

Meeting Date: Tuesday 14 June 2016
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.00pm

NOTICE OF BUSINESS

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1 CONFIRMATION OF MINUTES - Meeting held on 10 May 2016

Report prepared by: Senior Coordinator - Governance

File No.: CLM/16/1/3/2 - BP16/676

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 4/16, held on 10 May 2016, be confirmed.

ATTACHMENTS

1 MINUTES - Planning and Environment Committee - 10 May 2016

ITEM 1 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 4/16**

Meeting Date: Tuesday 10 May 2016

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

Time: 5.13pm

Councillors Present: Councillors Simon (Chairperson), Chung, Etmekdjian and Pendleton.

Apologies: Councillors Pickering and Yedelian OAM.

Staff Present: Acting Director – City Strategy and Planning, Acting Manager – Assessment, Senior Coordinator – Development Assessment, Senior Development Engineer, Planning Consultant (Creative Planning Solutions), Consultant Landscape Architect, Business Support Coordinator – City Strategy and Planning, Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 12 April 2016

RESOLUTION: (Moved by Councillors Pendleton and Chung)

That the Minutes of the Planning and Environment Committee 3/16, held on 12 April 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.

**2 38 CONRAD STREET, NORTH RYDE. LOT 23 DP 222878. Further Report.
Section 96 application (MOD2015/77) to modify development consent
LDA2011/343 for alterations and additions to dwelling.**

Note: Robyn Slothouber (objector on behalf of Bob and Milia Slothouber) and Robert Carbone (applicant) addressed the meeting in relation to this Item.

ITEM 1 (continued)

ATTACHMENT 1

Note: Correspondence and documentation including plans and photographs from Robyn Slothouber was tabled in relation to this Item and a copy is ON FILE.

Note: Documentation including plans and photographs from Robert Carbone was tabled in relation to this Item and a copy is ON FILE.

Note: An email from Alison and John Bonsor dated 9 May 2016 was tabled in relation to this Item and a copy is ON FILE.

Note: An email from Martin and Hester Slade dated 9 May 2016 was tabled in relation to this Item and a copy is ON FILE.

Note: An email from Collin Yeo and Cathy Leung dated 9 May 2016 was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Pendleton and Chung)

(a) That the Section 96 application number MOD2015/0077 to modify Local Development Application No. 2011/343 at 38 Conrad Street, North Ryde being LOT 23 DP 222878 be approved in the following manner:

(a) *That Section 96 application MOD2015/0077 to LDA2011/0343 at No.38 Conrad Street, North Ryde being LOT 23 DP 222878 be APPROVED in the following manner:*

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

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

Document Description	Date	Plan No/Reference
Ground Floor/Site Plan	11.01.2016	Dwg. No. A1.01, Rev. E
Lower Ground Floor/Site Plan	11.01.2016	Dwg. No. A1.02, Rev. D
Elevations & Section	11.01.2016	Dwg. No. A1.03, Rev. E
Cover Sheet	11.01.2016	L/00, Rev. A
Proposed Lower Ground Floor Landscape Plan	11.01.2016	L/01, Rev. A

ITEM 1 (continued)

ATTACHMENT 1

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

- (b) **Landscape Plan.** *Of the ten (10) Acmena smithii 'Minor' Lilly Pilly trees proposed along the northern side setback, the three (3) Lilly Pilly trees closest to the front boundary are to be substituted for three (3) Syzygium australe Pinnacle 'Lilly Pilly Pinnacle' trees.*

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

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

New Conditions

- **Number of Car Parking Spaces** - *One (1) motor vehicle, boat or other vehicle is permitted to park on the elevated parking structure at any one time.*
- **Ongoing use and maintenance**
In relation to the ongoing use and occupation of the elevated hardstand parking and privacy, the owners of the land must ensure that the privacy screen and privacy screen planting are maintained in perpetuity to provide acceptable aural and visual privacy to the private open spaces of the adjoining neighbours at 36 Conrad Street.
- **ALL other conditions remain unaltered and must be complied with.**

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

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

Record of Voting:

For the Motion: Councillors Chung and Pendleton

Against the Motion: Councillors Etmekdjian and Simon

Note: This matter will be dealt with at the Council Meeting to be held on **24 MAY 2016** as substantive changes were made to the published recommendation and dissenting votes were recorded.

ITEM 1 (continued)

ATTACHMENT 1

- 3 58 DENISTONE ROAD, DENISTONE. LOT 19 SEC 4 DP 7997. Local Development Application for demolition, construction of two storey (with attic above) new child care centre with 46 places, 11 car parking spaces, fencing and business identification signage. LDA2015/0209.**

Note: Peter Collis (objector), Mervyn Brown (objector), Maxwell McCarthy (objector) and Garry Chapman (representing Galileo Developments Pty Ltd – Town Planner for the applicant) addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Chung and Simon)

- (a) That Local Development Application No. 2015/209 at 58 Denistone Road, Denistone, being LOT 19 Section 14 DP 7997 be approved subject to the **ATTACHED** conditions (**Attachment 1**).
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors Chung, Etmekdjian and Simon

Against the Motion: Councillor Pendleton

Note: This matter will be dealt with at the Council Meeting to be held on **24 MAY 2016** as dissenting votes were recorded.

The meeting closed at 6.10pm.

CONFIRMED THIS 14TH DAY OF JUNE 2016.

Chairperson

2 35A WENTWORTH ROAD, EASTWOOD. LOT 2 DP 1178968. Local Development Application for new dwelling. LDA2015/0470.

Report prepared by: Assessment Officer - Town Planner; Senior Coordinator - Development Assessment

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

File Number: GRP/09/5/6/2 - BP16/648

1. Report Summary

Applicant: J Mo.

Owner: J J Kim.

Date lodged: 24 September 2015 (Amended Plans received 22 February 2016 and 15 April 2016)

This report considers a proposal for the construction of a new dwelling at 35A Wentworth Road Eastwood.

It should be noted that the original application was for *a new dwelling and secondary dwelling*. Through the assessment process the application was revised to be for *a new dwelling only*.

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.

The DA was notified to neighbours twice following amendments to the plans, with the following number of objections received to each notification period:

- Notification #1 (Revision A) – 1 October 2015 to 16 October 2015
3 submissions, 1 petition with 20 signatories and 1 representation by Hon. Victor Dominello MP
- Notification #2 (Revision D) – 4 April 2016 to 22 April 2016
3 submissions including 2 from the same signatory, 1 petition with 9 signatories

The issues of concern raised in the submissions relate to:

- Building height and number of storeys
- Bulk and scale of the development and potential use of the dwelling as a boarding house
- Extent of excavation
- View loss
- Privacy impacts
- Building setbacks

ITEM 2 (continued)

- Desired future character and design
- Vehicle Access and Parking
- Interaction of the proposed dwelling with Warrawong Reserve to the west of the site
- Compliance with Ryde DCP 2014

The amended plans (Revision D) responded to the key concerns raised in the first notification period and significantly revised the proposed development accordingly. This assessment report addresses the concerns of objections to the amended plans.

As further assessed in this report, the only two areas of noncompliance with the Ryde DCP 2014 controls relate to building setbacks and excavation levels, with all other areas of the development complying with the relevant numerical and qualitative controls. It is considered that the proposal is acceptable when assessed using the objectives and controls of Ryde's DCP 2014 and Ryde LEP 2014 and in particular has been considered satisfactory in terms of view sharing, bulk, scale and design. It is therefore recommended that the DA be approved subject to conditions.

Reason for Referral to Planning and Environment Committee:

Requested by Councillor Li, Councillor Perram and Councillor Maggio.

SEPP 1 (or clause 4.6 RLEP 2014) objection required? No

Value of works? \$856,237.00

RECOMMENDATION:

- (a) That Local Development Application No. LDA2015/470 at 35A Wentworth Road Eastwood being LOT 2, DP 1178968 be approved subject to conditions.
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Ryde DCP 2014 - Compliance Table
- 3 A4 Plans
- 4 A3 Plans - Subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

ITEM 2 (continued)

Report Prepared By:

Rebecca Lockart
Assessment Officer - Town Planner

Chris Young
Senior Coordinator - Development Assessment

Report Approved By:

Sandra Bailey
Acting Manager - Assessment

Liz Coad
Acting Director - City Strategy and Planning

ITEM 2 (continued)

2. Site (Refer to attached map.)

Address	:	35A Wentworth Road, Eastwood
Site Area	:	Survey: 986.4m ² Access Handle: 875.88m ² Width: 40.24m Depth 23.77m
Topography and Vegetation	:	Severe cross fall from RL89.27 in front south-eastern corner, to RL79.6 in rear north-west corner. Gradient of 1:4.7. Seven (7) large trees across the site.
Existing Buildings	:	No existing structures on the site.
Planning Controls	:	Ryde LEP 2014
Zoning	:	R2 Low Density Residential
	:	
Other	:	Ryde DCP 2014



Figure 1. Aerial photo of subject site and surrounds showing objectors and petition signatories (Source: Ryde Maps)

ITEM 2 (continued)



Figure 2a. Photo of subject site viewed from Warrawong Reserve



Figure 2b. Photo of subject site access handle from Wentworth Road

ITEM 2 (continued)

3. Councillor Representations

Name of Councillors: Councillor Li, Councillor Perram and Councillor Maggio.

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

Date: 6/10/2015 (Councillors Li and Perram) and 12/10/2015 (Councillor Maggio)

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

On behalf of applicant or objectors? Objector

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

4. Political Donations or Gifts

Any political donations or gifts disclosed? No.

5. Proposal

The proposal is for a new three-level single dwelling which terraces down a steep site to ensure that the development is only two-storeys at any one point. The proposed development is designed over the three levels as follows:

<u>Basement</u>	<u>Ground</u>	<u>First</u>
- Three (3) bedrooms	- Open plan kitchen, family and dining room	- Three (3) bedrooms – one (1) with ensuite
- Bathroom	- Laundry	- Bathroom
- Gym	- WC	- Family room
- Cinema room	- Office	
	- Rumpus room	
	- Double garage	
	- Outdoor BBQ area/patio	

Note the original proposed development was for *New dwelling and secondary dwelling*. During the assessment of the application the proposal was amended to be only for a new dwelling house.

ITEM 2 (continued)

6. Background

Two Lot Subdivision – LDA2011/264

11 October 2011 – LDA2011/264 - Development consent for the subdivision of No. 35 Wentworth Road issued to create two lots including the subject battle-axe lot and No 35 Wentworth Road (also referred to as No. 35B Wentworth Road).

Previous Development Application – LDA2013/449

14 March 2014 – LDA2013/449 - Development consent for new two storey dwelling at the subject site. The current owner purchased the property in late 2015 and the issued consent was not substantially commenced.

This consent gave approval for the removal of four (4) trees including a Narrow-leaved Peppermint (*Eucalyptus nicholii*) (T2), a Blue Jacaranda (*Jacaranda mimosifolia*) (T3), a Himalayan Cedar (*Cedrus deodora*) (T5) and an Argyle Apple (*Eucalyptus cinerea*) tree (T8). Due to the different dwelling configuration and design, LDA2013/449 also retained a number of existing trees which are proposed to be removed under this consent including a Peach Tree (*Prunus persica*) (T4), Black Tupelo (*Nussa sylvatica*) (T6) and a Blue Jacaranda (*Jacaranda mimosifolia*) (T7).

Subject Development Application – LDA2015/470

- Subject DA lodged 24 September 2015 and notified to surrounding owners and residents from 1 October 2015 to 16 October 2015.
- Following the notification three (3) submissions, one (1) petition with 20 signatories and one (1) representation by Hon. Victor Dominello MP was received. Key issues raised are discussed below in Section 7 of this report.
- Additional information and amended plans were requested by Council on 30 November 2015 requiring amendments to the maximum wall plate height of the dwelling, access to the private open space by the secondary dwelling, a long section of the driveway access to the site to be provided and amendments to the driveway levels in response to the Senior Development Engineer referral.
- Amended plans (Revision B) were received by Council on 14 December 2015. Key amendments included:
 - Driveway gradient plans submitted;
 - Redesign of the skillion roof; and
 - Access to the secondary dwelling provided.

ITEM 2 (continued)

The amended plans did not respond to Council's Senior Development Engineer's request that the driveway level at the point of the easement be increased by 200mm – 300mm to ensure clearance over the easement.

- Amended Plans (Revision C) showing the driveway levels at the required level received by Council on 12 February 2016.
- Review of the plans by a new Assessment Officer identified a number unresolved matters following the first notification period and a number of areas of non-compliances with Council's LEP and DCP Controls. A letter was issued to the applicant on 26 February 2016 requesting amended plans that addressed each of these matters, including:
 - Building Setbacks;
 - Floor space ratio calculations;
 - View sharing; and
 - Proposed use of the proposed development.
- Council officers met with the applicant and owners on 17 March 2016 to go through the above issues.
- Amended Plans (Revision D) received on 24 March 2016 which contained significant changes to the development including:
 - Redesign of the dwelling to comply with Council's DCP setback controls;
 - Deletion of the proposed secondary dwelling;
 - Reduction in height and wall plate height of the dwelling;
 - Reduction in ceiling heights from 3m to 2.7m; and
 - Reduction in the number of bedrooms and bathrooms proposed.
- The amended plans (Revision D) were notified to previous objectors, and surrounding owners and residents from 4 April 2016 to 24 April 2016.
- Following the second notification period three (3) letters of objection against the proposal were received, including two (2) letters from the same signatory and one (1) petition with nine (9) signatories. Key issues raised are discussed below in Section 7 of this report.

No further amendments were required to the submitted plans as any further issues were able to be addressed via conditions on the consent. As discussed in Section 7 below

ITEM 2 (continued)

7. Submissions

The proposal was notified in accordance with Development Control Plan 2014 - Part 2.1, Notification of Development Applications. The application was notified to neighbours on two (2) occasions, the initial notification and the second in response to the Revision D amendment of the plans, with the following objections and issues raised in the objections.

A. BUILDING HEIGHT, WALL PLATE HEIGHT & NUMBER OF STOREYS– *The submissions and petition raise concern that the proposed height, wall plate height and number of storeys of the development exceeds Council's LEP 2014 and DCP 2014 controls.*

Assessment Officer Comments

The site is a steep sloping site which inclines towards Warrawong Reserve to the west. **Figure 3** below depicts the varying site gradients and levels across the site which can be visibly seen in the image at **Figure 2a**.

As a consequence of the site's slope the proposed dwelling involves not only cut and fill across the site to achieve level floors, but also results in a dwelling that architecturally terraces down the site as to comply with Council's LEP and DCP controls.

Building Height

Figure 4 below depicts the long and short sections of the dwelling as proposed in Revision D (Notification #2) of the plans indicating the position of two points in each of the Sections as reference points. The submitted section plans may have caused confusion as the plans (reproduced at **Figures 4a** and **4b**) show the portion of the dwelling in the background as being *above* the maximum permitted building height of 9.5m under Clause 4.3 of LEP 2014. As shown in the images, no portion of the dwelling exceeds the 9.5m height or 7.5m wall plate height.

Figure 5 below serves to further clarify the building heights of the various roof forms and levels through use of the submitted landscape plan which includes the ground floor plan, survey marks and contours which have been overlaid with the first floor and ground floor roof lines to diagrammatically indicate the maximum heights of the dwelling at key points on the site. As seen in **Figure 5**, the maximum building height above natural ground level (NGL) is 8.6m at Point 5, with all points well below the maximum height of 9.5m.

ITEM 2 (continued)



Figure 3. Site survey showing gradients and site levels across the site
(Source of finished floor levels of neighbouring dwellings from LDA 2014/560 and LDA 2012/26 applying to the dwellings at No. 35 and 37 Wentworth Road respectively)

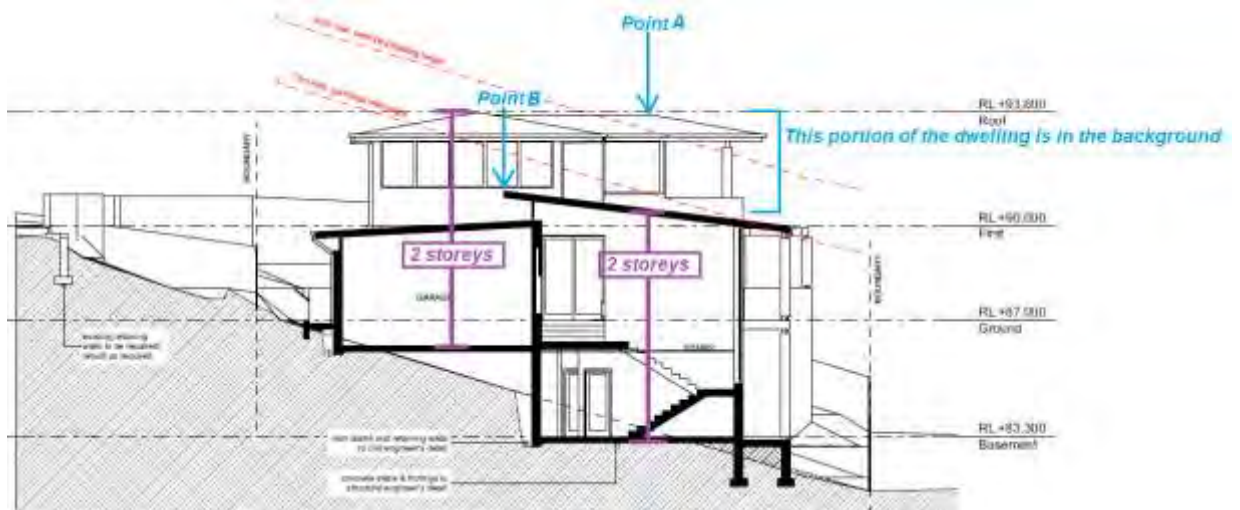


Figure 4a. Long and short sections of proposed dwelling
(Source: Submitted Plans – Revision D)

ITEM 2 (continued)



Figure 4b. Long section of proposed dwelling
(Source: Submitted Plans – Revision D)

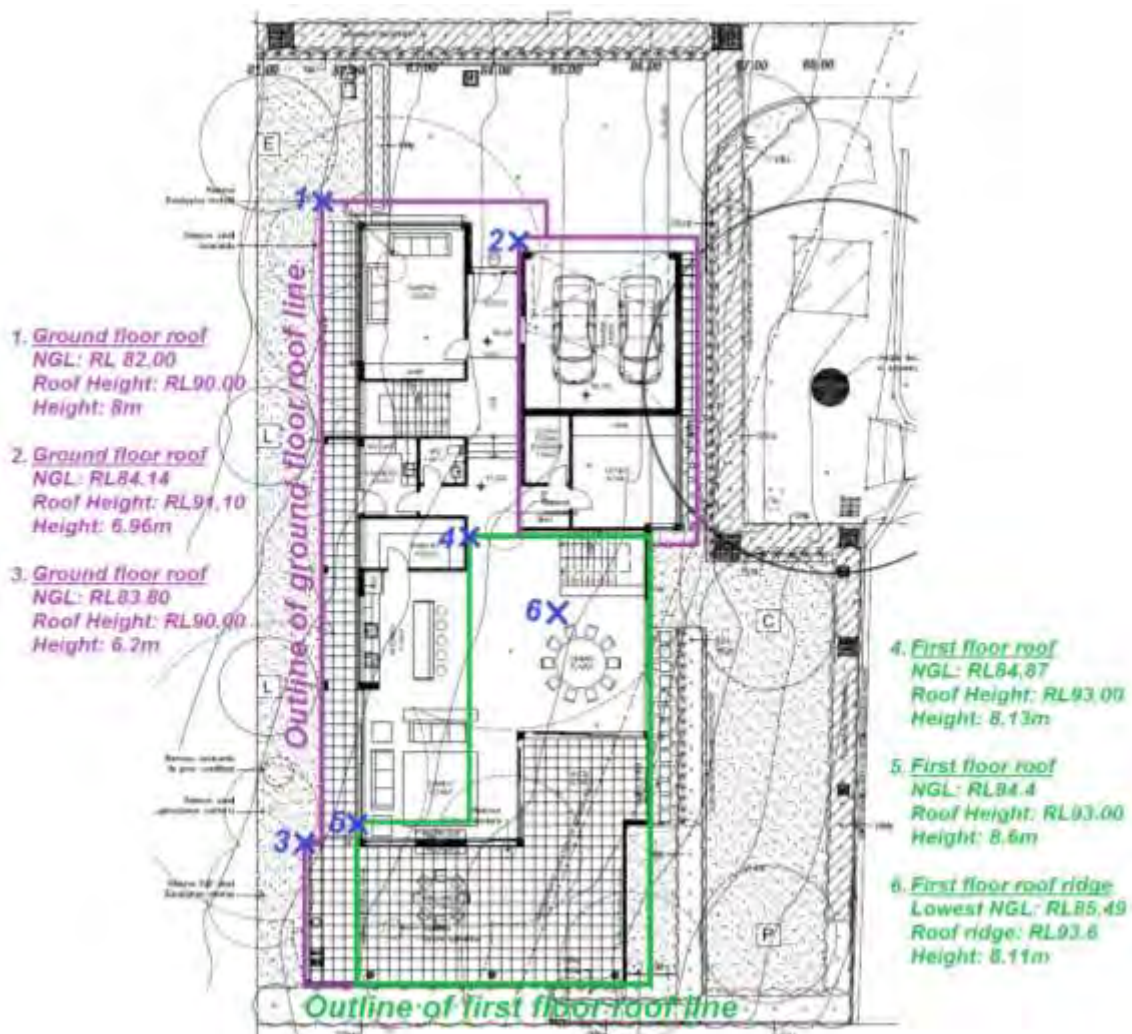


Figure 5. Proposed building heights
(Source: Submitted Landscape and Floor Plans – Revision D)

ITEM 2 (continued)

Wall Plate Height

Under Section 2.8.1 of Part 3.3 of Ryde DCP 2014, the maximum permitted wall plate height is 7.5m. Under this section, wall plate height is defined as “*the vertical distance between finished ground level at any point and the point where the adjacent wall joins the roof*”.

As seen in the submitted elevation plans and at **Figures 4a** and **4b**, the design of the dwelling is broken up through use of varying materials and finishes, terracing the bulk of the dwelling down the sloping site, and positioning of windows and balconies. As a result, the dwelling façade is well articulated and at no point are the wall plates of the dwelling greater than 7.5m.

Number of Storeys

The proposed dwelling contains three levels of the development – being the basement, ground floor and first floor. The original submitted plans (Revision A) proposed a dwelling that had a portion of the dwelling with the three levels positioned above one another – this was in the area of the stair well and a small area surrounding the stairs. The re-submitted plans (Revision D) however contain no portion of the dwelling with 3 storeys being above one another as depicted at the long section at **Figure 4b**.

This is achieved as the slope of the site facilitates the terraced design of the dwelling to have the basement sit below the ground level along the western portion of the site, while the first floor sits above the ground floor along the east of the site with no part of the basement or first floors overlapping at any point – this is shown at **Figure 6** which has superimposed the basement and first floor levels over the ground floor plan.

ITEM 2 (continued)



Figure 6. Floor plans overlaid on the ground floor plan to show number of storeys

(Source: Submitted Floor Plans – Revision D)

ITEM 2 (continued)

B. SIZE, SCALE AND BULK OF THE DEVELOPMENT – Concern is raised that despite amendments to the plans, the proposal is an overdevelopment of the site and the bulk and scale is excessive.

Assessment Officer Comments

The proposed development complies with Council's LEP and DCP controls with regard to height, floor space ratio (FSR), wall plate height, materials and finishes and siting. These controls are used as a means to control the future desired built form of development in low density areas of City of Ryde and a means to which Council can ensure future dwellings are well designed and attractive, and provide a high level of amenity.

While submissions to the proposal may object to the overall design of the proposed development, as shown in **Figure 7**, the proposed Revision D plans are considered to be a superior design to the development proposed in Revision A. The overall height of the development has been reduced by 0.715m, with the ground floor roof height reduced by 1.315m. While the bulk of the development has been moved towards the south and west of the site, this is in response to the requirement to comply with Council's setback controls for battle-axe lots under Ryde DCP 2014 and to improve the view access for neighbouring dwellings to the front of the site.

It is considered that the overall bulk of the development is satisfactory and has been significantly reduced, with the setbacks of the development increased, and the overall gross floor area of the proposed development reduced from 480.76m² to 437.83m² through the deletion of the proposed secondary dwelling. The FSR is 0.499:1 which complies with the 0.5:1 maximum prescribed in Ryde DCP 2014.



Figure 7. Revision A and Revision D east and west elevation plan
(Source: Submitted Plans – Revisions A and D)

ITEM 2 (continued)

C. DESIRED FUTURE CHARACTER– *Submissions raise that the proposed dwelling is not in accordance with the desired future character for dwellings within the Ryde low density residential area. The submissions also raise that the number of bedrooms means the dwelling may be used for the purpose of a boarding house.*

Assessment Officer Comments

Bulk and scale

The objections raise concern with the overall bulk and scale of the dwelling with regard to character and have been assessed earlier in Section B of this Part of the report. In regard to bulk and scale, the proposed development complies with Council's controls for building height, floor space ratio/density, number of storeys and extent of landscaping. The dwelling is largely imperceptible from the street, and from Warrawong Reserve will appear to face the reserve in a manner not dissimilar to the existing dwellings which also face out towards the west as shown earlier at **Figures 2a** and **2b**.

Character

Through the 2011 subdivision to create the subject site, it was always envisaged that the site would be developed with a single dwelling. The dwelling proposed in this application (as amended by revised plans through the DA process) is generally considered to be acceptable in terms of compliance with Ryde DCP 2014, and has been designed to minimise impacts on neighbouring properties.

The immediately surrounding existing dwellings are older in style from circa 1970s/1980s, with red-brick and painted brick and tiled roofs common external materials. The proposed development is not within any particular DCP 2014 character area and is modern in design, using a selection of materials and finishes to create a high quality dwelling that responds to the site's unique topographical opportunities and constraints.

The flat style roof aims to lower the overall height of the dwelling and improve the views for properties to the front of the site. Furthermore, the dwelling is designed to:

- terrace down the site in order to reduce overall cut and fill required;
- reduce the overall height of the dwelling;
- ensure the dwelling is only 2-storeys at any one point of the building footprint; and
- comply with Council's site coverage and deep soil area requirements.

ITEM 2 (continued)

Bedrooms and Use

With regard to bedrooms, the original Revision A proposal included ten (10) bedrooms or rooms capable of being used as a bedroom in the principal dwelling (including the office, rumpus and cinema room), and two (2) bedrooms in the secondary dwelling. The basement level also had external access to the rear of the site via a separate door, and contained a much larger first floor level which had the potential to impact the views and outlook from properties at Nos. 35B and 37 Wentworth Road.

The amended Revision D design has reduced the proposed dwelling to eight (8) bedrooms or rooms capable of being a bedroom (including the office, rumpus and cinema room) and has deleted the proposal for a secondary dwelling. The first floor level has been considerably reduced in size and the overall height of the development lowered by 715mm from RL94.315 to RL93.6.

It is considered that the revised dwelling design is unlikely to be used for the purpose of a boarding house due to the configuration of the bedrooms and distribution of shared bathrooms within each of the levels. The applicant has advised that they are of a large extended family and the number of bedrooms is to meet the needs of their growing family. Nonetheless, Council's standard 'Single dwelling only' condition is recommended to be included on the consent (refer condition 82 at **ATTACHMENT 1**) to restrict the use of the dwelling as follows:

Single dwelling only. *The dwelling is not to be used or adapted for use as two separate domiciles or a boarding house.*

The form, scale and proportions of the dwelling comply with Council's LEP and DCP controls, while terracing the dwelling down the slope of the site. In light of the above, it is considered that the design of the dwelling is satisfactory and is consistent with the desired future character of the area.

D. AMOUNT OF CUT AND FILL ACROSS THE SITE – *Submissions raise that the proposed development does not comply with Ryde DCP 2014 with regard to the extent of cut and fill across the site.*

Assessment Officer Comments

Section 2.6.2 of part 3.3 of Ryde DCP 2014 states:

- b. The area under the dwelling footprint may be excavated or filled so long as:
 - i. the topography of the site requires cut and/or fill in order to reasonably accommodate a dwelling;*
 - ii. the depth of excavation is limited to 1.2 m maximum; and*
 - iii. the maximum height of fill is 900 mm.**

ITEM 2 (continued)

- c. Areas outside the dwelling footprint may be excavated and/or filled so long as:
- the maximum height of retaining walls is no greater than 900 mm;
 - the depth of excavation is not more than 900 mm;
 - the height of fill is not more than 500 mm;
 - the excavated and filled areas do not have an adverse impact on the streetscape;
 - the filled areas do not have an adverse impact on the privacy of neighbours;
 - the area between the adjacent side wall of the house and the side boundary is not filled; and
 - the filled areas are not adjacent to side or rear boundaries

The proposed development does not comply with the above controls, proposing:

- Within building footprint:
 - Maximum cut: 2.2m - See **Figure 9** in red.
 - Maximum fill: 0.5m - complies – See **Figure 9** in green.
- Outside building footprint:
 - Maximum cut: 1.4m – See **Figure 8** in red.
 - Maximum fill 1m – See **Figure 10** in green.
- Retaining wall: 1m and 1.1m high - See **Figures 8 and 10** in orange

As shown in the following drawings, the development proposes a greater amount of cut (up to 2.2m) than fill (up to 0.5m). Cutting into the site helps to lower the overall height and thus minimise impacts of bulk and scale when viewed from neighbouring properties.

Although the slab of the proposed driveway and garage (noted in blue at **Figure 9**) sits up to 1.2m above natural ground level, this will be on the northern side where the dwelling will be lower in terms of overall height (RL91.1). The overall height of the dwelling at this point will be 6.96m, which complies with the Ryde LEP 2014 requirement of 9.5m.



Figure 8. East elevation showing level of cut outside the building footprint
(Source: Submitted Plans – Revision D)

ITEM 2 (continued)

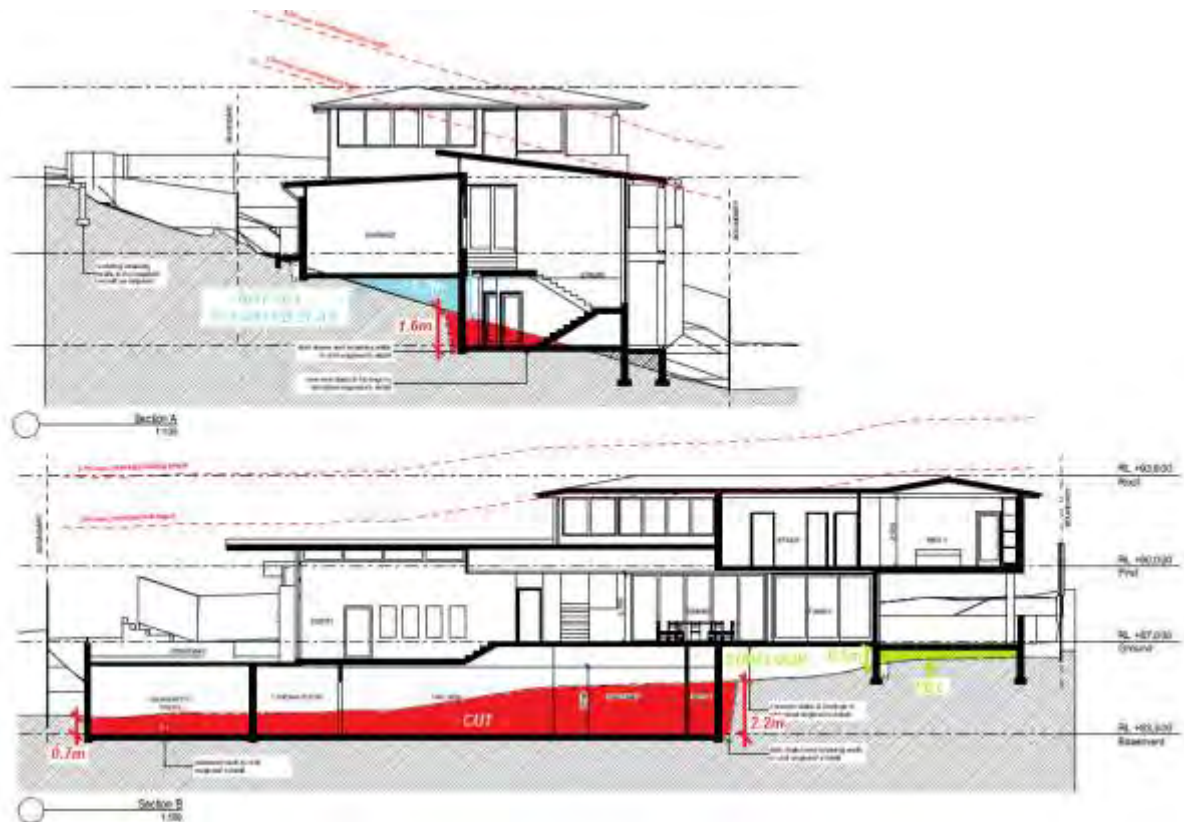


Figure 9. Long & short sections of proposed dwelling showing extent of cut & fill

(Source: Submitted Plans – Revision D)



Figure 10. South elevation showing level of cut outside the building footprint

(Source: Submitted Plans – Revision D)

ITEM 2 (continued)

As noted in the submitted Geotechnical Site Investigation Report prepared by Crozier Geotechnical Consultants, *“the site is a moderately sloping area (-13° to -16°) that extends across the slope around the rear edges of No. 35 and 37”* and is in a slope instability risk zone M under the Australian Standard for Residential Slabs and Footings AS2870-2011. As a result the site requires excavation and fill to facilitate the development.

Both Council’s Senior Development Engineer and Council’s Consultant Structural Engineer (Cardno) have reviewed the amended plans (Revision D) and have considered the development satisfactory subject to conditions. Cardno advised the following with regard to excavation for the proposed storm water detention tanks and overall design of the dwelling:

“Excavation up to about 3.0 m is still required for the house and for the detention tank.

The sizing of the detention tank will have to be changed to fit in the space now available at the north-western corner of the block.

The architectural drawings still indicate very steep permanent batters on the south and eastern sides of the basement and these do not comply with the maximum permanent batters recommended in the Crozier geotechnical report.

Retaining walls will be required on the south and east of the basement and subsoil drainage will be required behind all retaining walls.

As previously advised the Crozier geotechnical report dated September 2015 fulfils Council’s normal requirements for reports submitted in relation to developments on sites indicated on Council’s maps as being potentially at risk of slope instability.

Should Council’s officers decide to approve this application then Cardno recommends that such approval be conditional requiring that all works be conducted in full compliance with the recommendations as contained in the Crozier Geotechnical Consultant’s report dated September 2015.”

The maximum proposed batter slopes for long term/permanent in the Crosier report, which was based on the Revision A plans, are for 2:1 for ‘Fill and natural soils’ and 1:1 for ‘Extremely low and very low strength bedrock’. Cardno has not stated that these batters are unable to be achieved with the proposed Revision D development, and as such the recommended condition has been included on the draft consent to ensure construction meets the required geotechnical standards for development.

ITEM 2 (continued)

The proposed non-compliances with cut and fill are considered satisfactory as the topography of the site requires cut and/or fill in order to reasonably accommodate a dwelling. It is also worth noting that the proposed extent of cut has been reduced by 500mm from the Revision A plans within the basement level. Structurally the proposed cut and fill is also considered by both the applicant's and Council engineers to be acceptable. The proposed retaining walls are along the southern portion of the site and the eastern elevation, and will be setback from the boundaries as to not impact the rear yard of No. 39 Wentworth Road or Warrawong Reserve.

Additionally, when reviewed against the objectives of Section 2.6.2 of Part 3.3 of Ryde DCP 2014, the proposed earthworks is considered to meet the relevant objectives as it:

- Retains natural ground levels and existing landform where possible and steps the dwelling down the slope;
- Retains consistency along the streetscape, and along site boundaries;
- Minimises the extent of excavation and fill as much as possible to accommodate the dwelling;
- Does not result in an unreasonable loss of privacy or security for neighbours.

In this instance the areas of excavation and fill are considered acceptable as it is for the purpose of creating a useable and practical development area and outdoor recreation space where the existing ground level is not suitable and should not result in an unreasonable loss of the privacy or security of neighbours.

E. VIEW IMPACTS– *Submissions raise that the proposed development will reduce views currently enjoyed from Nos 35B and 37 Wentworth Road.*

Assessment Officer Comments

The proposed development will be positioned to the rear of the existing dwellings at Nos 35B and 37 Wentworth Road which will result in a reduction in the currently unimpeded outlook that the living areas of the existing dwellings enjoy out towards Warrawong Reserve and district views towards western Sydney. The following provides an assessment of view loss against the controls of Ryde DCP 2014 and the established Land and Environment Court planning principles for view sharing, **Figure 11** diagrammatically depicts views from the site.

ITEM 2 (continued)

Section 2.14.4 of part 3.3 of Ryde DCP 2014 states:

a. The siting of development is to provide for view sharing.

The amended proposal (Revision D) altered the siting of the development in response to public submissions relating to the setbacks, height and overall scale of the proposed 'Revision A' development. The siting, while positioned further to the south of the site, has attempted to allow for view sharing by:

- positioning the first floor roof level lower than the ground level of No. 37 Wentworth Road; and
- providing the ground floor roof level lower than No. 35B Wentworth Road as depicted at **Figure 11**.

The proposal is thus considered to meet the controls of Ryde DCP 2014 in this regard.

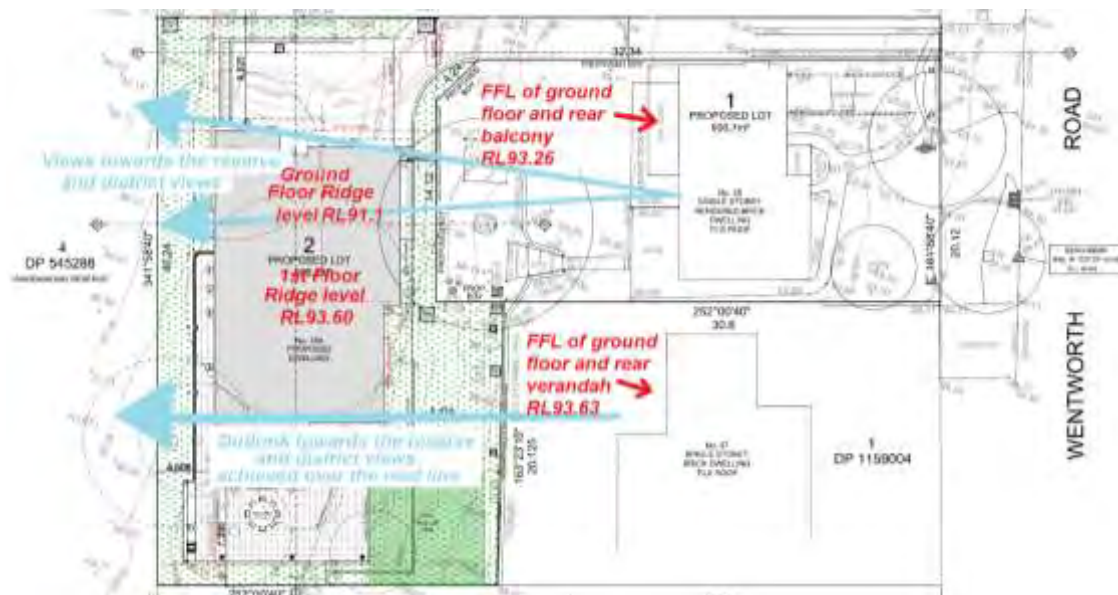


Figure 11. Site plan showing views and outlooks towards the reserve from Nos. 35B and 37 Wentworth Road (Source: Submitted Plans – Revision D)

Planning Principals for View Sharing

While the proposal may result in some reduction in the view and outlook currently enjoyed by the adjoining property owners over the applicant's property it is considered that any impact is reasonable having regard the planning principle from the *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 case for the principles of view sharing (in paragraphs 26 to 29 of the judgement). The following provides an assessment in light of these principles:

ITEM 2 (continued)

1. The first step is the assessment of views to be affected.

Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Adjoining properties views are to Warrawong Reserve to the west of the site and district views towards western Sydney as shown below at **Figures 12a** and **12b**. This outlook will still be achieved as the roof level of the dwelling in the respective sections is lower than the ground floor level and main indoor and outdoor living areas of Nos 35B and 37 Wentworth Road (refer **Figures 12a** and **12b**).



Figure 12a. View and outlook towards the reserve from subject site

ITEM 2 (continued)



Figure 12b. View and outlook towards the reserve from subject site

2. *The second step is to consider from what part of the property the views are obtained.*

For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The part of the property the view is obtained is from the rear of the neighbouring properties in the living rooms and balcony/verandah which have enjoyed an uninterrupted outlook since time of their construction. The subdivision of the subject site from Nos 35B and 37 Wentworth Rd was undertaken with the assumption that a dwelling would be developed on the site at some point in the future which would need to comply with Council's development controls. At the time of the subdivision in 2011 the maximum height and FSR control was 9.5m and 0.5:1 under Ryde LEP 2010, which is the same as the existing controls. As such it has always been expected that there would be some impact on views from the rear of the existing dwellings at Nos 35B and 37 Wentworth Road.

ITEM 2 (continued)

3. **The third step is to assess the extent of the impact.**

This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The extent of the impact is considered acceptable as the whole view or outlook will not be completely blocked, with partial views still achieved around the side or over the proposed dwelling.

4. **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 skilful 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 proposal is considered reasonable as it complies with the Ryde LEP 2014 height and FSR controls, with a maximum height of 8.6m, well below the permissible 9.5m and an FSR of 0.499:1 below the permissible 0.5:1. Consequently the proposal is considered reasonable with the amended design achieving better amenity and reduced impact on the views and outlook of the neighbours.

Taking into account the above assessment against Council's DCP 2014 and against the established planning principals, the proposed development is considered reasonable in terms of the impact on views from Nos 35B and 37 Wentworth Road.

F. PRIVACY IMPACTS – *Submissions raise that the proposed dwelling will cause privacy impacts for Nos 35B and 37 Wentworth Road with windows facing towards these dwellings able to directly view the living areas and rear yards of these dwellings.*

ITEM 2 (continued)

Assessment Officer Comments

Privacy impacts occur when there is ability for direct views from the windows of dwellings to the internal areas of neighbouring properties or when one dwelling may have the ability to overlook the private open space of another dwelling. The following provides an assessment of privacy impacts taking into consideration the finished floor levels (FFL) of the proposed dwelling, the FFL of existing dwellings at Nos 35B and 37 Wentworth Road, and the natural topography of the site. The FFL is used as a quantitative measure to determine whether an occupant standing within one dwelling would be able to view into the internal areas of another dwelling should the window orientation and alignment permit.

Floor levels and viewing opportunities

Table 1 below outlines the existing finished floor levels of the dwellings at No. 35B and 37 Wentworth Road as compared with the proposed floor levels of the proposed dwelling, in addition to the separation distances between the proposed dwelling and the respective neighbouring dwellings. **Figure 13** depicts the eastern elevation plan of the proposed dwelling, noting the approximate RL of the 1.8m rear boundary fence above natural ground level (NGL).

Table 1. Finished Floor Levels and Separation Distances

Floor Levels	No. 35A Proposed	No. 35B Existing	No. 37 Existing
Basement/subfloor/lower floor level	RL83.30	-	-
Ground	RL87.00	RL90.79	RL90.93
First/ Upper Floor level	RL90.00	RL93.26	RL93.63
RL of 1.8m boundary fence above existing retaining wall (approx. due to sloping site)	-	RL89.36	RL92.78
Separation distance between dwellings	-	16m measured to the rear timber deck	16.5m measured to the building facade

(Source of finished floor levels of neighbouring dwellings from LDA 2014/560 and LDA 2012/26 applying to the dwellings at No. 35 and 37 Wentworth Road respectively)

ITEM 2 (continued)



Figure 13. East elevation showing relative height of rear fence adjoining No. 35B & 37 Wentworth Road (Source: Submitted Plans – Revision D)

It is evident in **Table 1** and **Figure 13** that the proposed dwelling at No. 35A will generally sit lower than the dwellings at Nos. 35B and 37 and the height of the proposed rear boundary fence will serve to largely screen any reciprocal overlooking between dwellings and private open space. The separation between dwellings is some 16m and 16.5m to Nos 35B and 37 Wentworth Road respectively, and when considered in light of the slope of the site, direct views from the proposed dwelling to the rear open spaces of the neighbouring properties will minimise the potential for privacy/overlooking into those properties, as the subject site is lower than those adjoining.

There is only a minor correspondence in floor levels between the proposed first floor level at RL90.00 and the lower floor level of No.35B Wentworth Road at RL90.93. Despite this however, the floor plans show that no part of the proposed first floor level will sit in the area of the site that is directly behind No. 35B Wentworth Road, as shown at **Figure 13**. As such there are no anticipated direct views between the proposed first floor windows and the lower or upper levels of No. 35B.

Neighbour Objection - No. 35B Wentworth Road

The objector from No. 35B Wentworth Road has requested that the windows along the eastern elevation be highlight windows to reduce potential privacy impacts. As outlined above, the ground floor windows will not be capable of viewing the rear yard or windows of No. 35B Wentworth Road. Windows on the first floor are off the stairwell, first floor family room, bedrooms, and bathrooms.

ITEM 2 (continued)

Section 2.14.2 of Part 3.3 of Ryde DCP 2014 provides controls regarding visual privacy for dwellings and aims to minimise overlooking of neighbouring dwellings. This section states that “*Overlooking from bedroom windows is less of a concern than overlooking from the windows of other habitable rooms.*” With the applicant verbally advising that the bathroom windows will be constructed of opaque glass, and under the DCP 2014 bedroom windows not considered of concern with regard to visual impact, the main concern is visual impact from overlooking from the first floor family room. Given the lower rear fence height along the rear of No. 35B Wentworth Road, it is recognised that acute viewing angles may be possible from the proposed first floor family room to the rear yard of No. 35B Wentworth Road.

Accordingly, the following conditions are recommended to be included on the consent (refer conditions 30, 33 and 34 at **ATTACHMENT 1**) to reduce potential privacy impacts from this window, and to ensure the fencing is at least 1.8m high above NGL and bathroom windows have obscure glazing as neither have been specifically noted on the plans.

Window Treatment. *The east facing window of the First Floor Family room is to have obscure glazing, privacy screening or similar treatment installed up to a height of at least 1.5m above the finish floor level of the first floor that reduces the opportunity for overlooking to the adjoining private open spaces of the neighbouring allotments at 35B and 37 Wentworth Road, Eastwood. Specific details of the proposed window treatment or similar are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.*

Window Treatment. *The east facing windows of the First Floor Ensuite and Bathroom are to have obscure glazing. Specific details of the proposed window treatment or similar are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.*

Fencing. *Boundary fencing is to be a minimum of 1.8m high measured from the top of the retaining wall or natural ground levels along the adjoining rear boundaries of 35B and 37 Wentworth Road, Eastwood. Specific details of the proposed fencing is to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.*

ITEM 2 (continued)

Neighbour Objection - No. 37 Wentworth Road

The objector at No. 37 Wentworth Road has requested the following conditions be imposed:

- *Highlight windows along all windows facing the east towards No. 35B and 37 Wentworth Road; and*
- *The minimisation or removal of the glass sliding doors on the ground floor facing the east.*

It is considered that the two issues raised by the owner of No. 37 are addressed either through the above conditions requiring window treatments along habitable rooms facing the east towards No. 35B and 37 Wentworth Road, and that no direct views from ground floor windows are possible due to topographical level differences and fence heights outlined in **Table 1**.

With consideration of the above assessment and recommended conditions to restrict viewing opportunities from the first floor, there is not considered to be any unacceptable privacy impacts as a result of the proposed development.

G. OVERSHADOWING –*Submissions raise that the proposed development will cause overshadowing to neighbouring properties.*

Assessment Officer Comments

Section 2.14.1 of Part 3.3 of Ryde DCP 2014 contains the controls relating to daylight and sunlight access. This section states:

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

As shown at **Figure 14**, overshadowing of the proposed development will not impact any of the north-facing windows of neighbouring dwellings and will not reduce sunlight to less than 2 hours for at least 50% of the principal area of ground level private open space of adjacent properties between 9 am and 3 pm on June 21. Accordingly the proposal is in compliance with Ryde DCP 2014.

ITEM 2 (continued)

In particular it should be noted that no overshadowing will be caused to the rear yards of No 35B or No. 37 Wentworth Road between 9 am and 3 pm on June 21, and any impact will only be:

- between 9am and 12pm over a portion of Warrawong Reserve and the rear yard of No. 39 Wentworth Road; and
- between 12pm and 3pm over a portion of the rear yard of No. 39 Wentworth Road.

The proposed level of impact is considered reasonable given the orientation and topography of the site, and the fact that all neighbouring dwellings will continue to receive unimpeded sunlight access to north facing windows and more than 2 hours to private open space.

ITEM 2 (continued)



Figure 14. Shadow Diagrams (Source: Submitted Plans – Revision D)

ITEM 2 (continued)

H. BUILDING SETBACKS– *Submissions raise that the proposed dwelling does not comply with the building setback controls under Ryde DCP 2014.*

Assessment Officer Comments

1. Section 2.9 of Part 3.3 of Ryde DCP 2014 relates to setbacks of dwelling houses. The subject site is an irregular site, being a battle-axe (hatchet shaped) allotment which is also wider than it is long, and as such the following setback controls apply to the site under this Part of DCP 2014:

2.9.3 Rear Setbacks

- b. Allotments which are wider than they are long, and so cannot achieve the minimum rear setback requirement, are to have a minimum rear setback of 4m.*
- c. Dwellings on battle-axe (hatchet shaped) allotments are to be setback from the rear boundary of the front allotment a minimum of 8m. A single storey garage or outbuilding may be located within this setback*

2.9.2 Side Setbacks

- a. The outside walls of a one storey dwelling are to be set back from the side boundaries not less than 900mm.*
 - b. The outside walls of a two storey dwelling are to be set back from side boundaries not less than 1.5m.*
 - d. Allotments which are wider than they are long, are to have one side setback a minimum of 20% of the width of the allotment or 8m, whichever is the greater.*
2. The location of required setbacks is diagrammatically shown in blue below at **Figure 15** on the site plan with areas of noncompliance indicated.

ITEM 2 (continued)

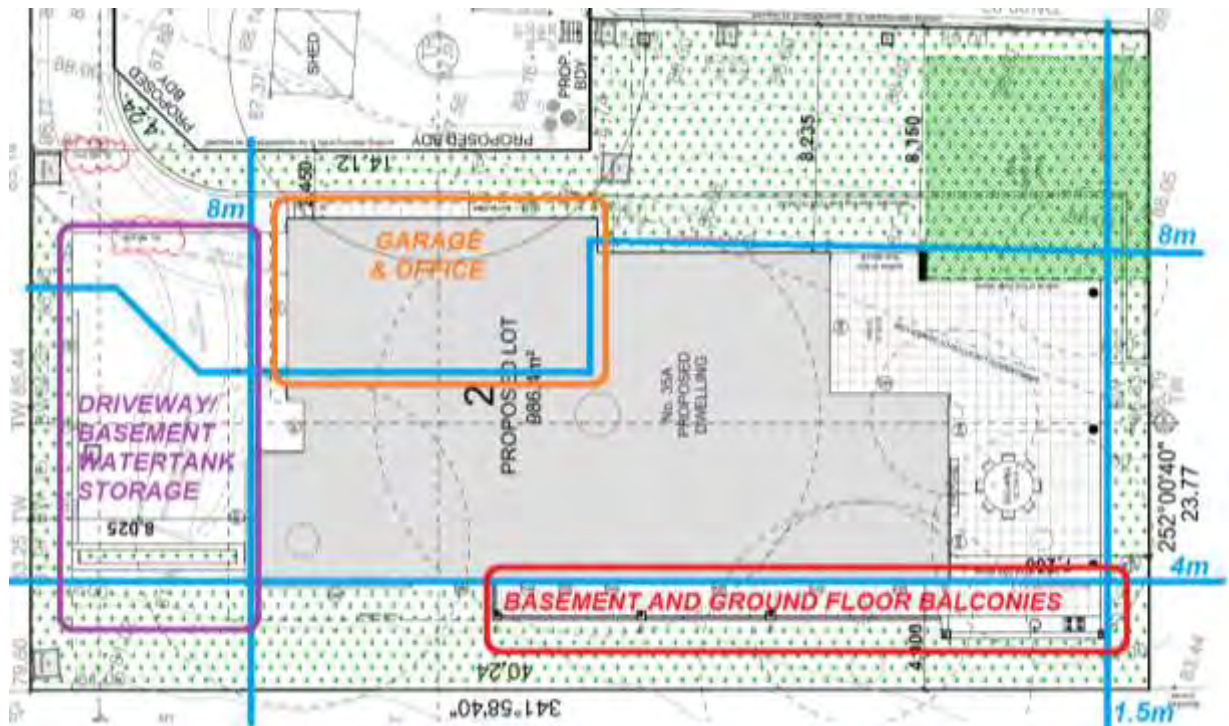


Figure 15. Site Plan showing building setbacks
(Source: Submitted Plans – Revision D)

As seen in **Figure 15**, there are three areas of the proposed development that sit outside of the required building setbacks under Ryde DCP 2014 being the ground floor garage and office, the driveway/basement water tank storage area and the basement and ground floor balconies.

- Garage and Office: Under Section 2.9.3 of Part 3.3, a single storey garage or outbuilding may be located within the 8m setback of the rear boundary of the front allotment. Accordingly the area of non-compliance is limited to the office which sits within the required 8m setback area.

As outlined above under the assessment of privacy impacts, the ground floor office will sit at RL87.00 and the ridge of the portion of the roof within the 8m setback is at RL90.00, well below the floor levels and rear yard natural ground levels of the adjoining No. 35B Wentworth Road which sit at RL90.79 (lower floor) and RL93.26 (upper floor). Therefore, despite the office sitting within the 8m setback area, the non-compliance is considered minor and inconsequential in terms of impact on privacy and view loss.

ITEM 2 (continued)

The owner of No. 35B Wentworth Road has objected to this building setback with the key concern being the numerical non-compliance with the Ryde DCP 2014 and requests the garage and office to be brought into line with the dining room with a uniform setback of 3.6m. Amending the design of the development to have a consistent setback of 3.6m along this elevation would be negligible with regard to mitigation of impacts and result in a garage that would not comply with Australian Standards and Council's controls for the width of a double garage.

- Basement & water tank storage area: Allotments which are wider than they are long are to have one minimum 8m side setback. **Figure 15** shows that the proposed development is designed to have this 8m setback from the northern side boundary in order to provide adequate vehicular access to the proposed dwelling. It is important to note that there is no control in Ryde DCP that requires the 8m setback to be on a specific side of the site.

Being a sloping site, to create a level area for vehicles to enter the garage and to turn to exit the site in a forward direction, a 'platform' is required which in turn has created a storage area beneath the driveway on the basement level. As a design response, it is proposed to use this basement space for the storage of the rain water tanks required under the BASIX Certificate.

The objectives of Section 2.9.2 Site Setbacks of Ryde DCP 2014 are:

- *To enable building siting to be compatible with the streetscape.*
- *To provide car access.*
- *To provide access to the rear of the allotment.*

Being a battle-axe lot, the non-compliance is imperceptible from the street and rear access to the allotment is not required as the 'rear yard' or outdoor private open space is provided within the front setback in accordance with the setback requirements for battle-axe lots. With the primary reason for the non-compliance being for car access, despite the numerical non-compliance, the proposed development is considered to continue to meet the objectives of this part of the DCP.

Furthermore, the design response to store the water tanks beneath the driveway is considered satisfactory as the area will be an uninhabitable space that is not included as gross floor area of a development. Further the space has no windows and has extensive landscaping proposed along the side boundary to screen and provide visual interest along the resultant expanse of wall. Additionally, there is no dwelling within the immediately adjoining area of neighbouring No. 33 Wentworth Road and no resultant overshadowing impacts as a result of the non-compliance. In view of this the proposed building setback is supported in this instance.

ITEM 2 (continued)

- **Basement and Ground floor balconies:** As seen in **Figure 13**, the ground floor and basement balconies are situated within the 4m rear setback area required under Section 2.9.3 of Part 3.3 of Ryde DCP 2014. The architectural design provides a setback of 2.6m to the balconies from the rear boundary.

The site being a sloping site, and a battle-axe lot that is wider than it is long, constrains the ability of the development to strictly apply the 4m setback of the dwelling while creating functional and accessible rooms on this basement levels of the house.

The objectives of Section 2.9.3 Rear Setbacks of Part 3.3 of Ryde DCP 2014 are:

- *To provide an area for private outdoor recreation and relaxation.*
- *To allow space for vegetation, mature trees and deep soil zones.*
- *To separate dwellings to achieve privacy.*
- *To enable contiguous vegetation corridors across blocks.*

The proposed development aims to provide a dwelling that minimises the extent of cut and fill, while positioning the dwelling as far towards the rear of the site as possible to respect the privacy and outlook for the dwellings to the front of the site at Nos. 35B and 37 Wentworth Road. Adequate setbacks from the dwelling and to neighbouring windows are provided in all other areas of the dwelling, and space for private outdoor recreation, vegetation, mature trees and deep soil zones are achieved within the 'front' setback of the dwelling. Furthermore, with Warrawong Reserve to the west of the site, there are no ensuing impacts on neighbouring dwellings and the proposed tree planting along the western boundary will ensure a contiguous vegetation corridor is sustained and connects with the vegetation within the reserve.

It is considered that the rear setback of the dwelling of 2.6m to the balconies is satisfactory as it is capable of meeting the objectives of the DCP and presents a favourable siting of the building.

In light of the above assessment, the proposed building setbacks are considered satisfactory as the dwelling has aimed to reduce impacts on the neighbouring properties.

- I. ACCESS & PARKING**– *Objections to the development have stated that the large number of bedrooms and potential use as a boarding house will result in an impact on available kerb side parking.*

ITEM 2 (continued)

Assessment Officer Comments

As outlined above, it is not considered that the site will be used for the purpose of a boarding house and appropriate conditions have been recommended to restrict the use of the development as a single dwelling.

Undue impacts on parking along Wentworth Road are not anticipated as:

- The proposed double garage with 2 parking spaces is satisfactory under Part 9.3 of Ryde DCP 2014 which requires up to 2 spaces for a single dwelling.
- The driveway area with dimensions of approx. 6m x 12.5m is sufficient size for the parking of additional cars should this be required.
- With an access handle of 32.34m long with a gradient of 1:5.74 it is considered unlikely that there will be an impact on kerb side parking along Wentworth Road due to the distance and steepness from the dwelling to the street and the convenience of parking within the site.

Council's Senior Development Engineer has reviewed the proposed development with regard to turning paths and vehicular safety and has considered the proposed design to be satisfactory in this regard.

J. INTERACTION OF THE HOUSE WITH WARRAWONG RESERVE– Submissions object to the design of the development overlooking Warrawong Reserve and potential for private use of the reserve.

Assessment Officer Comments

The assessment has outlined the design of the dwelling is to terrace down the slope of the site. While it is agreed that the development has an expansive outlook towards the reserve, to require greater screening or alternate design of western facing windows would unjustly impact the right of the owner to develop the site for private use. Dwellings at No. 35B and No. 37 Warrawong Road have enjoyed similar outlooks across Warrawong Reserve since their development and have had a similar uninterrupted immediate access to the reserve as No. 35B has remained unfenced (refer **Figure 2a** and **2b**).

