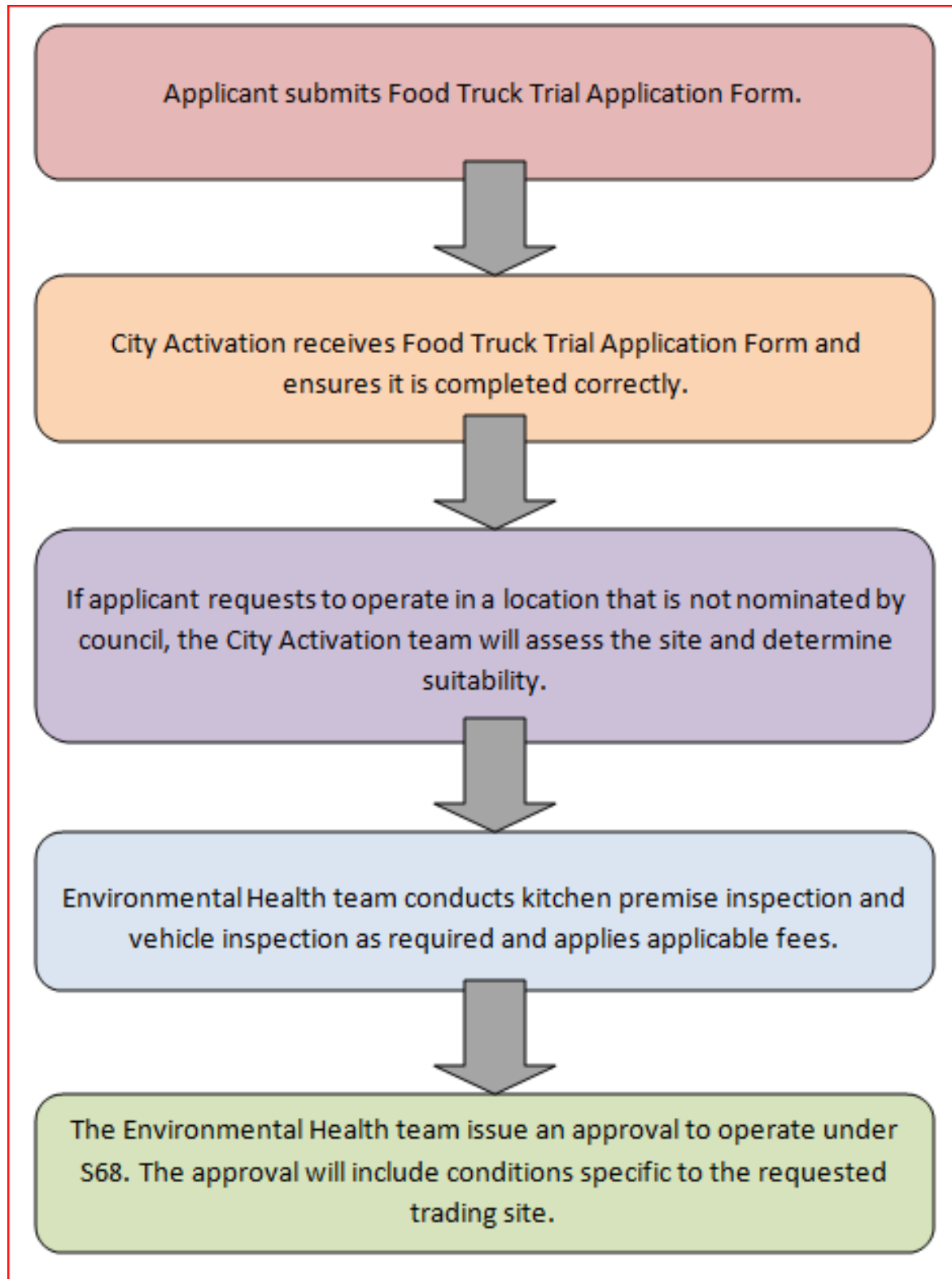


Figure 2. Application process and responsibilities

ITEM 4 (continued)

Financial Implications

Adoption of the recommendation will have no financial implications.

Options

Option 1

That Council continues to issue mobile food vending approvals based on the current process. This is not recommended as there is an identified gap in the process to guide approvals for off-street trading and specifically for food trucks.

Option 2

That Council conducts a Food Truck Trial to inform current processes for mobile food vending approvals. It is proposed that:

- (a) A 12 month trial is conducted, commencing 1 January 2017.
- (b) There is no approval fee applied for the period of the trial. Noting that fees will apply for inspection services as per the *City of Ryde – Fees and Charges 2016/17 and 2017/18*.
- (c) The City of Ryde recognise inspection reports issued by other Councils within the past three months.
- (d) The outcomes of the trial are reported back to Council in February 2018.