To ensure that Warrawong Reserve remains a public reserve, and to address the public perception that the reserve is used for the private enjoyment of the owners of the subject site, the following condition relating to fencing and access is recommended (refer condition 31 at **ATTACHMENT 1**):

ITEM 2 (continued)

***Fencing.** Boundary fencing along the western boundary is to be a minimum of 1.8m high measured from the natural ground levels within Warrawong Reserve and a private access gate from the rear of the site to the Reserve is not to be installed. Specific details of the proposed fencing is to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.*

8. SEPP1 (or clause 4.6 RLEP 2010) objection required? None required.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2014

Zoning

The proposed new single dwelling is permissible within the R2 Low Density Residential zone subject to the approval of Council.

The objectives of the R2 Low Density Residential zone are:

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

Assessment Officer's Comments

The proposed development is considered to be consistent with the objectives of the zone.

Mandatory Requirements

The following is a summary of the clauses under Ryde LEP 2014 applicable to the development.

Ryde LEP 2014	Proposal	Compliance
4.3(2) Height		
9.5m	8.6m	Yes
4.4(2) & 4.4A(1) FSR		
0.5:1	0.499:1	Yes

ITEM 2 (continued)

(b) Relevant SEPPs

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

BASIX Certificate No.658839S_02, dated 05 April 2016 has been submitted and the development satisfies the commitments listed in the schedule.

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

Ryde DCP 2014

A full assessment of the proposal under DCP 2014 is illustrated in the compliance table held at **ATTACHMENT 2**. Two (2) non-compliances were identified in the table and have been assessed earlier under the Submissions assessment in Section 7 of this report and are further discussed below.

1. Section 2.6 Site Configuration, Part 3.3 of Ryde DCP

The proposed amount of cut and fill does not comply with the requirements under this section of Ryde DCP 2016. Section 7 C of this report has undertaken a detailed assessment of the level of excavation proposed and despite the numerical non-compliances has assessed the proposal as being satisfactory in this regard as:

- it continues to meet the qualitative objectives of the DCP controls,
- it is for the purpose of creating a useable and practical development area and outdoor recreation space where the existing ground level is not suitable; and
- will not result in an unreasonable loss of privacy, overshadowing or security of neighbours.

ITEM 2 (continued)

2. Section 2.9 Setbacks, Part 3.3 of Ryde DCP

Due to the site being a battle-axe lot that is also wider than it is long the proposed setbacks and the setback controls for the site differ from a standard lot. As assessed earlier in this report in Section 7 B, the proposed development does not comply with the proposed building setbacks in a number of areas of the development including the driveway/rainwater tank area, the ground floor garage/office and the basement and ground floor balconies which encroach the required side, front and rear setbacks.

These non-compliances have been assessed as being acceptable as:

- Office/Garage: despite the office sitting within the required 8m setback area from the front of the site, the non-compliance is considered minor and inconsequential in terms of impact on privacy and view loss.
- Driveway/Rainwater tank storage: being a sloping site, to create a level area for vehicles to enter the garage and to turn to exit the site in a forward direction, a 'platform' is required which in turn has created a storage area beneath the driveway on the basement level which encroaches the required 8m side setback area. As a design response, it is proposed to use this basement space for the storage of the rain water tanks. This is considered satisfactory as the area will be an uninhabitable space with no windows, that is not included as gross floor area of a development, and will be screened with extensive landscaping along the northern and western elevation.
- Basement and Ground floor balconies: the encroachment of the basement and ground floor balconies is considered acceptable as it is the result of the positioning the dwelling further to the rear of the site with the aim of respecting the privacy and outlook for the dwellings to the front of the site at Nos. 35B and 37 Wentworth Road; and
- there are no resultant overshadowing or privacy impacts as a result of any of the non-compliances.

Section 94 Contributions

Development Consent LDA2011/264 dated 11 October 2011 approved the *Subdivision of 1 lot into 2 lots*.

Development contributions were made to Council prior to the release of the Subdivision Certificate for registration at the Land and Property Management Authority (LPMA).

ITEM 2 (continued)

The development as originally proposed included a secondary dwelling which would have attracted Section 94 Contributions. However, this has been deleted from the proposal which is now only for a single dwelling.

Accordingly no contributions are payable under this application.

10. Likely impacts of the Development

(a) Built Environment

All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report (see DCP 2014 and Submissions sections). The development is considered satisfactory in terms of environmental impacts.

Works outside of the site

It is highlighted that the submitted architectural plans include annotations that the retaining walls within Nos 35A and 37 Wentworth Road is to be “repaired/rebuilt as required”. These retaining walls fall outside of the subject site and as such do not form part of this application. The following condition of consent (refer condition 6 at **ATTACHMENT 1**) is recommended to provide clarity for future certification of works and as an assessment of the proposed retaining wall has not been undertaken as part of this application.

Works outside of the site. Unless owners consent is given for the repair or rebuilding of retaining walls situated within adjoining properties of Nos. 35A and 37 Wentworth Road, no consent is given for works outside the site boundary of No. 35B Wentworth Road, Eastwood (Lot 2, DP 1178968).

Lighting of access handle

If not appropriately designed and installed, the location lighting within of the access handle may cause impact to the neighbouring dwellings at No. 35B and No. 33 Wentworth Road. To ensure that any potential impacts from offensive glare are mitigated the following condition is recommended (refer condition 32 at **ATTACHMENT 1**):

Lighting of access handle driveway. Details of lighting for internal driveways 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 2 (continued)

(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 impact 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 impacts the proposed development will have.

11. Suitability of the site for the development

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies the following:

Landslip-area: The subject site is identified as being within a landslip area due to the steep slope of the site. The application was accompanied with a Geotechnical Report prepared by Crozier Geotechnical Consultants dated September 2015. Council's Consultant Geotechnical Engineer (Cardno) has reviewed the report and the proposed application and has recommended the following condition be imposed on any consent issued for the proposed development (refer condition 5 at

ATTACHMENT 1):

***Geotechnical Engineering.** All works are to be conducted in full compliance with the recommendations as contained in the Crozier Geotechnical Consultant's report dated September 2015.*

Non-Conservation Urban Bushland: The subject site containing pockets of non-conservation urban bushland. Tree removal and proposed replacement planting has been reviewed by Council's Consultant Landscape Architect who has considered that the proposed works are satisfactory subject to the proposed recommended conditions of consent.

The development proposes the removal of all seven (7) trees located on the subject site. This is supported by Council's Consultant Landscape Architect due to the majority of trees being in poor health and condition or being of low retention value. It is noted that one (1) neighbouring tree within No. 37 Wentworth Road has the potential to be impacted and appropriate tree protection conditions have been recommended on the consent (refer conditions 43, 54, 56, 64 – 68 at **ATTACHMENT 1**).

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.

ITEM 2 (continued)

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. Conditions of consent have been provided, and these are included in the Draft Conditions of Consent (see **ATTACHMENT 1**).

“The subject site is a battle axe block and has a steep slope towards the back. It is benefitted by an easement to drain water. Site is also affected by an easement to drain water 1.0m and 1.5m wide which runs along its eastern and northern boundaries.

Drainage from the development is connected to the existing pit within the easement at the back. On site detention has been provided in the form of an underground tank behind the driveway. This area is at a lower level which is about 4.5m below the driveway level. The BASIX tank is located under the driveway.

The volume for the OSD tank as calculated by applicant's engineer has considered extra 20% for landscaping. The 20% additional volume is required for OSD basins only and not for tanks. Therefore a lesser volume of 20.5m³ is acceptable. The BASIX tank volume proposed is 6000 litres which complies with the BASIX report.

There will be minor cut proposed along the driveway to achieve the driveway gradients to comply with AS 2890.1.

No objections are raised to the approval subject to the attached conditions.”

The following recommended conditions have been included on the draft consent at **ATTACHMENT 1**: Conditions 16-19, 35-42, 52-53, and 78-83.

External Referrals

Landscape Architect: The proposed development and revised landscape design (Revision C) were referred to Council's Consultant Landscape Architect who has stated the proposed landscaping and tree removal is acceptable, subject to conditions of consent (refer conditions 43, 44, 54, 56 and 85 of **ATTACHMENT 1**).

Geotechnical Engineer: The proposed development and revised design (Revision D) were referred to Council's Consultant Geotechnical Engineer who has stated the proposed development is acceptable, subject to conditions of consent as outlined above (refer condition 5 of **ATTACHMENT 1**).

ITEM 2 (continued)

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

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

16. Other Options

None relevant.

17. Conclusion

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

Although areas of non-compliance with Part 3.2 of Ryde DCP 2014 were identified, these were either considered to be justifiable given the circumstances of the subject site and the development proposed.

Although key issues regarding bulk, scale, building height and character that submissions objected to, the proposed development is considered to result in a development that integrates with the natural topography of the site, while reducing the extent of excavation required and reducing the overall height of the development to preserve existing views enjoyed by adjoining dwellings to the east of the site.

The amended proposed development (Revision D) is a considerable reduction in bulk and scale to the originally proposed development (Revision A) and is considered to be a superior design that responds well to the constraints and opportunities of the site.

On the above basis, LDA2015/470 at 35A Wentworth Road, Eastwood is recommended for approval subject to conditions.

ITEM 2 (continued)

ATTACHMENT 1

Draft Conditions of Consent

**35a Wentworth Road Eastwood
LDA2015/470**

GENERAL

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

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

Document Description	Date	Plan No/Reference
Site Plan and BASIX	22/03/2016	No. 15028 AP01 Issue D
Floor Plans	22/03/2016	No. 15028 AP02 Issue D
Elevations and Sections	22/03/2016	No. 15028 AP03 Issue D
Driveway Section	22/03/2016	No. 15028 AP05 Issue D
Landscape Plan	15/04/2016	Drawing No. L-01 Issue rev. DA Issue No. C
Stormwater Management Plan – Details, Notes & Legend	03/05/2016	Drawing No. D1, Issue D
Stormwater Management Site Plan	03/05/2016	Drawing No. D2, Issue D
Stormwater Management Basement and Roof Plan	03/05/2016	Drawing No. D3, Issue D
Stormwater Details	03/05/2016	Drawing No. D4, Issue D
OSD Details and Calculations	03/05/2016	Drawing No. D5, Issue D
Sediment Control Plan	03/05/2016	Drawing No. D6, Issue D
Sediment Control Details	03/05/2016	Drawing No. D7, Issue D
Report on Geotechnical Site Investigation prepared by Crozier Geotechnical Consultants	15/09/2015	Project: 2013-158.2
Arborist Report prepared by Abacus Tree Services	13/09/2015	-

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.

ITEM 2 (continued)

ATTACHMENT 1

3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 658839S_02, dated 05 April 2016.
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. **Geotechnical Engineering.** All works are to be conducted in full compliance with the recommendations as contained in the Crozier Geotechnical Consultant's report dated September 2015.
6. **Works outside of the site.** Unless owners consent is given for the repair or rebuilding of retaining walls situated within adjoining properties of Nos. 35A and 37 Wentworth Road, no consent is given for works outside the site boundary of No. 35B Wentworth Road, Eastwood (Lot 2, DP 1178968).

Protection of Adjoining and Public Land

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 including Warrawong Reserve.
 - (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 2 (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.

Works on Public Road

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. **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.
14. **Excavation**
 - (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
 - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
15. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
16. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the relevant Australian Standard and City of Ryde Development Control Plan 2014 Section 8 except as amended by other conditions.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.

ITEM 2 (continued)

ATTACHMENT 1

18. **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.
19. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

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.

20. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
21. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.

ITEM 2 (continued)

ATTACHMENT 1

22. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
23. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
24. **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**.
25. **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**.
26. **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 Warrawong Reserve. 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**.
27. **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.

ITEM 2 (continued)

ATTACHMENT 1

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>

28. **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**.
29. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 - Fences. Details of compliance are to be provided in the plans for the **Construction Certificate**.
30. **Fencing.** Boundary fencing is to be a minimum of 1.8m high measured from the top of the retaining wall or natural ground levels along the adjoining rear boundaries of 35B and 37 Wentworth Road, Eastwood. Specific details of the proposed fencing is to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.
31. **Fencing.** Boundary fencing along the western boundary is to be a minimum of 1.8m high measured from the natural ground levels within Warrawong Reserve and a private access gate from the rear of the site to the Reserve is not to be installed. Specific details of the proposed fencing is to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.
32. **Lighting of access handle driveway.** Details of lighting for internal driveways 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.
33. **Window Treatment.** The east facing window of the First Floor Family room is to have obscure glazing, privacy screening or similar treatment installed up to a height of at least 1.5m above the finish floor level of the first floor that reduces the opportunity for overlooking to the adjoining private open spaces of the neighbouring allotments at 35B and 37 Wentworth Road, Eastwood. Specific details of the proposed window treatment or similar are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.
34. **Window Treatment.** The east facing windows of the First Floor Ensuite and Bathroom are to have obscure glazing. Specific details of the proposed window treatment or similar are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.

ITEM 2 (continued)

ATTACHMENT 1

35. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
36. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.
37. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system in accordance with City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. The minimum capacity of the piped drainage system shall be equivalent to the collected runoff from a 100 year average recurrence interval 5 minute storm event.
- Detailed engineering plans including certification from a suitably qualified hydraulic engineer indicating compliance with this condition & DCP 2014 are to be submitted with the Construction Certificate application.
38. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.
39. **Existing Retaining Walls.** A structural engineer shall inspect the structural stability of any existing retaining walls along the driveway. A report shall be prepared outlining structural stability of these structures and any works required to stabilise these where required. All recommendations are to be implemented.

ITEM 2 (continued)

ATTACHMENT 1

40. **Construction near Pipeline in Drainage Easement.** To ensure the new structure is not jeopardised by any potential maintenance works in the adjacent drainage easement, all footings for structures adjacent the easement shall be extended below the zone of influence of the pipe foundation. The zone of influence is to extend from a point offset from the edge of the pipe by half the pipe diameter, at the depth of the pipe invert and extending upwards at the angle of repose for the given subsurface conditions. To demonstrate compliance with this requirement, cross section details prepared by a suitably qualified engineer, showing the new footing, the exact location and depth of the stormwater pipe in the easement and the resulting zone of influence are to be submitted with the application for a Construction Certificate.
41. **No Encroachment over the Easement.** The structures shall not encroach over the easement including foundations & overhangs.
42. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

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

- a) Existing and final contours
- b) The location of all earthworks, including roads, areas of cut and fill
- c) Location of all impervious areas
- d) **Location and design criteria of erosion and sediment control structures,**
- e) Location and description of existing vegetation
- f) Site access point/s and means of limiting material leaving the site
- g) Location of proposed vegetated buffer strips
- h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- i) Location of stockpiles
- j) Means of diversion of uncontaminated upper catchment around disturbed areas
- k) Procedures for maintenance of erosion and sediment controls
- l) Details for any staging of works
- m) Details and procedures for dust control.

ITEM 2 (continued)

ATTACHMENT 1

43. **Arboricultural Method Statement.** An Arboricultural Method Statement is to be prepared detailing the proposed tree protection measures and appropriate tree sensitive construction techniques to ensure all retained trees are maintained in a healthy and viable condition during and following construction. This is to be submitted to and approved by Council as part of the **Construction Certificate** application.
44. **Replacement Planting.** The proposed Citrus limon, Pyrus calleryana and Elaeocarpus reticulatus as shown on the Landscape Plan prepared by RFA Landscape Architects dated 15.04.2016 are to be substituted for three (3) locally endemic tree species capable of reaching a minimum height of 15 metres with a spreading canopy which meet the following specifications:
- (a) The tree shall be planted in accordance with the specifications as prescribed in Section 6 of the City of Ryde Urban Forest Technical Manual.
 - (b) The container size of the replacement trees at planting shall be a minimum of 75 litres.

Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.

45. **Tree planting – location.** All tree planting required under this consent is to be planted a minimum of 3m from adjoining property boundaries of Nos 33, 35B, 37 and 39 Wentworth Road, Eastwood. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the **Construction 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.

46. **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.

ITEM 2 (continued)

ATTACHMENT 1

- (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.
47. **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.
48. **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).

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

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ATTACHMENT 1

50. **Pre-commencement dilapidation report.** The submission of a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties namely Warrawong Reserve, 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.
51. **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.
52. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan prior to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
53. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities.
54. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained within the subject site and on neighbouring allotments. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.

DURING CONSTRUCTION

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

ITEM 2 (continued)

ATTACHMENT 1

55. **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*.
56. **Hold points and certification.** The Tree Protection Schedule provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction. It also provides a checklist of various hold points that are to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to the City of Ryde Council on completion of the project.

Tree Protection Schedule

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 and additional root, trunk and/or branch protection	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

57. **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.
58. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
59. **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.

ITEM 2 (continued)

ATTACHMENT 1

60. **Construction materials.** All materials associated with construction must be retained within the site.
61. **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.
62. **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.
63. **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".
64. **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.
Trees to be retained and protected

Tree 9 – Pin Oak (*Quercus palustris*)
65. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
66. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
67. **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.

ITEM 2 (continued)

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68. **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.
69. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

70. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 658839S_02, dated 05 April 2016.
71. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
72. **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**.
73. **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**.

ITEM 2 (continued)

ATTACHMENT 1

74. **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.
75. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's City Works & Infrastructure Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.
76. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
77. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA.
78. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No 285680 Dwg D1 to D7 issue D dated 3/5/16 prepared by Donovan Associates and as amended in red by Council
79. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**
- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's Development Control Plan 2014: - Part 8.3; Driveways
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2014: - Part 8.3; Driveways.

ITEM 2 (continued)

ATTACHMENT 1

- Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management
- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.

80. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

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.

81. **Single dwelling only.** The dwelling is not to be used or adapted for use as two separate domiciles or a boarding house.
82. **Protection of Replacement Planting.** Trees required to be planted under Condition 44 shall be maintained until they reach five (5) metres tall and have a stem circumference of 450mm, at which time the trees shall be protected by the City of Ryde Development Control Plan 2014 Part 9.5 (Tree Preservation).

If a tree dies before it reaches this size it shall be replaced in accordance with Replanting Conditions listed above.

It is the property owner's responsibility to ensure that all work is carried out according to the conditions of this consent. Failure to do so is an offence under the *Environmental Planning and Assessment Act 1979* and you may be subject to fines or legal action.

ITEM 2 (continued)

ATTACHMENT 2

Compliance Check - Quality Certification

Assessment of a Dual Occupancy (attached), Single Dwelling House, Alterations & Additions to a Dwelling House and ancillary development.

LDA No: LDA2015/0470	Date Plans Rec'd: 26 April 2016
Address: 35a Wentworth Rd Eastwood	
Proposal: New dwelling and secondary dwelling.	
Constraints Identified: Land Slip, Urban Vegetation (Inadequately Conserved)	

COMPLIANCE CHECK

Ryde LEP 2014	Proposal	Compliance
4.3(2) Height		
9.5m	8.6m	Y
4.4(2) & 4.4A(1) FSR		
0.5:1	0.499:1	Y

DCP 2014	Proposed	Compliance
Part 3.3 - Dwelling Houses and Dual Occupancy (attached)		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Y
Dwelling Houses		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Front and rear gardens proposed.	Y
- Maximum 2 storeys.		Y

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
<ul style="list-style-type: none"> - Dwellings to address street - Garage/carports not visually prominent features. 	2 storeys at any one point of the development. Battle-axe lot. Dwelling presents to access handle. Garage not prominent feature as setback in front elevation of building.	Y Y
Public Domain Amenity		
Streetscape		
<ul style="list-style-type: none"> - Front doors and windows are to face the street. Side entries to be clearly apparent. - Single storey entrance porticos. - Articulated street facades. 	Front doors and windows face north towards access handle. Single entrance portico. Articulated façade.	Y Y Y
Public Views and Vistas		
<ul style="list-style-type: none"> - A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. Fence 70% open where height is >900mm. 	No water views gained. Refer detailed assessment of views in main report. No view corridor blocked by proposed garage. No views blocked by fencing.	N/A Y Y
Pedestrian & Vehicle Safety		
<ul style="list-style-type: none"> - Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard. - Fencing that blocks sight lines is to be splayed. 	Integrated garage. Battle-axe lot – vehicles will be able to enter and exit site in forward direction with sufficient turning area. Front fencing is not required or proposed due to site being a battle-axe lot.	Y Y

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
Site Configuration		
Deep Soil Areas		
- 35% of site area min.	Permeable (deep soil) area: 346.48m ² approx (39.55% of site area).	Y
- Min 8x8m deep soil area in backyard.		
- Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).	Rear DSA dimensions: 8m x 8m provided.	Y
- Dual occupancy developments only need 1 of 8 x 8m area (doesn't have to be shared equally).	Hard surface areas have been kept to a minimum in the front yard.	Y
Topography & Excavation		
Within building footprint:	Within BF	(Noncompliance Issue #1)
- Max cut: 1.2m	Max cut: 2.2m (basement)	
- Max fill: 900mm	Max fill: 1.2m (beneath garage)	No (variation supported) No (variation supported)
Outside building footprint:	Outside BF	No (variation supported) No (variation supported)
- Max cut: 900mm	Max cut: 1.4mm (rear yard)	
- Max fill: 500mm	Max fill: 1m (driveway)	No (variation supported) No (variation supported)
- No fill between side of building and boundary or close to rear boundary	No fill between side of building and boundary.	
- Max ht retaining wall 900mm	1.1m retaining wall height along side boundary.	No (variation supported)
Floor Space Ratio		
Lower ground floor	112.53m ²	
Ground floor	240.4m ²	
First floor	110.65m ²	
Detached car parking structures	-	
Outbuildings (incl covered pergolas, sheds etc)	-	
Total (Gross Floor Area)	472.58m ²	
Less 36m ² (double) or 18m ² (single) allowance for parking	436.58m ²	

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
FSR (max 0.5:1) Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	0.499:1	Y
Height		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	2 storeys.	Y
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	1 storey above garage.	Y
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet <i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i>	TOW RL: 87.3 (wall at garage/driveway) FGL below (lowest point): RL: 83.3 TOW Height (max)= 5m No wall of main dwelling is an unarticulated blank wall that exceeds 7.5m.	Y
9.5m Overall Height <i>NB:</i> <i>EGL = Existing Ground Level</i>	Refer assessment in Section 7B of main report. Max height of dwelling above NGL: Roof ridge RL: 93.0 EGL below ridge (lowest point): RL: 84.4 Overall Height (max)= 8.6m Height under highest point of dwelling: Top Roof ridge: RL93.6	Y

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
	EGL below ridge (lowest point): RL: 85.49 Height = 8.11m	
Habitable rooms to have 2.4m floor to ceiling height (min).	2.7m min room height.	Y
Setbacks		
SIDE Single storey dwelling - 900mm to wall - Includes balconies etc	Southern side: 1.5m Northern driveway wall: 1.5m	Y
SIDE Two storey dwelling - 1500mm to wall - Includes balconies etc	Southern side: 1.5m	Y
Side setback to secondary frontage (cnr allotments): 2m to façade and garage/carports	No secondary street frontage.	N/A
Front - 6m to façade (generally) - Garage setback 1m from the dwelling façade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements eg RWT, A/C	No distinct 'front' boundary due to being a battle-axe lot that is wider than it is long. Min setback of 2.45m to front boundary of 35B Wentworth Rd. Garage setback 1.2m from front façade. Wall above aligns with garage below. Front setback free of ancillary elements – RWT under driveway.	(Noncompliance Issue #2) No (variation supported) Y Y Y

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
Rear - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: 10.06m is 25% of site length.	N/A	N/A
Sites wider than they are long - One side setback of 8m or 20% of allotment width, whichever is greater. - Rear setback 4m min (in addition to 8m side setback). NB: Side setback on irregular allotments can be measured at the centre line of the site. (must have 8x8m DSA)	8m provided to north setback however this is infringed by driveway/rainwater tank area.	(Noncompliance Issue #2) No (variation supported – refer discussion in main report)
Outbuildings		
- Not within front setback. - Max area – 20m ² - Max wall plate (ceiling) height 2.8m - Max O/A height 4.5m – Ridge to EGL - To be single storey. - Windows not less than 900mm from boundary. - Concrete dish drain if setback less than 900mm. - Design to complement new dwelling.	No outbuildings proposed.	N/A
Car Parking & Access		
General		
- Dwelling: 2 spaces max, 1 space min. - Dual Occupancy (attached): 1 space max per dwelling. - Where possible access off	Number/location of car spaces: 2 Access from: Wentworth Road (no secondary street frontage)	Y Y

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
secondary street frontages or laneways is preferable. - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade.	External width: 6.58m	Y
Garages - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above. - Garage windows are to be at least 900mm away from boundary. - Free standing garages are to have a max GFA of 36m ² - Materials in keeping or complimentary to dwelling.	Setback from façade: 1.2m Width of opening: 5.2m Door setback: 300mm No garage windows. Garage is attached. Materials: consistent with new dwelling.	Y Y Y N/A Y
Carports - Sides 1/3 open (definition in BCA) - Design & materials compatible with dwelling.	No carport proposed.	N/A
Parking Space Sizes (AS) o Double garage: 5.4m wide (min) o Single garage: 3m w(min) o Internal length: 5.4m (min)	Internal measurements: 6m (w) x 6m (l)	Y
Driveways - Extent of driveways minimised	Driveway minimised.	Y

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
<p>Semi-basement Car Parking</p> <ul style="list-style-type: none"> - Ramps must start 2m from the boundary (not on public land). - Walls are not to extend beyond walls of dwelling above. 	<p>Garage integrated into ground floor level.</p>	<p>N/A</p>
Swimming Pools & Spas		
<ul style="list-style-type: none"> - Must comply with all relevant Acts, Regulations and Australian Standards. - Must at all times be surrounded by a child resistant barrier and located to separate pool from any residential building and/or outbuildings (excl cabanas) and from adjoining land. - No openable windows, doors or other openings in a wall that forms part of barrier. - Spa to have lockable lid. - Pools not to be in front setback. 	<p>No pool or spa proposed.</p>	<p>N/A</p>
<p>Pool coping height</p> <ul style="list-style-type: none"> - 500mm maximum above existing ground level <p><i>(only if no impact on privacy)</i></p>	<p>No pool proposed.</p>	<p>N/A</p>
<p>Pool Setback</p> <ul style="list-style-type: none"> - 900mm min from outside edge of pool coping. - Pool setback 3m+ from tree >5m height on subject or adjacent property - Pool filter located away from neighbouring dwellings, and in an acoustic enclosure 	<p>No pool proposed.</p>	<p>N/A</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
Landscaping		
Trees & Landscaping		
<ul style="list-style-type: none"> - Major trees retained where practicable. 	Trees to be removed are supported by Council's Consultant Landscape Architect.	Y
<ul style="list-style-type: none"> - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces. 	Physical connection provided.	Y
<ul style="list-style-type: none"> - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access) 	Obstruction-free pathway provided along north and southern side of dwelling.	Y
<ul style="list-style-type: none"> - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. 	Callery Pear Tree proposed in front yard capable of achieving 10m in height.	Y
<ul style="list-style-type: none"> - Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy. 	Blueberry Ash tree proposed in rear yard capable of achieving 8m in height	Y
<ul style="list-style-type: none"> - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. 	however this tree is to be replaced with an endemic species per the Landscape Referral – refer condition 44 at ATTACHMENT 1 .	Y
<ul style="list-style-type: none"> - OSD generally not to be located in front setback unless under driveway. 	Hedging to be maintained at 2.7m in height.	Y
<ul style="list-style-type: none"> - OSD in front of dwelling however, as site is a battle-axe lot, the location is appropriate. 	OSD in front of dwelling however, as site is a battle-axe lot, the location is appropriate.	
<ul style="list-style-type: none"> - Landscaped front garden, with max 40% hard paving 	Hard Paving: <40% in front yard being the setback to lots to the front of the site	Y

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
<p>Landscaping for lots with Urban Bushland or Overland Flow constraints</p> <ul style="list-style-type: none"> - Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from bdy adjoining bushland. - No fill allowed in overland flow areas. - Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water. 	<p>Non-conservation urban bushland extends across $\frac{3}{4}$ of the site. Council's Consultant Landscape Architect has reviewed the proposed plans and has imposed conditions to ensure suitable replacement planting is provided for tree removal – refer Condition 44 at ATTACHMENT 1.</p> <p>Site is not flood affected.</p> <p>Site is not flood affected.</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p>
Dwelling Amenity		
<p>Daylight and Sunlight Access</p> <ul style="list-style-type: none"> - Living areas to face north where orientation makes this possible. - 4m side setback for side living areas where north is to the side allotment boundary. <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> - Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21. - Private open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. 	<p>Living areas face west to maximise view over Warrawong Reserve. 8.025m to northern boundary.</p> <p>North facing windows will receive a minimum of 3hrs sunlight between 9am and 3pm on June 21.</p> <p>POS: Identified as the lawn area at the front of the dwelling. 2hrs sunlight</p>	<p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
<p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>achieved. Most sunlight received at 12 noon is sufficient to satisfy control.</p> <p>Hours of sunlight to adjoining principal open space: 2hrs achieved to in excess of 50% of adjoining properties rear yard.</p> <p>Development will at no time cast shadow to any adjoining dwelling window.</p>	<p style="text-align: center;">Y</p> <p style="text-align: center;">Y</p>
<p>Visual Privacy</p> <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space. - Side windows offset from adjoining windows. - Terraces, balconies etc are not to overlook neighbouring dwellings/private open space. 	<p>Living areas and balconies orientated towards western boundary to overlook Warrawong Reserve.</p> <p>Due to slope of the land, rumpus, family and dining room windows will not directly view into adjoining dwellings of their open space.</p> <p>All side windows are offset from adjoining property windows.</p> <p>Alfresco area / balconies overlook Warrawong Reserve only. No potential to overlook neighbouring dwellings or their private open space.</p>	<p style="text-align: center;">Y</p> <p style="text-align: center;">Y</p> <p style="text-align: center;">Y</p> <p style="text-align: center;">Y</p>
<p>Acoustic Privacy</p> <p>Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings eg: place adjoining living areas near each other and adjoining bedrooms near each other.</p>	<p>Dwelling house and secondary dwelling proposed only.</p>	<p style="text-align: center;">N/A</p>
<p>View Sharing</p> <ul style="list-style-type: none"> - The siting of development is to provide for view sharing. 	<p>No water or city views gained from site or adjoining properties. Siting of development appropriate.</p>	<p style="text-align: center;">Y</p>

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
	District and Warrawong Reserve views will be slightly impacted which has been assessed as being satisfactory – refer assessment in main report.	
Cross Ventilation - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.	Layout optimal for accessing prevailing breezes.	Y
External Building Elements		
Roof		
<ul style="list-style-type: none"> - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. 	Roof line is well articulated. 450mm eaves overhang. No trafficable terrace proposed. No skylights proposed. No dormer windows or skylights proposed.	Y Y Y Y
Attic Dormer Windows		
<ul style="list-style-type: none"> - Max 2 dormer windows with a max total width of 3m. - Highest point to be 500mm min below roof ridge and 1m min above the top of gutter. - Total roof area of attic dormer: 8m² - Front face to be setback 1m min back from external face of wall below. - Balconies set into roof not permitted. 	No attic dormer windows proposed.	Y
Fencing		
Front/return:		
<ul style="list-style-type: none"> - To reflect design of dwelling. - To reflect character & 	No front or return fencing proposed as site is a battle-axe lot.	N/A

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
height of neighbouring fences. - Max 900mm high for solid (picket can be 1m). - Max 1.8m high if 50% open (any solid base max 900mm). - Retaining walls on front bdy max 900mm. - No colorbond or paling Max width of piers 350mm.		
Side/rear fencing: - 1.8m max o/a height.	Side boundary fencing achieves 1.8m in height. Conditions imposed to ensure this.	Y
Special requirements for Battleaxe Lots		
Must be setback from rear boundary of front allotment 8m min (in addition to having an 8m/25% rear setback). Single storey garage or carport may be within setback.	Office setback 2.45m. Refer discussion in main report.	(Noncompliance Issue #2) No (variation supported)
Must have hard paved area in front setback for turning, so vehicles can enter & exit in a forward direction.	Vehicles will be able to turn to enter and exit in a forward direction.	Y
View corridor to water coordinated with that of front allotment or along access handle.	No water views gained from site. Front allotments able to retain view over the proposed dwelling.	Y
Part 7.1 - Energy Smart, Water Wise		
External Clothes Drying Area		
External yard space or sheltered ventilated space for clothes drying.	Adequate space in rear yard for clothes line.	Y
Part 7.2- Waste Minimisation & Management		
Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	Y

ITEM 2 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
Part 8.2 - Stormwater Management		
Stormwater & Floodplain Management		
Drainage is to be piped in accordance with Part 8.2 - Stormwater & Floodplain Management.	Council's Senior Development Engineer satisfied with proposed drainage arrangements.	Y
Part 9.2- Access for People with Disabilities		
Accessible path required from the street to the front door, where the level of land permits.	Path provided to front door.	Y
Part 9.5 – Tree Preservation		
Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.	Trees to be removed supported by Council's Consultant Landscape Architect.	Y

BASIX – 658839S_02 – dated 05 April 2016		
All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) BASIX Cert 658839S_02 dated 05 April 2016 ABSA Cert 04691269 <ul style="list-style-type: none"> • RWT 6000L • Thermal Comfort Commitments – Construction. • TCC – floor concrete slab and suspended floor/enclosed subfloor • HWS Gas Instantaneous 4 star. 	Shown on DA plans	Y

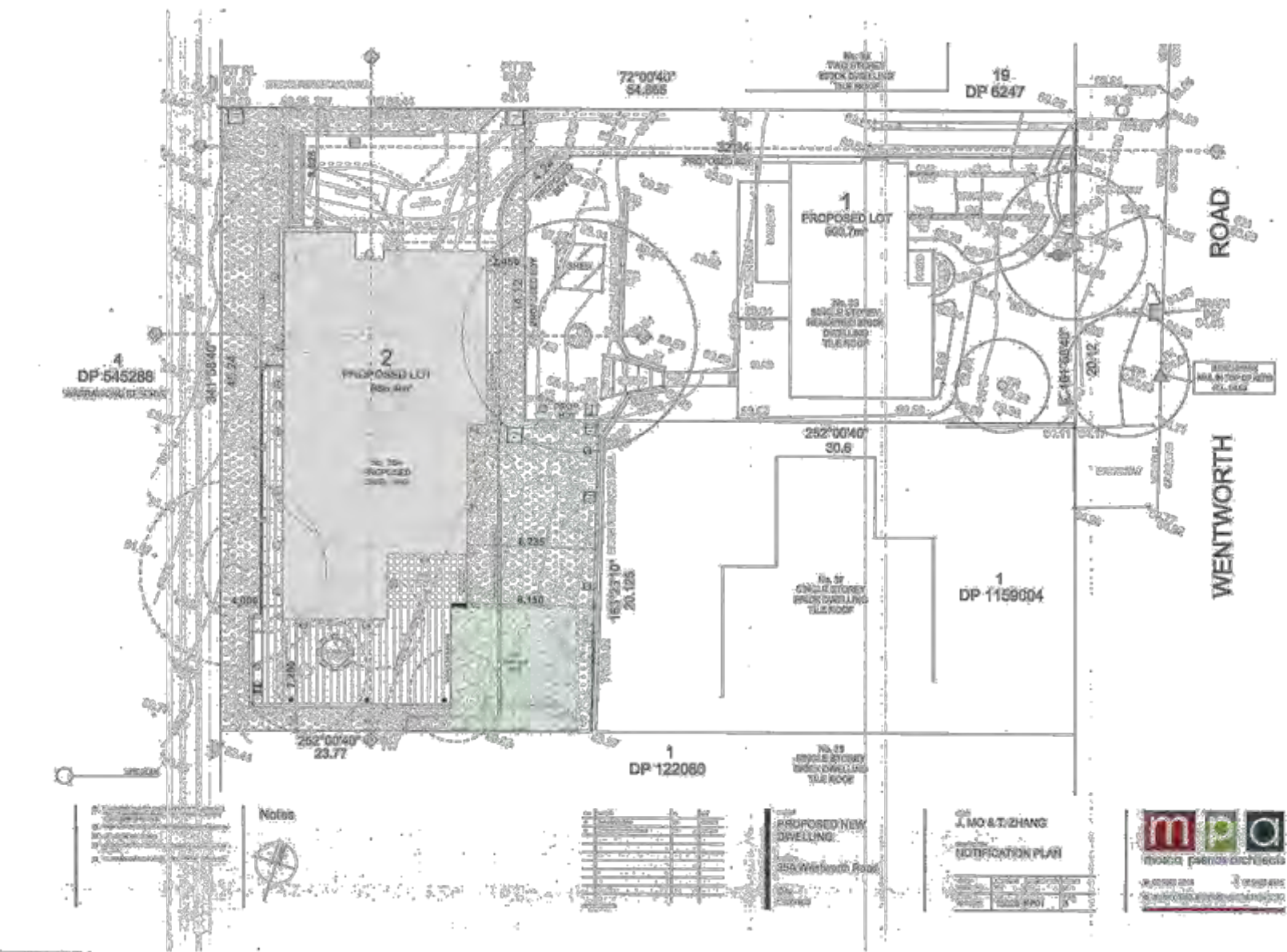
ITEM 2 (continued)

ATTACHMENT 2

<ul style="list-style-type: none"> • Natural Lighting 1. kitchen 2. bathrooms (3) 		
Water Target 40 Energy Target 40	Water: 41 Energy: 44	Y Y
Correct description of property/proposal on 1 st page of Certificate.	Incorrect details: -	Nil.

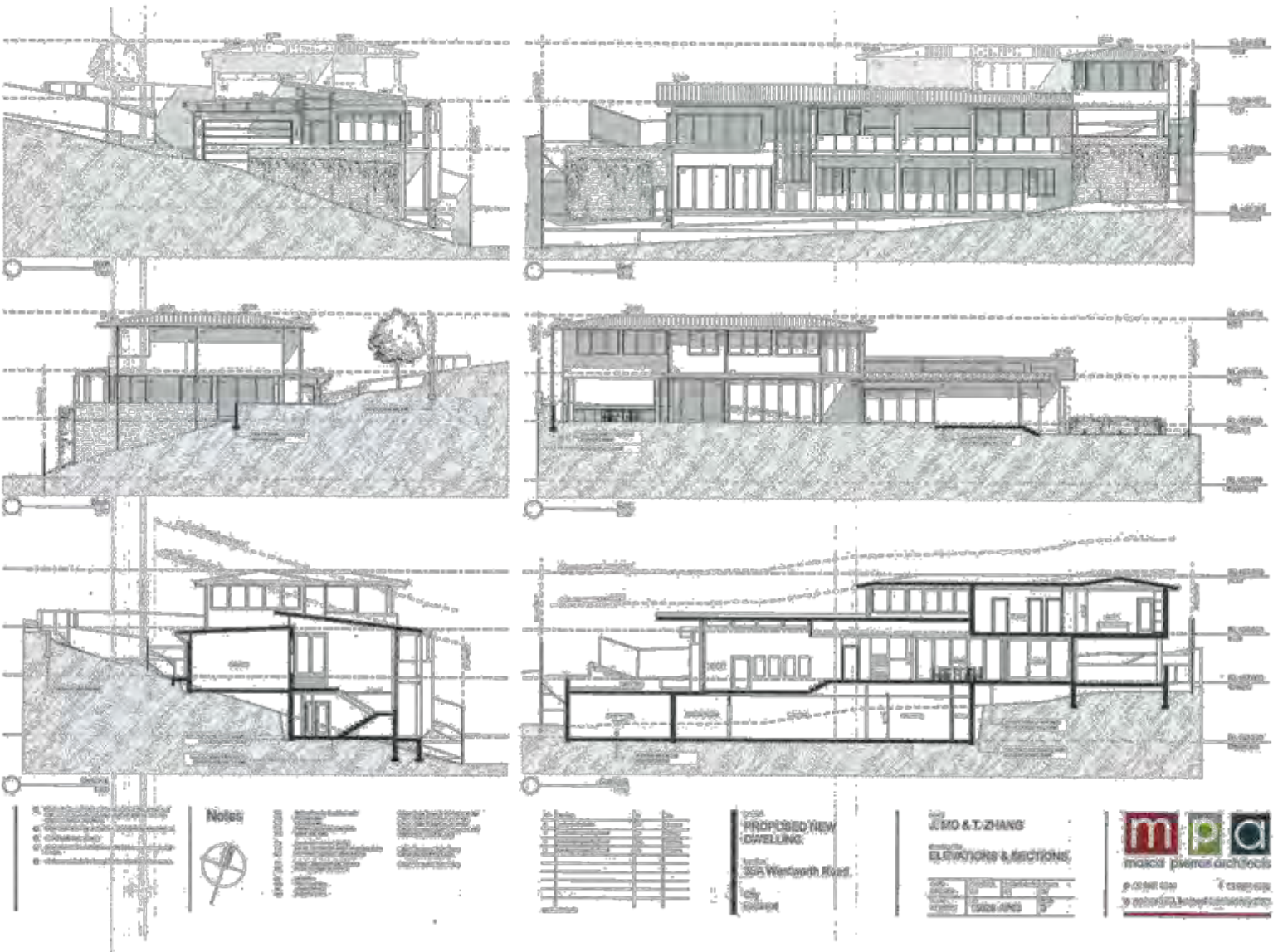
ITEM 2 (continued)

ATTACHMENT 3



ITEM 2 (continued)

ATTACHMENT 3



ITEM 2 (continued)

ATTACHMENT 3



ITEM 2 (continued)

ATTACHMENT 3



3 1 WOODBINE CRESCENT, RYDE. LOT 57 DP 10373. Local Development Application for demolition, new dual occupancy (attached) and swimming pool. LDA2015/0466.

Report prepared by: Assessment Officer - Town Planner; Senior Coordinator - Development Assessment

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

File Number: GRP/09/5/6/2 - BP16/667

1. Report Summary

Applicant: R Obeid.

Owner: A Obeid, R Obeid.

Date lodged: 24 September 2015 (amended plans/additional information received 25 November 2015, 10 February 2016 and 15 March 2016)

This report considers a development application (DA) for the demolition of the existing dwelling and construction of a new dual occupancy (attached) and swimming pool at 1 Woodbine Crescent Ryde.

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 Local Environmental Plan 2014 (Ryde LEP 2014), and Ryde Development Control Plan 2014 (Ryde DCP 2014).

The DA was notified to neighbours three (3) times following amendments to the plans in accordance with Ryde DCP 2014, with the following number of objections received to each notification period:

- Notification #1 (Revision 1) – 13 October 2015 to 28 September 2015 – five (5) submissions (including one letter with three (3) signatories)
- Notification #2 (Revision 2) – 7 December 2015 to 4 January 2016 – four (4) submissions (including one letter with three (3) signatories)
- Notification #3 (Revision 3) – 22 February 2016 to 14 March 2016 – three (3) submissions (including one letter with four (4) signatories).

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

- Compliance with Ryde LEP 2014 and Ryde DCP 2014 – particularly building setbacks and floor space ratio (FSR)
- Safety concerns regarding the location of the proposed driveway (Driveway 1)
- Traffic and parking impacts along Woodbine Crescent
- demolition, waste storage and asbestos
- Scale, built form and character of the development
- Visual and acoustic privacy

ITEM 3 (continued)

- Tree removal
- Proposed use of the office/study room within both dwellings
- Water pressure concerns relating to overdevelopment of the locality
- Overshadowing/ solar access
- Deep soil zones
- Dwelling 1A pool location and acoustic impacts

It is noted that whilst this is a significant number of issues and submissions, it is considered that the amended plans have adequately addressed the concerns, while balancing the environmental impacts of the proposed development.

Traffic and parking issues have been raised by the neighbours in relation to this dual occupancy and other dual occupancies in the immediate vicinity. In order to ensure issues of concern regarding traffic and parking are fully and independently addressed, Council engaged external traffic consultants (Bitzios consulting) to undertake a traffic impact assessment (see **ATTACHMENT 3**). This assessment concludes that *“traffic and parking impacts as directly related to the proposed development at 1 Woodbine Crescent have been shown to be minimal and that the parking and access meets the Development Control Plan and Australian Standards requirements”*.

The proposal fully complies with the mandatory requirements of the Ryde LEP 2014, and satisfactorily meets the development controls relating to Part 3.3: Dwelling Houses and Dual Occupancy, with areas of non-compliance adequately justified or mitigated via a condition of consent. In summary, the areas of non-compliance with Ryde DCP 2014, or items requiring a further in depth assessment against the controls of Ryde DCP 2014 are:

- Section 2.9 Setbacks – the unique dimensions of the site require a merit based assessment against the controls of this section.
- Section 2.9.1 and Section 2.11.1 – Ryde DCP 2014 requires that garages are setback a minimum 1m behind the front façade of the dwelling. The proposed garage of Dwelling 1 protrudes 1.873m in front of the adjacent façade.

This report provides a rigorous assessment of the proposed development and concludes that the proposed development is acceptable and is therefore recommended for approval.

Reason for Referral to Planning and Environment Committee:

Requested by Councillor Pendleton.

ITEM 3 (continued)

Public Submissions:

- Notification #1 (Revision 1) – 13 October 2015 to 28 September 2015 – five (5) submissions (including one letter with three (3) signatories)
- Notification #2 (Revision 2) – 7 December 2015 to 4 January 2016– four (4) submissions (including one letter with three (3) signatories)
- Notification #3 (Revision 3) – 22 February 2016 to 14 March 2016 – three (3) submissions (including one letter with four (4) signatories)

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

Value of works: \$593,000.00

RECOMMENDATION:

- (a) That Local Development Application No. LDA2015/466 at 1 Woodbine Crescent, Ryde being LOT 57 DP 10373 be approved subject to the **ATTACHED** conditions (**ATTACHMENT 1**).
- (b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Ryde DCP 2014 Compliance Table
- 3 Traffic Impact Assessment prepared by Bitzios Consulting
- 4 A4 Plans
- 5 A3 Plans - Subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Rebecca Lockart
Assessment Officer - Town Planner

Chris Young
Senior Coordinator - Development Assessment

Report Approved By:

Sandra Bailey
Acting Manager - Assessment

Liz Coad
Acting Director - City Strategy and Planning

ITEM 3 (continued)

2. Site (*Refer to attached map at Figure 1 overleaf*)

Address	: 1 Woodbine Crescent, Ryde
Site Area	: 778.3m ² (Survey Plan) Frontage to Woodbine Crescent of 51.135m Side boundary to 3 Woodbine Crescent of 39.625m Side boundary to 6 and 8 Greene Avenue of 28.20m
Topography and Vegetation	: The subject site has a fall of approximately 2.89m from the rear corner of site to the southern corner of the front boundary. This occurs over a distance of around 28.2m, the average gradient across the site has been calculated at approximately 10.2% or 1:9.76 In terms of site vegetation, seven (7) existing trees are located on site, neighbouring site or within the Council verge. Only one (1) tree is proposed to be removed.
Existing Buildings	: A two (2) storey brick rendered dwelling house currently exists on the subject site.
Planning Controls Zoning	: Ryde Local Environmental Plan 2014 : Zone R2 Low Density Residential
Other	: Ryde Development Control Plan 2014

ITEM 3 (continued)



Figure 1 -- Aerial Image of subject site, including an annotation of the neighbouring properties objecting to the proposed development and existing and proposed dual occupancies
Source: Ryde Maps – edited by Assessment Officer



Figure 2a – North west elevation of existing dwelling on site
Source: Google Street View

ITEM 3 (continued)



Figure 2b – South west elevation of existing dwelling on site
Source: Google Street View

3. Councillor Representations

Name of Councillor: Councillor Pendleton

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

Date: 15/01/16

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

On behalf of applicant or objectors? Objector

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

4. Political Donations or Gifts

Any political donations or gifts disclosed? No.

5. Proposal

The proposed development includes the demolition of the existing single dwelling, and construction of a new dual occupancy (attached), with each dwelling comprising:

- 4 bedrooms (1 with an ensuite);
- 2 bathrooms;
- 1 study;
- Kitchen, dining and separate living room;
- Internal laundry;
- Covered patio accessed off living areas;

ITEM 3 (continued)

- Courtyard; and
- Single garage with separate driveway access from Woodbine Crescent and internal access.

Dwelling 1A also proposes a 4.2m x 2.5m in-ground swimming pool.

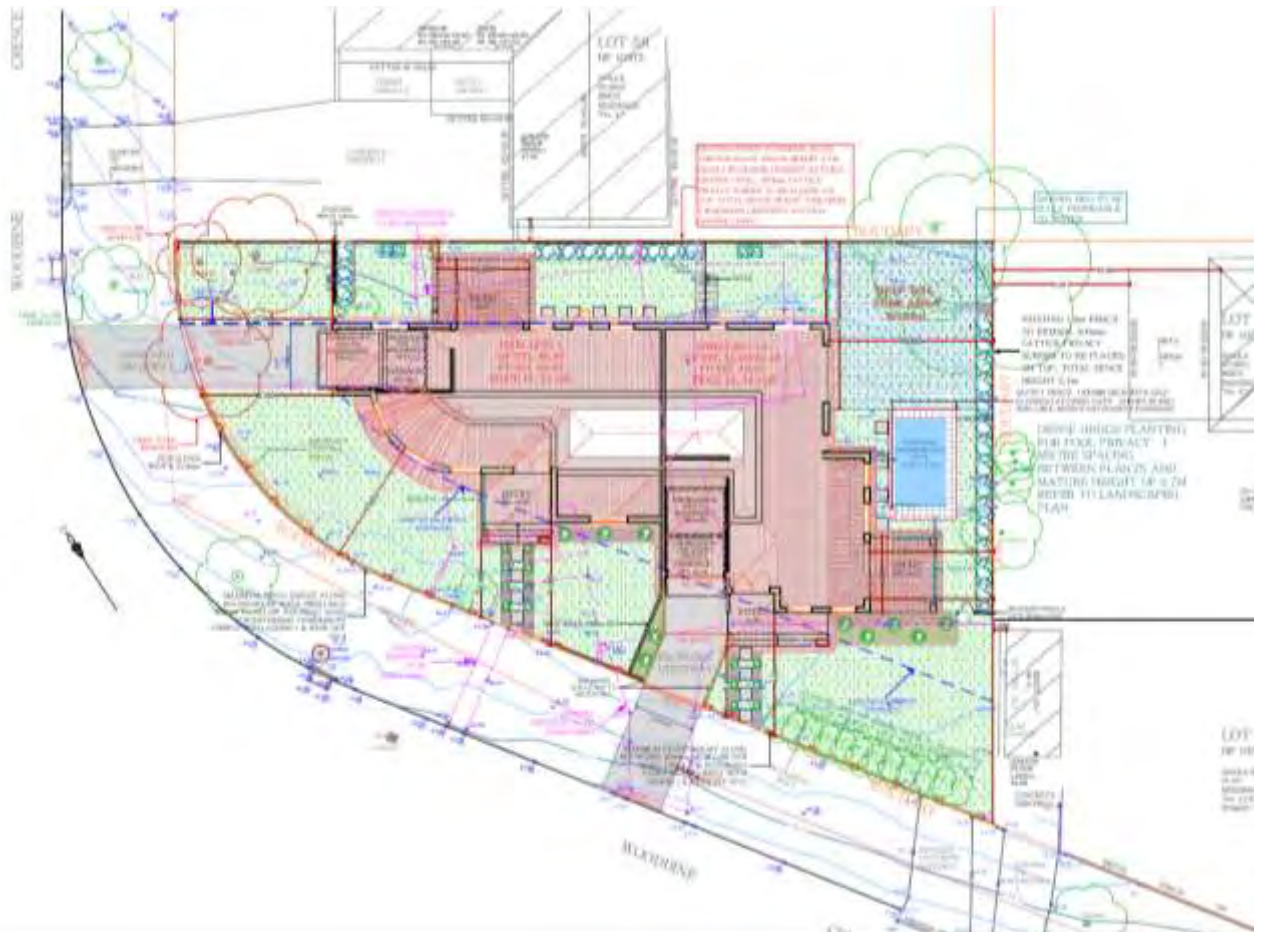


Figure 3 – Site plan of proposed development
Source: RCO Engineering - Submitted Plans (Revision 4)

6. Background

The following is a brief overview of the development history relating to the proposed dual occupancy (attached) to be constructed on the subject site:

- 24 September 2015 - LDA2015/466 was lodged.
- The DA was notified to surrounding properties in accordance with the Ryde DCP 2014 from 28 September 2015 to 13 October 2015.

ITEM 3 (continued)

- In response to the notification of the subject DA, five (5) submissions (including one letter with three (3) signatories) received objecting to the proposed development. Key issues raised are discussed below in Section 7 of this report.
- Council's Assessment Officer, Senior Development Engineer, City Works & Infrastructure (Traffic Development Engineer), and Consultant Landscape Architect undertook an assessment of the DA as originally submitted, and identified a number of issues with the proposed development. The following issues were included in an additional information letter sent to the applicant on 9 November 2015:
 - Onsite detention and rainwater issues.
 - Driveway gradients and sightlines.
 - Landscaping issues, including side access, footpath along Woodbine Crescent, fencing.
 - Swimming pool fencing compliance.
 - Matters raised in the submissions from neighbours including, demolition concerns, construction waste, visual and acoustic privacy from Dwelling 1 pool.
- Revised plans (Revision 2) were received on 25 November 2015 which detailed and included the following changes:
 - Amended stormwater plans in response to Council's Senior Development Engineer's concerns.
 - Modified gradient of the driveway of Dwelling 1A to comply with AS2890.1, with the garage finished floor level (FFL) lowered accordingly.
 - Longitudinal sections of both driveways provided to a scale of 1:50.
 - Front fence as well as the return fence reduced to a height of 900mm.
 - Lattice privacy screens (300mm) added to both side and rear fence.
 - Landscaping plans and notes amended to allow for dense hedge planting near swimming pool.
 - Existing landscaping towards the southern end of the property removed to allow for sight lines for reversing vehicles.
 - Asbestos safe handling techniques included on demolition plans and to the waste management plan.
 - Appropriate Safety Fencing and child resistant barriers added to the proposed swimming pools.
 - Footpaths on council verge removed.
 - The FFL of the Ground Floor adjusted to 46.0m to reduce number of stairs required to enter dwelling 1A from the proposed attached garage. Wall Height changed to 3.6m to accommodate the change. Cut areas proposed surrounding swimming pool of Dwelling 1A to accommodate the FFL changes.
 - Bins and Stockpile needed during Demolition and Construction works relocated to address concern of neighbour at 3 Woodbine Crescent.

ITEM 3 (continued)

- The amended plans were re-notified to neighbours and previous objectors from 7 December 2015 to 4 January 2016. A further five (5) submissions (including one letter with three (3) signatories) were received objecting to the development. Key issues raised are discussed below in Section 7 of this report.
- Additional information and amended plans were requested by Council on 20 January 2015 requiring:
 - OSD tanks to be repositioned as requested by Council's Senior Development Engineer.
 - Amended survey plan to identify site levels and correct levels for the boundary fence between No. 1 and 3 Woodbine Crescent.
 - Requesting that Trees 2, 4 and 5 are removed following a verbal submission from No. 3 Woodbine Crescent, to improve vehicle sightlines, and to remove exempt species under Ryde DCP 2014.
 - Amend the deep soil area to be 100% permeable to water, not covered by structures, paving, drains or the like, and to have no below surface structures such as stormwater detention elements.
 - To review the proposed two swimming pools compliance with the Swimming Pools Act 1992 (SPA 1992) and amend the pools accordingly.
 - Introduce a number of privacy screening and window sill amendments, and increase the setback to Nos. 6 and 8 Greene Avenue to improve privacy for neighbouring properties.
- Revised plans (Revision 3) were received on 10 February 2016 which detailed and included the following changes:
 - Stormwater plans amended per the Council Senior Development Engineer's instructions.
 - Boundary Fence along 3 Woodbine Crescent depict correct heights.
 - Tree 4 and Tree 5 marked "to be removed"; native replacement trees proposed.
 - Proposed retaining wall within the Deep Soil Zone removed to free the Deep Soil Area from impermeable structures.
 - Elevates the finished floor level (FFL) of the Dining/Kitchen in Dwelling 1A by 400mm as the cut previously proposed in the rear yard of Dwelling 1A adjacent to Window SE-SD02 is no longer proposed in order to retain the deep soil area.
 - Shape and area of windows NE-W22, NE-W23, NE-W24 and SE-W26 modified to be 1800mm x 1200mm and raised in order to allow for a 1.5m sill height.
 - Privacy Screening added to the Master Bedroom Balcony of Dwelling 1A facing east with screening a minimum 1.5m height from the FFL.
 - The depth of the eastern ground floor patio of Dwelling 1A reduced from 4.2m to 3.2m, allowing an increased 2.8m setback from the boundary of 8 Greene Avenue.

ITEM 3 (continued)

- Landscaping garden bed extended along the boundary with Nos 6 and 8 to the return fence.
 - The swimming pool of Dwelling 1 removed.
 - The length of the swimming pool of Dwelling 1A reduced to 4.2m, and the safety fence reconfigured to allow for a 900mm Non-Climbable Zone in accordance with SPA 1992, SPR 2008, and Ryde DCP 2014. The height of the pool fence amended to 1200mm.
- The amended plans were re-notified to neighbours and previous objectors from 22 February 2016 to 14 March 2016. A further three (3) submissions (including one letter with four (4) signatories) were received objecting to the development. Key issues raised are discussed below in Section 7 of this report.
- In response to submissions and as a result of a final thorough review by the Development Assessment Officer, on 15 March 2016 the applicant was requested to make a number of minor housekeeping amendments to the plans, and amended plans were received the same day (Revision 4). Amendments included:
- Correcting the details on Dwg No. A00 - *Site plan for Demolition*, including details relating to the client, project address and council details, amending the plan to remove the swimming pool for Dwelling 1 and amend the size and location of the Dwelling 1A pool.
 - The stockpile and waste bin was requested to be moved closer to the street front boundary - away from the rear boundary of No. 8 Greene Avenue.
 - References to 'side', 'rear' and 'front' boundary from the site and floor plans were removed for clarity and correctness of detail on the plans.
 - The notation of the contractor for demolition (Wathen Demolitions Pty Ltd) was reviewed on Dwg No. A00 – *Site Plan for Demolition*, as the company is allegedly in liquidation and administration according to the submissions. Accordingly the demolition contractor was amended to be Democorp P/L.
 - The reference on the ground floor plan to the 'office' in both Dwellings was amended to 'study' to ensure the proposed use of the room is accurate.
- Due to the minor nature of the amendments, which did not vary significantly to the previously notified Revision 3 plans, the application was not notified a fourth time.
- As a result of the number of submissions and representations regarding traffic impacts Council commissioned an independent review of the application and requested a Traffic Report to assess the potential traffic and parking impacts due to the proposed development. This report is appended at **ATTACHMENT 3**.

ITEM 3 (continued)

7. Submissions

The proposal was notified in accordance with Ryde DCP 2014 - Part 2.1, Notification of Development Applications. The application was notified to neighbours on three (3) occasions following the receipt of amended plans. The aerial photograph at **Figure 1** earlier in this report depicts which neighbours submitted an objection to the respective notification periods.