ITEM 4 (continued)

ATTACHMENT 1



 City of Ryde
Lifestyle and opportunity @ your doorstep



Guidelines for Food Truck Trial
1 September 2016 – 1 March 2017

ITEM 4 (continued)

ATTACHMENT 1

Contents

Background	3
Purpose	3
Definitions	3
Mobile food vending vehicles	3
Food van	3
Food truck	3
Food Business	3
Event	4
Street Trading	4
Off-street Trading	4
Scope	4
Framework for Operation	4
Approvals	4
Approval Category 1	4
Approval Category 2	5
Locations	5
Pre Application	5
Inspections	5
Application Process	6
Fees	6
Issuing of Approval	6
Notification of Trading	6
Responsibilities	6
Penalties	7

ITEM 4 (continued)

ATTACHMENT 1

Background

Globally, there is a trend to encourage mobile food vending vehicles, particularly food trucks, to vend in public places independently of organised events. Food Trucks activate spaces, bring people together and provide an exciting range of choices in areas with limited options.

The City of Ryde supports the operation of mobile food vending vehicles to enliven the City or Ryde Local Government Area and encourage diversity in food options. The operation of mobile food vending vehicles supports the outcomes of City of Ryde's Community Strategic Plan as well as the City of Ryde Economic Development Plan

A Food Truck Trial will be conducted by the City of Ryde between 1 September 2016 to 1 March 2017. The Food Truck Trial will inform an update of the current process for mobile food vending approvals by the City of Ryde and inform the development of a Local Approvals Policy for Mobile Food Vending in the City of Ryde.

The Food Truck Trial aims to:

- Identify opportunities for food truck businesses within the City of Ryde.
- Understand the current demand for mobile food vending in the City of Ryde.
- Investigate and trial locations identified by food truck businesses as preferred locations to sell.
- Understand impacts of food truck businesses on the environment, the community and existing food businesses.
- Understand potential issues that may arise as a result of food truck operations.

Purpose

The purpose of these Guidelines is to provide a framework for the operation of food trucks in the City of Ryde during the trial period.

The Guidelines aim to encourage food truck businesses to operate in the City of Ryde whilst complying with relevant legislation and existing Council policies.

These Guidelines have been developed in alignment with the Sydney Food Truck program which were developed by the City of Sydney.

Definitions

For the purpose of this document, the definitions below apply:

Mobile food vending vehicles

A mobile food vending vehicle is any registered vehicle used on land that is either self-driven or that can be towed down Council-owned roads and that is used in connection with the sale of food.

Food van

A mobile food vending vehicle that serves food that is not potentially hazardous, or that involves low risk practices. This may include frothing milk, ice creams, coffee, cakes, pre-packaged sandwiches, soft drinks, snack foods or the like. An example of a food van may be Home Ice-Cream, Mr Whippy or a coffee cart.

Food truck

A mobile food vehicle that serves food where there is no restriction to the type of food served. Food trucks typically have kitchen facilities and sell ready to eat take-away foods such as dumplings, pasta, tacos, flame-grilled meats, stir fry noodles, grilled skewers, fish & chips, or other similar foods. They may also sell food that is prepared food in a kitchen facility which is off site.

Food Business

A person using a mobile food vending vehicle for the purpose of selling food.

ITEM 4 (continued)

ATTACHMENT 1

Event

An organised activity, occupying a recreation reserve, park, foreshore or playing field for more than one hour and is attended by 50 people or more. Events may require development consent and/or a Section 68 approval from Council.

On-street Trading

Trading from a mobile food vending vehicle whilst parked legally on a public road.

Off-street Trading

Trading from a mobile food vending vehicle on Council controlled land (including public car parks or community land) or private land.

Scope

These Guidelines apply to food trucks participating in the City of Ryde Food Truck Trial within the City of Ryde Local Government Area.

These Guidelines do not apply to food trucks operating on crown land, or private land.

Council currently has a process to govern the street vending of food vans in the City of Ryde (Category 1 Approvals). This process is administered by the Environmental Health and Building department and includes approvals under Section 68 of the Local Government Act. This process does not encompass food trucks or off street vending. This process will not be impacted by the Food Truck Trial.

Council also have a process to govern the operations of mobile food vending vehicles operating as part of an approved event. This process is administered by the Sportsgrounds and Recreation department and defines food vans or food trucks vending as part of the event as Temporary Food Stalls. This process will not be impacted by the Food Truck Trial.

Framework for Operation

Approvals

All mobile food vending vehicles require an approval issued by the City of Ryde prior to operating in public places. The conditions and duration of each approval will be stated in the approval and must be complied with at all times.

All mobile food vending vehicles must comply with the *Guidelines for Mobile food vending vehicles* published by the NSW Food Authority, as well as the requirements of the Food Act 2003 and Food Standards Code.

All applications considered and approvals issued for the Trial will be issued in accordance with the requirements of the *Local Government Act 1993*.

During the Trial, approvals will be issued for food trucks and food vans to trade in specific street and off-street trading locations for up to 5 hours per day. Sites located within a 50 metre radius of an existing food business selling similar take-away food will not be considered.