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

A. Driveway Dwelling 1. *Concerns have been raised in the submissions regarding the location and safety of the Dwelling 1 driveway, and call for the development application to be referred to the Ryde Traffic Committee, and the parking zones to be upgraded from 'No Parking' to 'No Stopping'.*

Assessment Officer Comments

To assist in the following assessment, **Figure 4** below identifies the location of the proposed Driveway 1 and the existing 'No Parking' zone.



Figure 4 – Site plan of proposed development showing location of Dwelling 1 driveway & no parking zone.

Source: RCO Engineering - Submitted Plans (Revision 4) –edited by Assessment Officer

ITEM 3 (continued)

A number of submissions highlight that as the corner of the site is within a 'No Parking' zone (shown at **Figure 4**), that it is dangerous for a driveway to be positioned within this area. The submissions request the Driveway 1 be removed and the proposed development redesigned to have a single common driveway to serve the two units.

Council's Senior Development Engineer and Traffic Development Engineers (City Works & Infrastructure) have reviewed the application and provided the following assessment on the proposed development in terms of traffic impacts and the driveway design:

Traffic Development Engineer (City Works & Infrastructure):

Council's Traffic Development Engineer has advised that the 'No Parking' zone was originally provided as it would create a wider roadway access. It is noted that a 'No Stopping' zone would promote speeding as it widens the available carriageway, however a 'No Parking' zone allows for cars to be present which will narrow the available carriageway which would discourage speeding by slowing any potential through traffic around the bend.

Council's Traffic Development Engineer also outlined that there is no significant concern relating to the location of the driveways of the proposed development as:

- *the locations of the driveways are suitable in width as dimensioned at 3.0m wide;*
- *the location does not have a pedestrian desire line to schools or recreational facilities therefore extended splays are not required at this location;*
- *Woodbine Crescent is a low speed street that does not accommodate a large number of through traffic. Majority of users along the street are residents of the street. Any through traffic between Quarry Road and Buffalo Road generally use Greene Avenue. Therefore it is understood that there is not a large number of vehicles utilising Woodbine Crescent;*
- *the width of Woodbine Crescent at the bend is 8.5m. When cars are parked on both sides there is a reduced carriageway which will further reduce the speed of drivers;*
- *the location of the driveways have 40m or more of sight visibility; and*
- *in a low speed environment such as Woodbine Crescent, coupled with the low vehicle volumes and ample sight visibility, rear end incidents are unlikely.*

In accordance with the Australian Road Rules, a driveway has a statutory 'No Parking' across it. As such, there is no regulation preventing a driveway from being in a 'No Parking' zone provided that it is not in a dangerous location. The subject location is not deemed unsafe as there is suitable sight distance and physical distance from the kerb tangent.

ITEM 3 (continued)

Senior Development Engineer:

Council's Senior Development Engineer stated the following with regard to the proposed driveway locations:

Woodbine Street operates as a local road in the context of Council's road network. The locations of both driveways are satisfactory with the compliance of the conditions provided on the consent.

Independent Traffic Consultant:

Council engaged an independent traffic consultant to review the application with regard to parking and traffic impacts of the proposed development including driveway locations and road safety, in addition to undertaking a review of the referrals provided by Council's Traffic and Senior Development Engineers.

With regard to the driveway design, the Traffic Impact Assessment (TIA) states:

Three (3) trees are noted as being removed on the RCO Engineering Landscaping Plan, in addition to the maximum fence height along boundary of both dwellings 900mm to allow for sight lines for reversing vehicles to comply with AS2890.1 & RYDE DCP2014. This is expected to, at the least, have no impact and may optimistically, substantially improve the line of sight for vehicles travelling along Woodbine Crescent around this corner

The TIA further undertook a review of the comments provided by Council's Senior Development Engineer and Traffic Development Engineer (City Works & Infrastructure) outlined above and state that they agree with the proposed driveway locations and that ... *the proposed driveway meets AS 2890.1, being further than 6 metres from the tangent of the bend, enabling reversing vehicles to see oncoming traffic.*

In light of the above, while the concerns raised in the public submissions are recognised, the proposal is considered satisfactory with regard to the location of the driveway for Dwelling 1 by Council's Traffic and Senior Development Engineers and as independently reviewed by Bitzios Traffic Consultants.

Amendment of Parking Zones and Ryde Traffic Committee

It is also noted that the submissions call for the application to be considered by the Ryde Traffic Committee (RTC) and that the parking zone along Woodbine Crescent in front of the site be upgraded from 'No Parking' to 'No Stopping'.

ITEM 3 (continued)

With regard to the parking zones within the front of the site, this has been reviewed by Council's City Works & Infrastructure Section who outlined that:

The bend in question is 8.5m wide. This allows for parking on both sides of 2.1m and a travel lane of 4.3m. With the average width of a vehicle being 1.8m from mirror to mirror, this is in fact a suitable width to accommodate parking either side of the road and still allow passing opportunities for vehicles between parked cars. Further, the narrow nature of this location further reduces speeds of vehicles and acts as a traffic calming location. To install 'No Stopping' would only promote higher vehicle speeds through this location which would negatively impact the safety at this bend.

As outlined earlier, City Works & Infrastructure do not consider that the proposed development results in the need to amend the parking zone to the front of the site as the current 'No Parking' allows for the stopping of vehicles to provide a drop-off/pick-up zone for residents, whilst also slowing any potential through traffic around the bend.

The independent TIA has reviewed the above City Works & Infrastructure assessment, stating:

We agree with comment that this [upgrading the 'No Parking' to 'No Stopping'] may not provide an improved traffic outcome on the bend, especially in terms of vehicle speed. However, given the observed availability of parking on Woodbine Crescent and the current restriction of 'No Parking' it seems likely that a vehicle would be present in the 'No Parking' zone only seldom and, consequently, the current parking restriction does not impose a real traffic calming affect to familiar drivers. It is possible that the current line of sight and the uncertainty of whether a car is standing/stopping in the 'No Parking' is the root of the safety concern. An improved line of sight afforded by the tree removal is expected to remove the "surprise" of a standing/stopped car in the 'No Parking' zone, while occasionally imposing a traffic calming effect. During the site visit on Thursday 5 May 2016 there were no vehicles parked on Woodbine Crescent between numbers 6 and 24 northbound and between numbers 21 and 1 southbound, there is not likely to be any need for vehicles to stop in the 'No Parking' zone outside 1 Woodbine Crescent, as there are many other opportunities for parking, both long and short term.

As such, the proposed development does not necessitate an amendment to the existing parking or traffic management controls within Woodbine Crescent to the front of the site.

ITEM 3 (continued)

Concerning the objectors request for the application to be referred to the RTC, it must be noted that the RTC is a technical advisory committee which advises Council on traffic related matters which are delegated to them by the Roads and Maritime Service (RMS). These matters must be related to the prescribed traffic control devices and traffic control facilities for which Council has delegated authority. As the proposed application does not require or seek to modify or remove the existing parking restrictions along Woodbine Crescent, the subject DA does not require referral to the RTC. Moreover the RTC does not deal with issues such as the location and design of driveways as these are not a matter which forms part of the delegated functions of the RTC.

In light of the above assessment, it is considered that the proposed driveway, which meets AS2890.1, being further than 6 metres from the tangent of the bend enabling reversing vehicles to see oncoming traffic, is satisfactory. Additionally, the current parking and management controls to the front of the site are suitable to manage traffic for the proposed development, and the application accordingly does not require referral to the RTC.

B. Lot size. *Submissions question the accuracy of the lot size calculation submitted by the applicant and the variation in permissible floor area under Ryde LEP 2014.*

Assessing Officer Comment

The Survey Plan submitted with the application provides a site area of 778.3m², while Council's records state a site area of 779.13m². The discrepancy is due to the fact the Deposited Plan DP10373 was registered in 1920, and identifies a lot size of 30³/₄perches (equalling 777.76m²).

Ryde LEP 2014 permits a FSR of 0.5:1, which in light of the above lot sizes permits a gross floor area (GFA) of:

- Survey Plan: 389.15m²
- Council Records: 389.565m²
- Deposited Plan: 388.88m²

The proposed development has a GFA of 338.07m² which complies with the FSR controls under Ryde LEP 2014 regardless of which lot size is used for the assessment. For the purposes of the assessment of the application the submitted survey lot size has been used to calculate a FSR of 0.43:1, being the most recent measurement and calculation of the site by a registered surveyor. As the proposed GFA complies with Council's controls, the submission of a further site survey is considered unnecessary.

ITEM 3 (continued)

C. Visual and Acoustic Privacy – Woodbine Crescent. Concerns have been raised in relation to visual and acoustic privacy impacts from street facing balconies to residential properties across the opposite side of Woodbine Crescent.

Assessing Officer Comment

Figure 5 demonstrates the location of the balconies located on the first floor which face Woodbine Crescent.

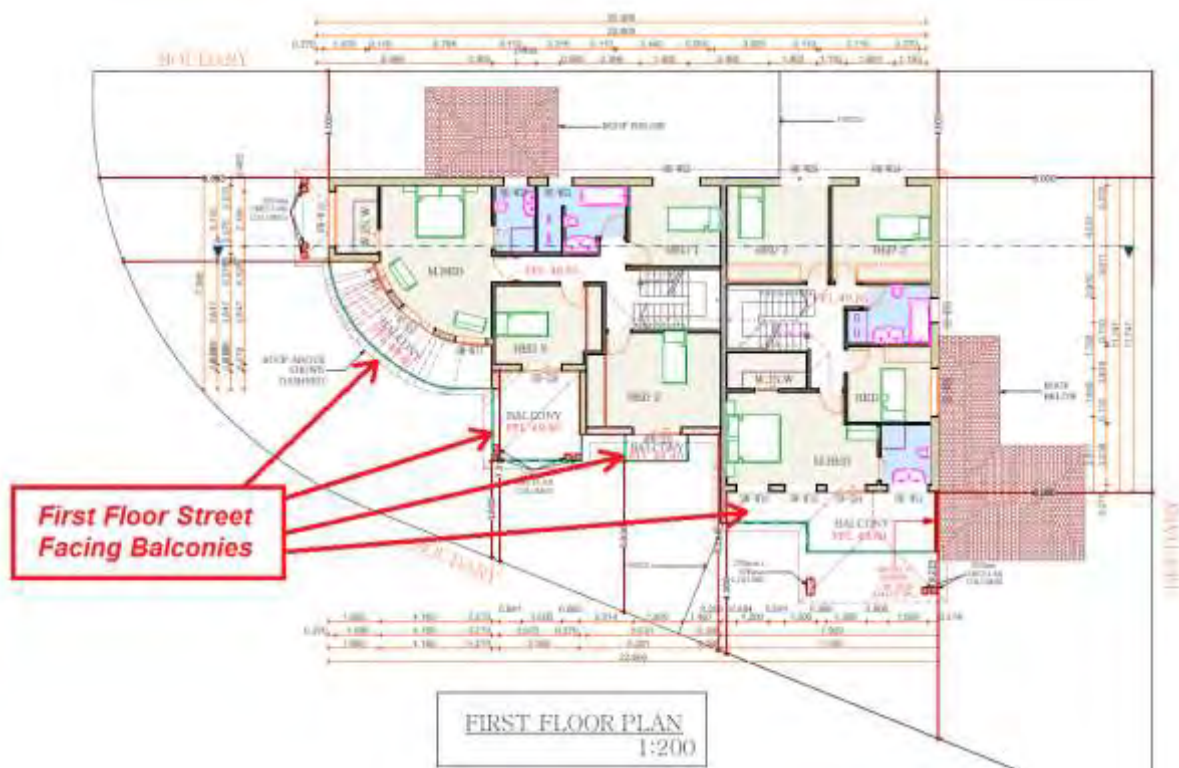


Figure 5 – First Floor Plan of proposed development showing location of balconies
Source: RCO Engineering - Submitted Plans (Revision 4) –edited by Assessment Officer

Section 2.14.2 Visual Privacy of Part 3.3 of DCP 2014 states the following controls:

- b. Orientate terraces, balconies and outdoor living areas to either the front or the rear of allotments, and not to the side boundaries.*
- c. Terraces and balconies are not to overlook neighbour's living areas and private open space.*
- d. Living room and kitchen windows, terraces and balconies are not to allow a direct view into neighbouring dwellings or neighbouring private open space.*

ITEM 3 (continued)

As a front facing balcony, the proposed development complies with control (b) above. The proposed street facing balconies are designed to provide visual interest and articulation of the street presentation of the building, in addition to providing increased solar access to west/southwest facing windows.

The separation distance between the proposed street facing balconies and the front boundary of the nearest property opposite Woodbine Crescent is approximately 24m, and are thus considered to have adequate separation to not overlook neighbouring living areas and private open space in accordance with control (c) above.

The proposed balconies are off the master bedrooms of Dwellings 1 and 1A, and bedrooms 2 and 3 of Dwelling 1 (shown at **Figure 5**), which are not living areas per control (d) above. In light of this, and in consideration of their small size, it is not expected that the proposed balconies will be used for the purpose of social congregation or recreational purposes that would cause privacy or acoustic impacts, but as a means to allow greater light and ventilation through the bedrooms and to provide architectural articulation to the buildings street frontage.

Furthermore, the proposed two (2) Cheese Trees to be planted in the front setback, in addition to the proposed six (6) replacement street trees, will provide extra screening and mitigate potential direct views into neighbouring dwellings or neighbouring private open space across the street at 8, 10 or 12 Woodbine Crescent in accordance with control (d) above.

It is considered that there are sufficient setbacks provided between the proposed building and the front boundary, and acceptable building separation from dwellings opposite the site across Woodbine Crescent as shown in the photographs at **Figures 6a** and **6b** making noise impacts and direct viewing opportunities unlikely. Additionally, the proposed and existing landscaping within the front setback of the development will contribute to maintaining visual privacy between the allotments while providing for noise attenuation.



Figure 6a – View towards 2A Woodbine Crescent looking north-west from the site

ITEM 3 (continued)



Figure 6b – View looking south from in front of 12 Woodbine Crescent

Based on the above, it is considered that the objector's concerns in relation to visual and acoustic privacy impacts from the proposed development have been addressed and any viewing opportunities from the first floor balcony to dwellings opposite the site are improbable.

D. Visual Privacy and Overlooking – 3 Woodbine Crescent & 8 Greene Avenue
– Objections from No. 8 Greene Avenue raise concern regarding overlooking from the second storey of the proposed development to the rear yards of No. 3 Woodbine Crescent and No. 8 Greene Avenue.

Assessing Officer Comment

Section 2.14.2 of Part 3.3 of Ryde DCP 2014 provides controls regarding visual privacy for dwellings and aims to minimise overlooking of neighbouring dwellings. This section states that “*Overlooking from bedroom windows is less of a concern than overlooking from the windows of other habitable rooms.*” Being from the bedroom, the impact of these windows is not considered to be unacceptable.

Revision 3 of the plans raised the sill levels of the First Floor Bedrooms – labelled NE-W22, NE-W23 and NE-W24 and SE-W26 – to 1.5m above the finished floor level of the first floor to reduce the opportunity for overlooking to the adjoining private open spaces of the neighbouring allotment. It is considered that this satisfactorily mitigates potential overlooking from the first floor windows to the rear yards of neighbouring properties.

The submission requests that the adjoining fence between No. 8 Greene Ave and the subject site be raised to be 2.4m above natural ground level to mitigate privacy impacts. Accordingly the following condition (refer Condition 39 at **ATTACHMENT 1**) has been recommended in the draft consent.

ITEM 3 (continued)

Fencing and Lattice Screening. Existing boundary fencing is to remain unless otherwise agreed to by the neighbouring property owners.

Lattice privacy screening is to be installed above the existing boundary fences with 3 Woodbine Crescent and 8 Greene Avenue, Ryde to a total fence height of 2.4m high measured from the finished ground level of 1 Woodbine Crescent. Installation of privacy fencing is to be at the full cost of the developer. Details of compliance are to be provided in the plans submitted with the **Construction Certificate**.

E. Visual Privacy – Dwelling 1A street facing balcony: Submission from No. 8 Greene Avenue has raised concern of the street facing balcony on the first floor off the Dwelling 1A master bedroom and potential overlooking of their rear yard.

Assessing Officer Comment

The side boundary between No. 8 and 6 Greene Avenue aligns directly with the location of the balcony of the first floor of Dwelling 1A as shown at **Figure 7**. As such, while the viewing ability from the balcony into the rear yard of No. 8 Greene Avenue is acute, a 1.5m high privacy screen has been noted on the Revision 3 plans to prevent overlooking opportunities as shown at **Figure 7**.

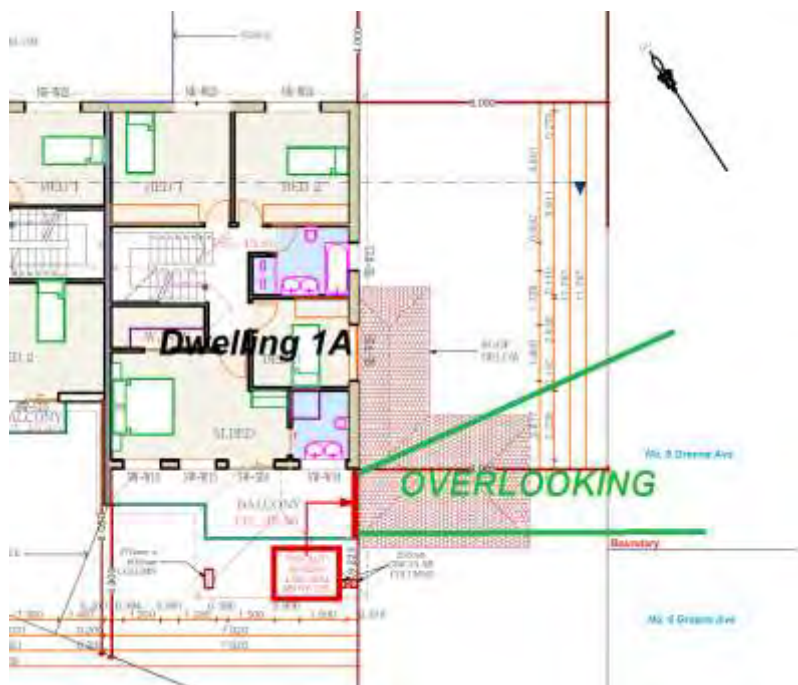


Figure 7 – First floor plans showing concerns for overlooking raised by No. 8 Greene Ave
Source: RCO Engineering - Submitted Plans (Revision 4) –edited by Assessment Officer

ITEM 3 (continued)

The submission from No. 8 Greene Avenue in response to the Revision 3 plans raised that 1.5m is not high enough to prevent direct line of sight to their rear yard. As such, the following condition of consent (refer condition 1(a) at **ATTACHMENT 1**) is recommended to raise the height of the screen to 1.8m, which is considered to satisfactorily reduce overlooking.

1 (a) Balcony Screening. *The balcony privacy screen on the balcony of the First Floor Master Bedroom of Dwelling 1A – is to be raised to a height of at least 1.8m above the finished floor level of the first floor.*

F. Proposed building height and ridge levels & Overshadowing– *the owners of No. 8 Greene Avenue raise that the Revision 3 plans have raised the ridge and building height of the proposed development which will cause greater overshadowing impacts.*

Assessing Officer Comment

The proposed Revision 1 plans noted the maximum ridge height of the development at RL54.896. In all notified revisions of the plans, the ridge height has been consistently at this level. Additionally, the ridge height of the ground floor patios of Dwelling 1 and 1A are at RL50.393 and RL50.488 respectively in all notified revisions of the proposal. Therefore the submission that the height and ridge of the proposed development has increased from the original to the latest revision of the development is incorrect.

With regard to overshadowing of the proposal, the controls in Ryde DCP 2014 regarding overshadowing of neighbouring properties (in relation to dwelling houses and dual occupancy developments) are as follows:

For neighbouring properties ensure:

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

An assessment of the submitted shadow diagrams for 21 June illustrates that the majority of overshadowing impacts of the development are limited to the front yard of the proposed development and across the roadway of Woodbine Crescent (refer **Figure 8** below which depicts the original Revision 1 development).

ITEM 3 (continued)

Whilst there will be some overshadowing of the rear yard of 8 Greene Ave at 3pm, the open space receives greater than 2 hours of sunlight to at least 50% of principal open space to adjoining properties between 9am and 3pm on June 21, in compliance with Ryde DCP controls.

It is identified that the overshadowing diagrams provided are of the Revision 1 development. However, as there has been no alteration of the overall ridge height of the proposed development and building setbacks have only become further from side boundaries, the impacts have not increased as a result of the Revision 3 proposal and it is therefore considered unnecessary to require amended shadow diagrams.



Figure 8 – Shadow Diagrams – Revision 1

Source: RCO Engineering - Submitted Plans (Revision 4) – edited by Assessment Officer

ITEM 3 (continued)

G. Proposed Building Setbacks: *The submission from a number of residents states “The shape and location of the block highlight the need for additional rigour in the application of Council regulations in this neighbourhood”. Submissions also raise that the proposed development does not comply with Ryde DCP 2014 building setback controls and the proposal incorrectly labels the side and rear boundaries of the site.*

Assessing Officer Comment

Site dimensions

The site is a ‘corner lot’ that presents to the curve of Woodbine Crescent, and has unique site dimensions as shown at **Figure 9** with:

- a singular street front boundary or ‘primary frontage’;
- no ‘secondary frontage’; and
- two side boundaries - with the boundary adjoining Nos. 6 and 8 Greene Avenue taking the role of a rear boundary despite also being a side boundary and intersecting with the front boundary.



Figure 9 – Survey Plan outlining boundaries of the site

Source: Michael Shannon & Associates Pty Ltd –edited by Assessment Officer

Ryde DCP 2014 – Building Setback Controls

The relevant setback controls for single dwelling and dual occupancy development of a regular shaped site are as follows:

- Section 2.9.1 – Front Setbacks:
 - a. *Dwellings are generally to be set back 6m from the street front boundary.*
 - b. *On corner sites, the setback along the secondary street (the street to which the house has its secondary frontage) is to be a minimum of 2m.*

ITEM 3 (continued)

- Section 2.9.2 – Side Setbacks:
 - a. *The outside walls of a one storey dwelling are to be set back from the side boundaries not less than 900 mm.*
 - b. *The outside walls of a two storey dwelling are to be set back from side boundaries not less than 1.5 m.*

- Section 2.9.3, Rear Setbacks:
 - a. *The rear of the dwelling is to be set back from the rear boundary a minimum distance of 25% of the length of the site or 8 m, whichever is the greater.*
 - b. *Allotments which are wider than they are long, and so cannot achieve the minimum rear setback requirement, are to have a minimum rear setback of 4 m.*

Proposed setbacks

The proposed development has the following setbacks as depicted at **Figure 10**:

- 900mm setback to the single storey patio adjacent to No. 3 Woodbine Crescent;
- 4m setback to the façade of the building (2-storey) adjacent No. 3 Woodbine;
- 2.8m setback to the single storey patio adjacent to Nos 6 and 8 Greene Avenue;
- 6m setback to the single storey element adjacent to Nos 6 and 8 Greene Avenue; and
- 8m setback to the double storey element adjacent to Nos 6 and 8 Greene Avenue.

The development also proposes an 8m setback to the rear corner of the site for the required 8mx8m deep soil zone.

ITEM 3 (continued)

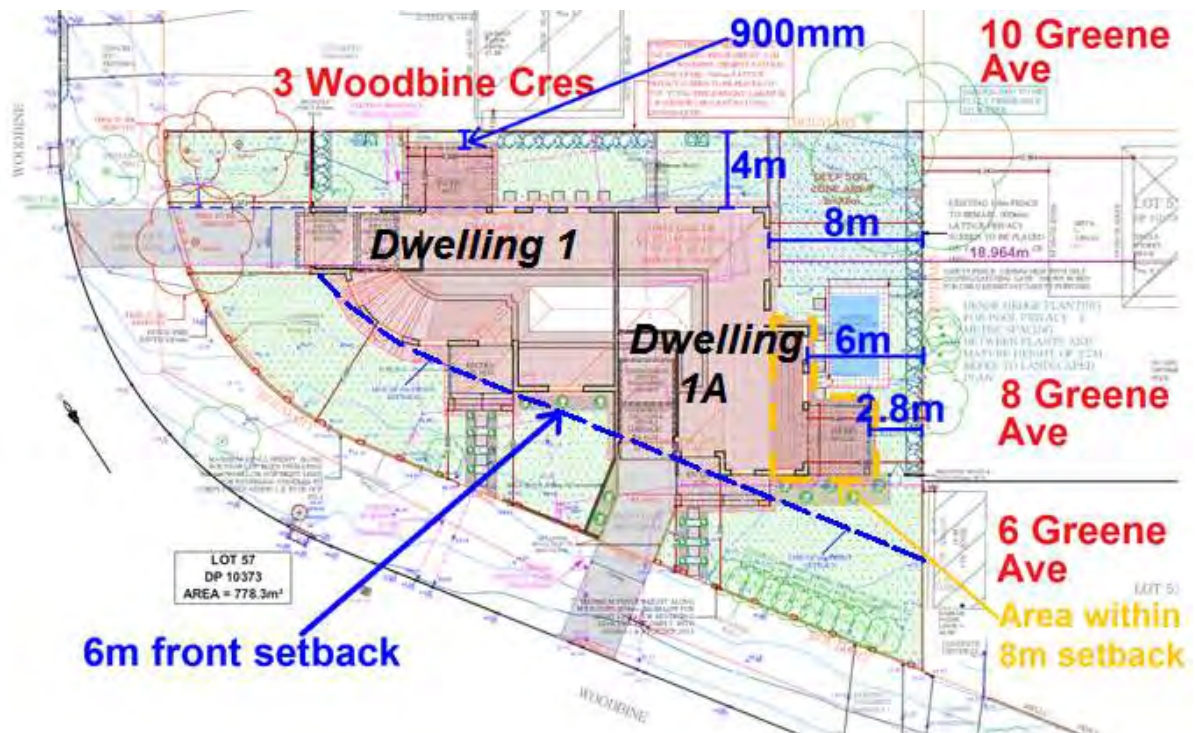


Figure 10 – Site Plan outlining the portions of the proposed building within the 6m front setback area

Source: Applicant –edited by Assessment Officer

Rear and Side Setbacks

Ryde DCP 2014 does not provide any specific controls for a unique site such as this. A typical corner lot, which Part 3.3 of Ryde DCP 2014 provides for, would have a primary and secondary street frontage, with a distinct side and rear boundary.

The proposed building setbacks aim to reflect the 6m street frontage pattern of existing development along Woodbine Crescent while respecting the privacy of adjoining residences with setbacks that provide suitable separation distances between dwellings and open space areas.

It is recognised that the site does not strictly apply a typical rear setback control – with a portion (a length of approximately 13.4m) of the Dwelling 1A living room and study on the ground floor is within the 8m setback area as shown at **Figure 6**. However, this is considered satisfactory as the development continues to meet the objectives of this section of Ryde DCP 2014.

ITEM 3 (continued)

The aims of the rear setback controls under Ryde DCP 2014 Part 3.3 Section 2.9.3, Rear Setbacks are:

1. *To provide an area for private outdoor recreation and relaxation.*
2. *To allow space for vegetation, mature trees and deep soil zones.*
3. *To separate dwellings to achieve privacy.*
4. *To enable contiguous vegetation corridors across blocks.*

The aims of the side setback controls under Ryde DCP 2014 Part 3.3 Section 2.9.2, Side Setbacks are:

1. *To enable building siting to be compatible with the streetscape.*
2. *To provide car access.*
3. *To provide access to the rear of the allotment.*

In light of the unique site constraints and the objectives of the rear and side setback controls of Ryde DCP 2014, it is considered that the proposed setbacks are justifiable for the following reasons:

- The proposed development provides:
 - a compatible building siting within the streetscape;
 - an 8m x 8m deep soil area;
 - adequate space for private outdoor recreation and relaxation for each dwelling;
 - access down the side boundaries to the rear of the site for both dwellings;
 - suitable separation between dwellings to offer privacy;
 - 2.4m boundary fences (consisting of the existing boundary fence with lattice screening atop the fence); and
 - a contiguous vegetation corridor across the block – with significant screen planting between the site and No 8 Greene Avenue.
- The proposed development is compliant with regard to:
 - all other building setback controls; and
 - Ryde LEP height and FSR controls.
- The area setback by <8m adjacent to No. 8 Greene Avenue is limited to the ground floor level of the development and as such no unreasonable privacy impacts will result due to occupants of the proposed dwelling and the minor encroachment.
- There are no resultant unacceptable overshadowing impacts as a result of the non-compliance.

In light of the assessment provided above, it is considered that the proposed building side and rear setbacks are satisfactory in this instance.

ITEM 3 (continued)

Front Setback

With regard to the front setback, the proposed development complies with Ryde DCP 2014, being *generally* setback a distance of 6m. As shown at **Figure 10**, parts of the proposed building are within the 6m street front boundary setback, however similarly there are portions of the proposed development which are setback a distance greater than 6m, particularly in the north west corner of the site where the proposed dwelling has a front setback of 7.373m to sit in line with No. 3 Woodbine Crescent.

In light of the assessment provided above, it is considered that the proposed building front setbacks are satisfactory.

- H. Streetscape – Bulk & Scale** – *Objection is raised to the overall design of the development, stating it is inconsistent with the neighbouring streetscape in terms of bulk, scale and general design principles.*

Assessing Officer Comment

Ryde LEP 2014 provides a maximum floor space ratio of 0.5:1 for buildings on the subject site, and a maximum building height of 9.5m. These, along with Council's setback controls contained within the Ryde DCP 2014 are the key controls governing the scale of buildings.

The assessment of the proposal has revealed the dual occupancy will have a floor space ratio of 0.43:1 and maximum building height of 9.296m. Furthermore, the proposal has been assessed as having acceptable building setbacks under the Ryde DCP 2014 requirements for front, rear and side setbacks. Given this, it is considered that the subject dual occupancy development is of a similar bulk and scale to that which could be developed under the local planning controls for a single dwelling house. For this reason, the objector's issues regarding bulk and scale are not supported on these matters.

With regard to overall design and character, the following table assesses the proposed development against Ryde DCP 2014, Part 3.3, Section 2.1 – Desired Future Character. As seen in the table, the proposed development is considered to be consistent with Council's desired future character for low density residential areas as defined under the DCP.

DCP 2014, Part 3.3 Section 2.1 –Desired Future Character	Proposed development	✓ or ✗
<i>The desired future character of the low density residential areas of the City of Ryde is one that:</i>	The proposed development:	
<i>- Has a low scale determined by a maximum 2 storey height limit;</i>	<i>- Is 2 storeys and is below the maximum height of 9.5m</i>	✓

ITEM 3 (continued)

DCP 2014, Part 3.3 Section 2.1 –Desired Future Character	Proposed development	✓ or ✗
	under Ryde LEP 2014.	
– <i>Has a low density with free-standing dwellings;</i>	– Is low density and a free standing building with an FSR of 0.43:1.	✓
– <i>Has a limited number of dual occupancy (attached) buildings, and these buildings look similar to detached dwellings;</i>	– Appears similar to a detached dwelling and is not the predominant development type along Woodbine Crescent	✓
– <i>Has dwellings located in a landscape setting which includes a clearly defined front garden and back yard;</i>	– Provides for a landscape setting through significant planting and tree retention, with a clear front and rear yard, and improved presentation to the street than the existing dwelling.	✓
– <i>Has buildings which are well designed and have a high degree of amenity;</i>	– Provides a high degree of amenity through articulated street frontage and use of a variety of materials and finishes.	✓
– <i>Has streetscapes made up of compatible buildings with regard to form, scale, proportions (including wall plate heights) and materials;</i>	– Is compatible with the neighbourhood in terms of built form, scale and proportions of the development, and materials - being constructed of dark grey and white cement rendered brick, tile roof and stone finish. – The proposed building complies with Council’s wall plate height, number of storeys and maximum building height controls.	✓
– <i>Has streetscapes with dwellings that have a generally consistent front setback and consistent street orientation;</i>	– Is consistent with the DCP2014 front setbacks (refer Building Setback assessment above) and appropriately presents towards the corner of the lot.	✓
– <i>Has garages and other structures which are not prominent elements in the streetscape and which are compatible with the character of the dwelling;</i>	– Garages are subsidiary features of the dwellings and are compatible with the overall design.	✓

ITEM 3 (continued)

DCP 2014, Part 3.3 Section 2.1 –Desired Future Character	Proposed development	✓ or ✗
– Requires minimal disturbance to the natural topography, which means that excavation is to be minimised;	– Includes only minor excavation and fill.	✓
– Has backyards, which are maximised in size;	<ul style="list-style-type: none"> – Comprises a rear landscaped yard appropriate to the unique site dimensions. – The development includes approximately 416m² or 54% of permeable (deep soil) area. 	✓
– Has backyards which form a connected strip of vegetation in neighbourhoods and which include large trees;	– Proposes a rear landscaped yard and considerable screen planting along the boundary fence to enhance the existing tree planting in the area.	✓
– Has allotments with large deep soil areas which allow rainwater to be absorbed and trees to be planted;	– Includes a 8mx8m deep soil area which is not impeded by stormwater infrastructure or development.	✓
– Has mature trees in streets, front gardens and backyards (existing mature trees are retained and new tree plantings encouraged); and	<ul style="list-style-type: none"> – Trees to be removed have been assessed as being satisfactory by Council's Consultant Landscape Architect. – Two (2) additional trees will be planted within the front setback in addition to native replacement planting along the front side boundary with No. 3 Woodbine Crescent. 	✓
– Has character areas where special features are retained and enhanced.	– Is not within a special character area.	✓

In summary, the proposed dual occupancy development is well within the bulk and scale permitted by Council's planning controls, and further provides a suitable design that provides a consistent presentation to Woodbine Crescent. For this reason, the proposed design and scale of development is supported.

- i. Parking** – Many submissions raise concern about the parking demand of the proposed development and lack of on-street parking due in Woodbine Crescent to the 'No Parking' zone in front of the subject site.

ITEM 3 (continued)

Assessing Officer Comment

Council's DCP 2014, Part 3.3, Section 2.11.1 states:

- a. *Provision must be made for off street parking in accordance with Part 9.3 Parking Controls in this DCP.*

Part 9.3 requires:

- *Dual occupancy (attached) = 1 space / dwelling.*

The proposed development includes 1 garage space per dwelling, in addition to ample space within the front setback for a second car per dwelling to park on the driveway within the site boundaries.

Council's Senior Development Engineer reviewed the application in this regard, stating:

The parking requirement under the current Council's DCP controls is one space for each unit making the increase of parking by one space. This level of traffic generation is very minor and most unlikely to impact traffic capacity or road safety in this area.

The independent TIA report reviewed the proposed application and relevant referrals related to traffic and parking impacts from the proposed development (**ATTACHMENT 3**). With regard to parking impacts the assessment states:

This is not directly impacted by the proposed development as the development meets all parking requirements ... and is expected to adequately cater to the expected parking demands of the development.

The TIA also considered the cumulative traffic impacts from this development application in light of surrounding existing and proposed development, including surrounding dual occupancy (attached) developments. The TIA concludes that as dual occupancy development is permissible within the R2 Low Density zone and as the proposed development provides sufficient parking spaces in compliance with Ryde DCP 2014, there are no expected unacceptable traffic impacts.

The traffic report recommends *that the development assessment be accepted on traffic and parking grounds as it meets and exceeds the Development Control Plan requirements for access and parking.*

As such the proposed development's parking provision of one space/dwelling is considered satisfactory.

ITEM 3 (continued)

J. Waste Storage, Demolition & Asbestos – Many submissions raise concern with the submitted demolition work statement, demolition plan and the appropriate disposal of asbestos on the site. Additionally adjoining neighbours object to the proposed location of the storage of waste near site boundaries.

Assessing Officer Comment

The amended plans submitted on 15 March 2016 included an amended demolition plan which detailed the demolition contractor's details and Asbestos Safe Handling procedures to comply with EPA Guidelines, in response to the received objections.

The handling and storage of asbestos waste at worksites is regulated by WorkCover NSW under the provisions of the Work Health and Safety Regulation 2011 and ensures that asbestos waste is stored and disposed of in an environmentally safe manner. The following standard conditions of consent are recommended to ensure compliance with WorkCover guidelines and regulations (refer conditions 23 – 26 at **ATTACHMENT 1**):

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.*

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 docket must be retained by the person performing the work for at least 3 years and be submitted to Council on request.*

Waste management plan. *Demolition material must be managed in accordance with the approved waste management plan.*

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.*

Additionally, the location of waste storage for the stockpile and waste recycling bins were amended (Revision 4) to locate the waste storage away from the site's boundaries with adjoining properties.

It is considered that through the imposition of the above conditions and relocation of the construction waste storage areas in the most recent plans that the concerns raised by objectors have been addressed.

ITEM 3 (continued)

K. Trees – Objections state that no replacement tree is proposed for the removal of the Flowing Ash tree (T3), and request that the driveway for Dwelling 1 be removed to allow for the tree to remain. Additionally, submissions raise objection to the removal of the False Cypress and Peach Tree (T4 & T5).

Assessing Officer Comment

The removal of the *Flowing Ash tree (T3)* (shown at **Figure 11**) is required to permit the construction of the Dwelling 1 driveway. The removal of T3 is supported by Council's Consultant Landscape Architect, stating that "*the tree is not considered to be significant within the landscape and been attributed only a low-moderate retention value*".

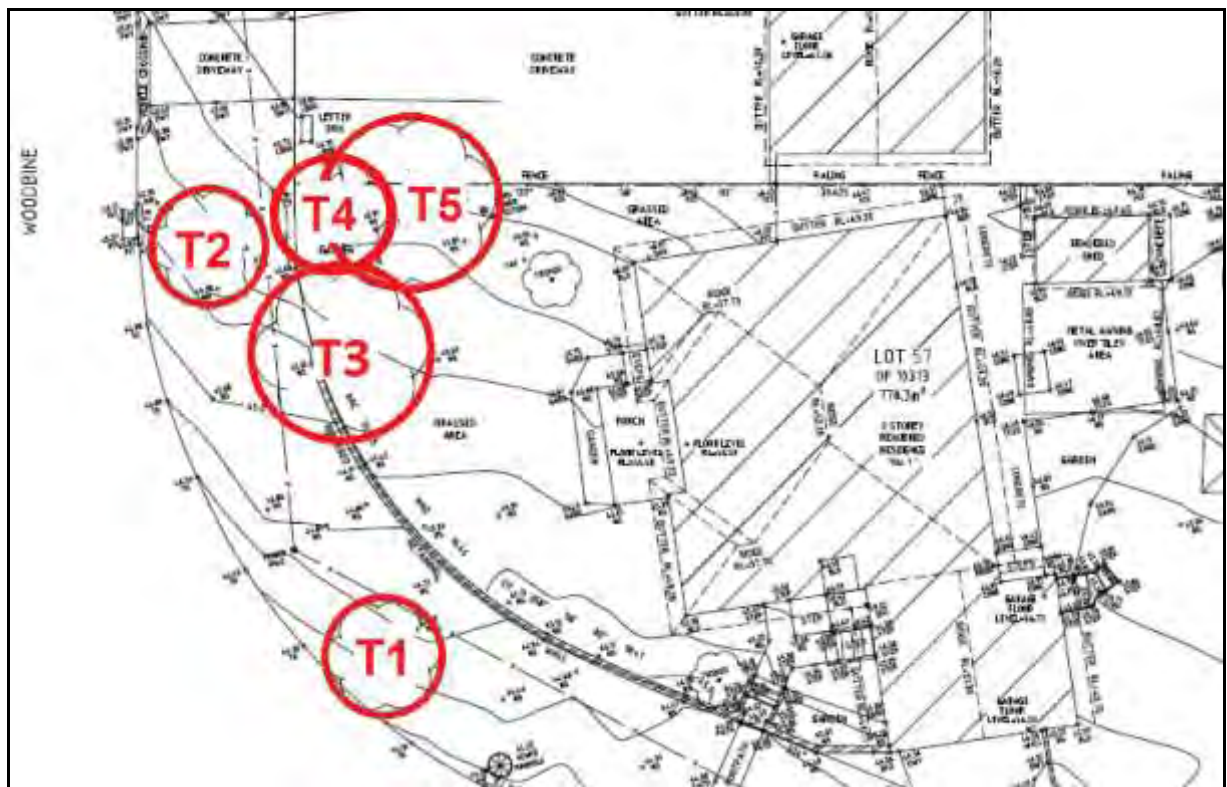


Figure 11 – Survey Plan noting the trees to be removed

Source: Michael Shannon & Associates Pty Ltd –edited by Assessment Officer

Two (2) Cheese Tree (*Glochidion ferdinandi*) are proposed to be planted within the front setback of Dwelling 1 and Dwelling 1A respectively as replacement trees and in accordance with Part 3.3 of Ryde DCP 2014 landscaping requirements.

ITEM 3 (continued)

The removal of Tree 4 and 5 was included on the Revision 3 plans for two reasons:

1. In response to a verbal submission by the owner of No. 3 Woodbine Crescent due to plant litter and overhanging of branches of the trees which require significant annual pruning; and
2. To improve vehicle sightlines from Driveway 1.

Tree 4, being a Peach Tree (*Prunus persica*) is an exempt species under Part 9.5 of the Ryde DCP 2014 and therefore is a desirable species to be removed and can be removed without Council permission. The removal of this tree is supported by Council's Consultant Landscape Architect.

Tree 5, which is a False Cypress, is not a native Australian species, is an insignificant species of low retention value, and its removal is also supported by Council's Consultant Landscape Architect.

While the existing trees provide screening and greenery to the front setback area of the development, the removal of the trees and replacement with a row of native screening shrubs, being 2 x New South Wales Christmas Bush (*Ceratopetalum gummiferum*) and 1 x Lily Pilly (*Syzygium austral*) is a preferred outcome for the location and context of the development for both vehicle access and landscaping reasons.

It is noted that Tree 1 and Tree 2 will be also removed to allow for the construction of the footpath along Woodbine Crescent. This was identified by Council's Senior Development Engineer as no concrete footpath currently exists at the front along Woodbine Crescent. The approved development at 6 Greene Avenue (LDA2015/505) imposed conditions requiring the construction of a new footpath along the Woodbine Crescent frontage of the new development. Accordingly, the new footpath in front of the subject premises will connect to the new footpath to be constructed under LDA2015/505 in order to extend the neighbourhood network of footpaths.

Council's Tree Management Officer has reviewed the proposed tree removal and provided recommendations for tree replacement along the nature strip along Woodbine Crescent of five (5) native trees which will also provide enhanced street amenity. The proposed replacement street tree planting has also been reviewed by Council's Senior Development Engineer who has assessed the sight distances in relation to the potential tree planting locations and provided additional controls relating to separation distances to ensure vehicle safety. These comments have been reflected in Condition 1(c) on the draft consent which states:

ITEM 3 (continued)

Street tree planting. *The Landscape Plan to be amended to show the following tree species to be planted in the nature strip along Woodbine Crescent in the following locations:*

- *Two(2) narrow leaf apple myrtle (Angophora bakerii) trees to be planted to the east of the driveway of Dwelling 1A;*
- *Three (3) Snow-in-summer (Melaleuca linariifolia) trees to be planted to the west of the driveway of Dwelling 1A and to the east of the existing electricity power pole;*
- *All trees are to have a minimum pot size of 45L at the time of planting;*
- *All trees are to be planted 2.5m from the street kerb;*
- *All trees are to be planted no less than 3m from the edge of any driveway; and*
- *All trees are to be spaced equidistant along the nature strip.*

In addition to conditions relating to the removal of the street trees to facilitate the footpath and suitable replacement planting, conditions have also been recommended to require the payment of a security deposit to ensure the long term health and condition of the replacement street trees (refer Conditions 1(c), 49, 58, 68, and 88 at **ATTACHMENT 1** relating to the removal and replacement of the street trees).

The replacement planting along the street verge in addition to the additional tree planting on the site will enhance the amenity of the streetscape, particularly as the proposed tree planting will be native species which are a superior selection compared with the trees proposed to be removed.

- L. Pool location and acoustic impacts from pool equipment** – *The owners of No. 8 Greene Ave have stated that the site area is too small for a swimming pool, expressing concern with the location of the proposed pool and resultant noise impacts. Additionally, they state that pool equipment will be too close to the side boundary which will cause further noise impacts.*

Assessing Officer Comment

Ryde DCP 2014 Part 3.3, Section 2.12 Swimming Pools and Spas states:

- Pools are to be setback a minimum of 900 mm from the boundary, measured from the outside edge of the coping, deck or pool surrounds including paving, to allow sufficient space for screen planting. Further setbacks may be required to preserve existing screening vegetation.*
- The pool pump/filter is to be located as far away as practicable from neighbouring dwellings and is to be enclosed in an acoustic enclosure that will ensure the noise emitted from the enclosure is not greater than 5dB(A) above the background noise level, measured at the boundary*

ITEM 3 (continued)

The proposed pool within the rear yard of Dwelling 1A sits 1.8m measured to the outer edge of the pool coping from the rear boundary of No. 8 Greene Avenue, including 900mm of landscape screening. Thus the location of the pool complies with Council's controls with relating to the positioning of the proposed pool. Further there is no control under Ryde DCP 2014, nor under Ryde LEP 2014 or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP), relating to a minimum residential lot size for a swimming pool. Appropriate screen planting and 300mm lattice screening above the fence is proposed to be planted along site boundaries to provide further visual and acoustic privacy.

The use and noise impacts from the use of a neighbouring residential rear yard cannot be anticipated or restricted under a development application particularly as the respective development standards have been met. The proposed pool location and setbacks complies with Ryde DCP 2014 controls and therefore there is no reason for the refusal of the proposed swimming pool in the rear yard of Dwelling 1A. With regard to potential noise impacts from pool equipment however, the following standard pool condition has been recommended on the draft consent to mitigate any potential impacts (refer condition 12 at **ATTACHMENT 1**):

***Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.*

In light of the above assessment, the proposed pool location and equipment is considered satisfactory in this circumstance.

M. Use of office/study room within both dwellings – *Submissions have raised concern that the proposed office/study room within both residences may be used for the purpose of a business which will have subsequent impacts on traffic and parking in the area.*

Assessing Officer Comment

The Revision 1, 2 and 3 plans labelled the proposed study or office room within the development as 'office'. Submissions to the Revision 3 notification, expressed that the '*offices within the dwellings could mean that the residents plan to run businesses from the premises that will attract client parking*'. As such, as part of housekeeping amendments to the plans, the applicant was requested to clarify the intended use of these rooms, and if the intent was for the use of the room as an 'office' or as a 'study' that the rooms be labelled accordingly. Subsequently, Revision 4 of the plans has labelled these rooms as a 'study'.

ITEM 3 (continued)

While the application does not seek consent for the use of any portion of the development as a home business, it should be noted that such use is capable of being undertaken as 'exempt' development under Part 2, Division 1, Subdivision 22 of the Codes SEPP. Ryde LEP 2014 defines *home business* as

“a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

Earmark

- (a) the employment of more than 2 persons other than those residents, or*
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or*
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or*
- (d) the exhibition of any signage (other than a business identification sign), or*
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,*

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.”

The standards specified for this development under the Codes SEPP to be exempt development are that the development must not involve a change of building use, and comply with the applicable standards specified under clause 5.4 (2) and (3) of Ryde LEP 2014 which state that the carrying on of a home business must not involve the use of more than 30m² of floor area.

The proposed rooms to be used as a 'study' in Dwelling 1 and 1A are approximately 8m² and 5.5m² respectively. In accordance with the provisions of Ryde LEP 2014 and the Codes SEPP, the use of the study/office may be used as a home business without the need for development consent.

As such the proposed study in both of the dwellings is considered satisfactory and no conditions are recommended to restrict the use of the dwellings in this regard.

N. Water pressure concerns relating to overdevelopment of the locality.

Owners of adjoining properties raised that overdevelopment of the area with two-storey dual occupancy developments will causing a reduction in the water pressure in the neighbourhood.

Assessing Officer Comment

As noted earlier in this report and shown at **Figure 1** there are a number of dual occupancy developments existing or approved within the vicinity of the site. The submissions state that the proposed development should be refused due to the problems associated with increased densities including water pressure issues.

ITEM 3 (continued)

In relation to the proposed land use, it is important to acknowledge that under the R2 Low Density Residential zone of the subject site and surrounding properties, Ryde LEP2014 identifies *dual occupancy (attached)* development as being permissible with consent, while DCP 2014 permits the construction of two-storey dwellings. In this regard, any objection to *dual occupancy (attached)* and/or two-storey developments within the R2 Low Density Zone is taken to be an objection to the provisions of the Ryde LEP 2014 and Ryde DCP 2014, and not related specifically to the subject DA.

With regard to the impact of development and other surrounding developments on neighbourhood water pressure, this is a matter for Sydney Water to assess. Sydney Water has a service agreement to meet their *Operating Licence* – ensuring no less than 15m head of pressure at the water main connection point under normal conditions for all Sydney properties.

Accordingly, Council has a standard condition which is applied to all developments involving a connection to Sydney Water infrastructure, so Sydney Water can assess whether a proposed development will cause impact and make any necessary upgrades to continue to meet their *Operating Licence*. This condition has been included on the draft consent (refer condition 36 at **ATTACHMENT 1**):

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™](https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm) online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

ITEM 3 (continued)

Prior to the issue of a Construction Certificate, the applicant is required to contact Sydney Water to seek access to Sydney Water's systems including receiving drinking or recycled water, to discharge wastewater, or to discharge storm water. Through this application Sydney Water will ensure that the proposed development will meet the relevant requirements for water connections and confirm there will be no impacts on the water pressure of surrounding properties.

8. SEPP1 (or clause 4.6 RLEP 2014) objection required? None required.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2014

Zoning

The proposed dual occupancy and swimming pool is permissible within the R2 Low Density Residential zone subject to the approval of Council.

The objectives of the R2 Low Density Residential zone are:

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

Assessment Officer's Comments

The proposed development is considered to be consistent with the objectives of the zone.

Mandatory Requirements

The following is a summary of the clauses under Ryde LEP 2014 applicable to the development.

Ryde LEP 2014	Proposal	Compliance
4.3(2) Height		
9.5m	9.296m	Yes
4.4(2) & 4.4A(1) FSR		
0.5:1	0.43:1	Yes

ITEM 3 (continued)

(b) Relevant SEPPs

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

BASIX Certificates No. 668552S_03 (Dwelling 1) and No.668636S_02 (Dwelling 1A) dated 19 February 2016 have been submitted and the development satisfies the commitments listed in the schedule.

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

Ryde DCP 2014

A full assessment of the proposal under DCP 2014 is illustrated in the compliance table held at **ATTACHMENT 2**. Two (2) non-compliances were identified in the table and are further discussed below.

Section 2.9 of Part 3.3 of the Ryde DCP 2014 –Setbacks

Due to the site unique dimensions of the site, the application of Council's setback controls differ from a standard lot. As a result a rigorous merit-based assessment has been undertaken regarding the proposed building setbacks, in light of the relevant environmental impacts of the development. As assessed earlier in this report in Section 7 F, the proposed development does not strictly comply with the Ryde DCP 2014 building setbacks with the Dwelling 1A ground floor living room, study and patio siting within the 8m setback distance from the boundary with Nos. 6 and 8 Greene Avenue.

The proposed building setbacks have been assessed as being acceptable as:

- The proposed development still provides:
 - an 8m x 8m deep soil area;
 - adequate space for private outdoor recreation and relaxation for each dwelling;
 - suitable separation between dwellings to offer privacy in addition to 300mm lattice privacy screening atop the 1.8m side/rear boundary fences; and

ITEM 3 (continued)

- a contiguous vegetation corridor across the block – with significant screen planting between the site and No 8 Greene Avenue.
- The proposed development is compliant with regard to:
 - all other building setback controls; and
 - Ryde LEP height and FSR controls.
- The area setback by <8m is limited to the ground floor level of the development and as such no unreasonable privacy impacts will result due to overlooking by occupants of the proposed dwelling and the minor encroachment.
- There are no resultant unacceptable overshadowing impacts as a result of the non-compliance

Section 2.9.1 and 2.11.1 of Part 3.3 of the Ryde DCP 2014 – Garage setbacks

Section 2.9.1 of Part 3.3 of the Ryde DCP 2014 prescribes development controls for the front setback of dwellings, while Section 2.11.1 of Part 3.3 of the Ryde DCP 2014 prescribes development controls for car parking. Specifically with regard to setbacks for garages, these sections stipulate that:

- *2.9.1 c. Garages and carports, including semi-basement garages and attached garages, are to be set back a minimum of 1 m from the dwelling's façade.*
- *2.9.1 f. The outside face of a wall built above a garage which faces the street is to align with the outside face of the garage wall below.*
- *2.11.1 c. Garages are to be located at least 1 m behind the front building elevation.*
- *2.11.1 p. Garages, whether free standing or incorporated into the house, are to be setback at least 1 m from the building's front façade.*

An assessment of the proposed development has identified that the garage of Dwelling 1 sits 1.873m in front of the façade of the ground floor building elevation as shown below at **Figure 12**. Therefore the proposed setback does not comply with the garage setback controls prescribed by Section 2.9.1 and 2.11.1 of Part 3.3 under Ryde DCP 2014.

ITEM 3 (continued)



Figure 12 – North east elevation plan and ground floor of the proposed development showing area where garage sits in front of the dwelling facade
Source: Applicant submitted plans—edited by Assessment Officer

ITEM 3 (continued)

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

- The proposed development has been designed to respond to the curve of Woodbine Crescent to provide a consistent street frontage and an orientation which corresponds with both 3 Woodbine Crescent to the north and 6 Greene Avenue to the east.

This design relies on the garage sitting to the front of the dwelling as moving the garage behind the front of the façade would reduce the internal length of the living room from 5.455m to 3.582m and total living room area from 25.05m² to 16.45m², thus overall restricting the usable internal ground floor living spaces of Dwelling 1.

The overall design of the dwelling also aims to provide suitable setbacks from the side boundary with 3 Woodbine Crescent and functional private outdoor open space for Dwelling 1. Moving the garage to behind the front building line would necessitate a reduction in the side setback to provide usable living room space, while having the garage to the forward of the building line means the building side setback of 4m can be retained, while providing functional internal living areas.

- The proposed garage is setback from the front boundary by a minimum of 6.35m in compliance with the front setback controls of Ryde DCP 2014.
- The proposed development is consistent with the objectives of Section 2.9.1 and Section 2.11 of Part 3.3 of the Ryde DCP 2014 as:
 - the garage is well integrated into the site as to not dominate the front façade and not be a protruding feature with regard to the individual lot and the streetscape;
 - the garage is consistent with the design of the dwelling; and
 - the proposal provides for a front landscaped garden.
- The selection of materials and finishes and design of the garage results in a garage which complements the overall architecture of the dwelling.
- The front setback of the site is extensively landscaped.
- The front façade of the dwelling is articulated through the use of varied materials and finishes, prominent symmetrical architectural features and curved elements that respond to the site's curved frontage.

Given the above it is considered that the proposed garage setback is justifiable in this instance, particularly having regard to the provisions of Section 79C(3A)(b) the Environmental Planning and Assessment Act 1979 and the ability of the proposed development to achieve the objectives of the built form controls within the Ryde DCP 2014.

ITEM 3 (continued)

Council's Section 94 Development Contributions Plan

Council's current Section 94 Development Contributions Plan 2007 (Interim Update (2014) effective 10 December 2014) requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional dwellings there are in the development proposal. 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	\$4,227.74
Open Space & Recreation Facilities	\$10,407.85
Civic & Urban Improvements	\$3,539.91
Roads & Traffic Management facilities	\$482.86
Cycleways	\$301.62
Stormwater Management Facilities	\$958.70
Plan Administration	\$81.32
The total contribution is	\$20,000.00

Condition on the payment of Section 94 Contribution of \$20,000.00 has been included in the draft notice of determination attached to this report (refer Condition 28 at **ATTACHMENT 1**).

10. Likely impacts of the Development

(a) Built Environment

All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report (see Ryde DCP 2014 and Submissions sections). 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 impact 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 impacts the proposed development will have.

11. Suitability of the site for the development

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies no environmental constraint affecting the subject property.

ITEM 3 (continued)

As detailed above the proposed development was referred to Council's Consultant Landscape Architect/Arborist who has no objections to the proposed tree removal subject to the imposition of conditions of consent. In this regard the subject site is considered to be suitable when having regard to environmental planning hazards.

The proposed dual occupancy (attached) is a permissible form of development on the subject site under the provisions of the Ryde LEP 2014. The subject development has also been determined to be compatible with the character of the local area. This is because the proposed dual occupancy is of a bulk and scale that is consistent with the provisions of the local planning controls, and in harmony with the low density residential environment surrounding the site. Given the above, it is considered that the proposed development is suitable for the subject site.

12. The Public Interest

The development substantially complies with Council's current development controls. Additionally, it has been determined that the proposed built form is in keeping with the existing and desired future character of the low density residential area. In this regard, it is considered that approval of the subject DA would be in the public interest.

13. Consultation – Internal and External

Internal Referrals

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

OSD and Rainwater Tanks

This property slopes to the front and drainage from the development is connected to the street kerb via an OSD system located under the garage. The OSD tank is partially outside with an overflow pit for emergency situations. The BASIX tank also located under the garage with a sealed access.

The BASIX report requires 2000litre water tank for each dwelling with 140m² of roof area connected into it. This has been shown on plans.

Garage size

The difference in levels between the garage and the foyer area of Dwelling 1A is 710mm. With the maximum riser height of 190mm there should be 4 steps from the garage to this area. The steps will encroach over the usable area of the garage. Though this issue was raised before, the applicant has not addressed it. The garage length measures to about 5.5m. Therefore it is suggested that door from the garage to the foyer be deleted. The architectural plans are to be marked accordingly.

ITEM 3 (continued)

Note: Condition 1(b) has therefore been applied to the draft consent stating:

Dwelling 1A Garage. The door on the Dwelling 1A garage to the foyer is to be deleted.

Driveways

The driveway gradients can be achieved to comply with AS 2890.1. A 2x2.5m clear area on either side of the driveway to Dwelling 1A should be provided for pedestrian sight lines. This will require adjustment to the proposed retaining wall on the side of the driveway to 900mm maximum.

There are two access driveways proposed for the development. Access to Dwelling 1A is in the area of the existing driveway which has adequate sight lines. The access to the Dwelling 1 is closer to the bend and there may be some obstruction to the vision of reversing drivers due to existing street trees on the footpath. The trees on the footpath adjoining the driveway to Dwelling 1 require some understorey trimming which has been conditioned. The applicant should contact Council to trim the trees within the footpath prior to occupation of the dwellings. The area around the bend adjoining this driveway is currently 'No Parking' zone which prohibits parking around the corner.

Traffic

Woodbine Street operates as a local road in the context of Council's road network. The locations of both driveways are satisfactory with the compliance of the conditions provided on the consent.

The parking requirement under the current Council's DCP controls is one space for each unit making the increase of parking by one space. This level of traffic generation is very minor and most unlikely to impact traffic capacity or road safety in this area.

Front fencing

Though there are no detailed plans for the front fence, the landscape plan provides a note indicating that maximum height of the fence will be 900mm which is satisfactory.