The existing process for issuing approvals for food vans to street vend will not be impacted by the Food Truck Trial.

A maximum of 20 approvals will be issued during the Trial.

Approval Category 1

A Category 1 approval allows a mobile food vending vehicle to trade in an on-street vending location for a maximum of 15 minutes. Mobile food vending vehicles issued with a Category 1 approval are limited to serving food which is not potentially hazardous, or that involves low risk practices. This category of approval is generally applicable to a food van.

ITEM 4 (continued)

ATTACHMENT 1

Approval Category 2

A Category 2 approval allows a mobile food vending vehicle to trade in a specified on-street or off-street location for a maximum of 5 hours. Mobile food vending vehicles issued with a Category 2 have no restrictions on their menu. This category of approval is generally applicable to a food truck.

Locations

During the Food Truck Trial, Council will consider any on street vending or off-street trading location proposed by an applicant. Applicants will be requested to propose sites that they would like to operate from.

Council will investigate the site and determine its suitability with respect to safety, traffic, parking, Plans of Management, existing businesses, and the environment. The investigation may include a site inspection and seek further input from the applicant.

If the site is determined to be a suitable location for a food truck to operate, the approval issued will nominate the site, along with specific conditions that apply to that site. Sites located within a 50 metre radius of an existing food business selling similar take-away food will not be considered.

Below is a list of streets within the City of Ryde Local Government Area where mobile food vending vehicles are **not** permitted to operate.

- Balaclava Road
- Blaxland Road
- Brush Road (between Lawson Street and Rutledge Street)
- Delhi Road
- Devlin Street
- Epping Road
- First Avenue
- Goulding Road
- Herring Road (between Epping Road and Talavera Road)
- Lane Cove Road
- Lawson Street
- M2 Hills Motorway
- Marsden Road
- Monash Road (between Ryde Road and Victoria Road)
- Pittwater Road
- Railway Road
- Rutledge Street
- Ryde Road
- Station Street
- Talavera Road (between Christie Avenue and Lane Cove Road)
- Twin Road (between Goulding St and Wicks Rd)
- Victoria Road
- Waterloo Road (between Herring Road and Wicks Road)
- West Parade, Eastwood
- West Parade, West Ryde
- Wicks Road

Pre Application

Inspections

All Mobile food vending vehicle operators must have their vehicle inspected for food safety requirements prior to issue of an approval. City of Ryde will recognise inspection assessments issued by other Councils providing they have occurred within six months of the application date. If no such inspection has been conducted, the applicant will be required to make arrangements for a Council Environmental Health Officer to conduct an inspection.

Additional inspection of mobile food vending vehicles may be conducted by Council's Environmental Health Officers during trade. These inspections are subject to inspection fees which are charged to the proprietor of the business in accordance with *Council's Schedule of Fees and Charges*.

Any separate premises must comply with the Food Act 2003, the Food Standards Code, and AS4674 – Design, Fit Out and Construction of food premises. An inspection report from must be provided with each application that certifies the premises meets these requirements. If no such inspection has been conducted, the applicant will be required to make arrangements for a Council Environmental Health Officer to conduct an inspection.

ITEM 4 (continued)

ATTACHMENT 1

Application Process

Applicants must complete a Food Truck Trial Application and submit to Council with all necessary supporting documentation.

All applicants must have public liability and third party property damage insurance where the insurance policies must indemnify Council against any loss or claims.

Figure 1- Application Process



Fees

For the period of the trial there will be no fee applicable for the issuing of an approval.

For the period of the trial there will be no fee applicable to a site booking.

Inspection fees (as per Fixed Premises) as outlined in Council's *Schedule of Fees and Charges* will be payable if applicable as part of the approval process.

Issuing of Approval

All approvals issued under these guidelines are issued in accordance with the requirements of the *Local Government Act 1993*.

Failure to adhere to any condition stated in the approval and/or legislative requirement may result in modification, suspension or revocation of the approval, in addition to prosecution or the issue of fines.

Notification of Trading

Applicants will be required to nominate their trading times and locations via the Sydney Food Truck App.

Responsibilities

The implementation of these Guidelines is the responsibility of the City of Ryde City Activation Team and the Environmental Health and Building Team.

The City Activation Team will respond to public enquiries in relation to the Food Truck Trial, assessing the locations proposed by food truck operators, and contribute to the content of the approvals. They will also be the point of contact for all potential food trucks and provide advice and assistance are required.

ITEM 4 (continued)

ATTACHMENT 1

The Environmental Health Team will issue all approvals and conduct inspections to ensure compliance.

Penalties

Penalties under the *Local Government Act 1993* apply for non-compliance with an approval.

Penalties under the *Food Act 2003* apply for breaches of the *Food Act 2003*, *Food Regulation 2015*, and *Food Standards Code*.

Penalties under the *Roads Act* apply for breaches of the *Roads Act 1993* and parking offences.