There is no concrete footpath paving exists at front along Woodbine Crescent. A condition has been provided for applicant to construct the footpath paving.

No objections are raised to the approval subject to the attached conditions and above comments.

The following recommended conditions have been included on the draft consent at **ATTACHMENT 1:** Conditions 1b, 16-19, 42-48, 54-55, and 79-85.

ITEM 3 (continued)

It is noted that Condition 81 requires the construction of footpath paving along the full frontage of the site. Revision 1 of the plans included this, and it was requested to be removed at the request of Councils Landscape Architect who stated that these footpaths do not link to any other existing public footpaths.

Council's Senior Development Engineer has subsequently recommended Condition 81 as the dual occupancy (attached) development at 6 Greene Avenue will require the construction of a footpath to connect to the existing footpath along Greene Avenue. Accordingly it is suitable to require the connection of a footpath along the frontage of this development also. The following condition has been included on the draft consent at **ATTACHMENT 1**.

Footpath Paving Construction. *The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property in Woodbine Crescent. Levels of the footpath paving shall conform with plans approved by Council's City Works & Infrastructure Section.*

Landscape Architect: The proposed development was referred to Council's Consultant Landscape Architect who has stated the proposed landscaping and tree removal is acceptable, subject to conditions of consent (refer conditions 40, 57, 60, and 68-71 of **ATTACHMENT 1**).

Council's Consultant Landscape Architect was specifically asked to comment on the removal of Trees 4 & 5 and provide suggestions for suitable replacement planting. The following response was provided:

*In terms of [Trees 4 & 5], I believe both could be supported for removal. The Peach Tree (*Prunus persica*) is actually an exempt species under Part 9.5 of the Ryde DCP 2014 and therefore can be removed without Council permission. The False Cypress is an insignificant species of low retention value that I could support for removal provided replacement planting was undertaken.*

With regard to replacement species, it is considered that a row of native screening shrubs or small trees would be suitable given the availability of deep soil between the driveway and boundary fence. The following species are considered to be suitable:

- *Syzygium australe 'Select Form' (Lilly Pilly)*
- *Ceratopetalum gummiferum (NSW Xmas Bush)*
- *Eleocharis reticulatus (Blueberry Ash)*

ITEM 3 (continued)

Tree Management Officer: The street trees were specifically reviewed by Council's Tree Management Officer in regard to the impact of the proposed footpath recommended by Council's Senior Development Engineer. This referral concludes that the removal of Tree 1 and Tree 2 is acceptable subject to the planting of six (6) native replacement trees along the Council verge. Appropriate conditions have been included at **ATTACHMENT 1** to ensure the longevity and condition of these replacement trees (refer Conditions 1(c), 49, 58, 68, and 88).

City Works & Infrastructure – Traffic Development Engineer: The proposed development was referred to Council's Traffic Development Engineer who has reviewed the plans and provided the following comment.

General Comments

The proposed development is a new dual occupancy dwelling. The traffic impacts are negligible as the anticipated net increase will be 1 vehicle. This will have little to no impact on the surrounding network.

The locations of the driveways are suitable in width as dimensioned at 3.0m wide.

The location does not have a pedestrian desire line to schools or recreational facilities therefore extended splays are not required at this location.

Condition/s

From a Traffic perspective, there are no objections to the approval of this development application.

External Referrals

Independent Traffic Impact Assessment – Bitzios Traffic Consultants: The Revision D plans, in addition to Council's City Works & Infrastructure and Senior Development Engineer referrals were reviewed by an independent traffic consultant in light of the submissions received to the proposed development. The findings of the TIA have been extensively used in the assessment of traffic and parking throughout this report. A copy is included at **ATTACHMENT 3**.

The TIA review of the traffic impacts of the proposed development concludes:

We accept that the traffic and parking impacts as directly related to the proposed development at 1 Woodbine Crescent have been shown to be minimal and that the parking and access meets the Development Control Plan and Australian Standards requirements.

ITEM 3 (continued)

Bitzios Consulting recommends that the development assessment be accepted on traffic and parking grounds as it meets and exceeds the Development Control Plan requirements for access and parking.

No conditions were recommended.

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 Environmental Planning and Assessment Act 1979 and is generally considered to be satisfactory for approval.

It is noted that although some non-compliances or variations to the numerical standards with the Ryde DCP 2014 were identified, these were either considered to either be justifiable given the circumstances of the subject site and the nature of the dual occupancy development proposed, or alternatively addressed via imposition of consent conditions.

The design of the proposed development is considered to be consistent with the desired future character of the low density residential areas, and consistent with the nature of modern development in the Ryde and wider local government area.

On the above basis, LDA2015/466 at 1 Woodbine Crescent Ryde is recommended for approval subject to conditions.

ITEM 3 (continued)

ATTACHMENT 1

Draft Conditions of Consent
1 Woodbine Crescent, Ryde
LDA2015/466

GENERAL

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

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

Document Description	Date	Plan No/Reference
Site Plan (For Demolition)	15/03/2016	Dwg No A00 Rev C
Site Plan	15/03/2016	Dwg No A01 Rev C
Sediment Control Plan	15/03/2016	Dwg No A02 Rev C
Ground Floor Plan	15/03/2016	Dwg No A03(1) Rev C
First Floor Plan	15/03/2016	Dwg No A03(2) Rev B
North East Elevation	23/01/2016	Dwg No A04(1) Rev B
South West Elevation	23/01/2016	Dwg No A04(2) Rev B
North West Elevation	23/01/2016	Dwg No A04(3) Rev B
South East Elevation	23/01/2016	Dwg No A04(4) Rev B
Section AA	23/01/2016	Dwg No A05(1) Rev B
Landscape Plan	15/03/2016	Dwg No A06(1) Rev C
Landscaping Notes	23/01/2016	Dwg No A06(2) Rev B
Schedule of Finishes (1)	20/09/2015	Dwg No A08(1)
Windows Schedule	23/01/2016	Dwg No A09 Rev A
Driveway Profile Dwelling 1	21/11/2015	Dwg No A14(1)
Driveway Profile Dwelling 1A	21/11/2015	Dwg No A14(2)
Stormwater Concept Plan	01/02/2016	Dwg No. 229 S01
Stormwater Concept Plan – Below Ground Tank Section AA Detail OSD 1	18/02/2016	Dwg No. 229 S02
Stormwater Concept Plan – Below Ground Tank Section AA Detail OSD 2	18/02/2016	Dwg No. 229 S03

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

- a) **Balcony Screening.** The balcony privacy screen on the balcony of the First Floor Master Bedroom of Dwelling 1A – is to be raised to a height of at least 1.8m above the finished floor level of the first floor.

ITEM 3 (continued)

ATTACHMENT 1

- b) **Dwelling 1A Garage.** The door on the Dwelling 1A garage to the foyer is to be deleted.
- c) **Street tree planting.** The Landscape Plan to be amended to show the following tree species to be planted in the nature strip along Woodbine Crescent in the following locations:
- Two(2) narrow leaf apple myrtle (*Angophora bakerii*) trees to be planted to the east of the driveway of Dwelling 1A;
 - Three (3) Snow-in-summer (*Melaleuca linariifolia*) trees to be planted to the west of the driveway of Dwelling 1A and to the east of the existing electricity power pole;
 - All trees are to have a minimum pot size of 45L at the time of planting;
 - All trees are to be planted 2.5m from the street kerb;
 - All trees are to be planted no less than 3m from the edge of any driveway; and
 - All trees are to be spaced equidistant along the nature strip.

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

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 668636S_02, dated 19 February 2016 and 668552S_03, dated 19 February 2016.
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. **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.

ITEM 3 (continued)

ATTACHMENT 1

6. **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.
7. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
8. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
9. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
10. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
11. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
12. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.
13. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
14. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.
15. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.

ITEM 3 (continued)

ATTACHMENT 1

16. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the relevant Australian Standard and City of Ryde Development Control Plan 2014 Section 8 except as amended by other conditions.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
18. **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.
19. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

20. **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.

ITEM 3 (continued)

ATTACHMENT 1

21. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
22. **Excavation**
 - (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
 - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
23. **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.
24. **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.
25. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
26. **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.
27. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

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 3 (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.

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$4,227.74
Open Space & Recreation Facilities	\$10,407.85
Civic & Urban Improvements	\$3,539.91
Roads & Traffic Management Facilities	\$482.86
Cycleways	\$301.62
Stormwater Management Facilities	\$958.70
Plan Administration	\$81.32
The total contribution is	\$20,000

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.

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>.

29. **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**.

ITEM 3 (continued)

ATTACHMENT 1

30. **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**.
31. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine)
32. **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
33. **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**.
34. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
35. **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 3 Woodbine Crescent, Ryde. 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**.
36. **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

ITEM 3 (continued)

ATTACHMENT 1

- 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>

37. **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**.
38. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 – Fences, unless otherwise specified in this consent. Details of compliance are to be provided in the plans for the **Construction Certificate**.
39. **Fencing and Lattice Screening.** Existing boundary fencing is to remain unless otherwise agreed to by the neighbouring property owners.

Lattice privacy screening is to be installed above the existing boundary fences with 3 Woodbine Crescent and 8 Greene Avenue, Ryde to a total fence height of 2.4m high measured from the finished ground level of 1 Woodbine Crescent. Installation of privacy fencing is to be at the full cost of the developer. Details of compliance are to be provided in the plans submitted with the **Construction Certificate**.

40. **Tree planting – location.** The trees required to be planted under this consent must be planted a minimum of 3m from any property boundary. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
41. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.
42. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
43. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1.

ITEM 3 (continued)

ATTACHMENT 1

The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.

44. **Provision of Pedestrian Sight Lines.** Clear pedestrian sight lines in accordance with Figure 3.3 of AS2890.1 :2004 Off Street Carparking are to be provided at the driveway entry to each dwelling.

This requires that there be no retaining/boundary wall or fence including landscaping higher than 900mm within 2.5m of the driveway entry at the boundary and to a distance of 2.0m within the site. Any walls, landscaping etc are to be adjusted in order to also comply with this. Full details are to be shown on the architectural and landscaping plans submitted for approval with the Construction Certificate.

45. **External Engineering Works.** To facilitate satisfactory and safe access to and from the proposed development, the following public infrastructure works shall be constructed at no cost to Council along the entire public road frontage of the site.
- a. Standard concrete footpath paving along the frontage of the property in Woodbine Crescent.
 - b. Any other associated works required within the footpath/street due to the proposal.
 - c. Replacement of any damaged kerb and gutter within the property frontage and at the pipe outlet.

Detailed engineering plans prepared by a qualified and experienced civil engineer in accordance with City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 - Public Civil Works **are to be submitted to, and approved by Council**

46. **On-Site Stormwater Detention.** Stormwater runoff from the development site shall be collected and piped by gravity flow to a suitable onsite detention(OSD) system designed in accordance with the City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. The concept drainage design prepared by RCO Engineering Pty Ltd Dwg 229 S01 Rev 2 dated 1/2/16 shall be amended to incorporate but not be limited to the following:

ITEM 3 (continued)

ATTACHMENT 1

- a. Provision of minimum 5.4m³ of OSD volume at a discharge rate of 3.0 L/s for each OSD tank. Orifice diameter to be revised to achieve this.
- b. Provision of pits to collect surface runoff from the rear yards of Dwelling 1
- c. Provision of external cleaning eyes for each pipe directed under the building.
- d. All gutters, downpipes and pipeline conveying stormwater runoff to the BASIX tank are to be designed for the 1 in 100 year, 5 minute duration storm event.

Detailed engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition are to be submitted for approval with the Construction Certificate application. (Note the owner/Builder should not be the certifying engineer)

47. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.
48. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

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

- a. Existing and final contours
 - b. The location of all earthworks, including roads, areas of cut and fill
 - c. Location of all impervious areas
 - d. Location and design criteria of erosion and sediment control structures,**
 - e. Location and description of existing vegetation
 - f. Site access point/s and means of limiting material leaving the site
 - g. Location of proposed vegetated buffer strips
 - h. Location of critical areas (drainage lines, water bodies and unstable slopes)
 - i. Location of stockpiles
 - j. Means of diversion of uncontaminated upper catchment around disturbed areas
 - k. Procedures for maintenance of erosion and sediment controls
 - l. Details for any staging of works
 - m. Details and procedures for dust control.
49. **Tree Planting on Council's verge.** Five (5) trees are to be planted equidistant along the nature strip along Woodbine Crescent in the following locations:
 - a. Two(2) narrow leaf apple myrtle (*Angophora bakerii*) trees to be planted to the east of the driveway of Dwelling 1A;

ITEM 3 (continued)

ATTACHMENT 1

- b. Three (3) Snow-in-summer (*Melaleuca linariifolia*) trees to be planted to the west of the driveway of Dwelling 1A and to the east of the existing electricity power pole;
- c. All trees are to have a minimum pot size of 45L at the time of planting;
- d. All trees are to be planted 2.5m from the street kerb;
- e. All trees are to be planted no less than 3m from the edge of any driveway;
- f. Trees to be planted in accordance with Section 6 of Councils Urban Forest Technical Manual.
- g. A \$1,500 bond shall be paid to Council prior to issue of the Construction Certificate. Details of payment are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
- h. The trees shall be maintained by the applicant or owner of the site for a minimum period of 12 months after the Occupation Certificate has been issued.

Note: An inspection by a Council Tree Management shall be undertaken to ensure that this condition has been met and the tree is of good health and vigour prior to release of the bond. Should the tree fail to survive and thrive it will be at the cost of the applicant to replace the tree and the bond time period of 12 months shall recommence.

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.

50. 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.

ITEM 3 (continued)

ATTACHMENT 1

51. **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.
52. **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).

53. **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.
54. **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.

ITEM 3 (continued)

ATTACHMENT 1

55. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan prior to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
56. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities.
57. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained within the subject site and on neighbouring allotments. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council **prior to the commencement of construction.**
58. **Street trees.** Prior to the street trees being planted, the location of existing electrical services and underground services shall be determined so as not to plant the tree in such a location that it will in the future affect the any services running into the subject site or adjoining properties.

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.

59. **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*.

ITEM 3 (continued)

ATTACHMENT 1

60. **Hold points and certification.** The Tree Protection Schedule provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction. It also provides a checklist of various hold points that are to be signed and dated by the Project Arborist. **This is to be completed progressively and included as part of the final certification.** A copy of the final certification is to be made available to the City of Ryde Council on completion of the project.

Tree Protection Schedule

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 and additional root, trunk and/or branch protection	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

61. **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.
62. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
63. **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.
64. **Construction materials.** All materials associated with construction must be retained within the site.

ITEM 3 (continued)

ATTACHMENT 1

65. 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.

66. 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.

67. 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".

68. Tree removal. This consent does not authorise the removal of trees unless specifically authorised by a condition of this consent. This consent authorises the removal of the following trees:

Street trees

Tree 1 – Scribbly Gum (*Eucalyptus haemastoma*)

Tree 2 – Butterfly Tree (*Bauhinia prupurea*)

Site trees

Tree 3 – Flowering Ash (*Fraxinus griffithii*)

Tree 4 – False Cypress (*Cupressus sp.*)

Tree 5 – Peach Tree (*Prunius persica*)

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.

69. 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.

Trees to be retained and protected

Tree 6 and 7 – Blue Jacaranda (*Jacaranda mimosifolia*)

ITEM 3 (continued)

ATTACHMENT 1

70. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
71. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
72. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

73. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 668636s_02, dated 19 February 2016 and 668552S_03, dated 19 February 2016.
74. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
75. **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**.

ITEM 3 (continued)

ATTACHMENT 1

76. **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.

77. **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**.
78. **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.
79. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
80. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council’s City Works and Infrastructure. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

ITEM 3 (continued)

ATTACHMENT 1

81. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property in Woodbine Crescent adjacent to the front property boundary. Levels of the footpath paving shall conform with plans approved by Council's City Works and Infrastructure.
82. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
83. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels is to be submitted to the Principal Certifying Authority (PCA) and to Ryde City Council if Council is not the nominated PCA.
84. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Dwg 229 S01 Rev 2 dated 1/2/16 and S02 & S03 Rev 2 dated 18/2/16 prepared by RCO Engineering Pty Ltd and as amended in red by Council and conditions of this consent.
 - Compliance Certificates – Engineering. Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and submitted to the PCA:
 - Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's Development Control Plan 2014: - Part 8.3; Driveways
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2014: - Part 8.3; Driveways.
 - Confirmation from Council that concrete footpath paving along Woodbine Crescent has been constructed and satisfactory.

ITEM 3 (continued)

ATTACHMENT 1

- Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management
- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's Development Control Plan 2014: - Part 8.3 Driveways

85. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

The applicant shall submit the works as executed drawing and the compliance certificate for drainage from the hydraulic engineer to Council with the documents for the Positive Covenant.

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.

86. **Dual occupancy only.** The dual occupancy is not to be used or adapted for use as a boarding house.
87. **Pool fencing.** The pool fence is to be maintained in accordance with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*.
88. **Tree maintenance.** The owner of the property is to water and maintain the five (5) street trees required under Conditions 1(c) and 49 on the nature strip in front of the property for first 12 months after planting has been completed.

Note: The tree bond is redeemable no sooner than 12 months after the Occupation Certificate has been issued. Council Tree Management Officer is to inspect the trees prior to the bond being released. The tree shall be in good health and vigour upon inspection. Should the tree fail to survive and thrive it will be at the cost of the applicant to replace the tree and the bond time period of 12 months shall recommence.

ITEM 3 (continued)

ATTACHMENT 2

Compliance Check - Quality Certification

Assessment of a Dual Occupancy (attached), Single Dwelling House, Alterations & Additions to a Dwelling House and ancillary development.

LDA No: LDA2015/0466	Date Plans Rec'd: 15 March 2016 (Rev 4)
Address: 1 Woodbine Cr Ryde	
Proposal: Demolition, new dual occupancy (attached) and swimming pool.	
Constraints Identified: None.	

COMPLIANCE CHECK

Ryde LEP 2014	Proposal	Compliance
4.3(2) Height		
9.5m	9.296m	Yes
4.4(2) & 4.4A(1) FSR		
0.5:1	0.43:1	Yes
4.5A(2) Allotment Size- Dual Occupancy (attached) in Zone R2		
Min size - 580m ²	Survey: 778.3m ² DP: 777.787m ² Council records: 779.13m ²	Yes
Min Site frontage 20m	51.135m	Yes

DCP 2014	Proposed	Compliance
Part 3.3 - Dwelling Houses and Dual Occupancy (attached)		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table and within the report. The proposed design	Yes

ITEM 3 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
	responds to the unique site dimensions and presents to the site's curved street frontage.	
Dwelling Houses		
<ul style="list-style-type: none"> - To have a landscaped setting which includes significant deep soil areas at front and rear. - Maximum 2 storeys. - Dwellings to address street - Garage/carports not visually prominent features. 	<p>Front and rear gardens proposed.</p> <p>Maximum two storeys</p> <p>Dwelling presents to Woodbine Cres.</p> <p>Garage not prominent feature as setback in front elevation of building.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Public Domain Amenity		
Streetscape		
<ul style="list-style-type: none"> - Front doors and windows are to face the street. Side entries to be clearly apparent. - Single storey entrance porticos. - Articulated street facades. 	<p>Front doors and windows face street.</p> <p>Single entrance portico.</p> <p>Articulated street façade.</p>	<p>Yes</p>
Public Views and Vistas		
<ul style="list-style-type: none"> - A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. Fence 70% open where height is >900mm. 	<p>No views to be blocked by the proposed development.</p> <p>Garage built into main building and not within a view corridor</p>	<p>Yes</p> <p>Yes</p>
Pedestrian & Vehicle Safety		
<ul style="list-style-type: none"> - Car parking located to accommodate sightlines to footpath & road in accordance 	<p>Location of the new garages will accommodate sightlines to footpath and road in</p>	<p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
with relevant Australian Standard. - Fencing that blocks sight lines is to be splayed.	accordance with relevant Australian Standard. Fencing only 900mm to allow for sightlines	Yes
Site Configuration		
Deep Soil Areas		
- 35% of site area min. - Min 8x8m deep soil area in backyard. - Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls). - Dual occupancy developments only need 1 of 8 x 8m area (doesn't have to be shared equally).	Permeable (deep soil) area: 417m ² approx (54% of site area). Rear DSA dimensions: 8m x 8m provided Front DSA: 100% permeable area in front yard= 299.4m ² (85% approx.). Hard surface areas have been kept to a minimum in the front yard.	Yes Yes Yes
Topography & Excavation		
Within building footprint: - Max cut: 1.2m - Max fill: 900mm Outside building footprint: - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - Max ht retaining wall 900mm	Within BF Max cut: 410mm Max fill: 750mm Outside BF Max cut: <0.5m Max fill: <0.5m 300mm retaining wall – existing along boundary with No. 3 Woodbine	Yes Yes Yes
Floor Space Ratio		
Ground floor	207.48m ²	
First floor	166.59m ²	
Detached car parking structures	0m ²	
Outbuildings (incl covered pergolas, sheds etc)	0m ²	

ITEM 3 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
Total (Gross Floor Area)	374.07m ²	
Less 36m ² (double) or 18m ² (single) allowance for parking	338.07m²	
FSR (max 0.5:1) Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	0.43:1	Yes
Height		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	Maximum two (2) storey attached dual occupancy	Yes
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	Maximum 1 storey above attached garage has been proposed.	Yes
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet <i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i>	TOW RL: 52.65 FGL below (lowest point): RL:46.40 TOW Height (max)= 6.178m	Yes
9.5m Overall Height <i>NB:</i> <i>EGL = Existing Ground Level</i>	Max point of dwelling RL: 54.896 EGL below ridge (lowest point): RL: 45.6 EGL below ridge (highest point): RL: 46.0 Overall Height (min)= 8.896 Overall Height (max)= 9.296	Yes
Habitable rooms to have 2.4m floor to ceiling height (min).	2.8m min room height.	Yes

ITEM 3 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
Setbacks – See discussion in report.		
SIDE One storey dwelling - 900mm to wall - Includes balconies etc	<u>North boundary</u> <ul style="list-style-type: none"> • 900mm to patio. • 4m to building façade <u>East Boundary:</u> <ul style="list-style-type: none"> • 2.8m to patio • 6m to building facade 	Yes
SIDE Two storey dwelling - 1500mm to wall - Includes balconies etc	<u>North boundary</u> <ul style="list-style-type: none"> • 4m to building façade <u>East Boundary:</u> <ul style="list-style-type: none"> • 8m to building facade 	Yes
Side setback to secondary frontage (cnr allotments): 2m to façade and garage/carports façade.	The site is a corner allotment with a single street frontage	
Front - 6m to façade (generally) - Garage setback 1m from the dwelling façade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements eg RWT, A/C	- Front setback is generally setback by 6m with minor encroachments of patio and corner of garages, and similar areas of greater than 6m setback. - Garage setback 1m from front façade. - Balcony above garage aligns with garage. - Front setback free from ancillary elements.	Yes Yes
Rear - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: 9.15625 m is 25% of site length.	2.8m to 8m Refer discussion in main report.	No – variation supported (1)

ITEM 3 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
Car Parking & Access		
General - Dwelling: 2 spaces max, 1 space min. - Dual Occupancy (attached): 1 space max per dwelling. - Where possible access off secondary street frontages or laneways is preferable. - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade.	Number/location of car spaces: 2 (1 per unit.) Access from: Woodbine Cres External width: 2.8 each Located in front of building façade.	Yes Yes Yes Yes No – variation supported (2)
Garages - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above. - Garage windows are to be at least 900mm away from boundary. - Free standing garages are to have a max GFA of 36m ² - Materials in keeping or complimentary to dwelling.	Setback from façade: 1: in front of façade 1A: 1.873m Width of openings: 2.8m each Door setback: 230m Windows: Dwelling 1 - 4m setback to side boundary. Dwelling 1A - no windows. Materials: consistent with new dwelling.	No – variation supported (2) Yes Yes Yes
Parking Space Sizes (AS) o Double garage: 5.4m wide (min) o Single garage: 3m w(min) o Internal length: 5.4m (min)	Internal measurements: each 5.499 x 3.23m	Yes
Driveways - Extent of driveways minimised	Extent of driveway minimised	Yes

ITEM 3 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
Swimming Pools & Spas		
<ul style="list-style-type: none"> - Must comply with all relevant Acts, Regulations and Australian Standards. - Must at all times be surrounded by a child resistant barrier and located to separate pool from any residential building and/or outbuildings (excl cabanas) and from adjoining land. - No openable windows, doors or other openings in a wall that forms part of barrier. - Spa to have lockable lid. - Pools not to be in front setback. 	<p>Does fence isolate pool area from dwelling and outbuildings? Yes</p> <p>Is gate location/swing shown? Yes shown on floor, site and landscaping plans.</p> <p>Are there any windows/doors within pool area? No.</p> <p>Pool in rear of property.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Pool coping height</p> <ul style="list-style-type: none"> - 500mm maximum above existing ground level <p><i>(only if no impact on privacy)</i></p>	<p>Pool coping RL: 46.2</p> <p>EGL (lowest point below coping): RL:45.95</p> <p>EGL (highest point below coping): RL: 46.00</p> <p>Coping Height (min)= 200mm</p> <p>Coping Height (max)=205mm</p>	<p>Yes</p>
<p>Pool Setback</p> <ul style="list-style-type: none"> - 900mm min from outside edge of pool coping, deck or surrounds . - Screen planting required for pools located within 1500mm, min bed width of 900mm for the length of the pool. Min ht 2m, min spacing 1m - Pool setback 3m+ from tree >5m height on subject or adjacent property - Pool filter located away 	<p>Setback (min):1.8m to surrounding fence.</p> <p>Screen planting along site boundary and 900mm from edge of fencing.</p> <p>Pool equipment filter etc. around side of house and away from neighbouring dwelling.</p>	<p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
from neighbouring dwellings, and in an acoustic enclosure	No information provided – condition to comply with DCP.	Yes
Landscaping		
Trees & Landscaping		
<ul style="list-style-type: none"> - Major trees retained where practicable - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access) - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. - Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy. - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. - OSD generally not to be located in front setback unless under driveway. 	<p>Three trees to be removed and replaced with native trees in appropriate position in front yard.</p> <p>Rear patios form connection between dwelling and rear yard.</p> <p>Obstruction free path down eastern boundary</p> <p>Front yard has 2 x Cheese Tree – up to 10m</p> <p>Back yard has existing Blue Jacaranda of 8-9m Proposed Eucalyptus Paniculata – 15m - 30m</p> <p>Hedges are 2-4m high to allow for additional privacy screening.</p> <p>OSD in front setback due to site figuration.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>See Engineer Referral</p>
- Landscaped front garden, with max 40% hard paving	Hard Paving: 14.5%	Yes
Dwelling Amenity		
Daylight and Sunlight Access		
<ul style="list-style-type: none"> - Living areas to face north where orientation makes this possible. - 4m side setback for side 	<p>Living areas face patio and/or outdoor pool area.</p> <p>Building setback 4m from north boundary.</p>	<p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
<p>living areas where north is to the side allotment boundary.</p> <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> - Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21. - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>N facing windows on first floor: will receive more than 3 hours of sunlight. Ground floor will be shadowed by neighbouring dwelling.</p> <p>POS: no impacts from neighbouring dwellings as north facing and sufficient setback from neighbouring dwellings.</p> <p>No impact on neighbouring properties. North facing and will continue to receive more than 2 hours of sunlight to adjoining principal open space:</p> <p>Hours of sunlight to adjoining living area windows will not be significantly impacted. Minor overshadowing onto no. 69 though will still receive more than 3 hours between 9 and 12.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Visual Privacy</p> <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space. - Side windows offset from adjoining windows. 	<p>Living room windows that face to side boundaries face neighbouring garage and rear of adjoining property. No amenity issues.</p> <p>No direct viewing opportunities of neighbouring POS or windows.</p> <p>Balconies face to the street.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
- Terraces, balconies etc are not to overlook neighbouring dwellings/private open space.		
Acoustic Privacy Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings eg: place adjoining living areas near each other and adjoining bedrooms near each other.	Layout of rooms in the proposed dual occupancy will minimise noise impacts between dwellings.	Yes
View Sharing - The siting of development is to provide for view sharing.	The siting of the development will not alter the existing view corridors.	Yes
Cross Ventilation - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.	First and ground floor plan will optimise and provide for cross ventilation.	Yes
External Building Elements		
Roof - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights.	Roof lines are articulated Eaves 450mm. No trafficable terrace, no skylights and no dormers.	Yes
Fencing		
Front/return: - To reflect design of dwelling. - To reflect character & height of neighbouring fences. - Max 900mm high for solid (picket can be 1m). - Max 1.8m high if 50% open (any solid base max 900mm).	Front fence proposed is 900mm solid fence. Boundary fences to remain and have 300mm high lattice screening atop. Reflects design of proposed development. Retaining walls match	Yes Yes Yes

ITEM 3 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
<ul style="list-style-type: none"> - Retaining walls on front bdy max 900mm. - No colorbond or paling Max width of piers 350mm. 	existing ground level.	
Side/rear fencing: <ul style="list-style-type: none"> - 1.8m max o/a height. 	Existing side and rear fencing to remain. 300mm lattice privacy fence to be erected atop the fence to a height of 2.1m.	Yes
Part 7.2- Waste Minimisation & Management		
Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	Yes
Part 8.2 - Stormwater Management		
Stormwater		
Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.	Drainage is to be in accordance with Part 8.2 - Stormwater Management and the conditions of the development consent.	Referred to Dev Eng.
Part 9.2- Access for People with Disabilities		
Accessible path required from the street to the front door, where the level of land permits.	Access via driveway.	Yes
Part 9.4 – Fencing		
Front & return fences		
Front and return fences that exceed 1m in height are to be 50% open	Fence proposed is 90mm solid fence.	Yes
Part 9.6 – Tree Preservation		
Where the removal of tree(s) is associated with the redevelopment of a site, or a	Are trees (including neighbouring trees) addressed in SEE or in a report prepared by a suitably qualified person	Yes

ITEM 3 (continued)

ATTACHMENT 2

DCP 2014	Proposed	Compliance
neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.	(where necessary)? Tree to be removed will be replaced with suitable tree.	

Dwelling 1A

BASIX Certificate (Certificate No. 668636S_02, dated 19 February 2016)

BASIX	Proposed	Compliance
Landscape		
Low water use species of vegetation – min 31m of the garden area	Shown on DA Plans	Yes
Rainwater Tank		
Installation of a 2,000 litres rainwater tank	2,000L rainwater tanks Shown on DA Plans	Yes
Swimming Pool		
Max volume 15.8 Kilolitres	Shown on DA Plans	Yes
Hot Water		
Gas instantaneous with 4 stars	Shown on DA Plans	Yes
Natural Lighting		
Installation of a window and/or skylight in the kitchen and 2 bathroom(s)/toilet(s) in the development.	Shown on DA Plans	Yes
Thermal Score		
PASS	Pass	Yes
Water Score= 40		
Target 40%	40	Yes
Energy Score		
Target 40%	44	Yes
Correct description of property/proposal on 1 st page of Certificate.	Shown on the 1 st Page of the certificate.	Yes

ITEM 3 (continued)

ATTACHMENT 2

BASIX	Proposed	Compliance
Assessor details		
Assessor Number	N/A – prepared by RCO Engineering (ABN 68 160 314 812)	
Certificate Number	668636S_02	


Dwelling 1

BASIX Certificate (Certificate No. 668552S_03, dated 19 February 2016)

BASIX	Proposed	Compliance
Landscape		
Low water use species of vegetation – throughout the garden area – 21.5m ²	Shown on DA Plans	Yes
Rainwater Tank		
Installation of a 2,000 litres rainwater tank	2,000L rainwater tanks Shown on DA Plans	Yes
Hot Water		
Gas instantaneous with 4 stars	Shown on DA Plans	Yes
Natural Lighting		
Installation of a window and/or skylight in the kitchen and 3 bathroom(s)/toilet(s) in the development.	Shown on DA Plans	Yes
Thermal Score		
PASS	Pass	Yes
Water Score= 40		
Target 40%	44	Yes
Energy Score		
Target 40%	48	Yes
Correct description of property/proposal on 1 st page of Certificate.	Shown on the 1 st Page of the certificate.	Yes
Assessor details		
Assessor Number	N/A – prepared by RCO Engineering (ABN 68 160 314 812)	
Certificate Number	668552S_03	

ITEM 3 (continued)

ATTACHMENT 3

1 Woodbine Crescent, Ryde Independent TIA Review Technical Note


Issue History

File Name	Prepared by	Reviewed by	Issued by	Date	Issued to
P2574.001T 1 Woodbine Crescent Independent TIA Review.doc	C.Roberts M. Thompson	T. Wheatley	T. Wheatley	06/05/16	Rebecca Lockart City of Ryde

1 Woodbine Crescent, Ryde Independent TIA Review Technical Note

1. INTRODUCTION

Bitzios Consulting has been engaged the City of Ryde Council to undertake an Independent Assessment of Parking and Traffic Impacts for the Dual Occupancy Development associated with the Development Application at 1 Woodbine Crescent, Ryde. As indicated by the documents received the proposal seeks approval for the development of a double story brick duplex within an R2 Low Density Residential Zone. Dual Occupancies (attached) are permitted with consent in this zone. The scope of work includes an independent assessment for parking and traffic impacts.

The following relevant documents were received from City of Ryde Council:

- RCO Engineering, "Statement of Environmental Effects for a duplex project development at 1 Woodbine Crescent, Ryde", Rev B January 2016;
- City of Ryde, "Development Engineers Comments & Conditions", dated 23 February 2016;
- City of Ryde, "Public Works Referral", dated 5 January 2016;
- City of Ryde, "Traffic Engineering Comments", dated 15 January 2016 and 30 March 2016;
- Michael Shannon & Associates, "Contour and Detail Survey", November 2015;
- RCO Engineering, Plans numbered "A03, A04, A05, A06, A08, A09, A11, A14", September 2015;
- RCO Engineering, "C01 - Demolition Work Method Statement Report", September 2015;
- RCO Engineering, "C03 - Waste Management Plan", Rev A, September 2015; and
- Submissions to City of Ryde Council.

Of the above documents, RCO Engineering's Statement of Environmental Effects (in Attachment A), RCO Engineering's Ground Floor Plan (ref 25615) (in Attachment B), Submissions to City of Ryde Council and the City of Ryde's documents in response to submissions (in Attachment C) are the main focus of this independent review.

2. INDEPENDENT REVIEW OF RCO ENGINEERING STATEMENT OF ENVIRONMENTAL EFFECTS

This section provides an independent review of the RCO Engineering, "Statement of Environmental Effects for a duplex project development at 1 Woodbine Crescent, Ryde", Rev B January 2016

2.1 SECTION 2.6: EXISTING ACCESS AND CAR PARKING

This section correctly describes some of the existing access and car parking conditions; however, it does not include a number of details to adequately describe the existing access and car parking conditions, including:

- There is no description or measurement of the background traffic volumes on Woodbine Crescent;
- There is insufficient description or context provided about the surrounding road hierarchy; and
- There is no mention of the no parking zone immediately outside the proposed development.

ITEM 3 (continued)

ATTACHMENT 3

2.2 SECTION 3 PROPOSED DEVELOPMENT

This section correctly describes the proposed development, which in a traffic and parking context notes the following:

- A footpath and driveway is proposed for each of the dwellings for vehicle and pedestrian amenity;
- A single garage is also proposed for each dwelling;
- The proposed development will not impose any traffic impact to the existing road network; and
- The garage for Dwelling 1 has a front setback of 7 m, with a length of greater than 6 m allowing for visitor parking.

RCO Engineering's assessment of the on-site parking provision is sufficient. The *Ryde DCP* rate of 1 space per dwelling for Low Density Dual Occupancy Residential Development has been met.

The garage for Dwelling 1 meets *AS2890.1 2004 Off Street car parking – Section 5.4* with the following dimensions as noted in *ref 25615*:

- 3.230 m internal width by 5.499 m length.

The garage for Dwelling 1A meets *AS2890.1 2004 Off Street car parking – Section 5.4* with the following dimensions as noted in *ref 25615*:

- 3.000 m internal width by $3.320 + 2.369 = 5.689$ m length

Three (3) trees are noted as being removed on the RCO Engineering Landscaping Plan, in addition to the maximum fence height along boundary of both dwellings 900mm to allow for sight lines for reversing vehicles to comply with *AS2890.1 & RYDE DCP2014*. This is expected to, at the least, have no impact and may optimistically, substantially improve the line of sight for vehicles travelling along Woodbine Crescent around this corner.

3. CITY OF RYDE PUBLIC WORKS ASSESSMENT REPORT

3.1 SECTION 2.2 TRAFFIC

This section correctly describes the traffic impacts. These traffic impacts include:

- A net increase of one (1) vehicle on the surrounding network;
- Suitable widths of driveways at 3.0 m; and
- Conditions at 2.2.2 stating that there are no objections to the approval of this development from a traffic perspective.

In summary this document provides adequate analysis to support the approval of the development from a traffic perspective.

4. SITE VISIT

Bitzios Consulting conducted a site visit on Thursday 5 May 2016 between 16:00 and 17:00, noting:

- 39 vehicles were observed in both directions during this time;
- Two vehicles travelling in opposite directions were observed passing on the bend without incident;
- Vehicles were observed to generally slow down prior to the bend;
- No vehicles were parked on the northern approach to the bend beyond 6 Woodbine Crescent;
- Vehicles were observed to slow down when travelling northbound (or up the hill) on Woodbine Crescent;
- No vehicles were observed to be parked between 6 Woodbine Crescent and 24 Woodbine Crescent on the north western side of Woodbine Crescent; and
- No vehicles were observed to be parked between 21 and 1 Woodbine Crescent on the south eastern side of Woodbine Crescent.

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ATTACHMENT 3

1 Woodbine Crescent, Ryde Independent TIA Review Technical Note

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5. SUBMISSIONS TO CITY OF RYDE

5.1 LOCAL RESIDENTS

Six (6) residents provided a submission in relation to the revised development application for 1 Woodbine Crescent, Ryde. The key issues that relate to traffic and parking are summarised as follows:

- Non complying development – refers to the traffic conditions outside the proposed development including the bend or curve in Woodbine Crescent including the existing three “No Parking” signs;
- Driveway of dwelling 1 – refers to the issue of safety, suggestion to refer this matter to Council’s traffic committee, a suggestion that Council emailed a Roads and Maritime Services’ engineer (not provided by Council), traffic using the local streets as an alternative route to State Roads;
- Parking – refers to the number of parking spaces provided as part of the proposed development;
- Demolition – does not impact traffic or parking as part of the proposed development;
- Streetscape – does not impact traffic or parking as part of the proposed development;
- Privacy – does not impact traffic or parking as part of the proposed development;
- Trees – removal of trees for the proposed development; and
- Traffic – refers to number of duplexes which have been built or proposed to be built.

The actions requested by residents consist of:

- Upgrade the No Parking Zone to No Stopping;
- Centre line marking along the length of the No Stopping Zone;
- Move the proposed Dwelling 1 driveway to the other side of the blind corner past the No Parking / No Stopping parking control.

The relevant issues above may be responded to with the following:

- Non complying development, Driveway of dwelling 1 and tree removal
 - this is not directly impacted by the proposed development as the development meets all parking requirements (as noted in Section 2.2);
 - the proposed driveway to Dwelling 1 has been relocated in line with the request to move it past the current No Parking control; and
 - The removal of trees improves the line of sight around this corner.
- During a site visit on Thursday 5 May 2016 between 4 PM and 5 PM 39 vehicles were observed to travel along Woodbine Avenue, demonstrating that this is not a high traffic route;
- Parking – this is not directly impacted by the proposed development as the development meets all parking requirements as noted in Section 2.2 and is expected to adequately cater to the expected parking demands of the development; and
- Traffic – as noted in Section 1, dual occupancies (attached) are permitted with consent in Zone R2 – Low Density Residential.

5.2 MEMBER FOR RYDE DATED 21 MARCH 2016

The Member for Ryde provided a copy of the submissions provided by local residents in the above section. These particular items were addressed in Section 5.1.

6. CITY OF RYDE’S RESPONSES TO SUBMISSIONS

The City of Ryde responded via an email dated 15 January 2016 between Council Officers, noting that:

- Woodbine Crescent is a low speed street that does not accommodate a large number of through traffic.
 - *We agree with this statement, based on our on-site observations on Thursday 5 May 2016, which showed low traffic volumes.*

ITEM 3 (continued)

ATTACHMENT 3

1 Woodbine Crescent, Ryde Independent TIA Review Technical Note

 BITZIOS
Consulting

- The width of Woodbine Crescent is 8.5 metres ... when cars are parked on both sides there is a reduced carriageway which will further reduce the speed of drivers.
 - *We agree that parking on both sides would impose an obstacle and force drivers to slow; however, vehicles may only stop (not park) on the eastern kerb of Woodbine Crescent. From our site visits, two vehicles were able to pass at the bend without incident in the current arrangement.*
- Location of driveways have 40 metre or more sight visibility.
 - *We agree, and note that the removal of trees will either maintain or improve the line of sight for all vehicles.*
- In a low speed environment, rear end incidents are unlikely.
 - *We agree, and would maintain that a low-speed environment is encouraged by the presence of the bend, based on site observations of vehicles slowing on the approach to the bend.*

Another email dated 30 March 2016 between Council Officers notes:

- 'No Parking' signs upgraded to 'No Stopping' signs. Council states that the width of the road with parking possible on both sides would still allow vehicles to pass in both directions while forcing them to slow substantially. The installation of 'No Stopping' in place of 'No Parking' would promote higher vehicle speeds around the bend.
 - *We agree with comment that this may not provide an improved traffic outcome on the bend, especially in terms of vehicle speed. However, given the observed availability of parking on Woodbine Crescent and the current restriction of 'No Parking' it seems likely that a vehicle would be present in the 'No Parking' zone only seldom and, consequently, the current parking restriction does not impose a real traffic calming effect to familiar drivers. It is possible that the current line of sight and the uncertainty of whether a car is standing/stopping in the 'No Parking' is the root of the safety concern. An improved line of sight afforded by the tree removal is expected to remove the "surprise" of a standing/stopped car in the 'No Parking' zone, while occasionally imposing a traffic calming effect. During the site visit on Thursday 5 May 2016 there were no vehicles parked on Woodbine Crescent between numbers 6 and 24 northbound and between numbers 21 and 1 southbound, there is not likely to be any need for vehicles to stop in the 'No Parking' zone outside 1 Woodbine Crescent, as there are many other opportunities for parking, both long and short term.*
- Proposed driveway location is acceptable.
 - *We agree; the proposed driveway meets AS 2890.1, being further than 6 metres from the tangent of the bend, enabling reversing vehicles to see oncoming traffic.*

Overall, the responses by Council officers to the submissions, as noted above, are sufficient and address the concerns raised. Further to this, a site visit on Thursday 5 May 2016, confirmed that these are not expected to materially impact the current situation for the proposed development and neighbouring residents or may even improve the situation given the removal of trees on the proposed development.

7. **RECOMMENDATIONS**

Bitzios Consulting recommends that the development assessment be accepted on traffic and parking grounds as it meets and exceeds the Development Control Plan requirements for access and parking as noted in Section 1. While the traffic and parking issues raised by neighbouring residents may be considered an issue, they are not directly impacted by the development at 1 Woodbine Crescent, which does not concern the adjacent parking control. These issues may merit raising at Council's traffic committee; however, they should be considered separately to the proposed development.

8. **CONCLUSIONS**

We accept that the traffic and parking impacts as directly related to the proposed development at 1 Woodbine Crescent have been shown to be minimal and that the parking and access meets the Development Control Plan and Australian Standards requirements.

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ATTACHMENT 3



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ATTACHMENT A

**RCO ENGINEERING'S STATEMENT OF ENVIRONMENTAL
EFFECTS**

ITEM 3 (continued)

ATTACHMENT 3

STATEMENT OF ENVIRONMENTAL EFFECTS

For a

**DUPLEX PROJECT
DEVELOPMENT**

At

***1 WOODBINE CRESCENT
RYDE***

Prepared by

**RCO ENGINEERING
SEPTEMBER 2015
(REV B JANUARY 2016)**

ITEM 3 (continued)

ATTACHMENT 3

1. Introduction

1.1 Purpose

This Statement of Environmental Effects has been prepared on behalf of Mr. Eddie Obeid and Mr. Rony Obeid, the owners of this development. The purpose of this statement is to consider the environmental effects of the proposed duplex development located on 1 Woodbine Crescent Ryde, NSW 2112.

This report describes the development, the site and environs. The statement evaluates the proposed development for its compliance with the statutory planning controls embodied in Ryde Local Environmental Plan 2014, as well as Ryde Development Control Plan 2014.

1.2 Design Criteria

The Design has taken into consideration all the development instruments and Regulations related to the project type and area, the existing streetscape, including heights, scale, construction materials and architectural design elements, site morphology, internal and external functions, pedestrians and cars circulations, as well as mutual impact with the adjoining properties.

1.3 Documentation

The Statement of Environmental Effects constitutes part of the documentation of the development application, which comprises a full set of architectural plans including site plan, site analysis, ground and first floor plans, elevations, shadow diagram, stormwater plans and a waste management plan.

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ATTACHMENT 3

2. Existing Site Data Analysis

2.1 Site location

The project site of 1 Woodbine Crescent Ryde is located within a large urban and commercial development block, with a triangular/trapezoidal shape, limited by the following streets (see Figure 1 below):

- Woodbine Crescent to the North and West (Frontage of the Lot)
- Greene Avenue to the South and East



Figure 1 - Site Location

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Figure 2- Site Location (Closer Topographic View)

2.2 Lot Characteristics

Lot Number	<i>Lot 57</i>
DP Number	<i>DP 10373</i>
Relevant Council	<i>Ryde Council</i>
Frontage (Woodbine Crescent)	<i>51.135m</i>
Side (Neighbouring 3 Woodbine Cres)	<i>39.625m</i>
Rear (Neighbouring 6 Greene Ave)	<i>28.20m</i>
Lot Area	<i>778.3m²</i>

Table1-Lot Characteristics

2.3 Site Advantages

Prior to preparing the development concept, a site analysis was undertaken to identify site opportunities and constraints. The site is facing Woodbine Crescent and is oriented towards the West direction. The lot is slightly sloped downwards towards Woodbine Crescent in both

ITEM 3 (continued)

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the western and the northern- western directions. The sole giving accesses to the site is Woodbine Crescent, a two-lane street, with one lane for each direction.

The site is located in a residential area neighbouring a commercial zone. A few public parks are located in the region including Brigade park which is located approximately 100m to the south-west of the lot, as well as Ryde Park located around 400m east of the lot. The site is also conveniently located within a close vicinity (500m east of the lot) to Top Ryde Shopping Centre which includes a plethora of shops, amenities, and recreational areas.

2.4 Existing Built-Form

The site itself contains the following built forms:

- Rendered double storey brick dwelling with an attached garage
- Single rendered shed
- Metal awning overshadowing a rear tiled area

All structures above will be demolished STCA prior to commencement of development.

2.5 Existing Landscaping

There is existing hedge planting on the site towards the southern- eastern end of the property (near 6 Greene Street), which provide essential privacy and screening of Dwelling 1A. The aforementioned landscaping will remain. Please refer to Landscaping Plan for exact location. A tree within the lot is proposed to be removed in the centre of the proposed driveway of dwelling 1. The tree is marked on the site plan.

2.6 Existing Access and Car parking

There is an existing footpath which runs almost perpendicular to the property along the eastern side. The footpath is accessible from Woodbine Crescent at the front of the lot. In addition, there is an existing driveway leading to an existing garage adjacent to the footpath which can be accessed from Woodbine Crescent.

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ATTACHMENT 3

3. Proposed Development

3.1 General Description

The proposed development comprises a double storey brick duplex. A footpath and a driveway is proposed for each of the dwellings for vehicle and pedestrian accessibility. A single garage is also proposed for each dwelling in addition to a swimming pool at the rear of Dwelling 1A.

3.2 The Floor Space ratio (FSR)

Control	Proposed Dwelling 1	Proposed Dwelling 1A
Total Lot Area	778.3m ²	
Existing Ground Floor Space Area	98.92m ²	102.12m ²
Existing First Floor Space Area	98.33m ²	86.40m ²
Total Floor Space Area	197.25m ²	188.52m ²
Proposed Total Floor Space Ratio	385.77m ²	
Allowable Floor Space Ratio	0.5	
Allowable Floor Space Ratio (m²)	389.15m ²	
Compliance with FSR Requirement	Yes	
Proposed Balconies/Porch Area	50.90m ²	40.30m ²
Garage Area	19.80m ²	18.80m ²

3.3 The Proposed Development –Environmental Effects

The proposed development comprises two attached dwellings. Each dwelling is a four-bedroom two-storey double brick duplex, including a single garage. An underground swimming pool is proposed for dwelling 1A.

All related regulations, codes and design requirements have been taken into consideration in the proposed design including setbacks, heights, sunlight orientation, over-shadowing, and

ITEM 3 (continued)

ATTACHMENT 3

privacy.

The proposed developments have been designed to reflect contemporary architecture contextual with streetscape features of Woodbine Crescent. The orientation of both dwellings have been set in a parallel alignment to the kink/bend of Woodbine Crescent. It is also designed to reduce visual privacy impacts to adjoining properties.

The shadow diagram indicate that a minimum of 3 hours of sunlight will be provided for the living areas as per council requirements.

An 8mx8m deep soil zone is proposed at the rear and side boundaries of the lot. Please refer to site plan for location of the deep soil zone. Private open spaces have been provided.

For traffic and acoustic issue, the proposed development will not generate any traffic impact to the existing road network, and/or any significant noise impacts on the adjoining and surrounding properties.

3.4 Demolition

The proposed structures to be demolished are as follows:

1. 2-Storey Rendered Residence
2. Rendered Shed
3. Metal Awning over tiled Area
4. Driveway
5. Footpath
6. Fences and Retaining Walls

Both Mechanical and Manual Demolition methods will be used to demolish the above mentioned structures. Searches have indicated that the structures above present no heritage value. Given the close proximity of the existing structures to the neighbouring properties, additional safety measures will be taken. Appropriate disposal of demolished structure will take place, in addition recyclables will be sent to Suez Recycling centre.

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The kerb and gutter will be reinstated as per council requirements. Nevertheless, the verge area will be extended over the demolished area; the new verge area will be largely consistent with the existing adjacent verge area.

4. Compatibility with Relevant Development Regulations

4.1 Compatibility Table

Regulatory Subject	Related Instrument	Allowable Control	Proposed	Compliance
Accepted Zoning	Ryde Council LEP 2014	All Residential Areas	2a	YES
Total FSR	Ryde Council LEP 2014	50%	49.6%	YES
Minimum Lot Width	Ryde Council LEP 2014	20m	51.135m	YES
Minimum Lot Size	Ryde Council LEP 2014	580m ²	778.3m ²	YES
Building Height to Eaves	Ryde Council DCP 2014	7.5m	6.178m	YES
Building Height to Ridge	Ryde Council DCP 2014	9.5m	9.296m	YES
Front Setback (Ground Floor)	Ryde Council DCP 2014	6m	6m	YES
Front Setback (First Floor)	Ryde Council DCP 2014	6m	6m	YES
Side Setback (Ground Floor)	Ryde Council DCP 2014	8m	6m	NO
Side Setback (First Floor)	Ryde Council DCP 2014	8m	8m	YES
Rear Setback (Ground Floor)	Ryde Council DCP 2014	4m	4m	YES
Rear Setback (First Floor)	Ryde Council DCP 2014	4m	4m	YES

ITEM 3 (continued)

ATTACHMENT 3

4.2 Reasons for Non-Compatibility

As indicated in the table above, the side setback control of 8m has not been met. Nevertheless, front and rear patios, in addition to front first floor balconies of both dwellings, have also exceeded the minimum setbacks required.

Due to its irregularity, some controls of the lot are not clearly covered/stated in Ryde DCP 2014. Therefore, wide consultations with Ryde Council Town Planners has taken place prior the conceptual design. The shape of 1 Woodbine Crescent Ryde is an irregular one due to many factors:

- a. The allotment consists of an inverted triangular shape meaning it is only encompassed by three boundaries rather than four.
- b. The allotment has a length far greater than it's width minimum (approximately 2.5:1 at the centre of the lot).
- c. The allotment has a substantial street frontage of 51.135m.
- d. The allotment is at the centre of Woodbine Crescent's kink/bend giving rise to 2 different streetscapes to comply with.

Front Setback

As mentioned before, only ground floor patios in addition to first floor balconies have violated the front setback control (6m from front boundaries). The building line itself is setback at a distance of 6m from the front boundary which conforms to the existing streetscape.

The front patio of dwelling 1 is setback at a distance of 3.6m from the front boundary meanwhile the front patio of dwelling 1A is setback at a distance of 3.4m from the boundary. The two patios are located on the ground level and therefore do not jeopardise the privacy of the opposite dwellings. It is worthwhile noting in this regard that the existing dwelling to be demolished had a building setback of 2.645m meanwhile the garage is 0.95m away from the front boundary.

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The balcony of bedroom 3 of Dwelling 1 is setback 3.6m from the front boundary, the balcony of bedroom 2 Dwelling 1 is set at 5.6m. The balcony of the Master bedroom of Dwelling 1A is set at 4.9m from the front boundary. Although all three balconies violate the allowable setback, careful assessment of the neighbouring structures has indicated that the reduction in the setback poses no threats to neighbours privacy. This is due to the fact the closest habitable neighbouring area is more than 15m away from the aforementioned balconies. Nevertheless, the structures do not contribute to any additional overshadowing as evident in the shadow diagrams.

It is worthwhile noting also that although the garage of Dwelling 1 does not appear to be set back from the main building line when looking from a south east angle, it is located at the rear end when looking from the front entrance direction (North East Direction). The garage has a front setback of 7m, matching and slightly exceeding the streetscape of the subsequent properties on Woodbine Crescent (i.e. 3, 5, 7, 9 Woodbine Crescent, etc). It spans over a length greater than 6m allowing for additional visitors car parking, and consequently reducing the parking load off the street. Site constraints and driveway gradient constrictions have not allowed for any alternative positioning.

As so, it is our opinion that the objectives of the front setback controls have not been compromised and consequently:

- A clear transition between public and private property is existent
- Consistency of the streetscape setbacks has been achieved on both orientations of Woodbine Crescent
- The design allows for adequate front landscaping and gardening
- The garages are not prominent elements in the streetscape.

Side Setbacks

The 2 structures that do not comply with the site setbacks control (8m for lots wider than they are long) are the ground floor patio of dwelling 1A, as well as the building line ground floor area (living room and office) of Dwelling 1A.

ITEM 3 (continued)

ATTACHMENT 3

The patio is located 1.8m behind the boundary line. The latter is covered by a pitched roof. It will be used as an outdoor recreational area. The closest neighbouring habitable structure to the patio (8 Greene Avenue) is located at a distance of 15m away. Therefore in our opinion it will have no negative impact to the neighbours (acoustic disturbance, fire threat, privacy intruding, etc.)

The additional habitable area which is set at about 6m from the side boundary of the ground floor only, serves as a living area and an office. The closest neighbouring habitable area (8 Greene Avenue) is located approximately 16.5m from the outer wall. Due to the considerate distance, it is our opinion that the two-metre reduction in the building line setback on the ground floor will pose no negative impact to the neighbours (acoustic disturbance, fire threat, privacy intruding, etc.)

Shadow Diagrams indicate no additional overshadowing created as a result of the structures listed above to the neighbouring properties.

The area thus provide adequate clearance to the neighbouring dwellings, allows for a deep soil zone (8mx8m), allows for a spatial recreational area, and conforms to the streetscape, thus it is our opinion that the objectives of this control have been met.

Rear Setbacks

The only structure that does not meet the rear set back control (4m for lots wider than they are long) is the rear patio of Dwelling 1. The patio is located 0.9m behind the boundary line. The latter is covered by a pitched roof. It will be used as an outdoor recreational area. The closest neighbouring closed habitable structure to the patio (3 Woodbine Crescent) is located at a distance of 10m away therefore in our opinion it will have no negative impact to the neighbours (acoustic disturbance, fire threat, privacy intruding, etc.)

Nevertheless, the shadow diagrams show no contribution of the proposed patio to any additional shadow towards the neighbours (3 woodbine crescent).

ITEM 3 (continued)

ATTACHMENT 3

It is worthwhile noting that the existing structure to be demolished currently is located at a distance 1.075m away from the boundary line.

Consequently, the setback allows for additional landscaping including hedging opposite pooling, allows for a recreational area, allows separation of dwellings. Most importantly, it conforms to the streetscape. It is our opinion that the objectives of the abovementioned controls has been met.

5. Conclusion

Except for the setbacks violations explained above the proposed development is permissible within the Residential zoning is consistent with the objectives of the zone and with the objectives of Ryde Council's LEP 2014 as well as Ryde Council's DCP 2014. The scale, sitting and orientation of building is generally consistent with the underlying area. The impression of the development from several areas will be both positive and charming.

The form, height and scale, proportions, articulation and modulation and colours used in the treatment of the building are such that the overall design is in line with urban design and objectives and principles outlined in the aforementioned regulatory instruments.

Having regard to the contents of this report and to the analyses reached therein, it is therefore concluded that the proposed development can be justified relative to the environmental impacts, and thus Ryde Council is respectfully requested to favourably consider this application.

The assessment undertaken concludes that the site is suitable for the proposed development.

Yours faithfully,
Rony Obeid
RCO Engineering
5/125 Great North Road
Five Dock, NSW 2046
M: 0411 204 999
PH: 02 9712 1100

ITEM 3 (continued)

ATTACHMENT 3



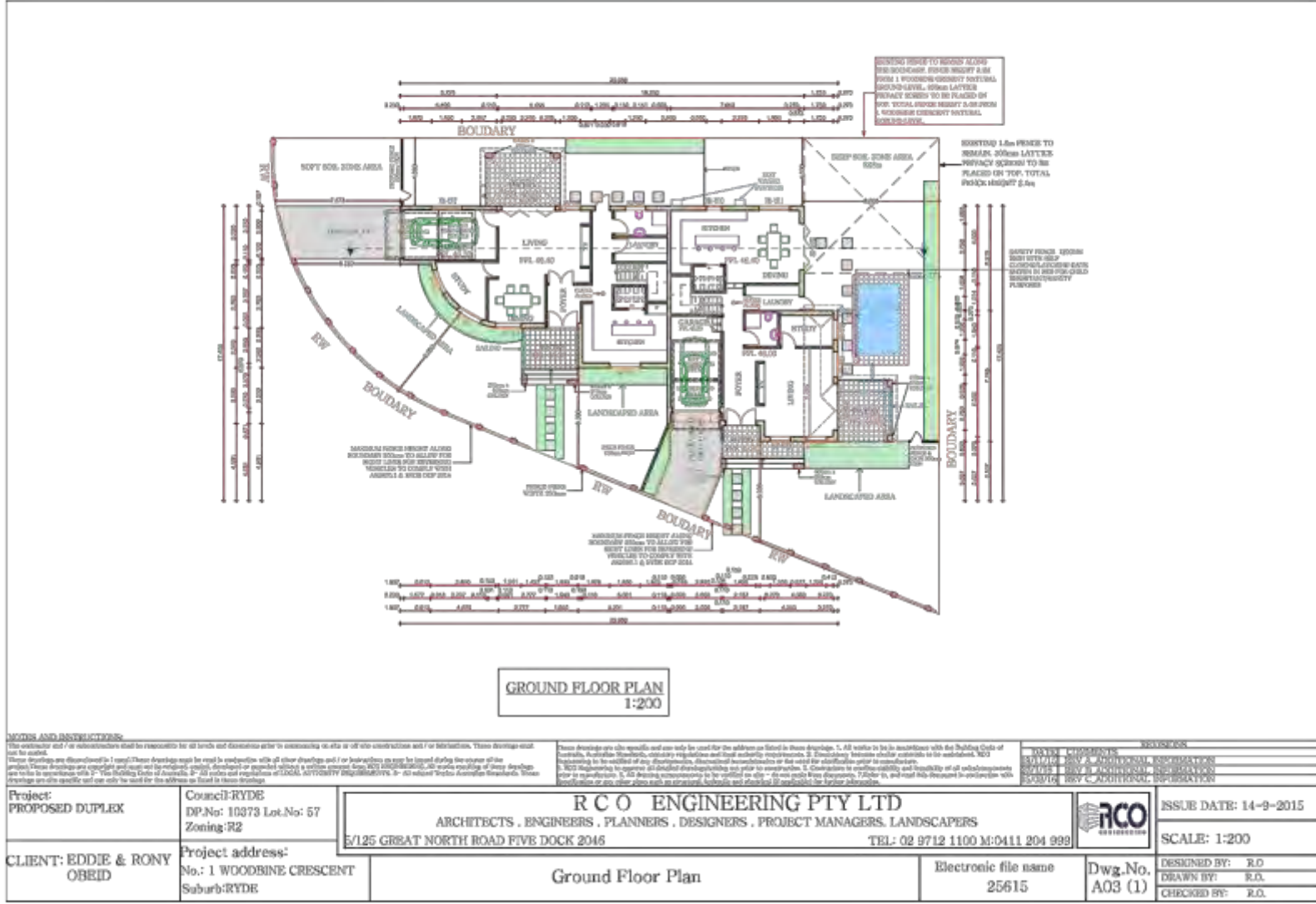
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CONSULTING

ATTACHMENT B

**RCO ENGINEERING'S GROUND FLOOR PLAN (REF
25615)**

ITEM 3 (continued)

ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 3



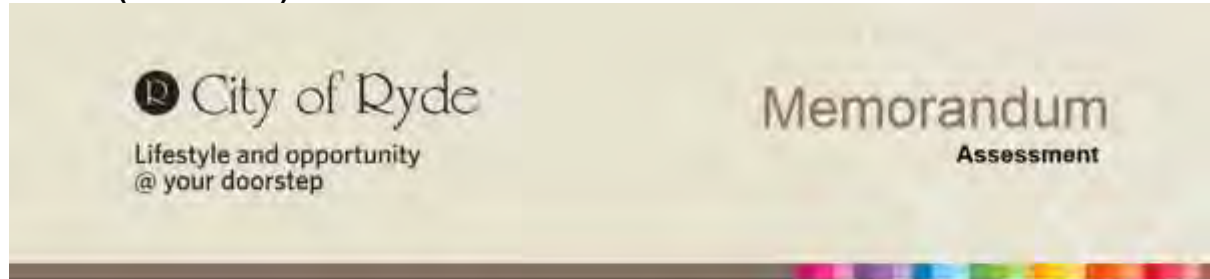
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CONSULTING

ATTACHMENT C

**CITY OF RYDE DOCUMENTS IN RESPONSE TO
SUBMISSIONS**

ITEM 3 (continued)

ATTACHMENT 3



To : Manager Assessment

From :

Date : 23 February 2016

Subject : Local Development Application for Demolition, new dual occupancy (attached) and swimming pool.
1 Woodbine Cr Ryde

LDA No. LDA2015/0466

Development Engineer:

This property slopes to the front and drainage from the development is connected to the street kerb via an OSD system located under the garage. The OSD tank is partially outside with an overflow pit for emergency situations, The BASIX tank also located under the garage with a sealed access.

The BASIX report requires 2000litre water tank for each dwelling with 140m2 of roof area connected into it. This has been shown on plans.

The difference in levels between the garage and the foyer area of Dwelling 1A is 710mm. With the maximum riser height of 190mm there should be 4 steps from the garage to this area. The steps will encroach over the usable area of the garage. Though this issue was raised before, the applicant has not addressed it. The garage length measures to about 5.5m. Therefore it is suggested that door from the garage to the foyer be deleted. The architectural plans are to be marked accordingly.

The driveway gradients can be achieved to comply with AS 2890.1.

A 2x2.5m clear area on either side of the driveway to Dwelling 1A should be provided for pedestrian sight lines. This will require adjustment to the proposed retaining wall on the side of the driveway to 900mm maximum.

There are two access driveways proposed for the development. Access to Dwelling 1A is in the area of the existing driveway which has adequate sight lines. The access to the Dwelling 1 is closer to the bend and there may be some obstruction to the vision of reversing drivers due to existing street trees on the footpath. **The trees on the footpath adjoining the driveway to Dwelling 1 require some understorey trimming which has been conditioned. The applicant should contact Council to trim the trees within the footpath prior to occupation of the dwellings. The area around the bend adjoining this driveway is currently ' No Parking' zone which prohibits parking around the corner.**

ITEM 3 (continued)

ATTACHMENT 3

Development Engineers report for LDA 2015/466

Woodbine Street operates as a local road in the context of Council's road network. The locations of both driveways are satisfactory with the compliance of the conditions provided on the consent.

The parking requirement under the current Council's DCP controls is one space for each unit making the increase of parking by one space. This level of traffic generation is very minor and most unlikely to impact traffic capacity or road safety in this area.

Though there are no detailed plans for the front fence, the landscape plan provides a note indicating that maximum height of the fence will be 900mm which is satisfactory. There is no concrete footpath paving exists at front along Woodbine Crescent. A condition has been provided for applicant to construct the footpath paving.

No objections are raised to the approval subject to the attached conditions and above comments

Senior Development Engineer

General Engineering Conditions

1. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the relevant Australian Standard *and City of Ryde Development Control Plan 2014 Section 8* except as amended by other conditions.
2. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
3. **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.
4. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

Engineering Conditions to be complied with Prior To Construction Certificate

5. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway,

2of5

ITEM 3 (continued)

ATTACHMENT 3

Development Engineers report for LDA 2015/466

carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.

6. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.
7. **Provision of Pedestrian Sight Lines.** Clear pedestrian sight lines in accordance with Figure 3.3 of AS2890.1 :2004 Off Street Carparking are to be provided at the driveway entry to each dwelling. This requires that there be no retaining/boundary wall or fence including landscaping higher than 900mm within 2.5m of the driveway entry at the boundary and to a distance of 2.0m. Any walls, landscaping etc are to be adjusted in order to also comply with this. Full details are to be shown on the architectural and landscaping plans submitted for approval with the Construction Certificate.
8. **External Engineering Works.** To facilitate satisfactory and safe access to and from the proposed development, the following public infrastructure works shall be constructed at no cost to Council along the entire public road frontage of the site.
 - a. Standard concrete footpath paving along the frontage of the property in Woodbine Crescent.
 - b. Any other associated works required within the footpath/street due to the proposal.
 - c. Replacement of any damaged kerb and gutter within the property frontage and at the pipe outlet.

Detailed engineering plans prepared by a qualified and experienced civil engineer in accordance with City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 - Public Civil Works **are to be submitted to, and approved by Council**

9. **On-Site Stormwater Detention.** Stormwater runoff from the development site shall be collected and piped by gravity flow to a suitable onsite detention(OSD) system designed in accordance with the City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. The concept drainage design prepared by RCO Engineering Pty Ltd Dwg 229 S01 Rev 2 dated 1/2/16 shall be amended to incorporate but not be limited to the following:
 - a. Provision of minimum 5.4m³ of OSD volume at a discharge rate of 3.0 L/s for each OSD tank. Orifice diameter to be revised to achieve this.
 - b. Provision of pits to collect surface runoff from the rear yards of Dwelling 1
 - c. Provision of external cleaning eyes for each pipe directed under the building.
 - d. All gutters, downpipes and pipeline conveying stormwater runoff to the BASIX tank are to be designed for the 1 in 100 year, 5 minute duration storm event.

ITEM 3 (continued)

ATTACHMENT 3

Development Engineers report for LDA 2015/466

Detailed engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition are to be submitted for approval with the Construction Certificate application. (Note the owner/Builder should not be the certifying engineer)

10. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.
11. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual *"Managing Urban Stormwater, Soils and Construction"* prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

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

- a) Existing and final contours
- b) The location of all earthworks, including roads, areas of cut and fill
- c) Location of all impervious areas
- d) **Location and design criteria of erosion and sediment control structures,**
- e) Location and description of existing vegetation
- f) Site access point/s and means of limiting material leaving the site
- g) Location of proposed vegetated buffer strips
- h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- i) Location of stockpiles
- j) Means of diversion of uncontaminated upper catchment around disturbed areas
- k) Procedures for maintenance of erosion and sediment controls
- l) Details for any staging of works
- m) Details and procedures for dust control.

Engineering Conditions to be complied with Prior to Commencement of Construction

12. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan prior to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
13. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities

ITEM 3 (continued)

ATTACHMENT 3

Development Engineers report for LDA 2015/466

Engineering Conditions to be complied with Prior to Occupation Certificate

14. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
15. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.
16. **Removal of trees within the footpath.** The existing trees on the footpath adjoining the driveway to Dwelling 1 shall be trimmed to remove the understorey growth and to provide adequate sight lines for vehicles reversing from the driveway. The applicant shall contact Council to make arrangements for trimming of the trees.
17. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property in Woodbine Crescent. Levels of the footpath paving shall conform with plans approved by Council's Public Works Section.
18. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
19. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA.
20. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Dwg 229 S01 Rev 2 dated 1/2/16 and S02 & S03 Rev 2 dated 18/2/16 **prepared by RCO Engineering Pty Ltd and as amended in red by Council and conditions of this consent.**
21. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**
 - Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's Development Control Plan 2014: - Part 8.3; Driveways

ITEM 3 (continued)

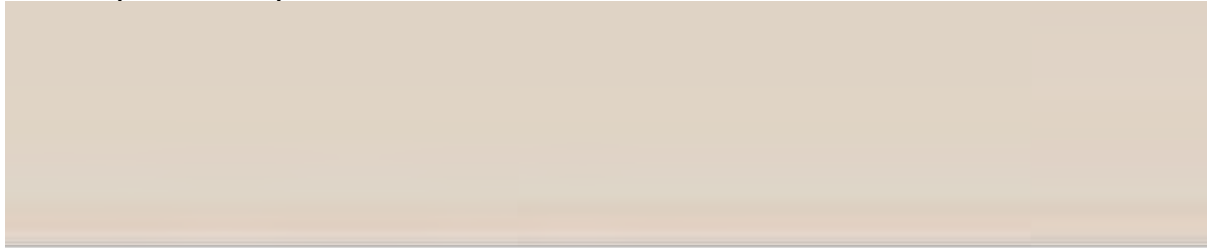
ATTACHMENT 3

Development Engineers report for LDA 2015/466

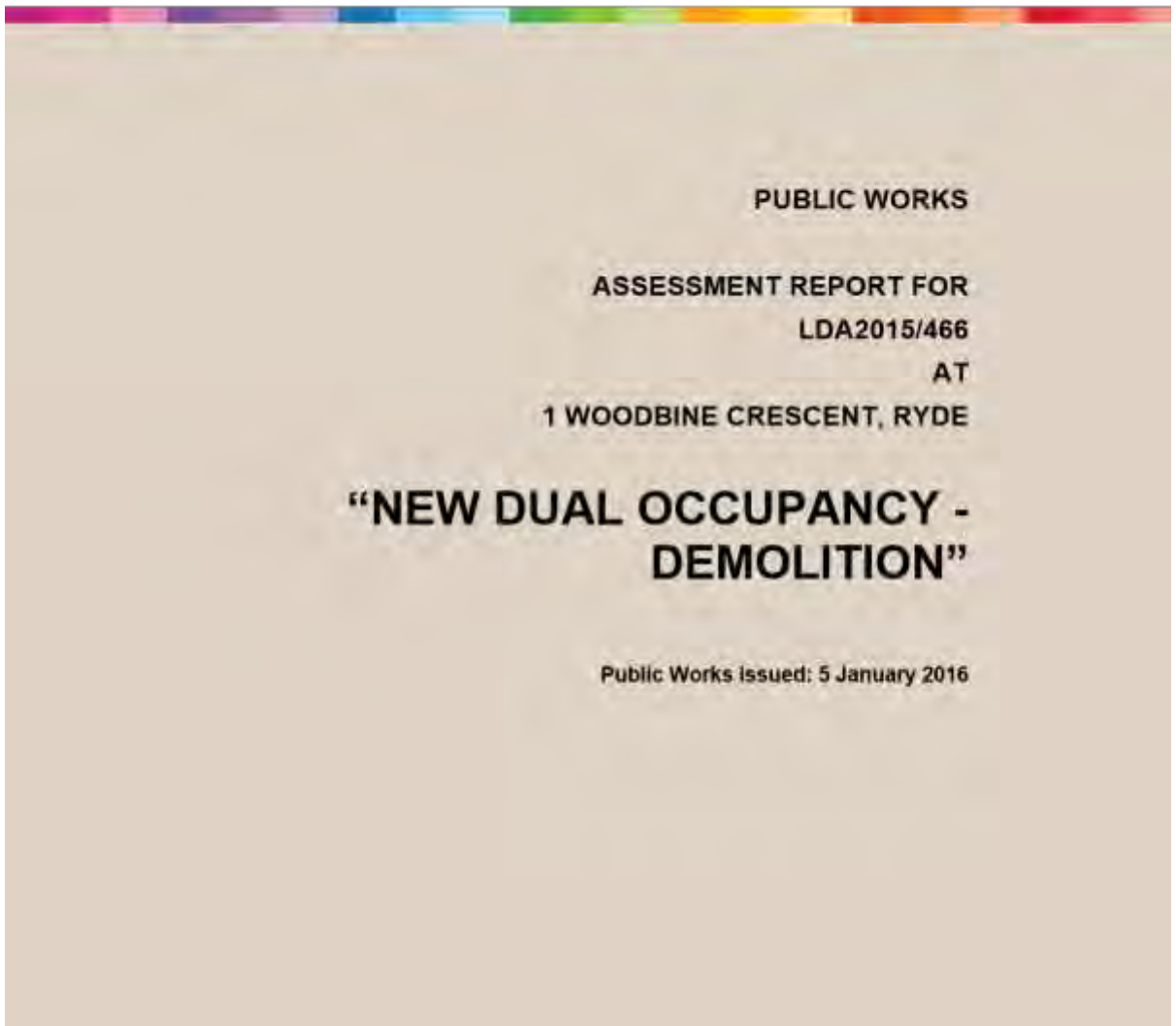
- Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2014: - Part 8.3; Driveways.
 - Confirmation from Council that concrete footpath paving along Woodbine Crescent has been constructed and satisfactory.
 - Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management
 - Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
 - Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's Development Control Plan 2014: - Part 8.3 Driveways
22. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.
- The applicant shall submit the works as executed drawing and the compliance certificate for drainage from the hydraulic engineer to Council with the documents for the Positive Covenant.**

ITEM 3 (continued)

ATTACHMENT 3



 City of Ryde
Lifestyle and opportunity @ your doorstep



ITEM 3 (continued)

ATTACHMENT 3

**PUBLIC WORKS ASSESSMENT REPORT FOR
LDA2015/466
LOCATED AT 1 WOODBINE CRESCENT, RYDE**

1 BACKGROUND AND LOCATION PLAN

Demolition, new dual occupancy (attached) and swimming pool.

The plan below confirms the location of the proposed development which is within the **Ryde Local Area Precinct**.



ITEM 3 (continued)

ATTACHMENT 3

PUBLIC WORKS ASSESSMENT REPORT FOR
LDA2015/466
LOCATED AT 1 WOODBINE CRESCENT, RYDE

2 RESPONSES / CONDITIONS

2.1 Drainage

2.1.1 General Comments – Guna Veerasingham

The site is not affected by the flood.

Proposed Duplex – The drainage connections are to the kerb and gutter from the OSD systems.

2.1.2 Condition/s

Not Required.

ITEM 3 (continued)

ATTACHMENT 3

PUBLIC WORKS ASSESSMENT REPORT FOR
LDA2015/466
LOCATED AT 1 WOODBINE CRESCENT, RYDE

2.2 Traffic

2.2.1 General Comments

The proposed development is a new dual occupancy dwelling. The traffic impacts are negligible as the anticipated net increase will be 1 vehicle. This will have little to no impact on the surrounding network.

The locations of the driveways are suitable in width as dimensioned at 3.0m wide.

The location does not have a pedestrian desire line to schools or recreational facilities therefore extended splays are not required at this location.

2.2.2 Condition/s

From a Traffic perspective, there are no objections to the approval of this development application.

ITEM 3 (continued)

ATTACHMENT 3

PUBLIC WORKS ASSESSMENT REPORT FOR
LDA2015/466
LOCATED AT 1 WOODBINE CRESCENT, RYDE

2.3 Waste

2.3.1 General Comments

Waste Department are not required to make comments as this is a dual occupancy.

2.3.2 Condition/s

Not required.

ITEM 3 (continued)

ATTACHMENT 3

Comments in response to Submission to Local MP

From:
Sent: Wednesday, 30 March 2016 1:06 PM
To:
Subject: RE: 1 Woodbine Crescent

Regarding the concerns raised by the resident, please see the following responses:

1. **'No Parking' signs upgraded to 'No Stopping'.**
The bend in question is 8.5m wide. This allows for parking on both sides of 2.1m and a travel lane of 4.3m. With the average width of a vehicle being 1.8m from mirror to mirror, this is in fact a suitable width to accommodate parking either side of the road and still allow passing opportunities for vehicles between parked cars. Further, the narrow nature of this location further reduces speeds of vehicles and acts as a traffic calming location. To install 'No Stopping' would only promote higher vehicle speeds through this location which would negatively impact the safety at this bend.
2. **The dangerous driveway in the non-complying DA be refused**
The proposed driveway is beyond 6m from the tangent of the bend. In accordance with the Australian Standards AS2890.1 2004 Figure 3.1, this is an acceptable distance as it provides enough visibility for the driver to observe oncoming traffic, whilst also providing the oncoming traffic ample time to identify a vehicle exiting/entering the driveway.

Let me know if you need any further assistance.

Regards,

Traffic Development Engineer | Traffic/Transport & Development

ITEM 3 (continued)

ATTACHMENT 3

Comments in response to initial neighbor submissions regarding driveway locations

From:

Sent: Friday, 15 January 2016 9:20 AM

To:

Subject: RE: Officer: 1504587: Application: LDA2015/0466 - Public Works create referral document

Please note the following information relating to the driveway locations:

1. Woodbine Crescent is a low speed street that does not accommodate a large number of through traffic. Majority of users along the street are residents of the street. any through traffic between Quarry Road and Buffalo Road generally use Greene Avenue. Therefore it is understood that there is not a large number of vehicles utilising Woodbine Crescent.
2. The width of Woodbine Crescent at the bend is 8.5m. when cars are parked on both sides there is a reduced carriageway which will further reduce the speed of drivers.
3. The location of the driveways have 40m or more of sight visibility.
4. In a low speed environment such as Woodbine Crescent, coupled with the low vehicle volumes and ample sight visibility, rear end incidents are unlikely.

Therefore there is no significant concern relating to the location of the driveways of the proposed development.

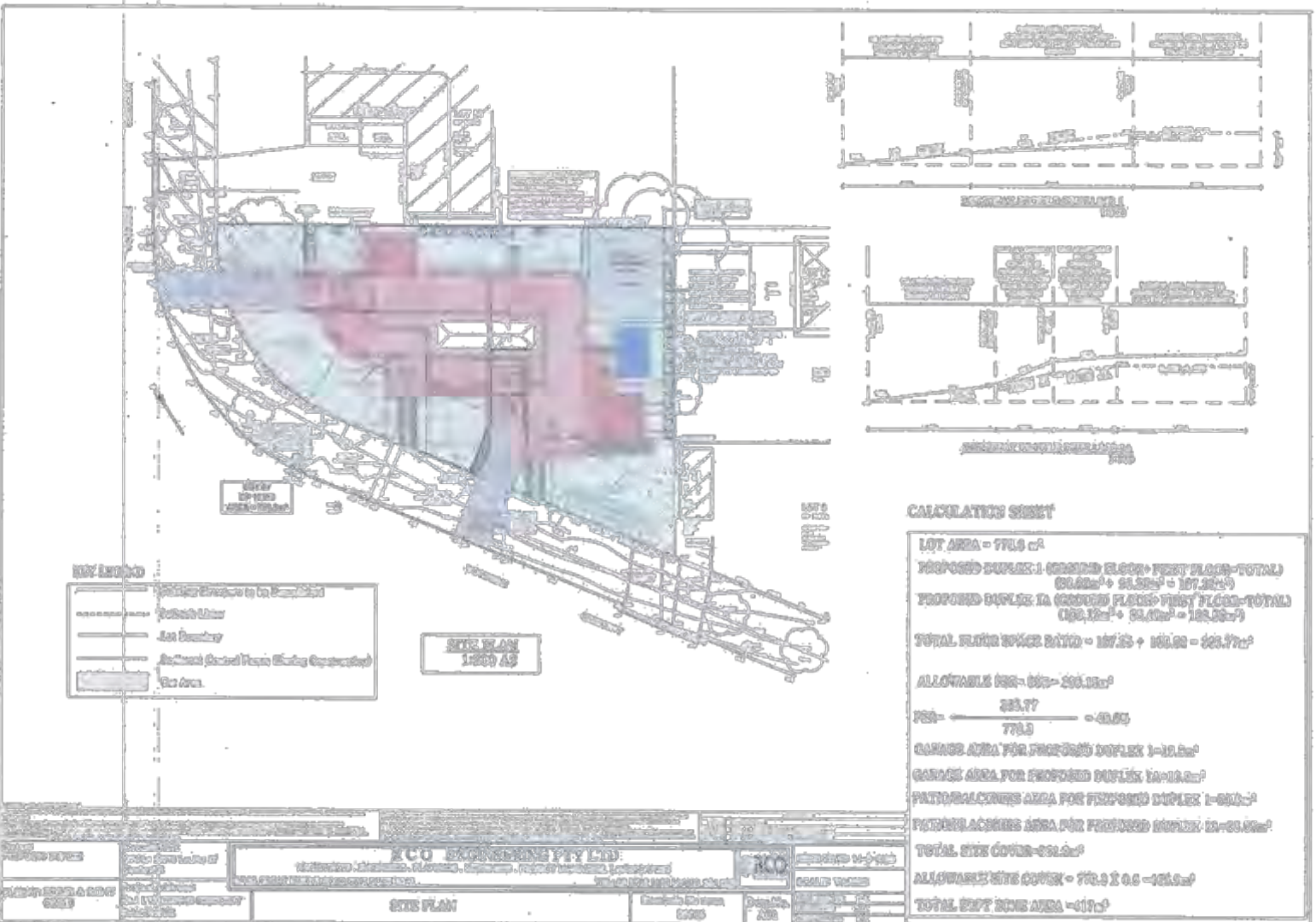
Let me know if this is adequate or if you require further information.

Regards,

Traffic Development Engineer | Traffic/Transport & Development

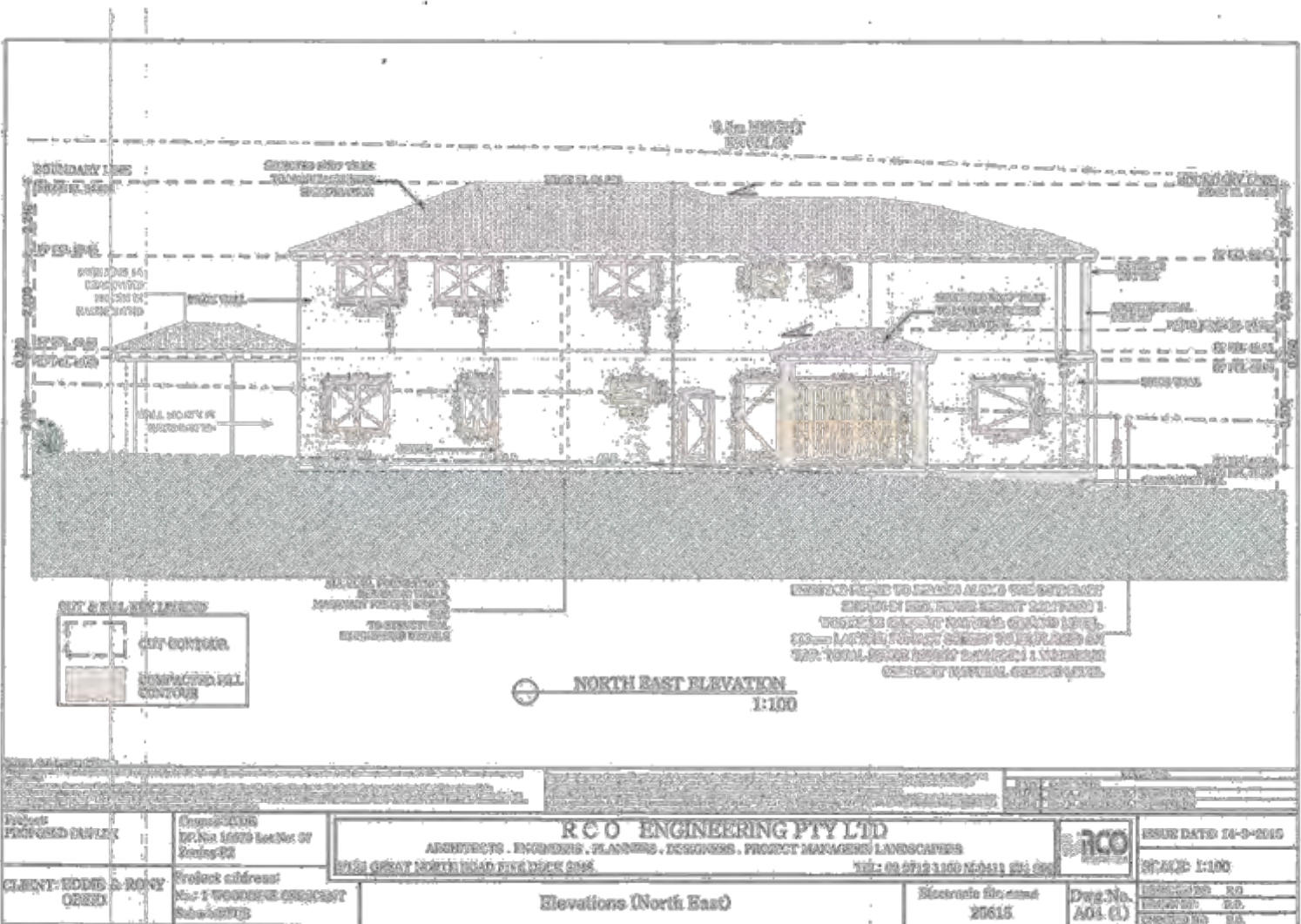
ITEM 3 (continued)

ATTACHMENT 4



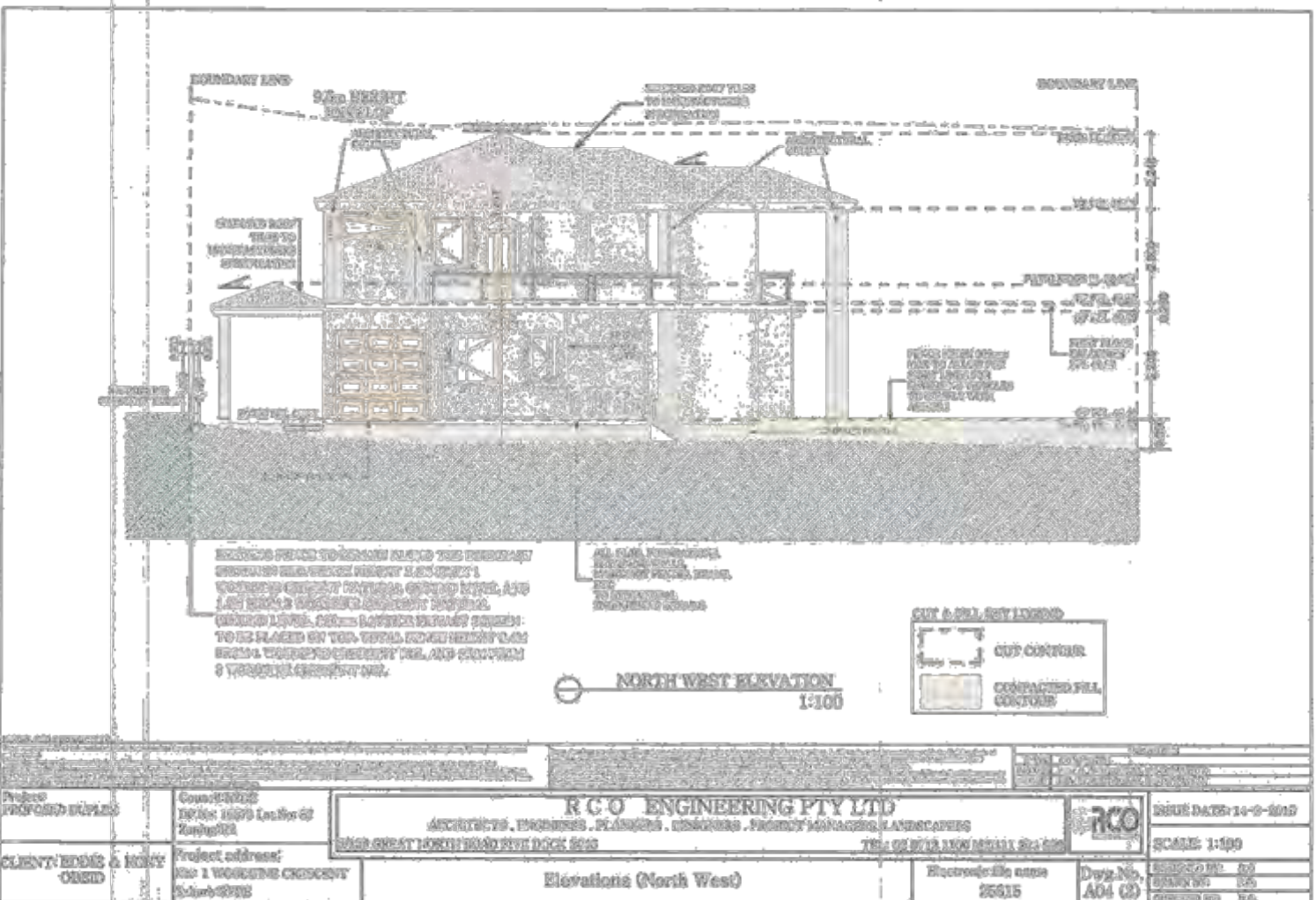
ITEM 3 (continued)

ATTACHMENT 4



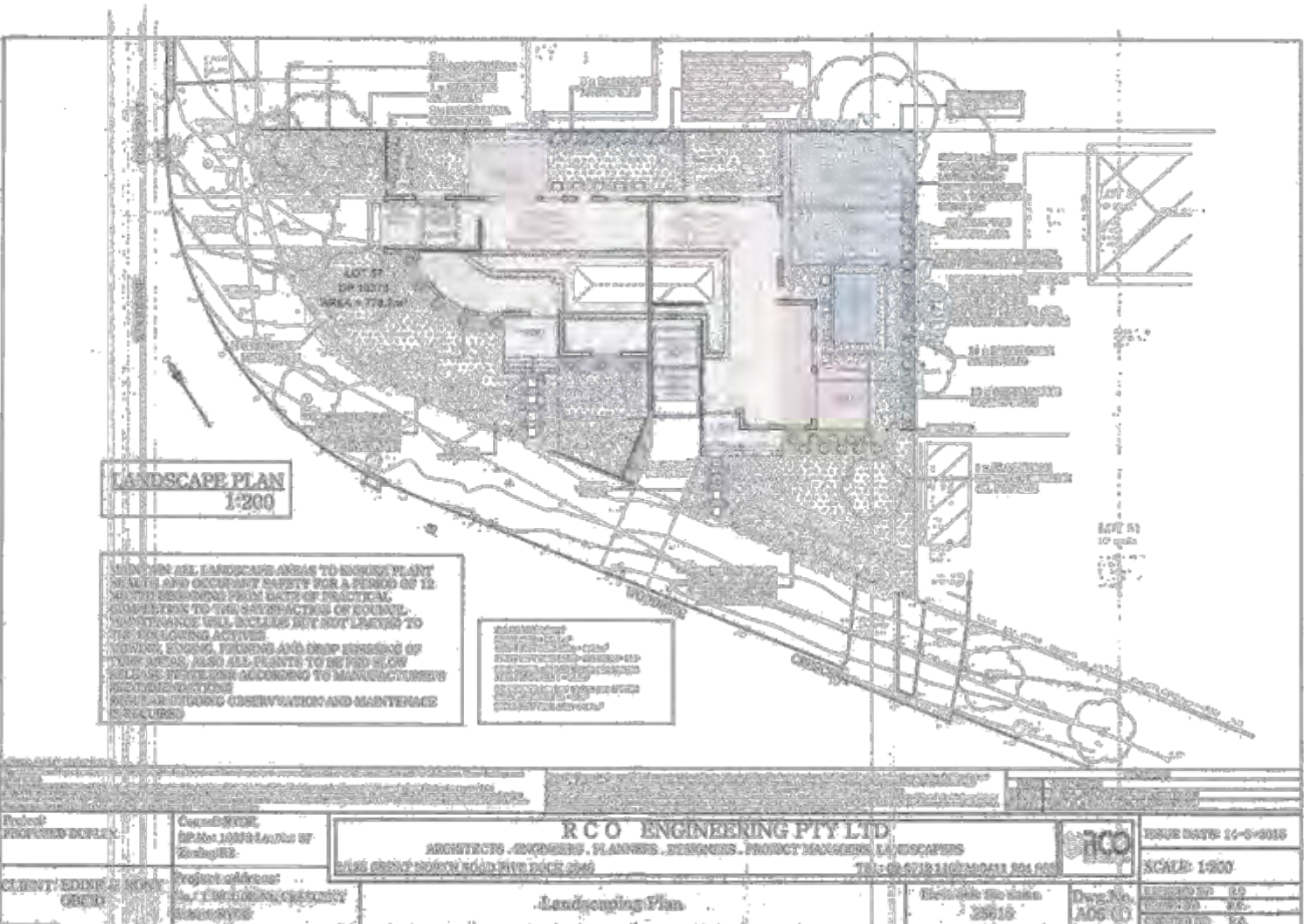
ITEM 3 (continued)

ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4

SHADE TREES

Shade trees are trees that are at least 100mm diameter at breast height and have a canopy spread of at least 4 metres.

PLANT MATERIALS

All plants to be used shall be of the species and variety shown in the schedule below.

PLANTING SPECIFICATIONS

Plants shall be planted in accordance with the following specifications:

- All plants shall be planted in accordance with the following specifications:
- Plants shall be planted in accordance with the following specifications:

SHADE TREES

Shade trees shall be planted in accordance with the following specifications:

LANDSCAPING NOTES AND SPECIFICATIONS

REVISIONS

All revisions shall be made in pencil on the original drawing. Revisions shall be numbered and dated, and shall refer to the drawing and revision number.

NOTES

1. All dimensions shall be in metres unless otherwise stated.

2. All materials shall be of the highest quality and shall be suitable for the intended use.

3. All materials shall be of the highest quality and shall be suitable for the intended use.

4. All materials shall be of the highest quality and shall be suitable for the intended use.

PLANT/TREE SCHEDULE

CODE	BOTANICAL NAME	COMMON NAME	HEIGHT	COUNT	STAGING	QUANTITY	TYPE
FR	PITOSPORUM REVOLUTUM	ROUGH FRUIT PITOSPORUM	UP TO 2.0 METRE	200	NO	0	SHRUB
SM	BACHROHIA MYRTIFOLIA	GREY MYRTLE	UP TO 4 METRE	200	NO	35	SHRUB
AT	AUSTROMYRTUS TENAIFOLIA	NARROW LEAF MYRTLE	UP TO 1.5 METRE	200	NO	10	SHRUB
OD	OSYRIMONIA DIOSMIFOLIA	SIVER-LASTING	UP TO 2.0 METRE	200	NO	10	SHRUB
G	KIKUYU	TURF AREA					GRASS
TR	EUCALYPTUS PARVIFLORA	GREY IRONBARK	FROM 10M UP TO 30 METRE		NO	1	TREE
CP	GLOCHIDIAN FERDINANDI	CHERRY TREE	UP TO 10.0 METRE		NO	2	TREE
SA	SYZYGIUM AUSTRALE	LILLY PILLY	UP TO 10 METRE		NO	1	TREE
OD	CERATOPETALUM GLEHAMPERUM	HOW DOUGS BUSH	FROM 0M UP TO 10 METRE		NO	2	TREE

SPOTS 1 - MANG PLANTING

NOTES

1. All dimensions shall be in metres unless otherwise stated.

2. All materials shall be of the highest quality and shall be suitable for the intended use.

3. All materials shall be of the highest quality and shall be suitable for the intended use.

4. All materials shall be of the highest quality and shall be suitable for the intended use.

Project: PROPOSED DUPLEX
Client: EDDIE & RONY OBEID

Council: RYDE
Project address: No. 1 WOODBINE CRESCENT Suburb: RYDE

R C O ENGINEERING PTY LTD
ARCHITECTS . ENGINEERS . PLANNERS . DESIGNERS . PROJECT MANAGERS, LANDSCAPERS

5/125 GREAT NORTH ROAD FIVE DOCK 1046
TEL: 02 9712 1100 MOBILE 201 605

ISSUE DATE: 14-0-2015
SCALE: N/A
DESIGNED BY: R.O.
DRAWN BY: R.O.
CHECKED BY: R.O.

4 MACQUARIE PARK - CAR PARKING REVIEW

Report prepared by: Place Manager - Major Centres
File No.: PM14/30595 - BP16/324

REPORT SUMMARY

At its meeting of 22 September 2015, Council considered a report outlining a review of commercial car parking rates in the Macquarie Park Corridor (MPC) as well as proposed changes to the on-street car parking fees in Macquarie Park.

The 2015 report outlined changes based on the recommendations of the Macquarie Park Parking Rates Study prepared by Bitzios Consulting, which proposed reducing parking rates in order to achieve a reduction in the private vehicle modal split by 2031. In addition, Council traffic and transport engineers also recommend the staged implementation of some additional on-street parking controls across the Macquarie Park Corridor to compliment these changes.

The changes proposed to on-street car parking fees were advertised from 4 November 2015 to 11 December 2015. During this exhibition period, concerns were raised by the business community regarding the size of the fee increase and the implementation strategy proposed.

At the Council meeting of 15 December 2015, the Planning Proposal to amend the commercial car parking rates and the on-street car parking fees in Macquarie Park were further discussed. Council resolved that until further consultation with the business community regarding the increase in the on-street car parking fees is undertaken, the Planning Proposal should be put on hold. Council resolved:

... 'to defer consideration of the amendment to the parking meters rates in Macquarie Park Corridor until further consultation occurs with landowners, tenants and key stakeholders as part of the strategic review of the parking in the Corridor'.

Information sessions were delivered at the Ryde Civic Centre on Thursday 10 March 2015, with sessions occurring during work hours at 1-3pm and after hours at 5-7pm. At these sessions the proposed changes to commercial car parking rates, and in particular, proposed changes to the on-street car parking fees were discussed. Approximately 20 members of the Macquarie Park business community attended the two information sessions.

While it was acknowledged that increasing the cost of parking is unpopular, there was an acceptance that the current situation where Council provides discounted car parking which encourages workers to 'drive, pay and stay' is not sustainable. Based on this understanding, it was accepted that the removal of the all day cap is needed; as only then can the hourly parking fee be managed to balance supply and demand.

ITEM 4 (continued)

There was also acknowledgment that Macquarie Park's on-street car parking fees are significantly below the rates of other business centres and an understanding that the rates will need to increase.

Council received in total 67 written submissions regarding the on-street car parking fees; no formal responses were received regarding the off-street car parking rate changes. The issues raised regarding the on-street car parking changes are summarised in the table below.



Based on issues raised by the community and discussions at a Councillor workshop, the following strategy is proposed to amend car parking pricing in Macquarie Park.

2016/17	all day cap remains, increasing from \$11 to \$18 per day / hourly car parking rate increases from \$2.50 to \$3.00 p/hr
2017-18	all day cap is removed / hourly car parking rate remains at \$3.00 p/hr
2018-19	hourly rate increases from \$3.00 to \$3.50 p/hr (no all day cap).

This strategy would send a pricing signal while giving drivers the protection of the all day cap (\$18 per day) for a further year. The hourly rate would then be increased from \$2.50 to \$3.50 p/hr over a three year period.

An information awareness campaign will be implemented to explain the on-street car parking changes, including: promotion in the local newspaper and on Council's web site, supported by stickers affixed to all parking meters.

In addition, to compliment the on-street car parking fee changes, Council proposes to increase short term parking options in Macquarie Park. A short-term car parking trial will be undertaken once a parking study determines the most appropriate location for these additional short-term parking spaces. It is anticipated that the trial will commence in mid to late Q2 (Nov-Dec 2016).

ITEM 4 (continued)

RECOMMENDATION:

- (a) That Council endorses an increase in the all day car parking cap in Macquarie Park Corridor from \$11 to \$18, commencing in 2016-17; with the cap phased out from 2017-18;
- (b) That Council endorses the following car parking fee structure in Macquarie Park Corridor:
 - 2016-17 - car parking fees increase from \$2.50 to \$3.00 p/hr (while maintain the all day cap)
 - 2017-18 – all day car parking cap is removed (car parking fees remain at \$3.00 p/hr)
 - 2018-19 – car parking fees increase from \$3.00 to \$3.50p/hr (no cap)
- (c) That Council endorse the amendment to the draft 2016-17 Fees and Charges to indicate that the all day cap be \$18 and the parking rate be \$3 00 p/hr;
- (d) That Council communicate these changes with a supporting information awareness campaign;
- (e) That Council undertake a study as the basis for converting on-street long-term pay parking to short - term pay parking in Macquarie Park and this study is funded from the Macquarie Park Special Levy.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

John Brown
Place Manager - Major Centres

Report Approved By:

Meryl Bishop
Manager - Strategic City

Liz Coad
Acting Director - City Strategy and Planning

ITEM 4 (continued)

Discussion

Background

At its meeting of 22 September 2015, Council considered a report outlining a review of commercial car parking rates in the Macquarie Park Corridor (MPC) as well as proposed changes to the on-street car parking fees in Macquarie Park.

The report outlined changes based on the recommendations of the Macquarie Park Parking Rates Study prepared by Bitzios Consulting, which proposed reducing parking rates in order to achieve a reduction in the private vehicle modal split by 2031. In addition, Council traffic and transport engineers also recommend the staged implementation of some additional on-street parking controls across the Macquarie Park Corridor to compliment these changes.

Council considered the report and resolved:

- (a) *That Council prepare a Planning Proposal to amend Ryde Local Environmental Plan 2014, including amending Clause 4.5B Macquarie Park Corridor and the Macquarie Park Corridor Parking Restrictions Maps to change the commercial car parking rate in the B4, B3 and B7 zones to 1 space / 60m² GFA in Area A, and 1 space / 100m² GFA in both Areas B and C.*
- (b) *That Council authorise the preparation of an amending Development Control Plan to effect this change.*
- (c) *That officers report back to Council on the draft Planning Proposal, draft Development Control Plan amendments and proposed community consultation.*
- (d) *That Council endorses the removal of the 'all day' (12P) parking rate and lift the hourly rate from \$2.50 per hour to \$3.50 per hour, and that this be incorporated into the Fees and Charges schedule for 2015/2016, by advertising the new fee for 28 days from 30 September 2015, and should there be no objections, the fee to commence from 1 December 2015.*

ITEM 4 (continued)

To progress this resolution, staff began preparation of a report to Council to explain the proposed amendments to the Ryde Local Environmental Plan 2014 (Planning Proposal) and draft amendments to Ryde Developmental Control Plan (RDGP) 2014 for Macquarie Park. While this report was being prepared, the proposed change to the on-street car parking fees was advertised from 4 November 2015 to 11 December 2015; being advertised in the Northern District Times as well as exhibition materials being available on Council's Have Your Say page, at Council's Civic Centre, Ryde Planning and Business Centre, and all Council libraries. The proposed changes to on-street car parking fees were also discussed at the Macquarie Park Forum on Thursday 5 November 2015.

During this exhibition period, concerns were raised by the business community regarding the size of the fee increase and the implementation strategy proposed. At the Council meeting of 15 December 2015, the Planning Proposal to amend the commercial car parking rates and the on-street car parking fees in Macquarie Park were further discussed. Council resolved that until further consultation with the business community regarding the increase in the on-street car parking fees is undertaken, the Planning Proposal should be put on hold. Council resolved:

... 'to defer consideration of the amendment to the parking meters rates in Macquarie Park Corridor until further consultation occurs with landowners, tenants and key stakeholders as part of the strategic review of the parking in the Corridor'.

To this end, Council undertook information sessions with the business community to discuss the proposed changes to commercial car parking rates, and in particular, proposed changes to the on-street car parking fees.

A comprehensive communication program including: letters to businesses owners, letterbox drops to tenants, creation of brochures and updates on the Council website were undertaken to promote and explain the proposed changes.

The information sessions were delivered at the Ryde Civic Centre on Thursday 10 March 2016, with sessions occurring during work hours at 1-3pm and after hours at 5-7pm.

The information sessions discussed the proposed changes to planning controls for commercial car parking rates and the proposed changes to the on-street parking meter fees. Following presentations delivered by subject matter experts regarding the off-street and on-street car parking changes, the participants were broken into groups to specifically discuss the proposed changes to on-street car parking fees.

ITEM 4 (continued)

While it was acknowledged that nobody wants the cost of parking to increase, there was an acceptance that the current situation where Council provides discounted car parking which encourages workers to 'drive, pay and stay' is not sustainable. Based on this understanding, it was accepted that the removal of the all day cap is needed; as only then can the hourly parking fee be managed to balance supply and demand. There was also acknowledgment that Macquarie Park's on-street car parking fees are significantly below the rates of other business centres and may need to increase. In addition, it was acknowledged that the lack of short term parking options is adversely impacting visitors and customers to the precinct.

The discussion which follows captures the feedback received to date and includes:

Feedback received during exhibition of on-street car parking fees (4Nov-11Dec 2015)	
Feedback received at the Information Sessions	(10 March 2016)
Feedback received after Information Sessions	(10 – 31 March 2016)
Feedback received at the Councillor Workshop	(26 April 2016)

Council to note that feedback will also be captured during the formal exhibition of the 2016-17 Fees and Charges, 4 May to 14 June 2016.


To date, no formal submissions were received regarding the commercial (off-street) car parking rates following the information sessions. It appears businesses intend to provide their feedback at a later date during the formal exhibition of the Planning Proposal to amend the commercial car parking rates.

Council received 67 written submissions regarding the on-street car parking fees. The issues and concerns raised in these submissions are summarised below.



ITEM 4 (continued)

Noted below is Council's response to these key issues raised.

Issue	Response																																				
<p>Revenue Raising /Too expensive</p>	<p>The purpose of the fee change is to remove the all day cap and bring the cost of long term and short term parking into line.</p> <p>The all day cap has encouraged drivers to 'Drive Pay and Stay' – the fee increase and the removal of the all day cap will send a pricing signal to encourage drivers to consider public transport options.</p> <p>Research indicates that Macquarie Park has one of the lowest car parking fees when compared to similar regional centres; even when it is increased to \$3.50.</p>  <p>Car parking fee comparison</p> <table border="1"> <thead> <tr> <th>Centre</th> <th>All day Capped Rate</th> <th>Year 2015/16 Hourly Rate (p/hr)</th> <th>Comparison of fees 2010-11 Hourly Rate (p/hr)</th> </tr> </thead> <tbody> <tr> <td>Sydney City</td> <td>No</td> <td>\$7.00</td> <td>\$7.00</td> </tr> <tr> <td>North Sydney</td> <td>No</td> <td>\$7.00 High \$4.00 Medium</td> <td>\$6.50 (High) \$4.40 (medium) p/hr</td> </tr> <tr> <td>Lane Cove (St Leonards)</td> <td>Yes - limited to Lithgow St</td> <td>1P\$5.20 2P\$4.00</td> <td>1P\$4.00 2P \$2.80</td> </tr> <tr> <td>Willoughby (Cherrywood)</td> <td>No</td> <td>\$5.00</td> <td>\$4.40</td> </tr> <tr> <td>Olympic Park</td> <td>Yes</td> <td>\$5.00 max (\$25 capped)</td> <td>\$4.00 (capped \$20)</td> </tr> <tr> <td>Parramatta</td> <td>No</td> <td>\$3.50</td> <td>\$3.30</td> </tr> <tr> <td>Macquarie Park</td> <td>Yes</td> <td>\$2.50 (\$3.50 proposed) (\$11 capped)</td> <td>\$2.30 (capped \$11.00)</td> </tr> <tr> <td>Macquarie Centre</td> <td></td> <td>3 hrs free \$7.00 p/hr (\$45 capped)</td> <td></td> </tr> </tbody> </table> <p>City of Ryde Confidential Lifestyle and opportunity @ your doorstep</p>	Centre	All day Capped Rate	Year 2015/16 Hourly Rate (p/hr)	Comparison of fees 2010-11 Hourly Rate (p/hr)	Sydney City	No	\$7.00	\$7.00	North Sydney	No	\$7.00 High \$4.00 Medium	\$6.50 (High) \$4.40 (medium) p/hr	Lane Cove (St Leonards)	Yes - limited to Lithgow St	1P\$5.20 2P\$4.00	1P\$4.00 2P \$2.80	Willoughby (Cherrywood)	No	\$5.00	\$4.40	Olympic Park	Yes	\$5.00 max (\$25 capped)	\$4.00 (capped \$20)	Parramatta	No	\$3.50	\$3.30	Macquarie Park	Yes	\$2.50 (\$3.50 proposed) (\$11 capped)	\$2.30 (capped \$11.00)	Macquarie Centre		3 hrs free \$7.00 p/hr (\$45 capped)	
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<p>Public transport is not good enough / not easily assessable</p>	<p>Macquarie Park is currently serviced by three train station and supported by extensive regional bus network. The delivery of the NWRL in early 2019 will bring fast light rail from the North West of Sydney.</p> <p>It is acknowledged that some areas of Sydney (eg Frenchs Forest Area) are not well connected to Macquarie Park. Council continues to lobby the State Government to have these services improved.</p>																																				
<p>Negative impact on business</p>	<p>While it is understood, workers would prefer parking costs to remain low, in the long run the number of vehicles coming into the park must be controlled, otherwise, gridlock will occur; making it impossible for workers to get to and from work in Macquarie Park.</p>																																				

ITEM 4 (continued)

Issue	Response
Off-street parking is already being restricted	Council reviews off-street car parking rates on a regular basis to reflect the planning strategies of Council to move to a 70/30 modal split.
Train Station closure concerns	The seven months shut down will be a significant challenge. Prior to this date it is crucial to encourage drivers to move out of their cars and onto public transport and other initiatives such as ride sharing. During the shutdown the roads will be particularly congested.
Consider car parking station	Parking stations do provide additional car parking, it is not the preferred option as it will mean cars, will continue to come into the area generating further congestion.
Hypothecate additional revenue	Parking fees goes into general revenue. The funds are then allocated in the 4Yr Delivery Plan to specific projects. Macquarie Park is a key precinct and is allocated significant funding for projects, many improving access, traffic and transport. Current projects include: expanding the cycling network, completing public domain upgrades and the funding of Connect.
Explore Park & Ride	This is an option that could be considered, working with the State Government, private transport providers (M2 Motorway) and Connect Macquarie Park + North Ryde.
Push cars into local streets	Reducing car parking on and off-street may encourage workers to look for parking in local streets. Council implements a residential parking scheme to give priority to resident parking in their local streets. Should Council receive complaints from residents; these schemes may need to be expanded.
Look at other options	Council continues to explore ways to manage its traffic and transport challenges. City of Ryde is currently preparing an Integrated Transport Strategy which will provide short, medium and long term strategies to respond to future transport needs within City of Ryde. Providing more short term parking is being considered.
It will not change behaviour	Behaviour change will take time - amending parking fees and reducing off-street parking sends a signal to the workforce to consider moving to more sustainable forms of transport.

ITEM 4 (continued)

Financial Implications

The changes propose to increase to on-street car parking fees to \$3.50 over three years. This may generate additional parking revenue; however, until the fee changes are introduced it is difficult to quantify this increase. The 2014-15 parking revenue was estimated to be around \$1m; a modest increase to \$1.5 - \$2m is anticipated; however, the quantum will depend on the timing of the staging plan and the behavioural response of workers to this change.

Costs to implement the changes to on-street car parking in Macquarie Park include: Tariff cards will need to be updated and the parking meters reprogrammed. Ranger and Parking Services estimate the cost will be around \$8,000 and can be covered under existing budgets.

The supporting information awareness campaign is estimated to cost around \$3,000 and will be funded from City Strategy's existing budgets.

Options

From the feedback received through the community consultation, there seems an acknowledgement that the all day cap should be removed; with the preference for a staged increase in car parking fees. There was also the view that car parking fee increases should be linked to improvements in public transport.

These views were supported by feedback received at the Councillor workshop. Key issues raised by Councillors included:

- increasing car parking fees to \$3.50 needs to be staged;
- fee increases should reflect public transport improvements;
- all day cap should be maintained (in the interim) with a modest increase up to \$20 being reasonable;
- availability of short term options needs to be considered as part of these suit of changes;
- Council needs to implement strategies that will achieve the 70/30 modal split.

Based on the views expressed by the business community and the Council, 'do nothing' is not an option; the following options are therefore proposed.

Option 1

Remove all day cap and increase car parking fees from \$2.50 p/hr to \$3.50 p/hr (as per originally resolution 22 September 2015). Given the concerns raised by the business community during the consultation process, this is not recommended.

ITEM 4 (continued)

Option 2

Remove the all day cap and stage the increase to on-street car parking fees over three years.

2016/17	\$3.00
2017-18	\$3.50
2018-19	\$4.00

While this option does send a strong pricing signal to drivers that commuting by car to work comes at a cost, increasing the parking fee from \$11 to \$24 (for a 8hr day) is a significant change. In addition, Council is cognisant of the views expressed by the business community that changes should occur gradually to give drivers time to adjust. Given the quantum of the increase, it is proposed that this option not be recommended and a more staged approach be proposed.

Option 3

Increase the all day cap from \$11 to \$18 per day for the first year and raise the hourly car parking rate to \$3 50 p/hr over three years.

This option would send a pricing signal while giving drivers the protection of the all day cap (\$18 per day) for a further year. The hourly car parking rates would then be amended so the fees increase at a more gradual level.

Noted below are the recommended parking fees and timings to move from all day cap to a parking regime that is managed solely by the hourly parking rates.

Year	Details	Anticipated parking fees for a 8 hr day
2015-16 (current)	All Day Cap \$11 / \$2.50 p/hr	\$11
2016-17	All Day Cap \$18/ \$3 00 p/hr	\$18
2017-18	All Day Cap removed/ \$3 00 p/hr	\$24
2018-19	No cap / \$3.50 p/hr	\$28

ITEM 4 (continued)

2016-17 Fees and Charges

City of Ryde's 2016-17 Draft Fees and Charges went on exhibition 4 May till 14 June 2016. Based on the recommendations from the 22 September 2015 Council report, car parking fees were increased from \$2.50 to \$3.50 p/hr. In addition, the existing all day cap of \$11 was removed.

Following the recent round of consultation, it is proposed that the car parking fees will need to be amended in the 2016-17 Fees and Charges to be consistent with the recommendation of this report. The amendments required are noted below.

2016-17

Existing	Parking meter fees	\$3.50 per hour
Proposed	Parking meter fees	\$3.00 per hour, maximum daily rate of \$18

Expansion of short term parking opportunities

A large number of local businesses have raised concerns during the consultation process regarding low vacancy rates of the on-street parking in the Macquarie Park commercial area. It has been reported that visitors to these businesses often experience difficulty finding available on-street parking. Occupancy rates in most streets are currently at 100%, making it difficult for visitors to find vacant parking spaces.

There are approximately 800 on-street parking spaces in Macquarie Park commercial area, exclusive of bus, taxi and loading zones comprising of:

- 550 spaces of '12P TICKET 7AM-7PM',
- 235 spaces of '2P 8AM-6PM', in Talavera Road and Culloden Road (near Macquarie University),
- 10 spaces of 'P MOTOR BIKES ONLY', and
- 5 spaces of 'NO PARKING 8AM-5PM MON-FRI RYDE COUNCIL VEHICLES EXCEPTED' (yet to be installed).

In response to the lack of short term parking (1-4hr), it is proposed to convert a proportion of the existing on-street twelve-hour (long-term) pay parking to short term pay parking to encourage parking turnover and thereby increase vacancy. In order for businesses and commuters to adapt, and review the effects, it is recommended that any changes be made incrementally, with an initial proportion of 10%.

ITEM 4 (continued)

City of Ryde is required to approve the technical details of these changes via the Ryde Traffic Committee (RTC) and Works & Community Committee (W&CC), in accordance with the RMS instrument of delegation. Due to the complexities of parking in the area, RTC will require a study to be undertaken, to appreciate the full impact of the changes and mitigate any risks. This study is likely to investigate, but not be limited to:

- congestion, due to additional circulating traffic looking for a reduced number of long-term parking;
- congestion, due to additional circulating traffic looking for an increased number of short term parking;
- alternative travel options for drivers, such as early-bird parking and off-street parking provided by businesses;
- displaced parking demand;
- an appropriate time-limit for short term pay parking the area;
- combining pricing changes with time-limit changes, and
- appropriate increments to implement changes.

It is suggested that the pilot scheme trial be undertaken in locations where local businesses are known to be in favour of the changes (eg. Optus - along Lyonpark Road). It is noted that any pilot scheme will still require RTC and W&CC approval.

Consultation is a key part to the success of any changes to time-limit parking. A communication strategy will be developed to consult with businesses on proposed changes, advertise any approved changes to the wider community and review the effects of the changes.

Once this consultation has been undertaken and the study completed a trial would be undertaken. The indicative timing of the pilot scheme would be mid to late Q2 (Nov-Dec 2016).

Financial Implications

The cost of undertaking a Parking Study is estimated to be \$50,000 and would be funded from the Macquarie Park Special Levy.

ITEM 4 (continued)

Implementation and Communication Strategy

Should the proposed changes be adopted in the 2016-17 Fees and Charges at the Finance and Governance meeting of 21 June 2016 and the subsequent Council meeting of 28 June 2016, the changes to on-street car parking fees could come into force from 1 July 2016. Ranger and Parking Services has indicated it will take a month to replace the tariff cards and reprogram the parking meters. During this month an information awareness campaign would be implemented and include:

- Notice on the website
- Advertisement in the Northern District Times
- Promotion via the next business/Macquarie Park enewsletter
- Stickers on all Parking Meters
- Signage on all parking meter signs

Based on this understanding, the changes to on-street car parking could be in force by 1 August 2016.

Appendices

- Question & Answers provided during consultation period
- Summary of feedback received by Council at the Information Sessions

ITEM 4 (continued)

Q&A - Macquarie Park car parking review

Why is Council reviewing its off-street and on-street car parking rates?

The Macquarie Park corridor has experienced significant growth in recent years and is expected to double in floor space and worker numbers by 2031. Council needs to reduce the traffic coming into Macquarie Park.

Congestion levels in the area have increased significantly and the parking provisions in the area will play a decisive role in managing this congestion by influencing the mode of transport that workers use to get to Macquarie Park.

What are the specific changes proposed?

Off Street Car parking

Existing planning controls

- 1 space /46m² Gross Floor Area
- 1 space /70m² Gross Floor Area
- 1 space /80m² Gross Floor Area

Proposed planning controls

- 1 space / 60m² GFA
- 1 space / 100m² GFA

This change will only apply to new development.

If you are not redeveloping then your car parking will be unaffected.

On Street

Existing on-street

\$2.50 per hour

12P car spaces had a maximum \$cap of \$11

Proposed

\$3.50 per hour with no 12P parking (meaning no capped rate for all day parking)

When will these changes come into force?

Council is yet to finalise the timing for the proposed changes to come into force, however the intention is to move to the new rates from 1 July 2016; this could be implemented in a staged manner. Council will be clearer once this round of consultation has been considered and reported back to Council.

How can we have input/ provide feedback?

You can provide your input in a number of ways

Council has set up online feedback line + you can email or call us

ITEM 4 (continued)

A report is being prepared to update Council on the consultation following the Information Sessions. Feedback provided to Council by 31 March 2016 will be able to be included in this report.

The proposed changes to on –street car parking fees will be formally put out for comment as part of the ‘Fees and Charges’; exhibited 4 May- 14 June 2016.

The proposed changes to off-street car parking rates forms part of the Planning Proposal which will need to be endorsed by Council and the State Government – the exhibition period is likely later in the year. Council will promote widely once the date is confirmed.

How have the Information Sessions been promoted?

Council has undertaken a comprehensive communication strategy including: letters to businesses owners, letterbox drops to tenants and supporting brochure. All this information is available on Councils web site

at : <http://www.ryde.nsw.gov.au/haveyoursay/parkingmacpark>

How does the proposed \$3.50 car parking rate compare with other comparable commercial centres?

Our research indicates Macquarie Park has one of the lowest car parking fees even when it is increased to \$3.50.

Historical Comparison			
Centre	12P (All Day)	Year 2015/16	
		Hourly Rate	Comparison of fees 3 yrs ago – 2012/13
			Hourly Rate
Sydney City	No	\$7.00	\$7.00 (TBC)
North Sydney	No	\$7.00 High \$4.50 Medium	\$6.50 (high) \$4.40 (medium)
Lane Cove (St Leonards)	Yes	1P\$5.20 /hr, 2P\$4.00	1P\$4.00 p/hr, 2P \$2.00
Willoughby (Cherrywood)	No	\$5.50	\$4.40
Olympic Park	Yes (\$25 per day capped)	\$5.00 max	\$4.00 max of \$20
Parramatta	No	\$3.50	\$3.30
Macquarie Park	Yes (\$11 capped)	\$3.50 (\$3.50 proposed)	\$2.30 (max \$15.00)

Were the community consulted regarding the changes to on-street car parking fees?

Yes

The proposed fee change was publicised on our web site and in the local paper with feedback invited between 4 Nov and 11 December. During this consultation, Council did receive comments that the proposed changes were not well publicised or explained. Based on that feedback, Council has arranged a further round of consultation through these Information Sessions.

ITEM 4 (continued)

Is this change simply revenue raising?

No.

The purpose of the fee change is to remove the all day cap and bring the cost of long term and short term parking into line.

The all day cap has encouraged drivers to 'Drive Pay and Stay' – the fee increase and the removal of the all day cap will send a pricing signal to encourage drivers to consider public transport options.

It is important to note that all day capped price parking has been phased out in comparable Sydney regional centres.

So where does the parking revenue go? And what is it spent on?

Parking revenue goes into general revenue. The funds are then allocated in the 4Yr Delivery Plan to specific projects. Macquarie Park is a key precinct and is allocated significant funding for projects, many improving access, traffic and transport.

Good public transport access to Macquarie Park is not available to all – it's not fair?

Macquarie Park is currently serviced by three train station and supported by extensive regional bus network. The delivery of the NWRL in early 2019 will bring fast light rail from the North West of Sydney.

It is noted that some areas of Sydney (eg Forest Area) are not well connected to Macquarie Park. Council continues to lobby with Connect to have these services improved.

We understand the NWRL will shut down in late 2018, has Council considered this looming problem? Couldn't the changes be delayed till we get over this crisis?

The seven months shut down will be a significant challenge. Prior to this date it is crucial to encourage drivers to move out of their cars and onto public transport and other initiatives such as ride sharing.

During the shutdown the roads will be particularly congested – more cars on the road at that time will not be the answer.

Council will be working closely with TfNSW and Connect Macquarie Park + North Ryde to develop a strategy to respond to the shut down; TfNSW will take the lead.

ITEM 4 (continued)

Issues Raised at Information Sessions – 10 March 2016

Current Situation

- Car spaces are not encouraged to turnover once all day cap is reached
- There is a need for additional car parking (possibly a car parking station) to assist visitors and workers
- People are using redevelopment sites for car parking (Wicks Road)
- Visitors and customers can't find parking
- Suppliers/couriers are not provided access to off-street car parking by property owners; property owners need to be part of the solution
- Delhi Road has no parking; 12P along Plassey Road is parked out early
- Culloden Road –meters were taken out in recently years –need to be consistent with parking strategy
- Along Epping Road (near Optus- Lane Cove Road) parking is permitted 10-3pm – safety issues
- Workers are parking in other companies car parking (if not controlled)
- What is happening regarding transport improvements (Interchange) around the Shopping Centre?
- Bus bank up – safety issue and highlights need for an upgrade to Bus Interchange
- It is understood the Bus Interchange will be updated – modelling design... need to understand timing
- University students pedestrian behaviour can be a safety risk – Bus Interchange would hopefully assist control this issue

Revenue /Cost Implications

- Off –street /private car parking more expensive than on-street parking therefore people are choosing on-street
- A price hike to \$3.50 in addition to the removal of the cap would be a significant price hike – consider staging
- Cap removal will result in a significant increase to most workers daily fee
- Removing the cap will put a price on parking which is positive

Car Parking Options

- Adequacy of viable public transport options/services is a fundamental issue
- Need more short term parking – 1P,2P to help turnover
- By 7am, very few spaces left available on Giffnock Avenue
- Need to create more parking options – short term 2P, but also 4P, 2P, 1P,15minute

ITEM 4 (continued)

Revenue

- Funding raised should go into public transport / alternatives
- Using increased revenue on public transport would be positively received

Equity

- Unfair for staff on lower salary – equity issue
- Middle Management often have a car space – lower paid workers will be carrying the burden

Future Residential Development

- Residential development will change car parking demand - needs to be considered
- In the future workers will have the opportunity to live closer to work in Macquarie Park which is positive

Access and Safety

- Lighting needs to improve to make it easier and safer to walk at night to public transport / Lack of shaded areas also discourages walking

Other

- Parking preferences near the gym would be appreciated
- Scope of the discussion is not wide enough – paid parking and casual parking should be included
- Work with State Government to negotiate State Infrastructure Levy
- Need to think holistically regarding supply and demand of parking
- Train shut down needs to be scoped and considered

5 MACQUARIE PARK CAR PARKING - PLANNING PROPOSAL

Report prepared by: Senior Strategic Planner

File No.: PM14/30595 - BP16/394

REPORT SUMMARY

At its meeting of 22 September 2015, Council considered a report outlining a review of commercial and industrial off street car parking controls in the Macquarie Park Corridor (MPC). This report outlined changes based on the recommendations of the Macquarie Park Parking Rates Study prepared by Bitzios Consulting, which proposed reducing parking rates in order to achieve a reduction in the private vehicle modal split by 2031.

At this meeting, Council resolved to prepare a Planning Proposal to amend Ryde Local Environmental Plan (RLEP) 2014 and an amending Development Control Plan to amend car parking controls accordingly.

At its meeting of 8 December 2015, Council's Planning and Environment Committee considered a report outlining the proposed amendments to Ryde Local Environmental Plan 2014 (the Planning Proposal) and draft amendments to Ryde Development Control Plan (RDCP) 2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls to implement the previous Council resolution. This report recommended that Council forward the Planning Proposal to the Department of Planning and Environment for a Gateway Determination. The report also proposed implementation of changes to parking meter fees in the Macquarie Park Corridor which was occurring concurrently.

Council resolved on 15 December 2015 to

“defer consideration of the amendment to the parking meter rates in Macquarie Park Corridor until further consultation occurs with landowners, tenants and key stakeholders as part of the strategic review of the parking in the Corridor”.

Two information sessions were held on Thursday 10 March 2016 which discussed both the proposed changes to commercial parking meter rates and the proposed changes to on-street parking meter fees. This consultation is discussed in detail in the report to Planning and Environment Committee on 14 June 2016 entitled “Macquarie Park- Car Parking Review”. During consultation stakeholders were made aware that proposed changes to the commercial off street parking controls would be formally exhibited at a later date. As a result no formal responses have been received regarding the commercial car parking rates at this stage.

ITEM 5 (continued)

The proposed changes to the parking controls are:

- Parking controls reducing from 1/46m², 1/70m² and 1/80m² reduced to a maximum parking control of 1/60m² and 1/100m²;
- Remove the parking controls from RLEP2014 (Clause 4.5B); and
- Include the parking controls in the RDCP as per other parking controls.

The Planning Proposal also involves:

- Including properties at 14-58 Delhi Road and 3 Plassey Road, Macquarie Park on the RLEP2014 Centres Map; and
- Removing Clause 4.5B subclause (4)(b) to correct a drafting error.

This report recommends that Council forward the Planning Proposal to the Department of Planning and Environment for a Gateway Determination, following which the Planning Proposal and draft RDCP2014 amendments will be publicly exhibited and community consultation will occur.

RECOMMENDATION:

- (a) That Council note the Planning Proposal for the Macquarie Park Corridor car parking rates as outlined in **ATTACHMENT 2**.
- (b) That Council forward the Planning Proposal to receive a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
- (c) That, in the event of a Gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposal be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.
- (d) That the proposed amendments to Ryde DCP 2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls be exhibited concurrently with the Planning Proposal.
- (e) That the outcomes of the community consultation for both the Planning Proposal and DCP amendments are reported to Council as soon as practicable after the exhibition.

ITEM 5 (continued)

ATTACHMENTS

- 1** Executive Summary - Macquarie Park Parking Rates Study- Bitzios Consulting
- 2** Planning Proposal
- 3** Draft Amendments to Ryde Development Control Plan 2014 Part 4.5 - Macquarie Park Corridor
- 4** Draft Amendments to Ryde Development Control Plan Part 9.3 - Parking Controls
- 5** Map showing changes to parking controls

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ITEM 5 (continued)

Background

In 2009, a 'Macquarie Park Corridor Parking Study' was undertaken by ARUP Consulting and outlined a number of short and medium term actions including a review of the commercial car parking rates within 5 years.

The current car parking rates for commercial and industrial development in the Macquarie Park Corridor are generally higher than that of other centres in Sydney which for example are 1/100m² in Parramatta, 1/200m² in Chatswood and 1/400m² in North Sydney. The current level of parking supply encourages workers to drive to and from the precinct contributing to congestion levels. The 2011 mode split is 75% private vehicle trips and it is aimed to reduce this to 60% by 2031.

Council engaged Bitzios Consulting to undertake a review of the commercial and industrial off street car parking rates. The 'Macquarie Park Parking Rates Study' (see Executive Summary at **ATTACHMENT 1**) was presented to Council at its meeting of 22 September 2015 and proposed to introduce new reduced car parking rates for commercial and industrial development in Macquarie Park.

At its meeting of 8 December 2015, Council's Planning and Environment Committee considered a report outlining the proposed amendments to Ryde Local Environmental Plan 2014 (the Planning Proposal) and draft amendments to Ryde Development Control Plan (RDCP) 2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls to implement the previous Council resolution. This report recommended that Council forward the Planning Proposal to the Department of Planning and Environment for a Gateway Determination. The report also referred to the proposed implementation of changes to parking meter fees in the Macquarie Park Corridor which was occurring concurrently.

Council resolved on 15 December 2015 to "*defer consideration of the amendment to the parking meter rates in Macquarie Park Corridor until further consultation occurs with landowners, tenants and key stakeholders as part of the strategic review of the parking in the Corridor*". This consultation occurred in March 2016 and is discussed below ("Consultation with relevant external bodies").

Discussion

This report contains a description of the proposed amendments to Ryde Local Environmental Plan 2014 and Development Control Plan 2014 and a description of the Planning Proposal (PP). This forms the basis of a recommendation to forward the PP to the Department of Planning and Environment for a gateway determination and subsequent community consultation.

ITEM 5 (continued)

Planning Proposal process

This section of the report provides a brief description of the “gateway plan-making process”, including an explanation of the legislative requirements relating to a PP.

The gateway process has a number of steps. The preparation of a PP is the first of the five main steps, summarised as follows:

1. **Planning Proposal**- this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council. The relevant planning authority decides whether to proceed to the next stage.
2. **Gateway** –determination by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs the community consultation process.
3. **Community Consultation** - the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).
4. **Assessment** — the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan — the legal instrument.
5. **Decision** — the making of the plan by the Minister (or delegate).

This PP is at step 1 of the gateway process. Council is the relevant planning authority for this proposal which has been prepared by a Council staff.

Site description and context

The Macquarie Park Corridor is located on the northern side of Epping Road, bounded by Culloden Road to the west and the M2 Motorway to the north and east. The Corridor includes the North Ryde Station Precinct and the Riverside Corporate Park.

The Corridor is zoned primarily B3 Commercial Core and B7 Business Park with a variety of commercial and light industrial land uses. There were approximately 56,000 jobs in the Corridor in 2014.

The Macquarie University Station Precinct is located at the northern end of the Corridor and includes land which has been zoned B4 Mixed Use in the vicinity of Herring Road. In this location, residential development is permitted.

There are three railway stations within the Precinct- North Ryde Station, Macquarie Park Station and Macquarie University Station.

ITEM 5 (continued)

Strategic policy context

The PP relates to a number of strategic policy documents, including the following:

Sydney's Metropolitan Plan "A Plan for Growing Sydney"

The proposed amendments to RDCP2014 to reduce the amount of parking provided is consistent with Action 1.6.2 "Invest to improve infrastructure and remove bottlenecks to grow economic activity".

City of Ryde 2021 Community Strategic Plan

The Community Strategic Plan sets out the future vision for the City of Ryde. The plans set the desired outcomes and the aspirations of the community, and the goals and strategies on how they will be achieved. The outcomes relevant to this PP is A City of Connections, and the strategy "to encourage the use of environmentally friendly transport options".

Local Planning Study (LPS)

Council adopted *Local Planning Study (December 2010)*. This study informed the preparation of RLEP2014.

The PP supports the LPS Transport Study Action 8.4.3.6 "Planning for Parking" and in particular:

Principle: Improve parking management in centres

Principle: Improve parking management to encourage greater use of public transport, walking and cycling, especially for commuter trips

Direction: Review and update City of Ryde parking controls.

Action: Carry out a parking study which will inform sustainable transport and economic development and guide DCP controls.

The LPS Transport Study recommended that car dependence should be reduced through development that supports public transport, cycling and walking. The Study also recommended that a parking study be undertaken to inform sustainable transport and economic development, to facilitate a shift in modal split for the journey to work.

Macquarie Park Corridor Parking Study

The 'Macquarie Park Corridor Parking Study' (2009) outlined a number of short and medium term actions including a review of the commercial car parking rates within 5 years.

ITEM 5 (continued)

Further discussion of the relationship of the PP to strategic policy documents is outlined in the PP document at **ATTACHMENT 2**.

Current controls

Ryde Local Environmental Plan 2014 (RLEP2014) Clause 4.5B outlines the parking objectives for the Macquarie Park Corridor (MPC) and restricts the maximum number of parking spaces for commercial and industrial development as identified on the MPC Parking Restrictions Maps.

Ryde Development Control Plan 2014 (RDCP2014) contains specific parking rates for residential development and for industry and office and business premises outside the MPC.

Plan	Land use	Parking rate
RLEP2014- Clause 4.5(B) (1) and (2) and MPC Parking Restrictions Maps	Commercial and Industrial Development (within Macquarie Park Corridor)	1 space/ 46m ² GFA 1 space/ 70m ² GFA 1 space/ 80m ² GFA (as identified on maps)
RDCP2014 Part 4.5- Macquarie Park Corridor	Residential development in MPC	0.6 space/ 1 bedroom dwelling 0.9 spaces/ 2 bedroom dwelling 1.4 spaces/ 3 bedroom dwelling 1 visitor space/ 10 dwellings 1 car share space per 50 proposed parking spaces
RDCP2014 Part 9.3- Parking Controls	Office and business premises outside the MPC	1 space/ 40m ² GFA
RDCP2014 Part 9.3- Parking Controls	Industry outside the MPC	1.3-1.5 spaces/ 100m ² GFA

Proposed amendments to Ryde LEP 2014

In order to implement Council's resolution of 22 September 2015, a Planning Proposal (PP) has been prepared in accordance with the Department of Planning and Environment's '*Guide to preparing planning proposals*' (see **ATTACHMENT 2**).

The PP intends to delete the car parking requirements for the MPC from RLEP2014, for the following reasons:

1. Including car parking requirements in a Local Environmental Plan is not consistent with the Standard Instrument LEP and is contrary to advice from the Department of Planning and Environment that car parking controls are a local matter which should be included in a Development Control Plan;

ITEM 5 (continued)

2. This will be consistent with the car parking requirements for all other development types/ in all other parts of City of Ryde which are specified within the RDCP2014;
3. The Bitzios study recommends a number of incremental changes to the parking requirements to be implemented over the next decade. Implementing these amendments would be more easily facilitated as amendments to RDCP2014 rather than as individual Planning Proposals.

This will involve the following amendments to RLEP2014 as outlined in the PP:

1. Amend Clause 4.5B MPC to remove the objectives for car parking in MPC;
2. Delete the MPC Parking Requirements map; and
3. Delete the definition of the MPC Parking Requirements map in the Dictionary.

Additional matters to be addressed in the Planning Proposal

Clause 4.5B subclause (4)(b)

Clause 4.5B subclause (4) states that:

- (4) *Despite any other provision of this Plan, development consent must not be granted for the erection of a building on land in Zone B7 Business Park in the Macquarie Park Corridor for the purposes of a function centre, neighbourhood shop, registered club or restaurant or cafe unless the total floor space of the building:*
 - (a) *will not exceed 500 square metres for each individual land use or an area equivalent to 5% of the site area for each individual land use, whichever is the greater, in relation to that land, and*
 - (b) *the building is a single storey building.*

It is recommended to amend Clause 4.5B by removing subclause (4)(b) which was a drafting error by the Department of Planning and Environment. The subclause is overly restrictive as it requires the listed land uses only to occur within single storey buildings in the B7- Business Park zone.

Properties in Delhi Road and Plassey Road

A number of existing commercial properties on the northern side of Delhi Road, Macquarie Park (as shown in Figure 1 below) are not currently identified as being part of the Macquarie Park Corridor on the RLEP2014 Centres Map. This was a drafting oversight.

ITEM 5 (continued)



Figure 1: Location of 14-58 Delhi Road and 3 Plassey Road, Macquarie Park

These sites are zoned B3 Commercial Core and B7 Business Park, and are identified on the RLEP2014 MPC Precinct Map, MPC Parking Restrictions Maps and MPC Incentive Floor Space Ratio map.

It is also proposed through the PP to amend the RLEP2014 Centres Map to include the properties at 14-58 Delhi Road and 3 Plassey Road, Macquarie Park in the 'Macquarie Park Corridor'.

Proposed amendments to Ryde Development Control Plan 2014

The revised parking controls for commercial and industrial development in the MPC as proposed in the Bitzios report (1/60m² and 1/100m²) are intended to be included in RDCP2014. Draft amendments to RDCP2014 Part 4.5 Macquarie Park Corridor and Part 9.3 Parking Controls are discussed below and are outlined at **ATTACHMENT 3** and **ATTACHMENT 4**. Amendments to the RDCP are highlighted in red text and deleted provisions are crossed out.

Changes to parking rate

The two parking rates identified in the Bitzios Consulting report are 1 space /60m² gross floor area (GFA) and 1 space/100m² GFA for commercial and industrial development. The study scope did not include residential development within the Macquarie Park Corridor as these rates were reduced through the recently amended RDCP Part 4.5 Macquarie Park Corridor effective 1 July 2015.

ITEM 5 (continued)

The two parking rates of 1/60m² GFA and 1/100m² GFA are based on the preferred scenario identified in the Bitzios Consulting report. The preferred scenario aims for a 70% private vehicle mode share by 2031. This scenario is forecast to result in a total increase of 3000-4000 spaces by 2031. This reduces the magnitude of the total parking increase to 2031, compared with the “Business as usual” scenario which would result in an additional 10,000 spaces by 2031.

The amendments to RDCP 2014 are drafted such that the two parking rates of 1/60m² and 1/100m² will be a maximum number of spaces.

This scenario achieves a balance between minimising traffic congestion growth in the precinct and the potential impact of the modified parking rate on the competitiveness of the precinct when compared against other centres of a similar offering.

The new proposed parking rates of 1/60m² and 1/100m² GFA are equivalent to or higher than those of other similar centres, as outlined in the table below:

<i>Centre</i>	<i>Parking rate for commercial development</i>
North Sydney	1/400m ²
Chatswood	1/200m ²
Parramatta	1/100m ²

The Bitzios report endorsed by Council on 22 September 2015 (Executive summary at **ATTACHMENT 1**) identified the areas to which the proposed rates (1/60m² or 1/100m²) should apply using the following guiding principles:

- *“Existing 1 space/ 46m² areas will generally move to 1 space/ 60m²;*
- *Existing 1 space/ 70m² areas and 1/ 80m² areas will generally move to 1 space/ 100m²;*
- *Areas with FSRs between 0.5:1 and 2.0:1 on the Draft Macquarie Park Incentive FSR map will generally equate to 1 space/ 60m²;*
- *Areas with FSRs between 2.5:1 and 3.0:1 on the Draft Macquarie Park Incentive FSR map will generally equate to 1 space/ 100m²;*
- *Only one car parking rate will apply to each site (the exception to this is the Johnson and Johnson site which will have a split parking rate for historical reasons); and*
- *No sites will move from 1 space/ 46m² to 1 space/ 100m² unless the current car parking rate is split across a site and a portion of the site has an FSR of 2.5:1 or more”.*

ITEM 5 (continued)

Staged implementation

The study further recommends that a staged approach be taken to implementing reduced parking rates, with the revised parking rates to apply only to new floor space in the first instance and then be amended to apply to existing floor space at a later date (in 2019). This would mean that the current parking rates (of 1/46m², 1/70m² and 1/80m²) would continue to apply to existing floor space as shown in the draft DCP amendments. This allows for a staged implementation and reduces the impact on the business park. The new reduced parking rates would apply for the complete redevelopment of sites, whereas the current parking rates would apply to applications for alterations and additions to existing buildings.

Proposed parking controls

It is proposed to include parking controls for commercial and industrial development in the MPC as shown in the map included in the draft amendments to Part 9.3 of RDCP2014. A map showing the changes for each site is at **ATTACHMENT 5**.

The proposed new parking rates generally aim to achieve a reduction in the amount of parking to be provided for each site, and no disproportionate changes to the parking rates for individual properties.

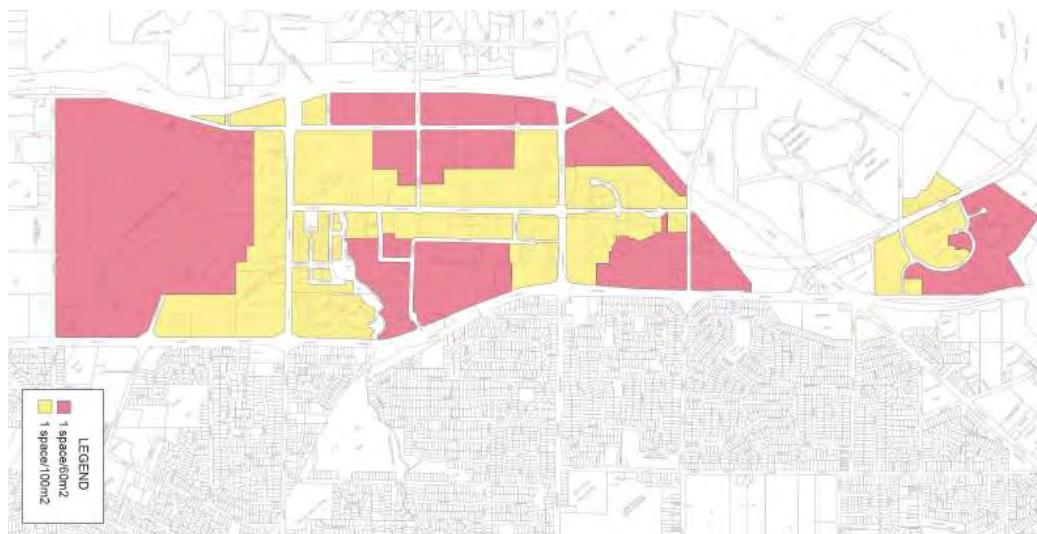
A number of changes to the “Final Draft Parking Rates Map” prepared by Bitzios Consulting are included on the map at Figure 9.3.1 of the draft amendments to RDCP2014 Part 9.3 Parking Controls:

Area	Current rate	Bitzios study	Proposed RDCP rate	Rationale
Macquarie University Station Precinct (applies to B4 zoned land including the Ivanhoe Estate area and Lachlan Ave, Cottonwood Dr and Peach Tree Rd)	1/46m ²	1/60m ²	1/100m ²	The Bitzios recommendation was based on the FSR controls in place at the time of their report. These FSR controls have increased significantly with the recent amendments to RLEP2014 for the Macquarie University Station Precinct. The intention was that the reduced parking rates should align with the FSR boundaries.

ITEM 5 (continued)

Area	Current rate	Bitzios study	Proposed RDCP rate	Rationale
Macquarie University site	1 space per 80m ²	No change as parking controls were specified in SEPP (Major Development) 2005 at time of Bitzios study.	1/60m ² or 1/100m ² for sites within Macquarie University Station Precinct	See above.
27-37 Delhi Road, North Ryde	1/70m ²	1/100m ²	Exclude from map- not within Macquarie Park Corridor	The parking rates for this site are within the North Ryde Station Precinct DCP.

The proposed parking controls (as included in RDCP 2014 Part 9.3 Parking Controls at **ATTACHMENT 4**) are shown below:



Other changes to RDCP2014 Part 9.3 Parking Controls

1. Adding objectives to Part 9.3 of RDCP2014 to reflect the intended outcomes of the Bitzios report.
2. It is proposed to consolidate all parking controls in Ryde DCP Part 9.3 Parking to enhance ease of use and clarity. This involves removing parking controls from Part 4.5 Macquarie Park Corridor to ensure ease of use for applicants and planners;

ITEM 5 (continued)

3. Minor amendments which aim to update information relating to the Macquarie University Station Precinct (formerly Herring Road Urban Activation Precinct) following the commencement of SEPP (Major Development) Amendment (Ryde) 2015.
4. The previous Council resolution of 22 September 2015 had only resolved to amend the car parking rates for commercial land uses within the B4, B3 and B7 zones, however the B3 and B7 zones also permit light industrial development and it was intended that these rates apply to light industrial development. The draft DCP amendments are drafted accordingly.
5. The land uses to which the parking rates apply are 'commercial premises' and 'light industrial' which aligns with the land use definitions in Ryde LEP 2014.
6. Reinforce that any car parking that exceeds the parking controls will be considered as floor space. This is in accordance with the definition of gross floor area in RLEP2014.

Amendments to RDCP2014 Part 4.5 Macquarie Park Corridor

1. Removing the car parking rates from Part 4.5 and inserting them in Part 9.3 Parking Controls as discussed above.
2. Minor amendments to the 'Preliminary' section to delete information about the draft Herring Road Urban Activation Precinct. This has been superseded by the Macquarie University Station Precinct. More comprehensive changes to update the rest of RDCP 2014 Part 4.5 Macquarie Park Corridor to reflect the Macquarie University Station Priority Precinct will occur at a later date.

Financial Implications

Should a gateway determination be issued allowing the planning proposal to proceed to community consultation it will be necessary to place an advertisement in a local newspaper. Council would also undertake further consultation as outlined below. It is anticipated that the total cost of this consultation would be approximately \$3000 (to be sourced from the existing City Strategy and Planning base budget).

ITEM 5 (continued)

Consultation with relevant external bodies

Two information sessions were held on Thursday 10 March 2016 which discussed both the proposed changes to commercial car parking rates and the proposed changes to on-street parking meter fees. This consultation is discussed in detail in the report to Planning and Environment Committee on 14 June 2016 entitled “Macquarie Park- Car Parking Review”. During consultation stakeholders were made aware that proposed changes to the commercial parking controls would be formally exhibited at a later date. As a result no formal responses have been received regarding the commercial car parking rates at this stage.

Under the gateway plan-making process, a Gateway Determination is required to be obtained from the Department of Planning and Environment before the Planning Proposal is formally exhibited. The consultation process will be determined by the Minister and stipulated as part of the gateway determination.

The Department of Planning and Environment’s guidelines stipulate at least 28 days community consultation for a major plan, and at least 14 days for a low impact plan.

If the Planning Proposal is approved by Council and a gateway determination given, the consultation will include exhibiting the draft amendments to RDCP2014. The proposed consultation includes:

- Advertisement in the local newspaper;
- Exhibition material provided to meet requirements of the EP&A Act on Council’s website, and in Ryde and North Ryde Libraries;
- Notification to the owners of 14-58 Delhi Road and 3 Plassey Road, Macquarie Park (which are proposed to be identified as being within the Macquarie Park Corridor on Ryde LEP 2014 Centres Map);
- Mail out to key stakeholders in the Macquarie Park Corridor and those who attended the consultations in March 2016;
- Presentations to the Macquarie Park Forum and Economic Development Advisory Committee;
- One information session to be held during the exhibition period; and
- One drop in session.

ITEM 5 (continued)

Anticipated timeframes

The following timeframes are outlined in the Planning Proposal:

Planning Proposal submitted to Gateway	June 2016
Gateway Determination received by Council	August 2016
Community consultation (4 weeks)	Sep/Oct 2016
Outcomes of community consultation presented to Council	December 2016
Planning Proposal submitted to Department requesting notification on legislation website and DCP effective	February 2017

Options

1. That Council proceed with the Planning Proposal and DCP amendments as outlined in this report. This option implements the recommendations of the Bitzios traffic study and Council's previous resolution of 22 September 2015.
2. That Council not proceed with the Planning Proposal and DCP amendments. This option would not address the traffic congestion currently experienced in the Macquarie Park Corridor and would not change the modal split for the Corridor in the long term.

The preferred option is to proceed with the Planning Proposal and amendments to the DCP as outlined in this report.

ITEM 5 (continued)

ATTACHMENT 1

Macquarie Park Parking Study

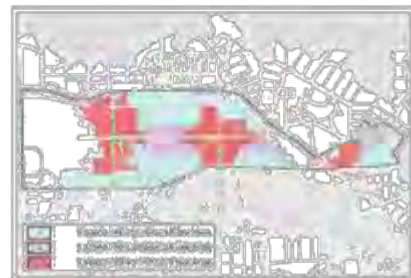


EXECUTIVE SUMMARY

The Macquarie Park precinct has experienced significant growth in recent years and is expected to continue its redevelopment and diversification with forecasts of it doubling its number of employees by 2031. Congestion levels in the study area have increased significantly in recent years. As the precinct continues to grow and redevelop, it will naturally transition to include a greater proportion of conventional, CBD-style office space. As part of this transformation, transport usage will need to move away from predominantly private vehicle access to both support the centre's transformation into a more diverse commercial precinct and to simply facilitate the centre having sustainable levels of accessibility so that it can remain competitive for attracting investment. Parking provision will play a decisive role in this transformation as a key factor that can influence the transport mode share.

Three commercial/industrial parking rates are currently applicable, as follows:

- 1 space / 46m² Gross Floor Area, FSR of 1:1 in Area A;
- 1 space / 70m² Gross Floor Area, FSR 1.5:1 in Area B; and
- 1 space / 80m² Gross Floor Area, FSR 2:1 and 3:1, in Area C (within 400m of a rail station).



Residential parking rates have been excluded from this study. The residential parking rates currently applicable in the precinct are outlined in the recently approved DCP.

In general, the parking rates and parking characteristics in Macquarie Park sit somewhere between a car-dominated business park and a traditional non-CBD business centre with office towers (i.e. like Chatswood and Green Square). However, the scale of employment and traffic in Macquarie Park far exceeds other "secondary" centres in Sydney and any parking supply policy change will therefore have a significant effect on future traffic congestion levels.

Stakeholder feedback is mixed but there is a general consensus that whilst parking supply is an important commercial feature, there is some "room to move" in reducing rates in the 1/46m² GFA area (i.e. Macquarie Park Area A) before parking limitations actually affect the competitiveness of leasing space and further investment in the area.

The key issue for changing parking rates in Macquarie Park appears to be the rate of transition over time related to how quickly public transport services can be added to provide a practical alternative, and how quickly land use change can occur in Macquarie Park office space product type and in employees moving closer (on average) to Macquarie Park. Parking supply rate changes should be seen as one factor, albeit an important factor in encouraging land use and public transport changes but managed carefully as Macquarie Park transforms to a slightly different product mix.

The Business as Usual (BAU) case is estimated to result in an increase of total parking supply of approximately 10,000 spaces by 2031 to accompany the increase in GFA. As a result, the current private vehicle mode share (75%) would experience a negligible reduction (to 74%) which is insufficient to generate improvements to the current and future road network performance issues and would likely worsen current congestion levels.

The two private vehicle mode share targets investigated produced a reduced total parking supply when compared to the BAU case. With an increase in GFA of approximately 1,070,000m² and redevelopment of 50% of the existing floor space, the results indicate that:

- Achieving a 70% mode share target by 2031 would require the total increase in parking supply to be limited to approximately 3,000 to 4,000 spaces. This represents a parking space growth of 1 space per 355m² of new or redeveloped floor space, approximately; and
- Achieving a 60% mode share target by 2031 would require a total decrease in current parking supply in the order of 9,000 spaces. This means that sites that are re-developed would have their parking reduced substantially and new developments/infill would have far more restrictive parking rates.

An evaluation framework was formulated to appraise and compare various parking provision scenarios. The evaluation was based on five main criteria, as follows:

- Progress to reach the preferred mode share target of 60% by private vehicle;
- Alignment with planned building densities and areas of existing and potential PT accessibility;
- Impacts on commercial viability of continued development and competitiveness with other centres;
- Staging and implementation of parking rate changes (e.g. in line with PT upgrades); and
- Differential impacts of using significantly different rates in adjacent precincts within Macquarie Park.

ITEM 5 (continued)

ATTACHMENT 1

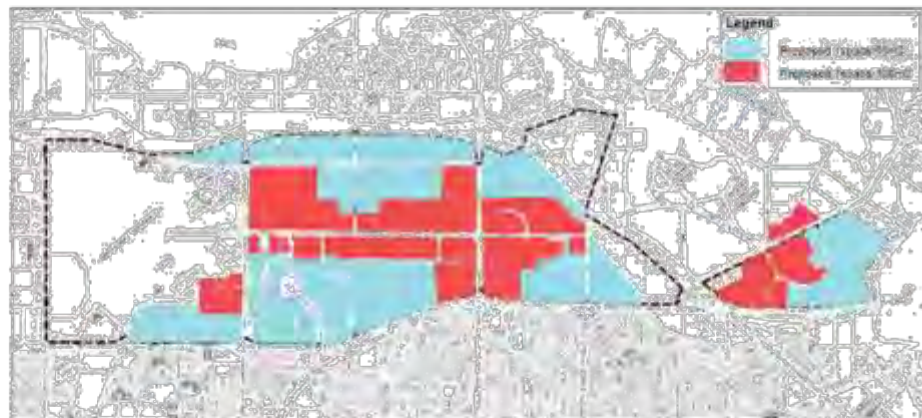
Macquarie Park Parking Rates Study



Following the scenario evaluation and feedback received from Council, it was determined that the 60% private vehicle mode share scenarios involved measures considered to be too aggressive and that this could eventually affect the precinct's competitiveness and viability.

The 70% private vehicle mode share target scenarios produced a more reasonable change in total supply, allowing overall parking supply to grow as floor space grows to 2031, while doing so at a much lower rate.

Three scenarios were evaluated to help achieve the 70% private vehicle mode share target by 2031 ("Even reduction of parking rates throughout the precinct", "Bias around stations" and "Two Zones Only"). The outcome of the evaluation process and consultation with Council was that the preferred scenario was the "Two Zones Only – 70% Private Vehicle Mode Share". This scenario consists of a parking rate of 1/60m² for commercial and industrial floor space on the outer areas and 1/100m² in the core (closer to the train stations).



The key reasons to select this scenario are as follows:

- It allows a certain differentiation between areas with better public transport provision (namely those in close proximity to the rail station);
- The differentiation introduced is not as aggressive as "Bias Around Stations" scenario, which would have the higher rate approximately four times higher than the lower rate, therefore having the potential to discourage development in the core areas and/or introduce differential impacts for sites in close proximity to one another;
- Spatially, it is aligned with Council's "Floor Height Map" for Macquarie Park which would simplify the implementation and improve consistency for different planning instruments; and
- The proposed scheme does not include any sectors with rates above 1/100 (i.e. the changes are not as pronounced when compared with other scenarios which include sections with rates of 1/150 or 1/200);

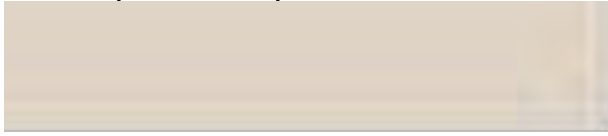
While the mode share estimations and scenarios evaluation were based on introducing the new rates now and maintaining them until 2031, the proposed strategy would benefit from having a transition / staging program to assist in gradually delivering the modified parking rates. It is also logical to combine the full implementation of the revised parking rates with improvements to the public transport service in the area, so that workers who decide to make the transition from private vehicle have an adequate alternative in public transport. This will help in gaining support from the community and stakeholders.

The implementation of the North West Rail Link (with completion estimated by early 2019) will constitute a significant improvement to public transport service in the area. Not only will it directly connect Macquarie Park with residential catchments to the west of Epping, but it will also increase train frequency in the Epping to Chatswood Rail Link (claimed to be converted to "one train every four minutes during the peak periods"). This upgrade is a logical trigger after which the modified parking rates could be made fully operational. Until then, a transition period could be applied in which the new rates would only apply to "new development". Any re-development would be allowed to maintain current parking supply (that is, where the new rates would result in a reduction of parking spaces, this would be waived so that current supply could be kept).

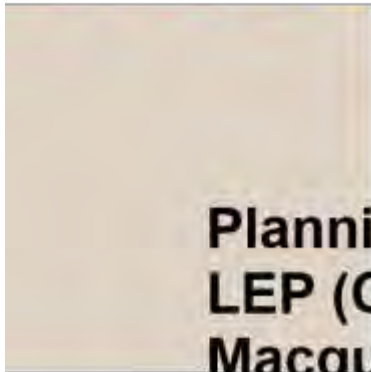
A staged implementation also allows other initiatives to be planned and delivered such as bus service improvements and walking / cycling facilities, which would assist achieving a successful balance of different mode shares while overall parking provision is reduced (in proportion to the overall floor area).

ITEM 5 (continued)

ATTACHMENT 2



 City of Ryde
Lifestyle and opportunity @ your doorstep



Strategic City Department

**Planning Proposal
LEP (Car parking in
Macquarie Park) 2016**

ITEM 5 (continued)

ATTACHMENT 2



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Introduction

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. This planning proposal has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (in particular section 55) and relevant guidelines produced by the Department of Planning and Environment, including "A Guide to preparing Planning Proposals".

The Department of Planning and Environment requires a Planning Proposal to cover six main parts which form the basis of this document as follows:

- Part 1 – Statement of Objectives and Intended Outcomes of the proposed LEP
- Part 2 – Explanation of the Provisions to be included in the LEP
- Part 3 – Justification of objectives, outcomes and process for implementation
- Part 4 – Maps to identify intent and applicable area
- Part 5 – Community Consultation proposed to be undertaken on the Draft LEP
- Part 6 – Project timeline - anticipated timeframe for the making of the LEP

Background

At its meeting on the 22 September 2015 Council resolved (inter-alia):

- (a) *That Council prepare a Planning Proposal to amend Ryde Local Environmental Plan 2014, including amending Clause 4.5B Macquarie Park Corridor and the Macquarie Park Corridor Parking Restrictions Maps to change the commercial car parking rate in the B4, B3 and B7 zones to 1 space / 60m² GFA in Area A, and 1 space / 100m² GFA in both Areas B and C.*

Ryde Local Environmental Plan 2014 (RLEP2014) Clause 4.5B outlines objectives for car parking in the Macquarie Park Corridor. The car parking requirements for commercial and industrial development are specified on the RLEP2014 Macquarie Park Corridor Parking Restrictions Maps, and include three parking rates depending on site location:

- 1/46m² gross floor area
- 1/ 70m² gross floor area
- 1/ 80m² gross floor area

ITEM 5 (continued)

ATTACHMENT 2



1.0 Objectives or Intended Outcomes

This part of the planning proposal responds to Section 55(1) of the Environmental Planning and Assessment Act 1979 which requires an explanation of what is planned to be achieved by the proposed amendments to RLEP2014.

The intent of this Planning Proposal (PP) is to:

1. Remove the parking rates from RLEP2014 and insert them into Ryde Development Control Plan 2014 (RDCP2014). This PP involves the following amendments to RLEP2014:
 - a. Delete the Macquarie Park Corridor Parking Restrictions Maps;
 - b. Amend Clause 4.5B Macquarie Park Corridor to remove subclause (1) and (2); and
 - c. Remove the definition of the Macquarie Park Corridor Parking Requirements Map from the Dictionary.
2. Include properties at 14-58 Delhi Road and 3 Plassey Road, Macquarie Park on the RLEP2014 Centres Map; and
3. Remove Clause 4.5B subclause (4)(b) to correct a drafting error.

This is considered appropriate for the following reasons:

1. Including car parking requirements in a Local Environmental Plan is not consistent with the Standard Instrument LEP and is contrary to advice from the Department of Planning and Environment that car parking controls are a local matter which should be included in a Development Control Plan;
2. This will be consistent with the car parking requirements for all other development types/ in all other parts of City of Ryde which are within the RDCP2014;
3. The Bitzios study recommends a number of incremental changes to the parking requirements to be implemented over the next decade. Implementing these amendments would be more easily facilitated amendments to RDCP2014 than as individual PPs.
4. To correct some existing anomalies.

ITEM 5 (continued)

ATTACHMENT 2



2.0 Explanation of Provisions

The proposed outcomes identified in the previous part of the PP of removing the car parking rates for the Macquarie Park Corridor from RLEP2014.

Schedule of amendments to RLEP2014

LEP part	Proposed change
Macquarie Park Corridor Parking Restrictions Maps	Delete maps MPP_004, MPP_005, MPP_008 and MPP_009
Centres Map	Amend map CEN_009 to include 14-58 Delhi Road and 3 Plassey Road, Macquarie Park in the Macquarie Park Corridor
Clause 4.5B Macquarie Park Corridor	<p>Amend by deleting Clause 4.5B subclause (1), (2) and (4)(b) as shown below:</p> <p>4.5B Macquarie Park Corridor</p> <p>(1) Off-street car parking controls The objectives for off-street parking controls in the Macquarie Park Corridor are as follows:</p> <p>(a) to encourage the use of alternative types of transport by providing for accessibility by pedestrian, cycling and public transport,</p> <p>(b) to ensure that local car parking is available.</p> <p>(2) The maximum number of off-street parking spaces for commercial and industrial development in the Macquarie Park Corridor is the number identified on the <u>Macquarie Park Corridor Parking Restrictions Map</u>.</p> <p>(3) Land uses in Zone B7 The objectives for development on land in Zone B7 Business Park within the Macquarie Park Corridor are as follows:</p> <p>(a) to provide for the daily convenience needs of employees and visitors,</p> <p>(b) to ensure that development supports the needs of businesses and organisations in the area.</p> <p>(4) Despite any other provision of this Plan, development consent must not be granted for the erection of a building on land in Zone B7 Business Park in the Macquarie Park Corridor for the purposes of a function centre, neighbourhood shop, registered club or restaurant or cafe unless the total floor space of the building:</p> <p>— (a) will not exceed 500 square metres for each individual land use or an area equivalent to 5% of the site area for each individual land use, whichever is the greater, in relation to that land, and</p>

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ATTACHMENT 2



	<p>— (b) the building is a single-storey building.</p> <p>(5) Despite any other provision of this Plan, development consent must not be granted for carrying out development on land in Zone B3 Commercial Core in the Macquarie Park Corridor for the purposes of a serviced apartment unless:</p> <p>(a) the development comprises at least 2 self-contained dwellings, and</p> <p>(b) all of the dwellings are on the same lot.</p>
Dictionary	<p>Delete the definition of Macquarie Park Corridor Parking Restrictions Map:</p> <p><i>Macquarie Park Corridor Parking Restrictions Map</i> means the <u>Ryde Local Environmental Plan 2014 Macquarie Park Corridor Parking Restrictions Map.</u></p>

Properties in Delhi Road and Plassey Road

A number of existing commercial properties on the northern side of Delhi Road, Macquarie Park (as shown in Figure 1 below) are not currently identified as being part of the Macquarie Park Corridor on the RLEP2014 Centres Map. This was a drafting oversight.



Figure 1: Location of 14-58 Delhi Road and 3 Plassey Road, Macquarie Park

These sites have historically been identified as part of the Macquarie Park Corridor. They are zoned B3 Commercial Core and B7 Business Park, and are identified on the RLEP2014 MPC Precinct Map, MPC Parking Restrictions Maps and MPC Incentive Floor Space Ratio map.

This Planning Proposal seeks to amend the RLEP2014 Centres Map to include the properties at 14-58 Delhi Road and 3 Plassey Road, Macquarie Park in the 'Macquarie Park Corridor'.

ITEM 5 (continued)

ATTACHMENT 2



3.0 Justification

Section 55 (3) of the Environmental Planning and Assessment Act 1979 enables the Director-General to issue requirements with respect to the preparation of a PP. This section responds to all matters to be addressed in a PP – including Director-General's requirements for the justification of all PPs (other than those that solely reclassify public land).

3.1 Need for the Planning Proposal

3.1.1 Is the planning proposal a result of any strategic study or report?

The PP has been prepared in response to a study of the car parking rates in the Macquarie Park Corridor conducted by Bitzios Traffic Consulting. This study recommended amending Council's car parking controls to move toward achieving a 70% private vehicle modal split by 2031, by having a staged approach to the reduction of parking requirements. This PP implements the recommendation of that study by removing the parking controls from RLEP2014 and including new reduced parking rates in Ryde DCP2014.

The sites at 14-58 Delhi Road and 3 Plassey Road, Macquarie Park are zoned B3 Commercial Core and B7 Business Park, and are identified on the RLEP2014 MPC Precinct Map, MPC Parking Restrictions Maps and MPC Incentive Floor Space Ratio map. These sites are intended to be included in the Macquarie Park Corridor on the RLEP2014 Centres Map to correct an anomaly.

The amendments to Clause 4.5B subclause (4)(b) are also required to correct an anomaly.

3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes?

A PP under the Environmental Planning and Assessment Act which proceeds as an amendment to RLEP2014 is the only means to achieve the removal of the car parking controls from RLEP2014 and the inclusion of additional sites on the Centres Map. Incorporating the car parking controls in RDCP2014 will allow future changes to the car parking rate to be implemented (as recommended in the Bitzios study) without the need for a PP.

3.2 Relationship to strategic planning framework

This section discusses relevant strategic planning documents and their relationship to the PP.

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3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

In December 2014 the NSW Government released Sydney's Metropolitan Plan "A Plan for Growing Sydney". The PP is consistent with this Plan.

The proposed amendments to RDCP2014 to reduce the amount of parking provided is consistent with Action 1.6.2 "Invest to improve infrastructure and remove bottlenecks to grow economic activity".

3.2.2 Is the planning proposal consistent with the local council's local strategy, or other local strategic plan?

City of Ryde 2021 Community Strategic Plan

The Community Strategic Plan sets out the future vision for the City of Ryde. The plans set the desired outcomes and the aspirations of the community, and the goals and strategies on how they will be achieved. The outcomes relevant to this PP is A City of Connections, and the strategy "to encourage the use of environmentally friendly transport options".

Local Planning Study (LPS)

Council adopted *Local Planning Study (December 2010)*. This study informed the preparation of RLEP2014.

The PP supports the Action 8.4.3.6 "Planning for Parking" and in particular:

Principle: Improve parking management in centres.

Principle: Improve parking management to encourage greater use of public transport, walking and cycling, especially for commuter trips.

Direction: Review and update City of Ryde parking controls.

Action: Carry out a parking study which will inform sustainable transport and economic development and guide DCP controls.

The LPS Transport Study recommended that car dependence should be reduced through development that supports public transport, cycling and walking. The Study also recommended that a parking study be undertaken to inform sustainable transport and economic development, to facilitate a shift in modal split for the journey to work.

Macquarie Park Corridor Parking Study

The 'Macquarie Park Corridor Parking Study' (2009) outlined a number of short and medium term actions including a review of the commercial car parking rates within 5 years.

ITEM 5 (continued)

ATTACHMENT 2



3.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

A summary assessment of the PP in terms of State Environmental Planning Policies (SEPPs) is contained in the table below (Table 1).

This assessment indicates that the draft amendments to RLEP2014 contained in this PP is consistent with all relevant SEPPs.

Table 1 – Consistency with relevant SEPPs

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP No 19 Bushland in Urban Areas			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 21 Caravan Parks			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 30 Intensive Agriculture			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)			✓	Applies to all urban land. Not relevant to the proposed amendment
SEPP No 33 Hazardous and Offensive Development			✓	Applies to the whole of the State. Not relevant to the proposed amendment
SEPP No 50 Canal Estate Development			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 55 Remediation of Land			✓	Applies to the whole of the State.
SEPP No.62 Sustainable Aquaculture			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 64 Advertising and signage			✓	Applies to the whole of the State. Not relevant to the proposed amendment
SEPP No 65 Design Quality of Residential Flat Development			✓	Applies to the whole of the State. Not relevant to the proposed amendment.
SEPP (Affordable Rental Housing) 2009			✓	Applies to the whole of the State. Not relevant to the proposed amendment.
SEPP(BASIX) 2004			✓	Applies to the whole of the State.
SEPP (Exempt and Complying Development Codes)			✓	Applies to the whole of the State.

ITEM 5 (continued)

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State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
2008				
SEPP(Housing for Seniors or People with a Disability) 2004			✓	Applies to the whole of the State.
SEPP (Infrastructure) 2007			✓	Applies to the whole of the State.
SEPP (Major Development) 2005			✓	Applies to the whole of the State.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007			✓	Applies to the whole of the State. Not relevant to proposed amendment
SEPP (State and Regional Development) 2011			✓	Not relevant to the proposed amendment
Deemed SEPPs				
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005			✓	The PP is not inconsistent with the relevant planning principles for the Sydney Harbour Catchment.
Draft State Environmental Planning Policies				
SEPP No 66 - Integration of Land Use and Transport 2001	✓			The PP results in car parking being included in RDCP2014. The reduced rates proposed in RDCP2014 aim to reduce car dependency and support efficient public transport use.
SEPP (Competition) 2010			✓	Applies to the whole of the State

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

A summary assessment of the PP in terms of the Directions issued by the Minister for Planning under Section 117 of the *EP&A Act* (last update 1 February 2011) is contained in the Table 2).

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*.



ITEM 5 (continued)

ATTACHMENT 2



These directions apply to PPs lodged with the Department of Planning and Environment on or after the date the particular direction was issued:

Consideration of Relevant Section 117 Directions applying to PPs

Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
1. Employment and Resources				
1.1 Business and Industrial Zones Objectives are:- o Encourage employment growth in suitable locations o Protect employment land in business and industrial zones and o Support the viability of identified strategic centres.	✓			The PP does not propose any change to the amount of employment generating land.
3. Housing, Infrastructure and Urban Development				
3.4 Integrating Land Use and Transport	✓			The DCP amendments associated with this PP are consistent with the objectives of the Direction which aims to reduce travel demand.
7. Metropolitan Planning				
7.1 Implementation of the Metropolitan Plan for Sydney 2036.	x			See adjacent comment

3.3 – Environmental, social and economic impact

3.3.1 Impact on Critical Habitat, Threatened Species and Ecological Communities

The PP will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats nor is it expected to have any adverse environmental effects.

4.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

ITEM 5 (continued)

ATTACHMENT 2



The PP intends to contribute positively to traffic congestion by moving towards a target of 70% private vehicle mode share by 2031 for Macquarie Park which will be a positive environmental benefit. The likely traffic impacts have been addressed in the Macquarie Park Parking Rates Study.

4.3.3 Has the planning proposal adequately addressed any social and economic effects?

The PP will not result in any social or economic impacts.

3.4 State and Commonwealth interests

3.4.1 Is there adequate public infrastructure for the planning proposal?

The planning proposal will not place additional demands on public infrastructure.

3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The RMS will be consulted with as part of the consultation process associated with the exhibition of the PP.

The PP does not raise any issues that are expected to be of concern to any other State or Commonwealth public authority.

Any State or Commonwealth authority that is identified in the gateway determination will be consulted following that determination.

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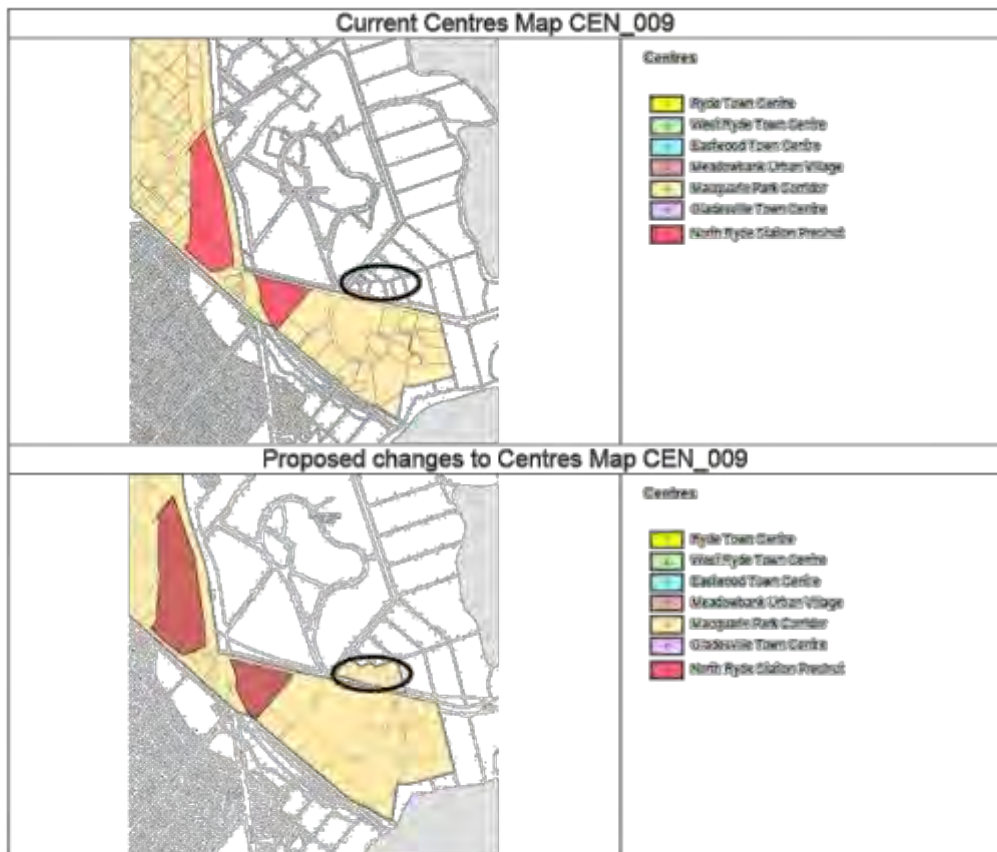
ATTACHMENT 2



4.0 Mapping

Maps identifying the intent of the PP are provided below.

Map	Proposed amendment
Macquarie Park Corridor Parking Restrictions Maps	Delete maps MPP_004, MPP_005, MPP_008 and MPP_009 (copy at Attachment 1)
Centres Map	Amend map CEN_009 to include 14-58 Delhi Road and 3 Plassey Road, Macquarie Park in the Macquarie Park Corridor



ITEM 5 (continued)

ATTACHMENT 2



5.0 Community Consultation

This section provides details of the community consultation that is to be undertaken on the planning proposal:

The community consultation process to be undertaken for this PP is expected to be undertaken in the following manner for a period of 4 weeks:

- o written notice given:
 - in the local newspaper circulating in the area;
 - on Council's webpage;
 - to subject landowners and key stakeholders;
 - to local state government representatives; and
 - consultations considered necessary by the Department of Planning and Environment with relevant State and Commonwealth authorities.

- o the written notice will:
 - provide a brief description of the objectives and intended outcomes;
 - indicate the land affected;
 - state where the planning proposal can be inspected;
 - indicate the last date for submissions; and
 - confirm whether the Minister has chosen to delegate the making of the LEP.

- o The following materials will be placed on exhibition:
 - the PP;
 - the Gateway determination; and
 - the associated draft amendments to RDCP2014.

One community drop-in session will be held during the exhibition period.

6.0 Project Timeline

1. Planning Proposal submitted to Gateway	June 2016
2. Gateway determination received by Council	August 2016
3. Community consultation (4 weeks)	Sep/ Oct 2016
4. Outcomes of Community consultation Presented to Council	December 2016
6. PP submitted to DoPE requesting notification on Government website	February 2017

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ATTACHMENT 2



**Attachment 1- Current RLEP2014 Macquarie Park
Corridor Parking Restrictions Maps**

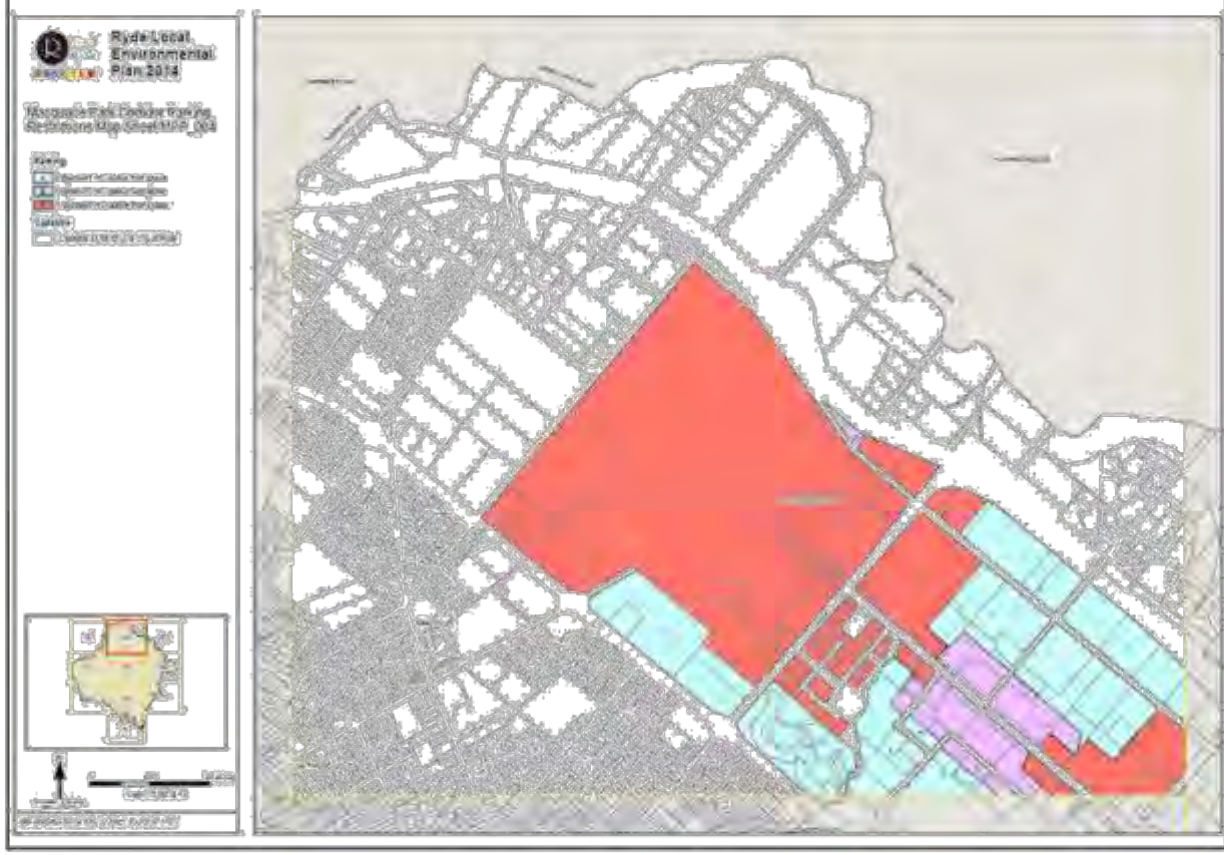
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ATTACHMENT 2

Urban Planning Unit

Planning Proposal for
Competition in
Macquarie Park

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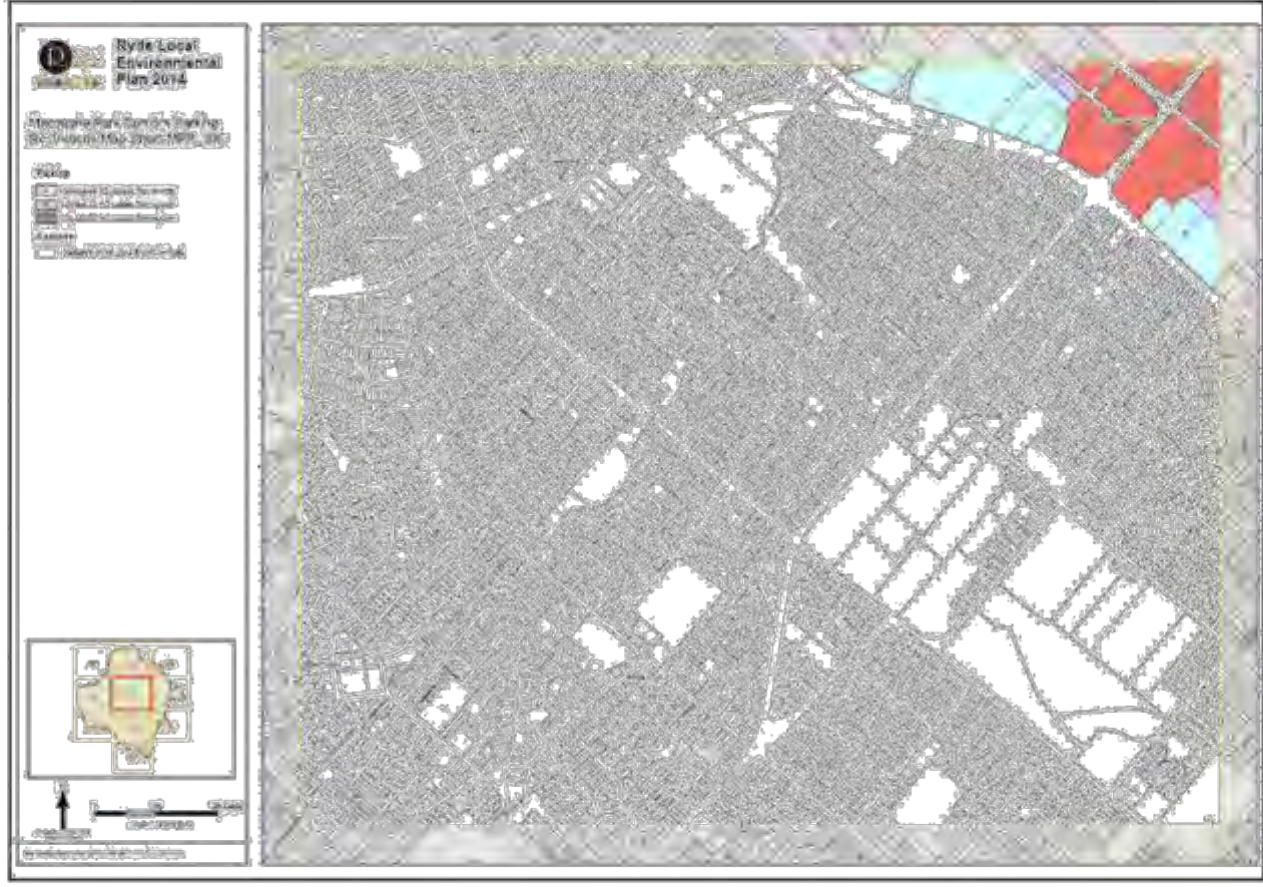
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ATTACHMENT 2

Urban Planning Unit

Planning Proposal 666
(Clear parking in Macquarie Park)

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Lifestyle and opportunity @ your doorstep

ITEM 5 (continued)

ATTACHMENT 2

Urban Planning Unit

Planning Proposal for
Car-parking in
Macquarie Park

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ITEM 5 (continued)

ATTACHMENT 2

Urban Planning Unit

Planning Proposal for
Car parking in
Macquarie Park

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ITEM 5 (continued)

ATTACHMENT 3



**Part: 4.5
Macquarie Park Corridor**



ITEM 5 (continued)

ATTACHMENT 3

4.5

Macquarie Park Corridor

TRANSLATION

ENGLISH

If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 9.30am to 4.30pm or telephone the Telephone and Interpreting Service on 131 450 and ask an interpreter to contact the City of Ryde for you on 0002 0222.

ARABIC

إذا لم تفهم هذا المستند، يرجى الحضور إلى مركز مدينة ريد، 1 شارع ديفلين، ريد، من الاثنين إلى الجمعة من الساعة 9:30 صباحاً إلى الساعة 4:30 مساءً، أو الاتصال بالخدمة الهاتفية والتفسيرية على الرقم 131 450، وتطلب من المترجم الاتصال بمكتب مدينة ريد على الرقم 0002 0222 نيابة عنك.

ARMENIAN

Եթե այս փաստաթուղթը չեմ հասկանում, ցիվիկական կենտրոնում (Ryde Civic Centre, 1 Devlin Street, Ryde) կարող եմ հարցնել կամ ժամը 9:30 - կեսը մինչև 4:30, կամ հեռախոսով հասնելու է հարցազրույցի հարմարեցված 131 450 կոմպիլեյթ սերվիսին կամ հարցազրույցի հարմարեցված 0002 0222 թվով:

CHINESE

如果您看不懂中文，請於週一至週五上午 9 時 30 分至下午 4 時 30 分前往 Ryde 市政中心(即 Ryde Civic Centre, 地址: 1 Devlin Street, Ryde), 或致電 131 450 查詢。如有需要, 請聯絡社區服務中心, 電話號碼: 131 450, 查詢詳情可以致電一位傳譯員與您訂下電話預約 Ryde 市政廳查詢, 電話是: 0002 0222。

FARSI

اگر این سند را نمی فهمید لطفاً از ساعت 9:30 صبح تا 4:30 بعد از ظهر در مرکز شهرداری راید، 1 Devlin Street, Ryde Monday to Friday 9.30am to 4.30pm یا به سرویس تلفنی ترجمه و تفسیر شماره 131 450 تماس بگیرید و از مترجم بخواهید که برای شما با شهرداری راید تماس بگیرد. شماره 0002 0222

GERMAN

Se non capite il presente documento, siete pregati di recarvi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 9.30 alle 16.30, dai lunedì al venerdì; oppure potete chiamare il Telephone Translating and Interpreting Service al 131 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 0002 0222.

KOREAN

이 문서가 무슨 의미인지 모르실 경우에는 1 Devlin Street, Ryde 에 있는 Ryde Civic Centre 로 오시기 바랍니다 (월 - 금, 오전 9:30 - 오후 4:30), 전화 131 450 번호로 전화 통해 서비스의 언어서비스를 통해서라도 어쨌든 최신 Ryde 시정에 전화 0002 0222 번호로 연락을 부탁하십시오.

Amend #	Date Approved	Effective date	Subject of Amendment
	23 June 2015	1 July 2015	<p>Updated to</p> <ul style="list-style-type: none"> • support Ryde LEP • reflect NSW legislation • provide amended open space and access networks • support sustainable transport and • consequential amendments

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ATTACHMENT 3



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4.5

Macquarie Park Corridor

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ATTACHMENT 3

Macquarie Park Corridor

4.5

1.0 PRELIMINARY

1.1 Introduction

This Part provides a framework to guide future development in the Macquarie Park Corridor, North Ryde. The document specifies built form controls for all development within the Corridor, and sets in place urban design guidelines to achieve the vision for Macquarie Park as a vibrant community, as a place to live, work and visit.

1.2 Citation

This Part may be cited as City of Ryde Development Control Plan 2014, Part 4.5 - Macquarie Park Corridor.

1.3 Land Covered by this Part

The land covered by this Part is shown in the below figure, and is generally bounded by M2 Motorway and Delhi Road on the northeast, Epping Road on the southwest, Culloden Road on the northwest and Lane cove River to the southeast.

This part does not apply to the North Ryde Station ~~Urban Activation Priority~~ Precinct and the Macquarie University lands.

1.4 Relationship with other Plans and Policies

Ryde Local Environmental Plan (LEP) 2014

This DCP Part supplements the Ryde Local Environmental Plan (LEP) 2014 by providing detailed development principles, controls and guidelines. This DCP was brought into effect ~~{insert-date}~~ 1 July 2015 to support planning incentives contained in Ryde LEP 2014 Amendment 1 (Macquarie Park).

In addition to this Part, Ryde LEP 2014, [State Environmental Planning Policy 65 – Design Quality of Residential Flat Development \(SEPP 65\)](#) and other relevant State Environmental Planning Policies must also be taken into account when making a development application.

Herring Road Urban Activation Precinct – now known as a Priority Precinct

~~The Draft Herring Road Urban Activation Precinct (UAP) completed exhibition mid-August 2014. The exhibition documents proposed that this DCP applied to the Herring Road UAP land and suggested amendments. The suggested amendments will be incorporated in this DCP when the Herring Road UAP is finalised.~~

North Ryde Station Urban Activation Precinct – now known as a Priority Precinct

~~This DCP Part does not apply to the North Ryde Station Urban Activation Precinct – now known as a Priority Precinct~~

Macquarie University (shown pale yellow on Figure 1.3.1)

~~Under the provisions of SEPP (State and Regional Development) the university is listed as a State Significant Site, where development exceeds a capital value of \$30M. Under this SEPP the Ryde DCP does not apply.~~

~~The university has an existing Part 3A Concept Plan approval dated 2009. The Part 3A approval applies under the transitional provisions in the SEPP (Major Development). Development in the~~

ITEM 5 (continued)

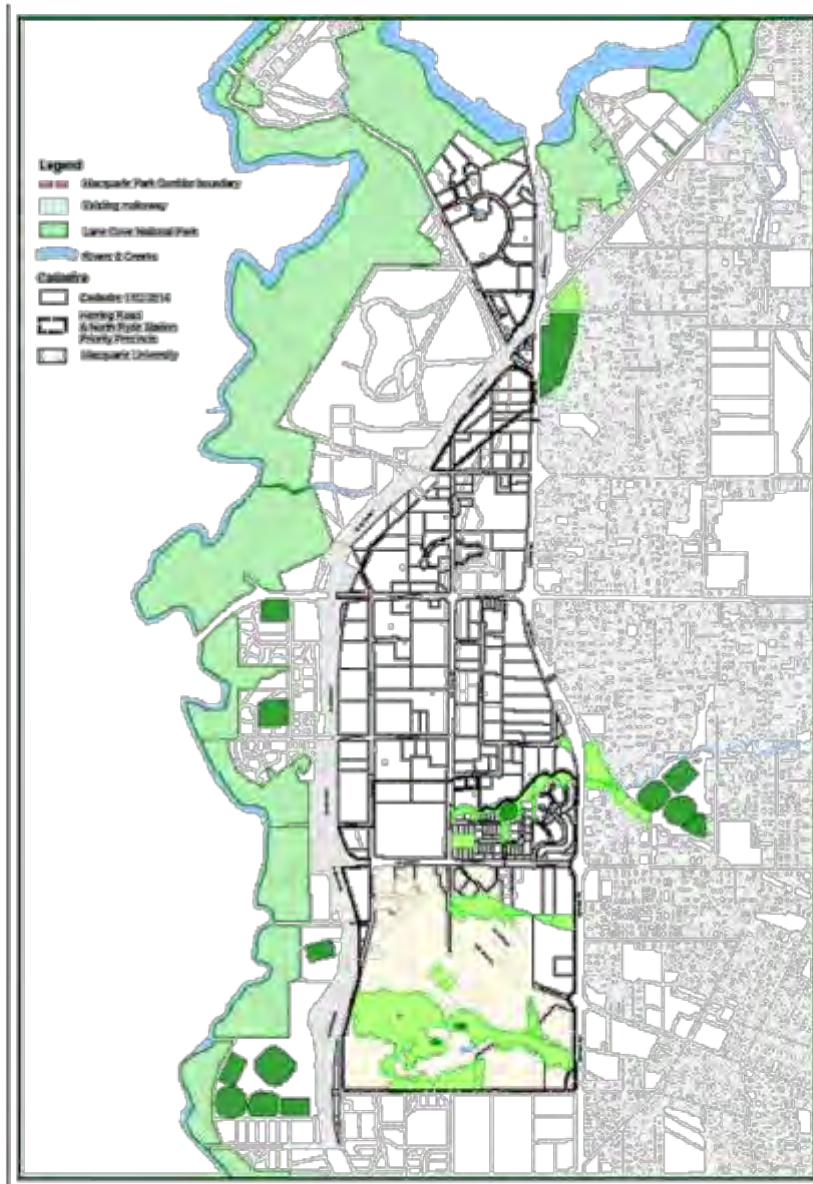
ATTACHMENT 3

4.5

Macquarie Park Corridor

university is governed by the Part 3A approved Concept Plan and the Macquarie University Urban Design Guidelines and Design Excellence Strategy.

Figure 1.3.1 Land covered by this part



ITEM 5 (continued)

ATTACHMENT 3

Macquarie Park Corridor

4.5

1.5 Aims and Purpose of this Part

The purpose of this Part is to provide objectives, controls and design criteria to achieve desirable development outcomes in line with Council's vision for the Macquarie Park Corridor.

The key aims of this Part are to:

1. To ensure that the Corridor matures into a premium location for globally competitive businesses with links to the university.
2. To ensure that the employment and educational activities within the Corridor are integrated with other businesses and activities within Sydney's global economic arc.
3. To reinforce the importance of the economic function of the Corridor and facilitate employment growth now and into the future. (This will include retaining employment lands)
4. To create a centre that is sustainable and that incorporates the principles of ecologically sustainable development
5. To ensure the Corridor will be characterised by a high-quality, well-designed and safe environment that reflects the natural setting and promotes a sense of identity.
6. To create an urban structure that will:
 - a. Promote a balance of commercial and non-commercial (such as educational and residential) uses within the corridor
 - b. Promote the commercial core and business park areas for commercial activity and employment
 - c. Provide a transition from the more intense development along the main boulevard - Waterloo Road - to peripheral areas characterised by lower scaled development
 - d. Focus street and place-making activities to create three accessible and vibrant railway station precincts.
 - e. Capitalise on magnet infrastructure, facilities and services such as the M2, Macquarie University and Macquarie Shopping Centre.
7. To create an access network that will:
 - a. Achieve a more permeable network promoting greater connectivity and integration between land uses and the station precincts.
 - b. Achieve a safe and convenient pedestrian environment that encourages public transport use and social interaction.
 - c. Create additional streets that will
 - i. Reduce pressure on the existing road and pedestrian infrastructure,
 - ii. Provide new opportunities for business and street addresses
8. To create an open space network that will:
 - a. Include a network of diverse active and passive recreation spaces to support the residential and working populations of the Corridor.
 - b. Provide safe, accessible, sustainable, well used and designed public open spaces within the Corridor.

ITEM 5 (continued)

ATTACHMENT 3

4.5

Macquarie Park Corridor

1.6 How to use this Plan

SECTION	INTENDED EFFECT
1.0 PRELIMINARY 1.1 Introduction 1.2 Citation 1.3 Land Covered by this Part 1.4 Relationship with other Plans and Policies 1.5 Aims and Purpose of this Part 1.6 How to use this Plan	<i>This section gives an overview of the Draft-DCP and its relationship with other plans</i>
2.0 VISION	<i>Describes the future character of the Macquarie Park Corridor (derived from consultation and the Sydney Metro Strategy)</i>
3.0 THE STRUCTURE PLAN 3.1 Introduction 3.2 Urban Structure Plan	<i>Provides an urban structure plan that articulates the land use structure of the Macquarie Park Corridor including</i> <ul style="list-style-type: none"> - where residential communities will develop, - the locations of the business and retail cores - the lower scaled, open landscaped, business parks located on the fringes of the corridor adjoining Epping Road, the M2
4.0 ACCESS NETWORK 4.1 Streets 4.2 Pedestrian Connections 4.3 Bicycle Network 4.4 Sustainable Transport	<i>This section of the draft DCP includes the Access Network Map adopted by Council on 22 October 2103 and controls which support the Access Network</i>
5.0 PUBLIC DOMAIN 5.1 Open Space Network 5.2 New open space 5.3 Central Park 5.4 Shrimpton's Creek Park 5.5 Riverside Park 5.6 Thomas Holt Drive Park 5.7 Rail Station Plaza 5.8 Street Tree and Front Tree Planting 5.9 Community Facilities 5.10 Public Art	<i>This section gives guidance to the scale, function, furniture and other requirements for proposed open space.</i> <i>Guidance is also given to the provision of public art and community facilities.</i>

ITEM 5 (continued)

ATTACHMENT 3

Macquarie Park Corridor

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<p>6.0 IMPLEMENTATION – INFRASTRUCTURE, FACILITIES AND PUBLIC DOMAIN IMPROVEMENTS</p>	<p><i>This section includes guidelines for the implementation of planning incentives (additional building height and floor space defined in RLEP Amendment 1) in return for public infrastructure. In particular streets and parks identified in sections 4 and 5 of the DCP</i></p>
<p>7.0 BUILT FORM 7.1 Site Planning and Staging 7.2 Activity Centres Structure Plan 7.2 Active frontage 7.3 Setbacks and Build-to Lines 7.4 Awnings and Canopies 7.6 Rear Setbacks 7.7 Building Separation 7.8 Building Bulk and Design</p>	<p><i>This section of the draft-DCP provides controls that determine building design and form – such as setbacks, active frontage and building separation.</i></p> <p><i>Information regarding the zone of influence for the underground rail line (which impacts on setbacks and basement areas) has also been included in the DCP.</i></p>
<p>8.0 SITE PLANNING AND STAGING 8.1 Site Planning and staging 8.2 Site Coverage, Deep Soil Areas and private open space 8.3 Planting on Structures 8.4 Topography and Building Interface 8.5 Site Facilities 8.6 Vehicular Access 8.7 On-site Parking 8.8 Fencing</p>	<p><i>This section of the draft-DCP provides controls that determine the overall site layout and design – such as parking design requirements, site coverage and deep soil requirements and even fencing design guidelines (to provide council the basis for not accepting high security fencing (that includes razor wire) such as that around at least one existing data centre in the Macquarie Park Corridor).</i></p>
<p>9.0 ENVIRONMENTAL PERFORMANCE 9.1 Wind Impact 9.2 Noise and Vibration 9.3 Bushfire Management 9.5 Soil Management</p>	<p><i>This section of the DCP ensures that environmental comfort (wind and noise) are considered in addition to property protection and safety (bushfire).</i></p>

ITEM 5 (continued)

ATTACHMENT 3

Macquarie Park Corridor

4.5

- d. For all development (excluding residential development) the FTP must also:
- v. Identify measures in an Action Plan that will implement the 40% public transport/ 60% private transport target for the journey to work, including appointing a Travel Plan co-ordinator, minimising drive alone trips to work, encouraging walking, cycling, car sharing, carpooling and public transport use.
- e. Provide a final Travel Plan to Council for certification prior to the issue of any occupation certificate.

Note: Landowners should consult with the City of Ryde for the latest Travel Plan Guidelines. Landowners can also contact the Macquarie Park Travel Management Association (Connect- Macquarie Park + North Ryde) for further information and potential assistance with the development of Travel Plans.

Administrative Guidelines will include details of information that is proposed to be provided to City of Ryde Council in an annual monitoring report. Such information will monitor how the Action Plan is implemented including the journey-to-work modal split, actions undertaken and opportunities for improvement and future action etc. The annual monitoring report is to be submitted to Council for a minimum of 5 years after the issue of any occupation certificate.

Parking Rates

- f. Bicycle parking and end of trip facilities are to be provided in accordance with Ryde DCP Part 9.3 Parking.
- g. Parking is to be provided in accordance with DCP Part 9.3 Parking ~~and clause 4.5B (2) Ryde LEP 2014~~
- ~~h. Car parking within residential development is to be provided in accordance with the following maximums:~~
- ~~● 0.6 space / one bedroom dwelling~~
 - ~~● 0.9 spaces / two bedroom dwelling~~
 - ~~● 1.4 spaces / three bedroom dwelling~~
 - ~~● 1 visitor space / 10 dwellings~~
 - ~~● 1 car share space per 50 proposed parking spaces.~~

Note: Development approval will be conditioned to require that the proponent demonstrate that an agreement with a car-share provider is executed prior to the issue of any Occupation Certificate (including an "Interim" Occupation Certificate)

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ATTACHMENT 4



ITEM 5 (continued)

ATTACHMENT 4

9.3 Parking Controls

Translation

ENGLISH

If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 8.30am to 4.30pm or telephone the Telephone and Interpreting Service on 131 450 and ask an interpreter to contact the City of Ryde for you on 9952 8222.

ARABIC

إذا لم تفهم هذا المستند، يرجى الحضور إلى مركز بلدية رايد Ryde Civic Centre على العنوان: 1 Devlin Street, Ryde من الاثنين إلى الجمعة بين الساعة 8.30 صباحاً والساعة 4.30 بعد الظهر، أو الاتصال بمكتب خدمات الترجمة على الرقم 131 450 لكي يطلب من أحد المترجمين الاتصال بمجلس مدينة رايد، على الرقم 9952 8222، نيابة عنك.

ARMENIAN

Եթե այս գրությունը չէք հասկնալ, ինչպես նվեր՝ Բայդ Սիվիկ Սենթրը, 1 Տեվլին փողոց, Բայդ, (Ryde Civic Centre, 1 Devlin Street, Ryde) Երկուշաբթիից Գինգար կառ. ժամը 8.30 – կառ. ժամը 4.30, կամ հեռախոսակցելով Վեռմանթին և Քոնալանթանի Արարկություններ 131 450, և, ինչպեսզք որ արագմանից մը Բայդ Քաղաքապետարանին հար կառ հասարակ ձեղի համար, հեռախոսակցելով՝ 9952 8222 թիվիև:

CHINESE

如果您看不懂本文，請在周一至周五上午 8 時 30 分至下午 4 時 30 分前往 Ryde 市政中心詢問 (Ryde Civic Centre, 地址: 1 Devlin Street, Ryde)。您也可以打電話至電話傳譯服務中心，電話號碼是: 131 450。接聽後您可以要求一位傳譯員為您打下電話和 Ryde 市政廳聯繫，電話是: 9952 8222。

FARSI

اگر این مدرک را نمی فهمید لطفاً از صبح تا 4.30 بعد از ظهر دوشنبه تا جمعه به مرکز شهرداری رايد، Ryde Civic Centre, 1 Devlin Street, Ryde مراجعه کنید یا به سرویس مترجم تلفنی شماره 131 450 تلفن بزنید و از یک مترجم بخواهید که از طرف شما با شهرداری رايد شماره 9952 8222 تلفن بزند.

ITALIAN

Se non capite il presente documento, siete pregati di rivolgervi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 8.30 alle 16.30, dal lunedì al venerdì; oppure potete chiamare il Telephone Translating and Interpreting Service al 131 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 9952 8222.

KOREAN

이 문서가 무슨 의미인지 모르실 경우에는 1 Devlin Street, Ryde 에 있는 Ryde Civic Centre 로 오시거나 (월 – 금, 오전 8:30 – 오후 4:30), 전화 131 450 번으로 전화 통역 서비스에 연락하셔서 통역사에게 어려본 대신 Ryde 시청에 전화 9952 8222 번으로 연락을 부탁하십시오.

Amend. No.	Date approved	Effective date	Subject of amendment
1	10 March 2015	1 April 2015	Clause 2.6 to align with Ryde S94 Development Contributions Plan & Ryde LEP 2014

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ATTACHMENT 4

Parking Controls
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ATTACHMENT 4

9.3 Parking Controls



ITEM 5 (continued)

ATTACHMENT 4

1.0 INTRODUCTION

1.1 Objectives of this Part

Objectives

Recognising the varying degrees of availability of public transport within Ryde, the aim of this Part of Ryde DCP is to provide a comprehensive guide for the provision of parking for new development in order:

1. To minimise traffic congestion and ensure adequate traffic safety and management;
2. To ensure an adequate environmental quality of parking areas (including both safety and amenity);
3. To minimise car dependency for commuting and recreational transport use, and to promote alternative means of transport - public transport, bicycling, and walking.
4. To provide adequate car parking for building users and visitors, depending on building use and proximity to public transport.
5. To minimise the visual impact of car parking when viewed from the public domain and adjoining sites.
6. To maximise opportunities for consolidated areas of deep soil planting and landscaping.
7. To reduce congestion in the Macquarie Park Corridor by restricting a parking for commercial and industrial development to work towards achieving a target of a 70% private vehicle mode share by 2031.

1.2 General Principles

- a. In the event of a discrepancy between the parking rates specified in this Part of the Ryde DCP and another Part of the DCP, this Part shall prevail.
- b. Council will take the following factors into account in determining car parking provision for a particular development:
 - i. The size and type of the development and its traffic generation;
 - ii. The availability and accessibility of public parking (particularly if within or close to a shopping centre);
 - iii. Traffic volumes on the street network, including expected future traffic volumes relating to the City's road hierarchy; and
 - iv. Hours of operation and any other specific characteristics of the development proposal.
- c. Council relies upon the following when considering applications:
 - AS 2890.1 Parking facilities - Off-street car parking
 - AS 2890.2 Parking facilities - Off-street commercial vehicle facilities
 - AS 2890.3 Parking facilities - Bicycle parking facilities
 - AS 2890.6 Parking facilities - Off-street parking for people with disabilities

1.3 Application

- a. This part of Ryde DCP applies to all land identified under Ryde Local Environmental Plan 2014.
- b. This part of the DCP applies to development that includes one or more of the following:
 - i. New floor space or buildings.
 - ii. Alterations or additions to any existing building, whether or not such additions or alterations involve any change in the purpose for which such buildings are used.
 - iii. Change of use.

ITEM 5 (continued)

ATTACHMENT 4

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Parking Controls

2.0 Parking Required in Respect of Specific Uses

- c. The parking rates specified in this Part of Ryde DCP do not apply to the Macquarie Park Corridor which are specified in Ryde Local Environmental Plan 2014.

2.0 PARKING REQUIRED IN RESPECT OF SPECIFIC USES

2.1 General

Controls

- a. Where the calculation of the parking required results in a fraction, the parking requirement will be rounded up to the nearest whole number.
- b. Where it is proposed to provide more parking than required, the additional parking floor space will be included in the calculation of floor space for the purposes of Floor Space Ratio calculations in accordance with Ryde Local Environmental Plan 2014.
- c. Where a change of use which, under this Part, would require the provision of a greater number of on-site parking spaces than the previous use, the amount of parking required will be the difference between the existing parking for the previous use and the amount of parking required for the proposed use.
- d. All car parking must be provided on-site.
- e. Tandem or stack parking may be carried out for a development if it is considered appropriate to the proposed development or land use/s. Tandem or stack parking will only be permitted where:
 - i. each tandem or stacked parking arrangement is limited to a maximum of two spaces;
 - ii. in residential buildings and commercial/retail developments, the spaces are attached to the same strata title;
 - iii. in residential buildings and serviced apartments, they are used for resident parking only;
 - iv. in commercial or retail development, they are used for staff parking only;
 - v. they are not used for service vehicle parking; and
 - vi. the manoeuvring of stacked vehicles is able to occur wholly within the premises.
- f. The minimum length of a tandem or stacked space is to be 10.8 m.
- g. Up to 10% of the required car spaces may be nominated as "small" car spaces within any development. Small car spaces shall comply with AS 2890.1 2004 (at least 2.3 m wide and 5.0 m long)
- h. A Traffic and Parking Impact Assessment Report will be required by Council, where:
 - i. development is likely to generate significant traffic and / or parking;
 - ii. an activity or land use is not included in Section 2.0 Parking Required In Respect of Specific Uses.

2.2 Residential Land-uses

Controls

Car parking spaces are to be provided on-site in accordance with the following requirements:

Boarding Houses

In accordance with the requirements of State Environmental Planning Policy (Affordable Rental

ITEM 5 (continued)

ATTACHMENT 4

Parking Controls

7.0 Parking Required in Respect of Specific Uses

9.3

Housing) 2009 and Part 3.6 Boarding Houses under this DCP:

Boarding Houses – accessible area:

- At least 0.2 parking spaces / boarding room (1 space / 5 boarding rooms). In terms of dwelling size this equates to:
 - At least 0.2 parking spaces / dwelling containing 1 bedroom
 - At least 0.5 parking spaces / dwelling containing 2 bedrooms
 - At least 1 parking space / dwelling containing 3 or more bedrooms
- Not more than 1 parking space for each person employed in connection with the development.

(Refer section 2.3 of Part 3.6 Boarding Houses under this DCP)

Boarding Houses – not in accessible area:

- At least 0.4 parking spaces / boarding room (2 spaces / 5 boarding rooms). In terms of dwelling size this equates to:
 - 0.5 parking spaces / dwelling containing 1 bedroom
 - 1 parking spaces / dwelling containing 2 bedrooms
 - 1.5 parking spaces / dwelling containing 3 or more bedrooms
- Not more than 1 parking space for each person employed in connection with the development.

(Refer section 2.4 of Part 3.6 Boarding Houses under this DCP)

Note: An “accessible area” is defined in State Environmental Planning Policy (Affordable Rental Housing) 2009 as amended. An accessible area is generally within 800m walking distance of a rail station or ferry wharf serviced by Sydney Ferries or 400m walking distance of a light rail station or bus stop that is serviced by at least one bus / hour Monday to Friday. Reference should be made to the SEPP for definitions of walking distance and the unbridged definition of “accessible area”

Note: Bicycle and motor cycle parking requirements also apply to boarding houses. (Refer section 2.7 under this part.)

Housing for aged and disabled

- Must be provided in accordance with State Environmental Planning Policy: Housing for Seniors or People with a Disability 2004 (the Seniors Housing SEPP).

Note: The following information is provided as a guide. Please note that the Seniors Housing SEPP may be subject to change and differs from the RMS guidelines.

Self contained dwellings

0.5 spaces / bedroom OR

1 space / 5 dwellings if developed in conjunction with a social housing provider

Residential Care Facility

1 visitor space / 10 beds AND

1 space / 2 employees AND

1 space / ambulance

Hostel

1 space / 5 dwellings AND

1 space / 2 employees AND

1 space / ambulance

ITEM 5 (continued)

ATTACHMENT 4

9.3

Parking Controls

2. A Council of Ryde Local Environment Plan 2014

Residential Development - High Density (Residential Flat Buildings)

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

Residential Development - Medium Density (Multi Dwelling Housing)

- 1 space / one bedroom or two bedroom dwelling
- 2 spaces / three or more bedroom dwelling
- 1 visitor space / four dwellings

Residential Development - Low Density

- Dwelling houses up to 2 spaces / dwelling
- Dual Occupancy 1 space / dwelling

Residential Development - Macquarie Park Corridor (as shown on RLEP 2014 Centres Map)

- 0.6 space / one bedroom dwelling
- 0.9 spaces / two bedroom dwelling
- 1.4 spaces / three bedroom dwelling
- 1 visitor space / 10 dwellings
- 1 car share space per 50 proposed parking spaces

2.3 Non-residential Land Uses

Note: Gross floor area (GFA) is separately defined within Ryde Local Environment Plan 2014.

Controls

a. Carparking spaces are to be provided on-site in accordance with the following requirements:

Child Care Centres

- 1 space / 8 children AND
- 1 space / 2 employees (see Part 3.2 Child Care Centres in this DCP).

Drive-in Takeaway Food Shops (a subset of Food and Drink Premises)

- Whichever is the greater of:
 - 1 space / 10 m² GFA OR
 - 1 space / 5 seats (internal & external)

Educational Establishment - other than schools

- 1 space / two employees AND
 - 1 space / five students
- #### Educational Establishment - Primary and Secondary Schools
- 1 space / two employees AND
 - 1 space / ten students over 17 years of age

ITEM 5 (continued)

ATTACHMENT 4

Parking Controls

2.0 Parking Required In Respect of Specific Uses

9.3

Entertainment Facility, Places of Public Worship / Assembly, Funeral Chapel and Funeral Home

- Whichever is the greater of:
 - 1 space / 10 seats OR
 - 1 space / 10 m² GFA

Health Consulting Rooms

- 1 space / doctor or dentist AND
- 1 space / 2 employees AND
- 1 patient's space/doctor or dentist

Health Services Facility

- 1 space / doctor likely to be on the premises at any one time; AND
- 1 space / two employees likely to be on duty at any one time; AND
- 1 space / four beds; AND
- 1 visitor space / four beds.

Hotel and Motel Accommodation, and Serviced Apartments

- 1 space / 1.5 units

Industry and Light Industry (other than within the Macquarie Park Corridor)

- 1.3 – 1.5 spaces / 100 m² GFA

Note: The upper end of the range should be applied to land uses that generate more traffic such as garden supplies and business parts. The parking provision and rate is to be addressed in the Statement of Environmental Effects.

Office and Business Premises (other than within the Macquarie Park Corridor)

- 1 space / 40 m² GFA

Industrial and commercial premises within the Macquarie Park Corridor (as shown on RLEP 2014 Centres Map)

For new floor space:

- 1 space / 60 m² or 1 space / 100 m² GFA as depicted in Figure 2.3.1

For alterations to existing industrial and commercial premises:

- 1 space / 46 m², 1 space / 70 m², or 1 space / 80 m² GFA as depicted in Figure 2.3.2

Note: The purpose of the two rates is to take a staged approach to the implementation of reduced car parking rates in the Macquarie Park Corridor. Parking rates for alterations to existing industrial and commercial premises are intended to be revised at a later date to be consistent with the parking rates for new floor space.

Pub and Registered Club

- 1 space / 5 m² GFA, AND
- 1 space / 10 m² GFA auditorium and games rooms
- See also Hotel Accommodation above

Recreation Facilities (indoor) / Gymnasium

- 1 – 1.5 spaces / 20 m² GFA

Note: Squash Courts are calculated at the rate of 3 spaces / court.

ITEM 5 (continued)

ATTACHMENT 4

9.3

Parking Controls

9.3.1 Parking Requirements for Proposed Development

Recreation Facilities (outdoor) / Tennis Courts

- 3 spaces / court

Research Station

- 1 space / 25 m² GFA

Restaurant / Function Centre

- 1 space / 5 m² GFA OR
- 1 space / 25 m² on all land zoned for Business activities

Note: Where the property does not have frontage to a Main or Classified Road and where the hours of operation are restricted to outside normal business hours, this requirement may be reduced at Council's discretion. Council may require a Traffic and Parking Impact Assessment Report

Retail Premises and Industrial Retail Outlet

- 1 space / 25 m² GFA

Service Stations, Vehicle Body Repair Workshop and Vehicle Repair Station

- 6 spaces / work bay (for vehicle servicing facilities) AND
- 1 space / 20 m² GFA for convenience store

Transport Depot

- 1 space / two employees
- 1 space / commercial vehicle

Vehicle sales or hire premises

- 0.75 spaces / 100 m² GFA AND
- 6 spaces / work bay (for vehicle servicing facilities)

Warehouse or Distribution Centre

- 1 space / 300 m² GFA

Other

To establish the parking rate for any development type not specified above, comparisons should be drawn with similar development and outlined in a Traffic and Parking Impact Assessment Report submitted together with the Development Application. Such comparisons should include a minimum of two case studies drawn from the Ryde Local Government Area or adjoining Local Government Areas and be prepared in accordance with the RMS Guide to Traffic Generating Development.

Note: In preparing a Traffic and Parking Impact Assessment Report, the proponent is advised to contact Council.

ITEM 5 (continued)

ATTACHMENT 4

Parking Controls 2.0 Parking Required in Respect of Specific Uses **9.3**

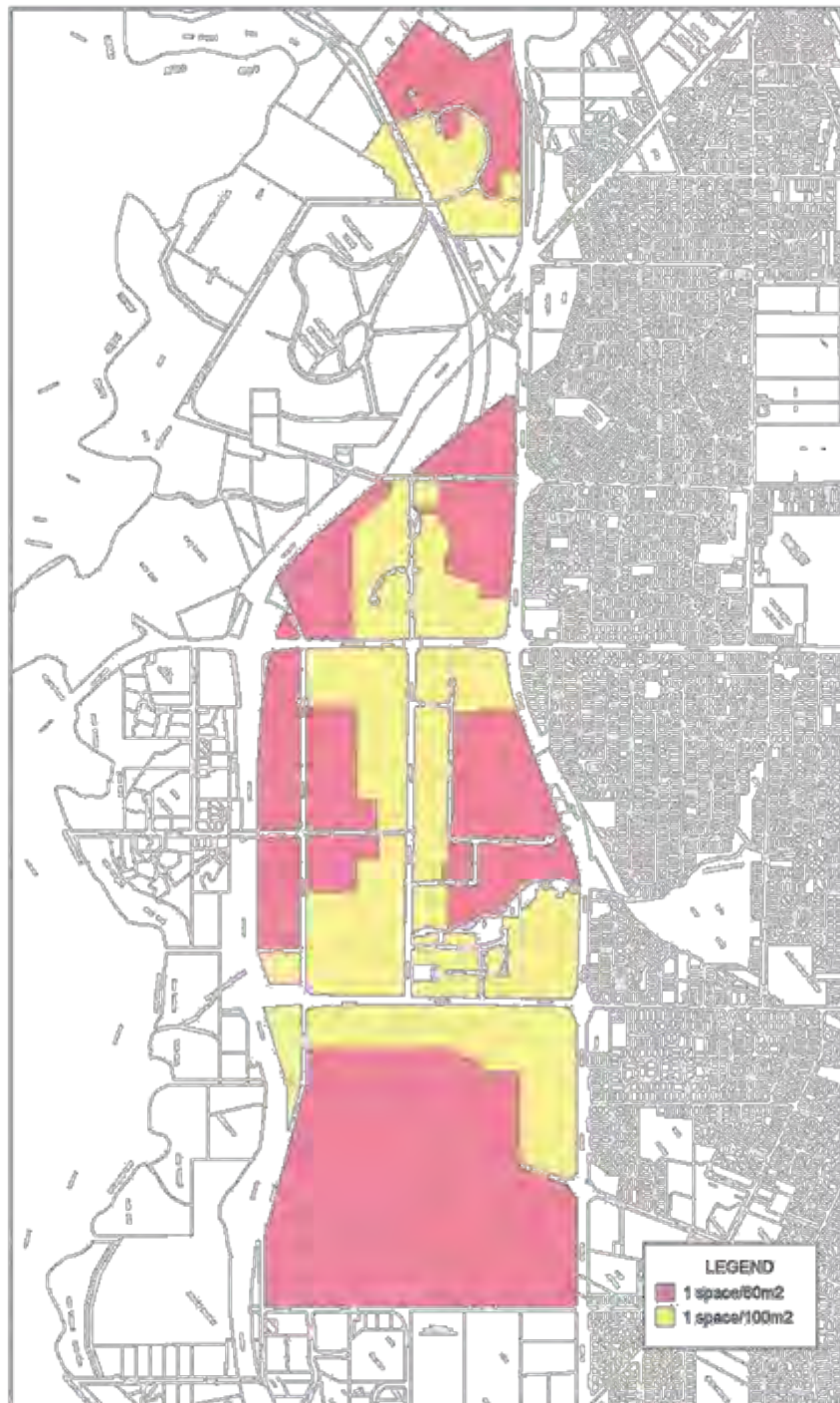


Figure 2.3.1 Parking Rates for New Industrial and Commercial Premises in the Macquarie Park Corridor

ITEM 5 (continued)

ATTACHMENT 4

9.3

Parking Controls

2016 Land Use Controls in Proposed Development Premises



Figure 2.3.2 Parking Rates for Alterations and Additions to Existing Industrial and Commercial Premises in the Macquarie Park Corridor

ITEM 5 (continued)

ATTACHMENT 4

2.4 Mixed-use Development

- a. Where a development comprises two or more different land uses, parking provisions will be assessed as the sum of the requirements in s2.0 for each component of the mixed-use development. Calculations shall include an appropriate proportion of any common or administrative areas.
- b. Where the main usage periods for components of mixed-use development do not coincide, Council may consider a reduction in the required parking. In this case, the parking requirement will be based on whichever of the components generates the greatest parking requirement. The onus will be on the proponent to satisfy Council that the uses will not be operated concurrently.

2.5 Large Development

- a. To vary the provisions of this Part (particularly required parking) for large scaled development, comparisons should be drawn with similar development and outlined in Traffic and Parking Impact Assessment Report submitted together with the Development Application. Such comparisons should include a minimum of two case studies drawn from the Ryde Local Government Area or adjoining Local Government Areas.

Note: Large scaled development will generally be defined as having a parking provision greater than 100 spaces. In considering large scaled development the proponent is advised to contact Council regarding the preparation of a Traffic and Parking Impact Assessment Report. Where a site is sufficiently large to include a local roads network Council will require the roadways to be designed to allow for two lanes of travel and one parking lane (i.e. the carriageway is to be approximately 9 metres wide). This requirement will be implemented where it is proposed that waste collection services will be carried out on-site and / or to accommodate on site loading and unloading facilities.

Note: The local roads network may include an on-site laneway or existing local roads.

- b. All large retail and commercial development shall be required to provide parking facilities and secure storage of electric scooters used by people with disabilities. Facilities should be generally in accordance with AS 2890.6.

2.6 Parking Contributions

Council may accept or require the payment of a parking contribution in lieu of the provision of off-street parking.

Note: Council may not levy or accept s94 levies in lieu of parking in relation to dwelling house, dual occupancy and villa development in the R2 zones, given the need for parking provision to meet the needs of future occupants.

2.7 Bicycle Parking

- a. In every new building, where the floor space exceeds 600 m² GFA (except for dwelling houses and multi unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.

Note: Cycling is approximately 10% of the journey to work. The control provides for minimum quantum of bicycle parking to cater for anticipated increasing demand and additional space to meet current cycling rates.

- b. Bicycle and motor cycle parking is to be provided for boarding house development in accordance with the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009, and Part 3.6 Boarding Houses under this DCP.

Note: The requirements are at least 1 space for bicycle and 1 space for motorcycle per 5 boarding rooms.

ITEM 5 (continued)

ATTACHMENT 4

9.3 Parking Controls

9.3.2 Safety Requirements

- c. Bicycle Parking should be designed in accordance with AS 2890.3 Parking facilities - Bicycle Parking Facilities.
- d. Bicycle parking and access should ensure that potential conflicts with vehicles are minimised.
Note: Minimising conflicts between vehicles and bicycles may include providing separate ramp access for bicycles within car parks and providing safe rideable approaches along road frontages to the bicycle parking area.
- e. Bicycle parking is to be secure and located undercover with easy access from the street and building entries.
- f. Bicycle parking is to be located in accordance with Safer by Design principles.
Note: Safety may be addressed by ensuring that Bicycle parking is located to ensure passive surveillance (e.g. highly visible areas such as near building entries) and where adequate lighting is provided.
- g. End of trip facilities accessible to staff (including at least 1 shower and change room) are to be provided in all commercial, industrial and retail developments.
- h. Provide secure bicycle storage in all residential developments where the floor space exceeds 600 m² GFA except for dwelling houses and multi-unit housing.
- i. Provide signage to Council's satisfaction indicating the location of bicycle parking and bicycle facilities, where provided, in all new buildings.

3.0 OTHER REQUIREMENTS

3.1 On- Site Loading and Unloading Facilities

Controls

- a. All developments involving new floor space are required to provide on-site loading and unloading facilities, except:
 - i. Dwelling houses, dual occupancies
 - ii. Residential flat buildings and multi dwelling housing with access from the local road network.
 - iii. Residential flat buildings and multi dwelling housing located on Main or County Roads are required to provide on-site loading and unloading facilities to ensure that vehicles do not stand on the road or footway.
- b. Loading docks shall be located in such a position that vehicles do not stand on any public road, footway, laneway or service road and, that where possible, vehicles entering and leaving the site move in a forward direction.

ITEM 5 (continued)

ATTACHMENT 4

Parking Controls

3.0 Other Requirements

9.3

3.2 Design of Parking Areas

Controls

General

- a. All parking areas shall be designed in accordance with Australian Standards AS2890.1, AS2890.2 and AS2890.6
- b. The appearance of car parking and service vehicle entries and areas is to be improved by:
 - i. locating or screening visually from the street
 - ii. setting back or recessing car park entries from the main façade line
 - iii. avoiding black holes in the façade by providing security doors to car park entries
 - iv. where doors are not provided, it is to be ensured that the visible interior of the car park is incorporated into the façade design and material selection and that building services pipes and ducts are concealed.
- c. Provide safe (well lit and free of concealment opportunities) and direct 24 hour access between car parking areas and building entries.
- d. Where practicable car parking and loading access is to avoid areas where active frontage is required (refer Part 4 of this DCP for Active frontage requirements).

Note: This is to reduce conflict with pedestrians and promote pedestrian safety.

Basement parking

- e. Basement parking areas are to be located directly under building footprints to maximize opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants.
- f. Along active frontages, basement parking must be located fully below the level of the footpath. Refer Part 4 for locations of active frontage within Urban Centres.
- g. Basement parking should be contained wholly beneath the ground level along public streets. Where this cannot be achieved due to topography, the parking level must protrude no more than 1.2 m above ground level.
- h. Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.

At-grade parking

- i. Parking areas must not be located within the front building setbacks including for sites located along Victoria Road, Epping Road and Lane Cove Road. Refer also Part 4 Urban Centres for setbacks.
- j. Parking areas are to be screened from view from the street, public domain and communal open space areas, using site planning and appropriate screen planting or structures.

Construction Standards

- k. All parking areas are to be constructed in accordance with Part 8.1 Construction Activities of this DCP.

3.3 Macquarie Park Corridor

Applications within the Macquarie Park Corridor should also refer to Part 4.5 Macquarie Park Corridor and in particular Sections 4.4 Sustainable Transport and 8.7 On-site Parking.

ITEM 5 (continued)

ATTACHMENT 4

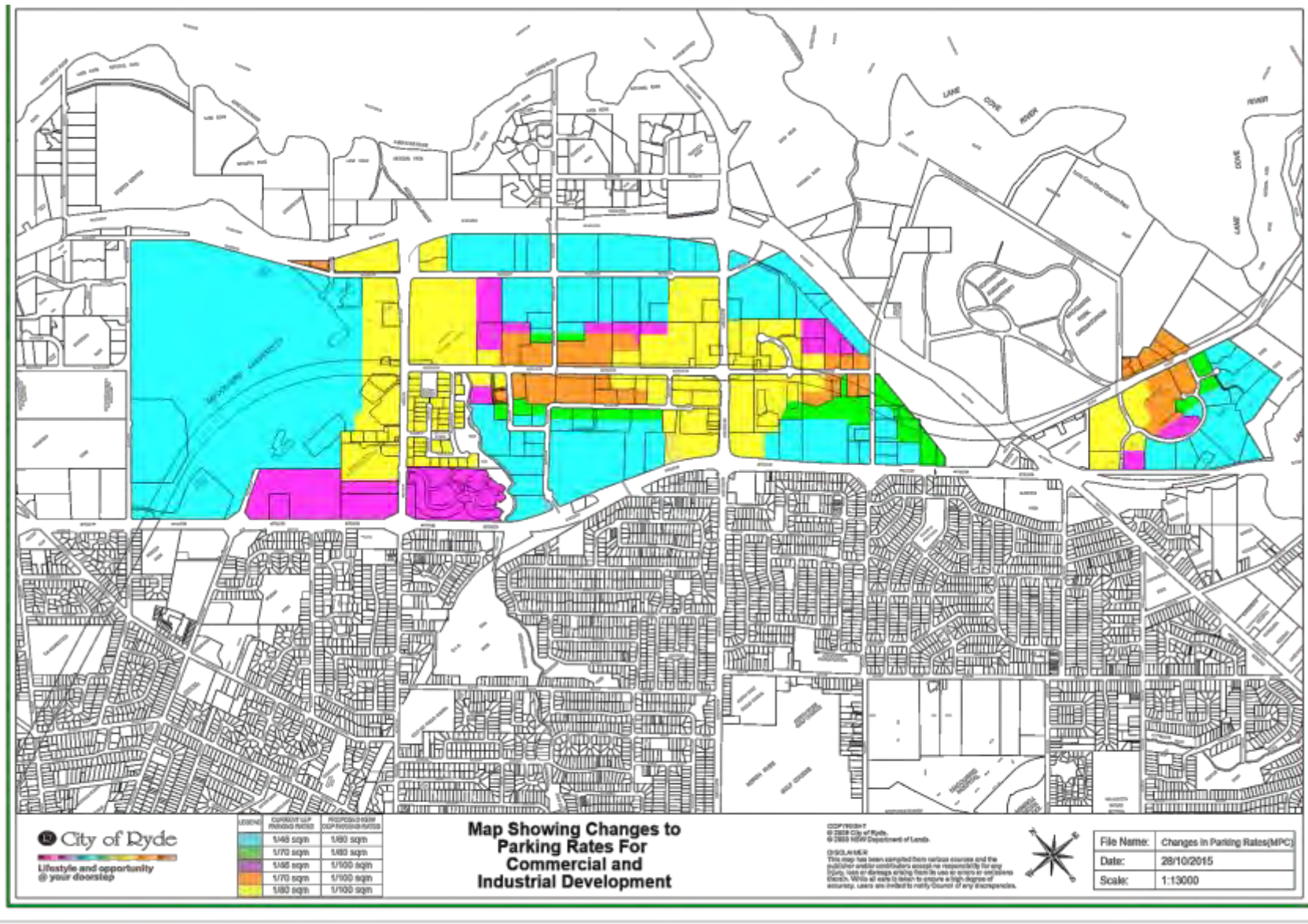


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ITEM 5 (continued)

ATTACHMENT 5



6 TREE PRESERVATION REVIEW- RESULTS OF EXHIBITION OF DCP AMENDMENTS

Report prepared by: Senior Strategic Planner
File No.: DCP2012/3/011 - BP16/43

REPORT SUMMARY

In March 2015 Council resolved to review City of Ryde's tree management policies and processes. In December 2015 Council considered a report on the tree management review and resolved to adopt changes to the existing review process for appeals to Tree Permit Applications, changes to procedures relating to trees on public land, and clarify the information provided to applicants.

Council also resolved to exhibit draft amendments to Ryde Development Control Plan 2014 (RDCP 2014) Part 9.5- Tree Preservation, including:

- Allowing the pruning of up to 10% of the crown of a tree within each calendar year without approval;
- Increasing the distance where tree works can be conducted without approval from 3 metres to 4 metres from the stem of a tree of a legally constructed dwelling, outbuilding greater than 20m², carport or pool; and
- Adding further tree species as exempt from requiring approval for tree works/ removal.

The draft amendments to RDCP 2014 Part 9.5- Tree Preservation were exhibited from 20 January to 26 February 2016. During this time, 6 submissions were received, including one from the community representatives of Council's Bushland and Environment Advisory Committee. The submissions are summarised in this report, and the primary issues raised are as follows:

- Emphasising the importance of trees for ecological sustainability;
- Objection to increasing the distance at which a tree may be removed without approval from 3 metres to 4 metres from a dwelling or outbuilding;
- Comments objecting to changes to procedures for trees on public land (which Council resolved to adopt on 15 December 2015); and
- Comments related to pruning.

This report outlines the minor amendments to the RDCP which are summarised as:

- Including a new statement relating to trees on heritage items;
- Updating tree species names, and adding one tree species as exempt;
- Relocating the content from the RDCP engineering controls relating to tree protection for construction activities.

The report recommends that Council adopt the RDCP 2014- Tree Preservation.

ITEM 6 (continued)

RECOMMENDATION:

- (a) That Council adopt the amendments to Ryde Development Control Plan 2014-Part 9.5: Tree Preservation as shown at **ATTACHMENT 1**.
- (b) That Council give public notice in a local newspaper of its decision with respect to the draft amending Ryde Development Control Plan (RDCP) 2014 within 28 days of its decision, and provide the Secretary of the Department of Planning and Environment with a copy of the plan in accordance with the Environmental Planning and Assessment Regulation 2000.
- (c) That Council conduct a review of the 4 metre exemption for tree removal 12 months after the RDCP amendments become effective.

ATTACHMENTS

- 1** DCP Part 9.5- Tree Preservation
- 2** Summary of Submissions Received During Exhibition Period
- 3** Summary of Correspondence Received Prior to Previous Council Meeting

Report Prepared By:

Lara Dominish
Senior Strategic Planner

Report Approved By:

Lexie Macdonald
Senior Coordinator - Strategic Planning

Meryl Bishop
Manager - Strategic City

Liz Coad
Acting Director - City Strategy and Planning

ITEM 6 (continued)

History

In March 2015 Council resolved to review City of Ryde's tree management policies and processes.

At its meeting of 15 December 2015 Council considered a report on the outcomes of an internal review of the tree management policies and processes. The report proposed changes to procedures relating to tree management including actions to improve clarity for residents undertaking tree works on private land, modifying the current appeal process for Tree Permit Applications and changing procedures for tree works on public land.

The report also identified draft amendments to Ryde Development Control Plan (RDGP) 2014, including:

- Allowing the pruning of up to 10% of the crown of a tree within each calendar year without approval;
- Increasing the distance where tree works can be conducted without approval from 3 metres to 4 metres from the stem of a tree to a legally constructed dwelling, outbuilding greater than 20m², carport or pool; and
- Adding an additional tree species as exempt from requiring approval for tree works/ removal.

At this meeting, Council resolved:

- That Council endorse the amendments to Ryde Development Control Plan 2014 Part 9.5 Tree Preservation as shown at **ATTACHMENT 1**, and that the amended DCP be placed on public exhibition in accordance with the provisions of the NSW Environmental Planning and Assessment Act.*
- That the outcomes of the exhibition are reported back to Council following the exhibition period.*
- That Council endorse the proposed amendments to the appeal process for Tree Management Applications, information for applicants, and procedures for tree works on public land and affected by infrastructure construction and maintenance, as outlined in **ATTACHMENT 2**.*
- That Council amend the 2015/16 Schedule of Fees and Charges for "Request for review of determination of Tree Permit Applications" from \$65.50, to \$25.00 for a Stage 1 Review (by an alternative Council officer) and \$40.00 for a Stage 2 Review (by Council's Internal Review Panel);*

ITEM 6 (continued)

- (e) *That Council amend the 2015/16 Schedule of Fees and Charges for “Request for review of determination of Tree Permit Applications- Eligible pensioner discount” from \$33.00, to \$12.50 for a Stage 1 Review (by an alternative Council officer) and \$20.00 for a Stage 2 Review (by Council’s Internal Review Panel);*
- (f) *That the new fees be advertised for 28 days, and should there be no objections, the new fees will commence.*

Since the meeting of 15 December 2015, the following actions have been undertaken in accordance with the resolution:

1. The proposed amendments to RDCP2014 Part 9.5- Tree Preservation have been exhibited. The submissions received during the exhibition period have been summarised in this report;
2. The appeal process for Tree Permit Applications has been updated;
3. The new procedures for tree works on public land and affected by infrastructure construction have been implemented;
4. The new fees for “Request for review of determination of Tree Permit Applications” were advertised, and no objections were received. The new fees have now been implemented.

Exhibition

The draft amendments to RDCP2014 Part 9.5 - Tree Preservation were exhibited from 20 January to 26 February 2016. The exhibition was advertised in the Northern District Times and on Council’s webpage. The draft DCP and supporting material was made available:

- On Council’s website;
- At the Customer Service Centre, 1 Devlin St Ryde;
- At Ryde Planning and Business Centre, 1 Pope St Ryde; and
- All Council libraries.

Council staff briefed the Bushland and Environment Advisory Committee at their meeting on 8 February 2016.

During the exhibition period, 7 submissions were received, including one from the community representatives of Council’s Bushland and Environment Advisory Committee, one from the Ryde Environment Group and one from the Rural Fire Service. These submissions are summarised at **ATTACHMENT 2**. The main issues raised in the submissions relate to:

1. The importance of trees;
2. Objection to increasing the distance at which a tree may be removed without approval from 3 metres to 4 metres from a dwelling or outbuilding, as it will result in the removal of a greater number of trees;

ITEM 6 (continued)

3. Comments objecting to changes to procedures for trees on public land, including the change to the height at which tree works can be conducted without approval by Council's arborists; and
4. Proposed changes to allow some pruning without a Tree Permit Application.

The Rural Fire Service advised that they had no objection to the proposed amendments based on bushfire issues.

Responses to these issues are below.

The importance of trees

Several submissions raised the contribution that trees make to ecological sustainability and human quality-of-life, such as climate control, stormwater management and visual relief and screening.

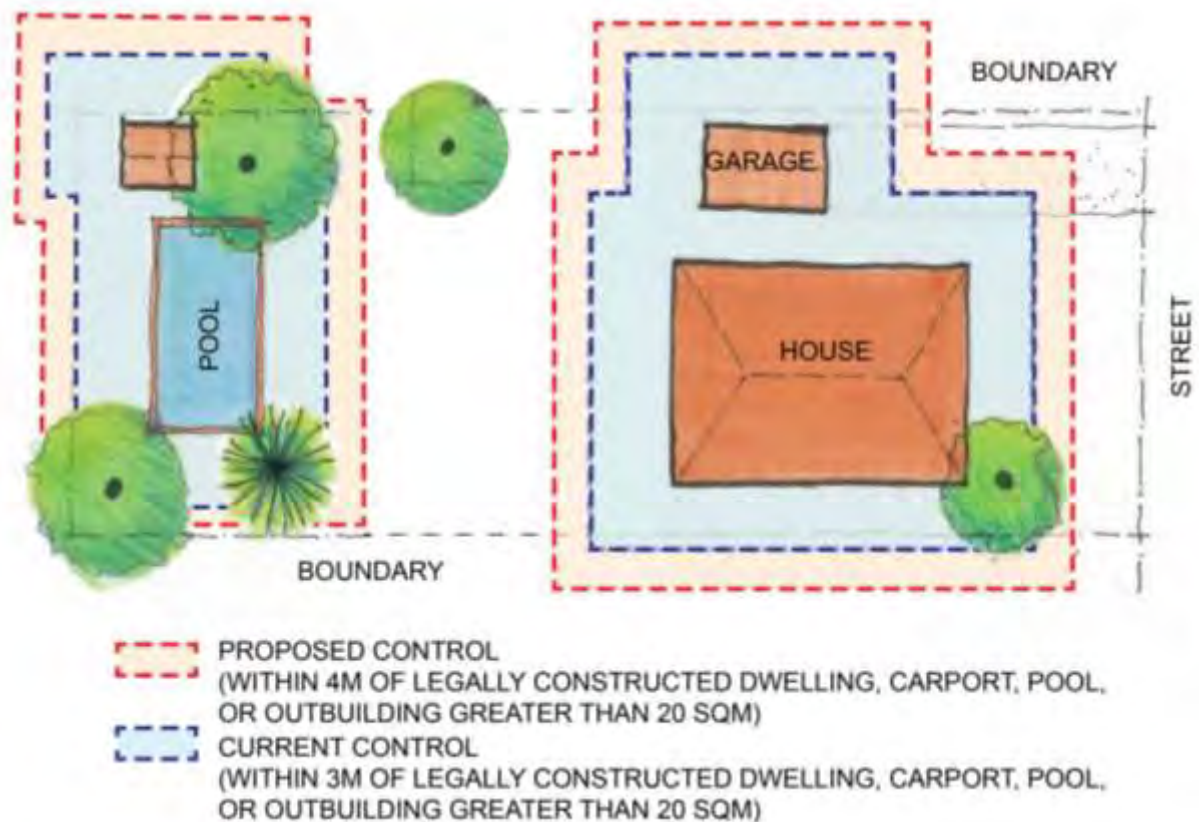
Recommended Action: It is not recommended to amend the exhibited RDCP. In addition to the Tree DCP, Council has various programs and policies that encourage the planting and protection of trees such as the street tree master plan, landscape planning control requirements on private land, street tree planting programs, public domain manuals, bushcare programs and National Tree Day and the application of ecological land use zones under the Ryde Local Environmental Plan.

The proposed amendments to RDCP 2014 reflect limited amendments to the existing approach with respect to trees that impact on property. The RDCP only allows removal of dead trees, trees less than 5 metres tall, certain exempt species and trees which may cause a threat to life and property.

Objection to increasing the distance at which a tree may be removed without approval from 3 metres to 4 metres from a dwelling or outbuilding

Currently RDCP2014 allows exemptions for tree removals based on distance from a dwelling or outbuilding to allow exempt works within 3 metres of these structures. The proposed RDCP amendments (as exhibited) propose to increase this distance to 4 metres.

ITEM 6 (continued)



The rationale for allowing an exemption for tree removal near dwellings and outbuildings is to minimise the risk to life, safety and property for primary development and habitable areas on the land. While the contribution of trees is recognised and agreed, Council has a responsibility to balance tree preservation with safety and structural considerations.

It should be noted that Council's residential DCP controls for dwelling houses and dual occupancy require a deep soil zone of 8m x 8m to support trees and vegetation.

Council's mandate for the tree management review was to allow further flexibility for property owners. The proposed exemption streamlines the tree regulation process and reduces the number of Tree Permit applications which impacts on Council's resources and also on residents and property owners. The tree management review aimed to reduce approval requirements for residents.

It is recommended that the DCP be adopted allowing the removal of trees within 4 metres of a dwelling or outbuilding. This is consistent with Council's mandate for the tree management review.

ITEM 6 (continued)

However it is recommended that a review of this change be conducted within 12 months of the date of the adoption of the RDCP amendments, in order to assess the impact of the amendment. In order to assist with this review, the Tree Permit form will be amended to identify the distance from structures for trees subject to a Tree Permit.

Recommended Action: It is recommended that Council adopt the DCP as exhibited (to increase the distance at which a tree maybe removed without approval to 4m from a dwelling or outbuilding) as this is consistent with the intent of the tree management review to allow additional flexibility for property owners. However, a review is recommended to be undertaken of this control within 12 months of the amendments to RDCP2014 being adopted.

Comments relating to changes to procedures for trees on public land

The tree management review proposed to increase, from 3 metres to 5 metres, the height of trees which may be pruned by Council's arborist team without approval by Council's Tree Officers. Trees are pruned to facilitate growth or where they are in conflict with infrastructure.

Council's arborist team conduct tree works in a 6 weekly cycle, and the changes improve efficiencies by allowing staff to conduct additional tree work while on site without the need to gain approval. The changes also improve Council's response time where customers have requested tree works to be conducted.

Council considered the change to procedures for tree works on public land on 15 December 2015 and resolved to adopt the changes.

Recommended Action: No action is recommended as the changes have already been adopted by Council and implemented through Council's internal procedures.

Comments relating to pruning on privately owned land

The proposed amendments to RDCP2014 allow pruning of 10% of the crown of a tree in any 12 month period. One submission mentioned that pruning should occur in accordance with the Australian Standards.

RDCP2014 requires that all work must be carried out in accordance with the Australian Standards 4373-2007 "Pruning of Amenity Trees" and in accordance with the current NSW Workcover Code of Practice – Amenity Tree Industry.

ITEM 6 (continued)

Recommended Action: It is proposed to create a fact sheet informing residents of how pruning works should be conducted.

Comments from Council's Bushland and Environment Committee

Council officers attended the Bushland and Environment Advisory Committee at their meeting of 16 November 2015 to brief them on the proposed changes, and attended the Committee on 8 February 2016 to give an update on the proposed amendments during the exhibition period.

At this time, the Committee provided the following comments:

- The number of existing trees on any site be included as one of the assessment criteria in the DCP amendments.
- The correspondence received by Council prior to the Council meeting of 15 December 2015 should be included in this report (see **ATTACHMENT 3**). The main issues raised in this correspondence are the importance of trees, objecting to increasing the exemption distance to 4 metres and the changes to tree management on public land.

Recommended Action: It is not recommended to amend the exhibited DCP. However, it is proposed to amend the Tree Permit application forms to require that the number of existing trees on the site is provided as part of the application.

Amendments to DCP post exhibition

This section outlines a number of minor changes to the RDCP 2014 after exhibition which have been reflected in the RDCP at **ATTACHMENT 1**.

Removal of trees on heritage properties

On 14 May 2013 Council considered a Notice of Motion from Councillor Perram requesting that Council approve the removal of a dead tree on the site of a heritage item at 30 Miriam Road, West Ryde. Council resolved to allow the removal of the tree and *“that the DCP be amended to ensure the process for the removal of a dead tree on a heritage property or conservation area be no more onerous than the process for removal of a dead tree on a non-heritage property”*.

ITEM 6 (continued)

Part 9.5 of Ryde DCP 2014 requires a Tree Permit Application for the removal of a tree that is dead or dying or poses an imminent risk to human life or property. Generally work to a heritage item or within a Conservation Area requires a Development Application. However, under the provisions of Ryde LEP clause 5.10.3 *When Consent Not Required*, application for an exemption from the requirement to lodge a Development Application with respect to heritage may be made. Under this clause development consent for the removal of a tree which is dead or dying or poses an imminent risk to human life or property is not required if:

- (a) *the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:*
 - (i) *is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
 - (ii) *would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*

- (b) *the development is in a cemetery or burial ground and the proposed development:*
 - (i) *is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
 - (ii) *would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*

- (c) *the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*

- (d) *the development is exempt development.*

Recommended Action: It is recommended that the DCP be amended to include the following statement:

"If a tree forms part of a heritage item and/or is within a conservation area and is considered to be

- *dead;*
- *dying; or*
- *posing an imminent risk to human life or property,*

ITEM 6 (continued)

Application may be made for exemption from lodging a Development Application in accordance with Ryde LEP Clause 5.10.3 When Consent Not Required. Details are available on City of Ryde website:

<http://www.ryde.nsw.gov.au/files/assets/public/forms-and-documents/heritage-exemption-form.pdf>

The DCP at **ATTACHMENT 1** has been updated to include this change.

Assessment criteria

The list of assessment criteria for applicants to justify tree works were split between Part 3.0 Tree Permits (3.0e i to ii) and Part 4.0 Development Applications (4.0c iii to vii) in the exhibited version. The points in Part 4.0 have now been consolidated with the list in Part 3.0 to improve clarity.

Changes relating to exempt tree species

One of the submissions mentioned that some incorrect Latin names had been used in the list of exempt tree species.

Further, Council staff identified an additional exempt tree species which should be added to the list (Acer negundo- Box Elder) given its propensity to self-seed and become a weed within native bushland. Most surrounding councils list this species as exempt.

The DCP at **ATTACHMENT 1** has been updated to reflect the correct Latin species names as discussed in **ATTACHMENT 2**. The RDCP has also been updated to add the additional exempt species.

Relocation of content within the RDCP

As a consequence of a review of engineering controls within the DCP, information relating to tree protection for construction activities has been relocated from Part 8 of the RDCP (Engineering) to Section 5 of RDCP Part 9.5- Tree Preservation. These controls outline the preservation and protection measures that must be undertaken during the construction process, including fencing of tree protection zones. These controls are better suited to the Tree Preservation Part of the RDCP.

The review of the Engineering DCP controls will be reported to Council at a later date.

Recommended Action: It is proposed to relocate the relevant section into Part 9.5 Tree Preservation to consolidate tree controls within one section of the DCP.

ITEM 6 (continued)

Conclusion

The Tree DCP aims to protect Ryde's tree canopy and control pruning and tree removal. The proposed revisions to the Tree DCP aim to streamline approval processes for both Council, local residents and landowners, particularly with respect to minor pruning (up to 10%) and to the removal of dead/dying trees and trees that pose a threat to property and community safety.

The Draft DCP was exhibited from 20 January to 26 February 2016. As a result of submissions and issues identified by City of Ryde staff, the following changes to the exhibited DCP Part 9.5- Tree Preservation are recommended (see **ATTACHMENT 1**):

- Including a new statement relating to trees on heritage items;
- Updating tree species names, and adding one tree species as exempt;
- Relocating content from the DCP engineering controls relating to tree protection for construction activities.

It is also proposed that the following actions be undertaken to support the DCP amendments:

- Preparing a fact sheet for residents to understand how tree pruning should be conducted; and
- Conducting a review of the exemption for trees within 4 metres of a dwelling or outbuilding within 12 months of the DCP coming into effect.

Financial Implications

Adoption of the recommendation will have no financial impact.

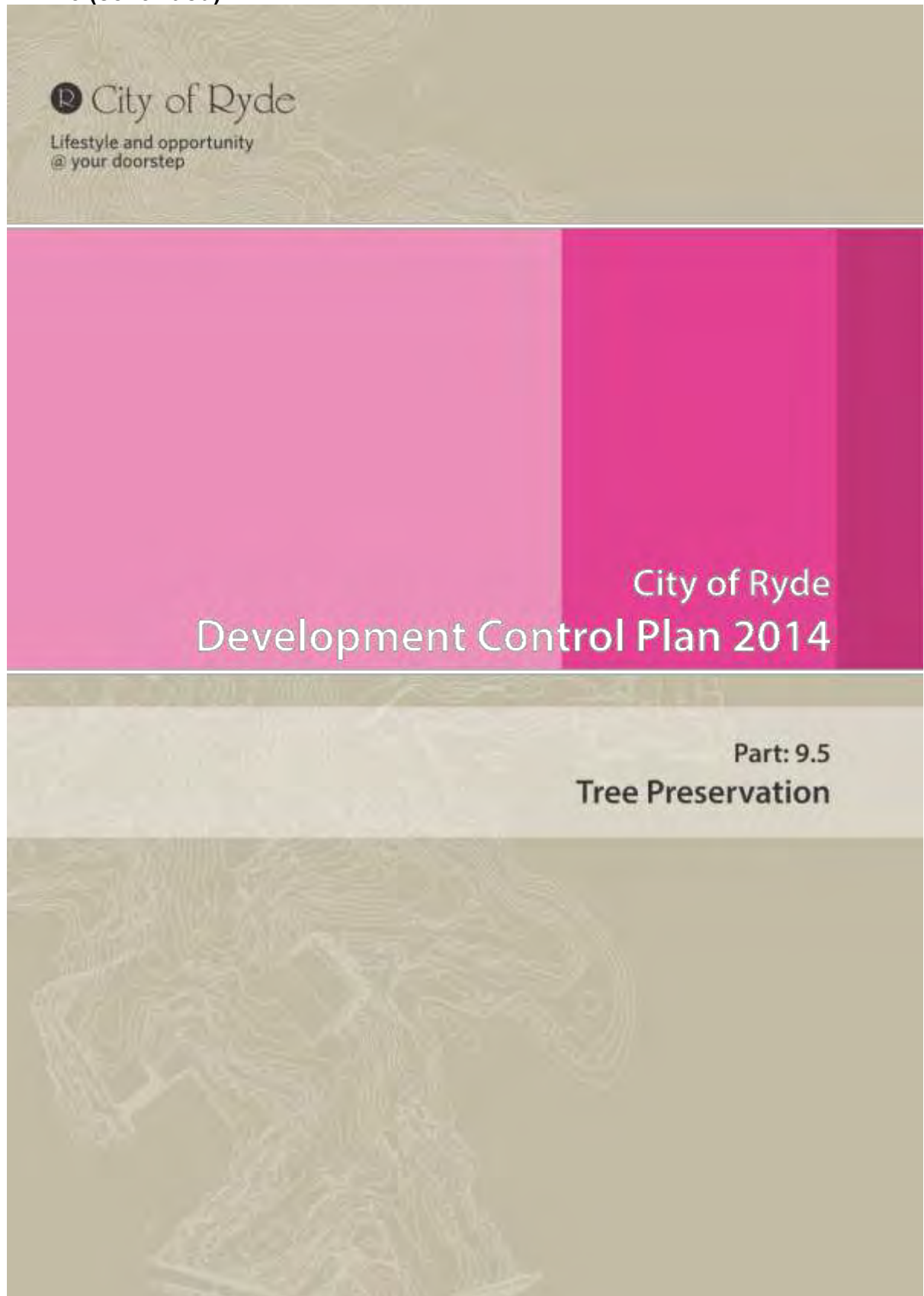
Options

1. Proceed with amending Part 9.5 Tree Preservation of RDCP2014. This option would implement the recommendations of the tree management review and allow an appropriate level of additional flexibility to allow private landowners to conduct minimal pruning activities and remove trees which may cause a threat within a reasonable distance of dwellings or outbuildings.
2. Do not proceed with amending Part 9.5 Tree Preservation of RDCP2014. This option would not result in any further flexibility for landowners in managing trees on private land.
3. Council adopt the amendments to Part 9.5 Tree Preservation of RDCP2014, subject to some changes.

The preferred option is to amend the exhibited DCP as outlined in this report. The Development Control Plan amendments will come into force on the date the advertisement appears in the newspaper.

ITEM 6 (continued)

ATTACHMENT 1



ITEM 6 (continued)

ATTACHMENT 1

9.5 Tree Preservation

Translation

ENGLISH

If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 8.30am to 4.30pm or telephone the Telephone and Interpreting Service on 131 450 and ask an interpreter to contact the City of Ryde for you on 9952 8222.

ARABIC

إذا لم تفهم محتوى هذه الوثيقة، يرجى الاتصال بمرکز بلدية ريد على العنوان: Ryde Civic Centre، 1 Devlin Street، ريد، من الاثنين إلى الجمعة بين الساعة 8.30 صباحاً والساعة 4.30 بعد الظهر، أو الاتصال بمرکز خدمات الترجمة على الرقم 131 450 لكي يطلب من أحد المترجمين الاتصال بمرکز بلدية ريد، على الرقم 9952 8222، لمساعدتك.

ARMENIAN

Եթե այս փաստաթուղթը չէք հասկանում, խնդրեմ նկատել՝ Բայրե Անվիթ Սենթրը, 1 Տեյվլին փողոց, Բայրե, (Ryde Civic Centre, 1 Devlin Street, Ryde) Երկուշաբթիից Բուքարբ կառ. ժամը 8.30 – կառ. ժամը 4.30, կամ հեռախոսակցելք հեռահամարի և Թարգմանաբանական Անվանումը 131 450, և խնդրելք որ թարգմանիչ մը Բայրե Բարդաբանաբանական հեն կառ հասարակ ձեռք հասնար, հեռահամարակով՝ 9952 8222 քննիլե:

CHINESE

如果您看不懂本文，請在周一至周五上午 8 時 30 分至下午 4 時 30 分前往 Ryde 市政中心詢問 (Ryde Civic Centre, 地址: 1 Devlin Street, Ryde)。您也可以打電話至電話傳譯服務中心，電話號碼是: 131 450。接聽後您可以要求一位傳譯員為您打如下電話和 Ryde 市政廳聯繫，電話是: 9952 8222。

FARSI

اگر این مدرک را نمی فهمید لطفاً از 8.30 صبح تا 4.30 بعد از ظهر دوشنبه تا جمعه به مرکز شهرداری رید، Ryde Civic Centre, 1 Devlin Street, Ryde مراجعه کنید یا به سرویس مترجم تلفنی، شماره 131 450 تلفن بزرگ و از یک مترجم بخوانید که از طرف شما با شهرداری رید شماره 9952 8222 تلفن بزند.

ITALIAN

Se non capite il presente documento, siete pregati di rivolgervi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 8.30 alle 16.30, dal lunedì al venerdì; oppure potete chiamare il Telephone Translating and Interpreting Service al 131 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 9952 8222.

KOREAN

이 문서가 무슨 의미인지 모르실 경우에는 1 Devlin Street, Ryde 에 있는 Ryde Civic Centre 로 오시거나 (월 – 금, 오전 8:30 – 오후 4:30), 전화 131 450 번으로 전화 통역 서비스에 연락해서서 종역사에게 어려본 대신 Ryde 시청에 전화 9952 8222 번으로 연락을 부탁하십시오.

Amend. No.	Date approved	Effective date	Subject of amendment

ITEM 6 (continued)

ATTACHMENT 1

Tree Preservation
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9.5

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ITEM 6 (continued)

ATTACHMENT 1

9.5 Tree Preservation

1.0 INTRODUCTION

1.1 Preservation of the Urban Forest

Individually and collectively, trees have environmental, economic and social value. The benefits of trees include amenity, visual quality, enhanced streetscape, native fauna habitat, soil conservation, enhanced microclimatic conditions, solar access control and improved air quality. Collectively all the individual trees form the Urban Forest canopy of the City of Ryde. This Urban Forest is a combination of street trees, park trees (including bushland) and trees on private property.

Effective management of trees as a natural resource and as part of the urban infrastructure of the City of Ryde depends upon the long term retention of existing trees, appropriate tree maintenance, protection of trees on development sites, and in relation to replacement trees, suitable tree location and considered species selection.

1.2 Objectives of this Part

Objectives

The objectives of this part are:

1. To maximise a sustainable Urban Forest canopy across the City of Ryde.
2. To conserve trees of ecological, heritage, aesthetic and cultural significance.
3. To protect and manage individual trees as an important community asset.
4. To establish the procedural framework and requirements governing the pruning, removal and subsequent replacement of trees within the City of Ryde.
5. To ensure all new development considers existing trees on the development site and provides opportunity for the healthy growth of large trees.

1.3 How to use this Part

1. This Part is to be read in conjunction with:
 - The City of Ryde Urban Forest Technical Manual (Technical Manual) and Application Guide (Guide) which provide instructions on:
 - i. requirements for arboriculture and other technical reports;
 - ii. technical arboricultural information;
 - iii. requirements as to the protection of trees on development sites;
 - iv. how to make an application under this Part; and
 - v. dealing with trees on adjoining properties.

Both documents can be viewed at www.ryde.nsw.gov.au

- Clause 5.9 Preservation of Trees or Vegetation of the City of Ryde Local Environment Plan 2014 (LEP 2014).
2. The controls in this Part, to the extent of any inconsistency in relation to trees, take precedence over the controls in other Parts of the City of Ryde Development Control Plan 2014 (DCP 2014).

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3. All references to Acts, Regulations, Codes, Australian Standards, Plans, policies, the Technical Manual and the Guide are to those documents as amended from time to time.
4. This Part has 4 sections:
 - Section 1 Introduction
 - Section 2 Exempt Works - Explains which Tree Works do not require a permit or Development Application approval.
 - Section 3 Tree Permits - Explains which Tree Works require a Tree Permit and sets out the controls for these works.
 - Section 4 Development Applications - Explains when a Development Application must be submitted and approved under this Part and sets out the controls for these Development Applications.

1.4 Meaning of Words

1. In this Part:

Crown means the portion of the tree consisting of branches and leaves and any part of the stem from which branches arise.

Deadwood means dead branches within the crown of a tree.

Stem means the part of the tree which supports branches, leaves, flowers and fruit and is also called "the trunk".

Structural Root Zone (SRZ) means the following area:

Diameter of trunk at ground level (mm)	0-150	300	500	1000	1500	2000
SRZ radius from trunk at ground level (mm)	1500	2200	2500	3600	4200	5000

Note: This does not apply to trees that have already been pruned. An advice from a Level 5 Arborist is required to determine where tree roots can be pruned. Please also refer to Figure 1.4.1 below:

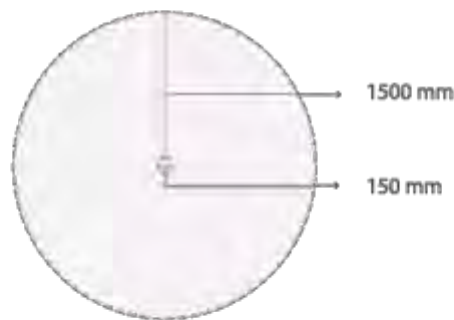


Figure 1.4.1 Structural Root Zone Example

Tree means:

- a. trees as defined in Part 10 Dictionary of DCP 2014 where the tree has a height of 5 metres or a stem circumference of 450mm at a height of 1.4 metres above ground level and
- b. trees described as "major", "substantial" and "significant" in other Parts of DCP 2014.

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ATTACHMENT 1

9.5 Tree Preservation

Tree Protection Zone means a specified area above and below ground calculated in accordance with AS 4970 - 2009 Protection of trees on development sites and is a radial distance from the centre of the stem set aside for the protection of a tree's roots and crown to provide for the viability and stability of the tree. Refer to section 3 of the Technical Manual for TPZ calculation guidelines.

Tree Works means:

- a. Pruning of more than 10 per cent of the crown of a Tree in a 12-month period (except for deadwood in accordance with Section 2 of this Part);
- b. any removal of a Tree; and/or
- c. any works within the Structural Root Zone.

Urban Forest means all trees and vegetation (both naturally occurring and planted) that occur within or near urban areas.

2. Where the meaning of a term is not set out in Section 1.6 (1) above, the term will have the same meaning as set out (in order of precedence) in Part 10 Dictionary, LEP 2014, and the Environmental Planning and Assessment Act 1979 (EP&A Act) and Regulations.

1.5 Application of Australian Standards

All pruning work must be carried out in accordance with Australian Standard 4373 - 2007 Pruning of amenity trees.

The provisions of Australian Standard 4970 - 2009 Protection of trees on development sites must be fully complied with on all development sites upon which trees are located.

The Technical Manual sets out how these Australian Standards must be applied.

1.6 Enforcement

1. The following activities are prohibited: ringbarking, cutting down, topping, lopping, removing, injuring or wilfully destroying any Tree without a Tree Permit or Development Application approval issued by Council in accordance with this Part.

Note: A person will "injure" a tree if they damage the tree including (but not limited to) by:

- poisoning, applying herbicides or other toxic chemicals to a tree, spilling chemicals, washing off or directing water contaminated by chemicals (eg. oil, petroleum, paint, cement or mortar) within the Tree Protection Zone;
 - tearing, breaking or snapping off the stem, branches and roots;
 - damaging the root zone by compaction, excavation, filling and stockpiling materials within the Tree Protection Zone;
 - wounding the stem with machinery (eg lawn mowers), fixing objects (eg. signs) to the stem or branches by nails, staples or wire, using tree climbing spikes in healthy trees to be retained (except for access to an injured tree worker), fastening materials around the stem or branches that circle and restrict the normal vascular function of the stem or branches.
2. Failure to comply with this Part is a breach of section 126 of the EP&A Act for which pecuniary penalties apply. The court dealing with the offence may, in addition to or in substitution for any pecuniary penalty, direct a person to plant new trees and vegetation, maintain those trees and vegetation to mature growth, and provide security for the performance of that obligation.

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Tree Preservation
2.0 Exempt Works

9.5

2.0 EXEMPT WORKS

Introduction

This section explains when approval from Council (either by Tree Permit or by Development Application) is not required to carry out Tree Works including the removal or pruning of a Tree.

This section does not apply to any Tree which:

- is listed on the City of Ryde Significant Tree Register;
- is or is located on a site classified as being part of a vulnerable, threatened or endangered ecological community or provides or has the potential to provide habitat for native fauna or fauna classified as vulnerable or threatened under the Threatened Species Conservation Act 1995 (NSW) or the Environmental Protection and Biodiversity Conservation Act 1999 (Cth);
- is or forms part of a heritage item; or
- is within one of the five heritage conservation areas within the City of Ryde.

Trees classified as being part of a vulnerable, threatened or endangered ecological community within the City of Ryde include the following tree species: *Syncarpia glomulifera* (Turpentine), *Eucalyptus punctata* (Grey Gum), *Eucalyptus paniculata* (Grey Ironbark), *Eucalyptus eugenioides* (Thin-leaved Stringybark), *Eucalyptus saligna* (Sydney Blue Gum), *Eucalyptus pilularis* (Blackbutt), *Allocasuarina torulosa* (Forest Oak) and *Angophora costata* (Sydney Red Gum). To identify if any of these classifications apply to your Tree please view www.ryde.nsw.gov.au/Environment/Bushland+and+Wildlife/Native+Vegetation

To identify if your Tree or land has heritage significance please view: www.ryde.nsw.gov.au/Development/Heritage

Controls

- a. The following are exempt works:
 - i. Removal of deadwood provided the work is carried out in accordance with Australian Standard 4373 – 2007 Pruning of amenity trees and NSW WorkCover Code of Practice: Amenity Tree Industry 1998.
 - ii. Tree Works on a Tree where the stem of the Tree at ground level is within 4 metres of:
 - the outside enclosing wall of a legally constructed dwelling or outbuilding of over 20 square metres;
 - the outside edge of the footings of a carport; and/or
 - the outside edge of the coping of a legally constructed swimming pool.

This exemption does not apply to a Tree on adjoining land. The Tree and the dwelling house or other structure referred to above must both be on the same land for the exemption to apply.

Note: The term “legally constructed” means built in compliance with environmental and planning legislation and instruments in force within the City of Ryde at the time of construction.
 - iii. Pruning of less than 10 per cent of the crown of a tree in a 12-month period.

Note: All work must be carried out in accordance with the Australian Standards 4373-2007 “Pruning of Amenity Trees” and in accordance with the current NSW Workcover Code of Practice - Amenity Tree Industry.
 - iv. Tree Works on a Tree on land owned or under the care, control and management of Council where the Tree Works are carried out by Council.

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9.5
Tree Preservation
City of Ryde

- v. Tree Works carried out on a Tree by the State Emergency Service or Rural Fire Service in response to an emergency or severe natural event.
- vi. Tree Works on a Tree on land owned by private schools, the Macquarie University, or the State Government and carried out by the agency or their contractor.
- vii. Tree Works required under the provisions of Section 48 of the Electricity Supply Act 1995.
- viii. Tree Works on any Tree on the following list:

BOTANICAL NAME	COMMON NAME
<i>Acacia saligna</i>	Golden Wreath Wattle
<i>Acer negundo</i>	Box Elder
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alnus jorulensis</i>	Evergreen Alder
<i>Arecastum romanzoffianum</i> (syn. <i>Syagrus romanzoffianum</i>)	Cocos Palm
<i>Bambusa</i> spp.	Rhizomatous Bamboo
<i>Celtis sinensis</i>	Hackberry
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Cotoneaster</i> sp.	Cotoneaster
<i>Erythrina crista-galli</i>	Cockscomb Coral Tree
<i>Erythrina x sykesii</i>	Indian Coral Tree
<i>Ficus benjamina</i>	Weeping Fig
<i>Ficus elastica</i>	Rubber tree
<i>Lagunaria patersonii</i>	Norfolk Island Hibiscus
<i>Ligustrum lucidum</i>	Broad leaf Privet
<i>Ligustrum sinense</i>	Narrow leaf Privet
<i>Nerium oleander</i>	Oleander
<i>Olea europaea africana</i>	African Olive
<i>Populus</i> spp.	Poplars
<i>Robinia pseudoacacia</i>	Golden Robinia or Golden Locust
<i>Salix</i> spp.	Willows
<i>Schefflera actinophylla</i>	Umbrella tree
<i>Tamarix aphylla</i>	Athel tree
<i>Toxicodendron</i> spp.	Rhus tree
All edible fruit and nut trees except <i>Acmena</i> spp. (Lilly Pilly), <i>Syzygium</i> spp. (Lilly Pilly), <i>Elaeocarpus</i> spp. (Blueberry Ash) or <i>Macadamia</i> spp. (Macadamia Tree).	

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ATTACHMENT 1

Tree Preservation
3.0 Tree Permits

9.5

3.0 TREE PERMITS

Introduction

This section explains when a Tree Permit is required to carry out Tree Works. Trees on private land are critical to the Urban Forest within the City of Ryde and accordingly Council wishes to preserve and protect these trees.

If you are applying for a Complying Development Certificate under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 you need to obtain a Tree Permit to carry out any Tree Works to a Tree on your land.

If a Development Application has been approved for the removal of a Tree, a Tree Permit is not required for that Tree.

Controls

- a. A Tree Permit must be obtained before any Tree Works are carried out on a Tree other than works requiring a Development Application under Section 4 of this Part. An arboricultural report, and other reports and information may be required to be submitted as part of the Tree Permit assessment process. Requirements for arboricultural reports are set out in section 4 of the Technical Manual.
- b. A Tree Permit must be obtained for any pruning:
 - i. of the crown of a Tree, (including deadwood) and / or
 - ii. pruning or removal of roots (greater than 40mm in diameter) from a Tree inside its Tree Protection Zone that is or forms part of a heritage item or is within one of the five heritage conservation areas within the City of Ryde.
- c. All Tree Works must be carried out in accordance with the NSW Work Cover Code of Practice: Amenity Tree Industry 1998 and, in relation to pruning, Section 5 of the Urban Forest Technical Manual.
- d. Trees removed as a consequence of approval by a Tree Permit must be replaced, in accordance with Section 6 of the Urban Forest Technical Manual, to effectively maintain the Urban Forest canopy.

Note: If a Tree is considered to be:

- dead;
- dying; or
- posing an imminent risk to human life or property,

a Tree Permit Application is required to be submitted to Council for the removal of that Tree. If Council is satisfied that the tree is dead, dying or posing an imminent risk to human life or property, it will issue a letter confirming that the Tree is exempt from the requirement for a Tree Permit and Tree Works may be undertaken.

Note: If you want to remove a Tree which is or forms part of a heritage item or is within one of the five heritage conservation areas within the City of Ryde you must also apply for an exemption from lodging a Development Application in accordance with Clause 5.10.3 When Consent Not Required of the Ryde LEP 2014. Details are available on City of Ryde website:

(<http://www.ryde.nsw.gov.au/files/assets/public/forms-and-documents/heritage-exemption-form.pdf>)

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9.5 Tree Preservation

e. The applicant must outline the justification for conducting the tree works with regard to the following assessment criteria:

- i. The tree's species, age, health, vigour, structural condition, stability, and growth habit and surrounding environment
- ii. Existing and potential habitat value of the tree or section of the tree being considered for pruning

Note: Trees with hollows or other potential habitat may need to be assessed by an ecologist or wildlife specialist.

- iii. The tree's ecological value, including whether the tree is located within a threatened ecological community
- iv. Risk of spreading disease from the tree to other trees
- v. Potential structural damage to property and/or risk to human life
- vi. The likely effect of the proposed tree works (e.g. root pruning) on the stability of the tree
- vii. The tree's amenity value including visual amenity and canopy coverage

Note: The following are not considered valid reasons for removing or pruning a tree:

- To improve solar access or views
- Impact to minor structures
- To reduce leaf, fruit, resin, or bird droppings into gutters, downpipes, and pools
- To construct a fence
- Damage to buildings or structures which have not been built in accordance with the relevant planning controls and legislation in force at the time of construction
- Damage to buildings or structures where alternative tree sensitive construction measures could be undertaken
- Root damage to a water, drainage, or sewer system that is old (e.g. terracotta pipes) or in a poor condition
- Bushfire Hazard control works not undertaken by the NSW Rural Fire Service (in the instance of an emergency)

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ATTACHMENT 1

Tree Preservation

4.0 Development Applications

9.5

4.0 DEVELOPMENT APPLICATIONS

Introduction

The City of Ryde contains a number of areas with heritage significance. On land within these areas, Development Application approval must be obtained before carrying out Tree Works on any Tree regardless of whether any other development is proposed for that land. This section explains when Development Application approval under this Part must be obtained.

Requirements relating to Trees on development sites are set out in section 2 of the Technical Manual.

Controls

- a. Development Application approval must be obtained before any removal of a Tree if either the Tree or the site upon which the Tree is located:
 - i. is or forms part of a heritage item.
 - ii. is within one of the five heritage conservation areas within the City of Ryde.

Note: Heritage Items are identified in Schedule 5 of LEP 2014 and are shown on the Heritage Map www.ryde.nsw.gov.au/Development/Heritage

- b. If a Tree forms part of a heritage item and/or is within a conservation area and is considered to be:
 - i. dead;
 - ii. dying; or
 - iii. posing an imminent risk to human life or property,

Note: An application for exemption from lodging a Development Application may be submitted in accordance with Clause 5.10.3 When Consent Not Required of the Ryde LEP 2014. Details are available on City of Ryde Website:

(<http://www.ryde.nsw.gov.au/files/assets/public/forms-and-documents/heritage-exemption-form.pdf>)

- c. Trees removed as a consequence of Development Application approval must be replaced, in accordance with Section 6 of the Urban Forest Technical Manual, to effectively maintain the Urban Forest canopy.

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ATTACHMENT 1

9.5 Tree Preservation

5.0 CONSTRUCTION ACTIVITIES

Introduction

This section details the preservation and protection measures that must be undertaken to ensure that trees are protected against damage during construction upon obtaining development approval.

Controls

- a. All reasonable efforts are to be taken to protect trees from damage during construction. Such measures should include:
 - i. clearly marking trees to remain;
 - ii. avoiding compaction of ground around these trees (generally caused by vehicles driving through these areas); and
 - iii. avoiding stockpiling of material within the dripline of these trees.
- b. Tree protection zones are to be fenced off to ensure that they are not disturbed and to prevent vehicles, building materials, and refuse being placed in those locations.
- c. Fences for tree protection zones are to be erected prior to any demolition or construction work being undertaken. Areas on the building site that are affected by tree roots on an adjoining private or public property should be similarly fenced off.
- d. Trees that are to remain on the site are to be protected against damage during construction. All mature trees to remain shall be clearly marked and a 1.8-metre high chainwire fence attached to 50 mm steel posts erected around their dripline or a minimum of 4 metres from the trunk where a structure is to be constructed under the canopy. A qualified arborist shall inspect the tree protection measures and issue a Compliance Certificate to indicate that if maintained, the tree protection measures will provide sufficient protection during normal construction activities.
- e. Installation of Services:

Trenches for services shall be located outside the dripline of all trees that must be retained on the property and all trees on adjoining public and private lands. If this is not possible, the services, including stormwater pipelines, shall be hand dug under the trees roots. At any time where a pipe is being laid within the dripline of a tree that is to be retained, or the dripline of a tree on an adjoining property, a qualified arborist must be on-site to oversee the operation.
- f. Cutting of Roots:

All roots in excess of 25 mm that shall be severed, cleanly cut (not with a backhoe bucket), be kept moist at all times, and not be left exposed to the air.

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ITEM 6 (continued)

ATTACHMENT 1



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ATTACHMENT 2

ATTACHMENT 2. SUMMARY OF SUBMISSIONS RECEIVED DURING EXHIBITION PERIOD

Resident TRIM Reference D16/16300	
As Member of the Bushland Advisory Committee, and an original Member of the Preservation Group at Brush Farm Park formed 40 years ago and still operative, my interest has always been in tree preservation and I see glaring conflict within Council's own regulations regarding this matter. The matter is far wider than this Regulation.	Noted.
Council is going to great lengths in controlling the private resident in what can be done to trees on their block and imposing costs and regulations to enforce them however this is inconsistent with the approach to developers and for trees on public land.	This review has identified some limited opportunities to create more flexibility for private residents.
Developers remove <u>all</u> trees to maximise development size and investment. Council has a direct gain in allowing this to happen so it flies in the face of the individual who is restricted. Council's interest is money and not damage to the environment it would cause.	Where Development Applications involve the removal of trees, this is assessed as part of the application.
A resident can claim the right to remove a tree because they are reasonably close to bush under the Fire Department's regulations but in fact it is increasing a view.	This is not an issue for the DCP. It relates to the 10/50 rules set by the Rural Fire Service (RFS) to enhance safety and reduce bushfire risk.
Difference between tree management in natural areas vs. in open space is illogical.	Some minor changes to trees on public land were made as part of the Tree Management Review. Management of trees in open space areas also needs to take into account public safety and recreational needs.
It appears that the Fire Department can declare a fire break is required, bordering Bushland and Council removes the offending trees. The decision must be based upon past history, type of bush and the general topography of the area and not based upon someone drawing a line on a map. e.g. the relevant map for Lambert Park indicated an area that is fire prone however there has never been a fire in the Park.	An extensive technical assessment is coordinated by the RFS in determining the location and extent of fire breaks. These works are identified in regional bushfire risk management plans to address public safety and property risks.
As part of the Biodiversity Document almost ready for release, are plans for	The DCP only allows removal of dead trees, trees less than 5 metres, certain

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ATTACHMENT 2

ATTACHMENT 2. SUMMARY OF SUBMISSIONS RECEIVED DURING EXHIBITION PERIOD

increased areas of bush and corridors so Council should be preserving every possible tree within its area of control.	exempt species and trees which are likely to cause a threat to life and property.
If Council is to be serious about having a "Green intent", then I believe it should act with a common thought throughout all of its Departments that bushland and trees are a scarce and precious asset and treat it as such.	The DCP amendments reflect a minor adjustment to controls for trees on private land only. Council Departments work closely to manage trees on public land. Council also has a number of policies and programs that encourage the planting and protection of trees.
Community members of the Bushland and Environment Advisory Committee TRIM Reference D16/21677	
The tree canopy is constantly diminishing within Ryde. We should be finding ways to promote growing additional trees rather than further encouraging their removal.	Managing trees is a complex issue in a growing city. Council actively facilitates bushcare, an ongoing street tree planting program, National Tree Day and other initiatives to increase the canopy and diversity.
Trees provide many benefits including controlling ambient temperature, providing shade acting as natural filters for cleaner air, provides connections between bushland reserves, are a natural part of water management system.	Noted and agreed.
With smaller block sizes the increase in space in which trees can be removed means a greater net effect in the landscape. It may not be appropriate to insist on replacement trees when a tree is removed.	Smaller lot sizes do result in some limitations for replacement tree planting.
Bushcare volunteers conserve natural areas. The values that they work towards are not reflected through the policies of Council. Council is supporting projects which enhance the habitat connectivity in the canopy and understorey for the benefit of our native birds and community. These changes do not reflect this support.	Council appreciates the ongoing commitment of bushcare volunteers to natural areas. The DCP amendments do not directly affect bushland areas and primarily relate to privately owned land.
There is an increasing awareness of the damage that cats are doing to our native fauna in our bushland reserves. Removing understory and lower limbs of trees and effectively removing protective lower vegetation leaves our fauna exposed to attack when foraging for food at ground level. The River to River project aimed to	The DCP does not relate to shrubs (only trees) and does not apply to bushland reserves.

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ATTACHMENT 2

ATTACHMENT 2. SUMMARY OF SUBMISSIONS RECEIVED DURING EXHIBITION PERIOD

<p>promote the expansion of middle to upper story bushland in corridors between Lane Cove and Parramatta rivers. The project recognised that native flora and fauna, particularly small birds, require middle and upper story bushland as wildlife corridors for survival, breeding, food and protection. These suggested amendments in the DCP would severely impact upon the progress of these wildlife corridors and threaten the biodiversity of the area.</p>	
<p>These proposed changes are not consistent with other Councils. With the amalgamation of Councils this is not showing environmental leadership.</p>	<p>Each Council has their own DCP which includes different controls and criteria for trees. Consideration was given to other councils controls as part of the tree management review.</p>
<p>Over the years we have seen many trees die after their roots have been disturbed even just on 1 side. Has there been any studies including root mapping, size and distance from the trunk to determine the impacts and limits of disturbance?</p>	<p>Amendments to root pruning controls were developed in conjunction with Council's technical experts and allow for some root pruning to occur which will not disturb the structural stability of the tree or result in the long term health of the tree being compromised. Works within the structural root zone still require approval. No other council requires tree management applications for root pruning.</p>
<p>It would be good if Council could implement a plan to plant additional trees in its Open Space to offset all tree losses in public and private space.</p>	<p>Council implements an ongoing street tree masterplan which guides street tree planting and manages bushland areas.</p>
<p>The existing DCP already enables the removal of trees which are or could possibly damage existing dwellings as well as trees within 3 metres which is adequate. The extension to 4 metres will therefore be both redundant and cause more harm to our community as people will perceive the amendment as 'permission' to remove much needed trees.</p>	<p>This is discussed in the main report.</p>
<p>City of Ryde should show leadership in developing and promoting more urban forests. This requires protection of the existing tree population, increasing average total canopy cover with targeted programs for parks, streets and private property, increasing diversity in both the</p>	<p>Council has an Urban Forest Policy which was adopted in 2012 and has a number of strategies and plans which increase trees in streets, parks and bushland. The DCP amendments primarily reflect a minor change to the current approach for trees on private</p>

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ATTACHMENT 2

ATTACHMENT 2. SUMMARY OF SUBMISSIONS RECEIVED DURING EXHIBITION PERIOD

<p>age and species of trees across Ryde and increasing education on the benefits of trees. A good example of this is the City of Sydney's Urban forest Strategy. The suggested amendments to the DCP would result in devastating depletion of the Urban forests in Ryde and would devalue Ryde's community and personal space.</p>	<p>land.</p>
<p>We suggest that the proposed amendments will not improve the amenity or liveability within Ryde and will not enhance Ryde's biodiversity. We request Council reject these amendments. Trees can offer significant values and benefits and we should be finding ways to increase the canopy and connectivity.</p>	<p>Noted.</p>
<p>TRIM Reference D16/26793</p>	
<p>Appears that the proposed amendments are more about making the process easier for people to remove and work on trees than preserving them. Given the importance that trees play in the natural and urban environment, noted also in City of Ryde's Urban Forest Policy, it is hoped that Council will take the precautionary principle when determining whether or not to adopt these amendments.</p>	<p>The amendments are considered to represent a minor and appropriate extension to the existing requirement for trees on private land.</p>
<p>The urban forest is often taken for granted but has many benefits such as climate management, pollution and water management, reducing wind and glare, adding to property values and providing habitat.</p>	<p>The benefits of trees are noted and recognised by the DCP and Council's Urban Forest Policy.</p>
<p>The proposal to increase the distance where tree works can be conducted without approval from 3 to 4 metres can only result in a substantial increase in the number of trees unnecessarily lost in the City of Ryde. One of the major benefits of regulations and policies like the Tree Preservation policy is that it allows experts within Council to assess the merits of a particular proposal. If the decision to remove a tree near a building or pool is left to a largely uninformed and untrained public then it is likely poor</p>	<p>This is discussed in the main report. Council officers will still assess tree management applications.</p>

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ATTACHMENT 2

ATTACHMENT 2. SUMMARY OF SUBMISSIONS RECEIVED DURING EXHIBITION PERIOD

<p>decisions will be made. This means trees that can and should be kept will be removed unnecessarily, to the detriment of the whole community. We would welcome a greater input from Council staff into individual decisions regarding the removal of trees, rather than out-sourcing such an important decision to those who are unlikely to be in a position to make a fully-informed decision. At the minimum, the distance for removing trees without approval should be kept at the current 3m.</p>	
<p>TRIM Reference D16/25089 Ryde Environment Group</p>	
<p>The Council webpage, at 3.45 pm on 26 February 2016, indicated that submissions had closed, contrary to the published closure being at 4.30pm.</p>	<p>There were no online submissions. The Have Your Say page states that submissions close at 4:30pm on Friday 26 February 2016. Council did not receive a request for an extension of time.</p>
<p>The existing control of 3 metres applying across the Ryde LGA is not consistent with the policy of the federal government of increasing urban tree canopy, which has been scientifically demonstrated as an effective measure to reduce the effect of extreme heat and climate change, by moderating the temperature around buildings by 5 degrees Celsius.</p>	<p>The 3 metre exemption is discussed in the main report.</p>
<p>The tree canopy in Ryde LGA is being rapidly diminished by Ryde Council's policies of constantly weakening the controls on tree clearing, and not enforcing the relevant provisions, and approving the lopping of trees on public land whether protected by planning laws such as Wallamatta Reserve or not, and lopping of street trees regardless of their intrinsic value and environmental value.</p>	<p>Managing trees is a complex issue in a growing city. Council does actively seek opportunities to facilitate bushcare, an ongoing street tree program, National Tree Day and other initiatives.</p>
<p>This in combination with the NSW government flawed 10/50 vegetation laws is having a visible impact in reducing the tree canopy of Ryde.</p>	<p>This is not an issue for the DCP. It relates to the 10/50 rules set by the Rural Fire Service (RFS) to manage risk and safety to property.</p>
<p>Recent heat can be mitigated by the retention and planting of trees to provide shade to dwellings, especially on the western façade. Increased temperature in dwellings from the removal of trees</p>	<p>The benefits of trees are noted.</p>

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ATTACHMENT 2

ATTACHMENT 2. SUMMARY OF SUBMISSIONS RECEIVED DURING EXHIBITION PERIOD

<p>makes vulnerable people, young and old, more vulnerable to adverse health impacts.</p>	
<p>Air quality in Ryde LGA has been impacted by the increased air and road traffic and trees are critical in capturing that pollution from vehicles and aeroplanes. Trees and vegetation act as natural filters, cleaning the air and providing oxygen.</p>	<p>The benefits of trees are noted.</p>
<p>Ryde LGA is experiencing a scale of densification that excludes retaining the tree canopy, through the dual occupancy Torrens titling provisions on lots of 580 square metres, plus tens of thousands of units at Meadowbank, North Ryde and Macquarie Park.</p>	<p>Managing trees is a complex issue in a growing city. Council does actively seek opportunities to facilitate bushcare, an ongoing street tree planting program, National Tree Day and other initiatives.</p>
<p>Trees provide benefits including water management and wildlife corridors.</p>	<p>Noted. This is discussed in the main report.</p>
<p>The bushcare volunteers across Ryde contribute a great amount of time to conserving our natural areas and this contribution should be respected.</p>	<p>Council appreciates the ongoing commitment of bushcare volunteers to natural areas. The DCP amendments do not directly affect bushland areas.</p>
<p>The council has not undertaken any studies to justify the existing 3 metre control and to propose an increase to 4 metres is also unjustified.</p>	<p>This is discussed in the main report.</p>
<p>The proposed amendments will not improve the amenity or liveability within Ryde and will reduce biodiversity. Please reject them! Ryde Council should support more projects which increase the tree canopy and enhance the environment.</p>	<p>Council has various policies which encourage trees including the street tree masterplan and the Urban Forest Policy.</p>
<p>TRIM Reference D16/24980</p>	
<p>My main concern is changing from 3m to 4m. A metre may not seem much but in the context of the urban area where buildings are becoming larger and lot sizes smaller this represents an exponential increase in the number of trees that could be removed without proper consideration.</p>	<p>This is discussed in the main report.</p>
<p>Council's own Urban Forest Policy provides many important reasons with which to argue why Council should not be weakening its tree preservation standards and the proposal that would give unqualified home owners more</p>	<p>The Urban Forest Policy remains in place. The Policy recognises that maintaining over-mature and senescent trees is costly and a very short term solution to ongoing health and structural problems. In addition to the removal of</p>

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opportunity to remove or alter trees in the urban area goes against the aims of this policy.	old trees, trees may need to be removed as part of capital improvements and as part of risk assessment management of other assets.
With Ryde's population continuing to grow and with the infilling of lots to make way for higher density living, the space for trees is becoming more scarce. With changing demographics it is likely new residents to the Ryde area may not understand the benefits of trees and they may wish to remove them without having all the facts at their disposal. A decision to remove a tree can take a few minutes, yet the tree itself that provides us clean air, ambience, habitat, shade, carbon capture and much more could have taken a century to grow.	Tree works which do not require a Tree Management Application are at the discretion of the landowner.
I would urge Council not to make the removal of trees easier without approval. Please keep the current distance for tree works without approval to 3m so that more homeowners can receive the benefit of Council's expertise and there is the opportunity to assess more cases on their merits.	This is discussed in the main report.
TRIM Reference D16/25092	
Council's existing suite of Urban Forest management documents is well considered and generally in keeping with current world's best practice arboricultural principles.	Noted.
Some of the proposed changes are detrimental and regressive in terms of best practice Urban Forest management, and would result in <u>decreased urban forest canopy cover</u> . I have mainly reviewed the points that I have objections to, as a professional Arboriculturist involved in management of the Urban Forest.	Noted.
The Environmental Planning & Assessment Act, the aim of the Ryde Local Environmental Plan 'Preservation of trees or vegetation' provision is "to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation". The current Urban Forest	Council actively seeks opportunities to facilitate bushcare, ongoing street tree planting programs, National Tree Day and other initiatives. The DCP specifies limited circumstances in which trees may be removed and supports the LEP aims.

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<p>management documents follow this aim. The proposed changes aim to facilitate removal of trees or vegetation, as they greatly increase the amount of exempt tree works, which will have a deleterious effect on the Urban Forest canopy which City of Ryde has been working to increase. The changes are not in keeping with other policies of City of Ryde, including the Urban Forest Policy which aims to "maintain and increase canopy cover". It should be illustrated how the proposed changes will affect canopy cover. In actuality, these changes will affect every property in Ryde LGA. Considering the many other threats to urban trees, such as Bushfire 10/50 clearing laws, complying development, increased density, and decreased setbacks, Council needs to be doing more to maintain and increase canopy cover.</p>	
<p>The proposed changes would reduce the workload of Urban Forest management staff, to the detriment of the Urban Forest. At this time, Councils should be focusing on increased urban green space, which needs additional staff, budget and time – particularly in the areas of development assessment and compliance - not less. The existing City of Ryde Urban Forest documents have used the best practice concept of seeing the big picture – 'the Urban Forest', instead of focusing on individual trees.</p>	<p>The Urban Forest Policy and Plan remain in place.</p>
<p>The proposed changes would allow removal of all roots outside the Structural Root Zone (SRZ) which is contrary to the Australian Standard AS4970 and would be negligent on the part of Council to allow removal of all roots of trees outside the SRZ. This exemption would allow for works around trees which could greatly increase risks of injury and property damage, Alteration of soil levels in a TPZ can also kill or destabilise trees – this should not be an exempt activity. The Urban Forest Plan states "The City of Ryde, like all other tree owners, has</p>	<p>No other councils require approval for root pruning i.e. it is an exempt activity in those LGAs. The DCP amendments are based on a simplified version of the table in the Australian Standards.</p>

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<p>a legal duty to take reasonable steps to manage the risks associated with trees under its control. It is expected to foresee likely risks and prevent them by strategies or actions." – cutting all roots outside a tree's SRZ has a foreseeable risk of tree failure.</p> <p>The Structural Root Zone definition in the DCP must reference the Australian Standard AS4970 Protection of trees on development sites, which is where the term is derived from.</p>	
<p>Although a one metre change may sound insignificant, it is unreasonable as it will effectively allow removal of a great number of trees, including those which have been planted in accordance with recent approved developments, where trees have been designed or conditioned to be 'more than 3 metres from the dwelling' and as a result have been planted between 3 and 4 metres from the dwelling, thus undoing the progress in replacing or increasing trees on development sites.</p> <p>In addition, it will reduce the number of trees being assessed by Council's Urban Forest officers, meaning that more trees including threatened species could be needlessly removed due to residents not knowing their species or value.</p> <p>Trees can grow within 2-3 metres of buildings without becoming problematic, particularly multi- storey buildings with deep footings or basements – it should not be a blanket rule to allow removal of trees when they are not causing actual problems. However, as Council already has a blanket rule, this should remain at its current standard of 3 metres, to maintain and increase canopy cover.</p>	<p>This is discussed in the main report.</p>
<p>Carparks should be removed from this blanket rule, and buildings with basement carparks and buildings of two or more storeys should be removed from this rule.</p>	<p>The distance exemption currently applies to carparks and buildings.</p>
<p>The distance requirement diagram is incorrect – it indicates exemptions over property boundaries, whereas the text</p>	<p>Noted. The distance requirement diagram is included within the DCP.</p>

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states that the exemption only applies within the property.	
Tree pruning should be specified by persons with Arboricultural knowledge, to ensure pruning is only carried out where necessary and reasonable, and that it complies with the Australian Standard AS4373 Pruning of amenity trees. The proposed changes will reduce the amount of canopy coverage, therefore making the remaining protected trees more vital – so they should be managed according to best practice.	The DCP still requires pruning work to be carried out in accordance with the Australian Standard.
Introducing a percentage rule will complicate and reduce Council's ability to monitor compliance with this rule, as it can be unclear the percentage of a tree's former crown has been removed after the fact, and whether it is 10% of volume, 10% of number of branches or other way of defining 10%.	Some other councils do allow pruning of a certain percentage of the canopy without approval. Council's tree officers will determine compliance.
Allowing 10% "per calendar year" effectively allows 20% over new years eve and new years day. Additionally, trees may not regrow at a rate equivalent or greater than 10% per year, so this would be reducing the canopy cover.	Noted.
Robinia pseudoacacia has been referred to as Golden Robinia, however the common name for Robinia pseudoacacia is Black Locust. Does Council intend to exempt only Golden Robinia (Robinia pseudoacacia 'Frisia') or all species and cultivars of Robinia pseudoacacia?	This has been amended in the DCP to "Golden Robinia or Golden Locust".
The common name Golden Wattle should be Golden Wreath Wattle. The species Celtis sinensis has been spelt incorrectly on page 9 of the Draft DCP 9.5.	This has been amended in the DCP to "Golden Wreath Wattle" and "Celtis sinensis".
Exempting private schools from requiring Council permission for tree works reduces the checks and balances by which Council assists schools, and the community, to identify Endangered Ecological Communities, or other significant vegetation. Council should be investing more in this role of provide	The management of trees on private school sites should be the same as tree management for public school sites as the same risks apply.

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ATTACHMENT 2

ATTACHMENT 2. SUMMARY OF SUBMISSIONS RECEIVED DURING EXHIBITION PERIOD

specialist information within its jurisdiction.	
The term 'Urban Forest' is relatively new, but is a best practice, holistic urban planning concept which should be used by Council in its publicity flyers to increase awareness amongst the community of the importance of trees. The flyer could be entitled 'Urban Forest (Tree) Management' to increase people's familiarity with the term.	Council resolved on 15 December 2015 to endorse the changes relating to customer information.
(Pt.10) Some DA conditions can be standardised, however each development needs to be individually assessed by a person with arboricultural expertise, as the site specific tree protection requirements vary from site to site.	Council resolved on 15 December 2015 to endorse the changes relating to tree management on public land.
(Pt.16) Allowing pruning of street trees up to 5m height would mean that small and young trees will not be managed – formative pruning and early intervention of problems are important ways of ensuring a healthy and stable future urban forest canopy.	Council resolved on 15 December 2015 to endorse the changes relating to tree management on public land.
(Pt.17) Civil engineering and other internal staff need to be 'required', not 'encouraged' to follow the controls for tree and vegetation preservation in the DCP and related Urban Forest documents.	Council resolved on 15 December 2015 to endorse the changes relating to tree management on public land.
The proposed changes are not 'amendments' as they reduce the standards and are not in keeping with Council's own planning documents and Urban Forest policies.	The changes involve amending the existing controls in Ryde Development Control Plan 2014. This is the terminology used in the Environmental Planning and Assessment Act.
Council should be investing more in the Urban Forest, including increasing Urban Forest staff (including Arboriculturists with expertise in assessment of development impacts on trees), and compliance for required planting and breaches of tree management controls, as well as ensuring that internal planning staff are aware of the existing Urban Forest	Council resolved on 15 December 2015 to endorse the changes relating to tree management on public land. Council undertakes works programs to implement the Street Tree Master Plan.

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management documents.	
Why is the DCP 9.5 being reviewed after only one year being adopted? The Urban Forest Plan 'Tree Protection' table says it should be reviewed "every three years or as required to ensure ongoing effectiveness for preservation and protection of trees". The changes appear to be aimed at reducing the administration of Council – if the policies are not effectively preserving and protecting trees, the controls and standards should be increased not decreased.	The review was initiated following a Council resolution in March 2015.

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ATTACHMENT 3

ATTACHMENT 3. CORRESPONDENCE RECEIVED BY COUNCILLORS PRIOR TO PLANNING AND ENVIRONMENT COMMITTEE OF 8 DECEMBER 2015

TRIM Reference D15/160490	
<p>The draft Tree Preservation amendments are unsuitable to be presented for public comment.</p> <p>We say this out of concern for much needed protection of:</p> <ul style="list-style-type: none"> - the city's natural environment, - the general appeal of Ryde as a municipality to live in and work in, and - the reputation of our city's council as an organisation dedicated to future environmental and amenity values rather than only to short-term political objectives. 	<p>Council resolved on 15 December 2015 to exhibit the proposed amendments.</p>
<p>Impact of ongoing major works in North Ryde especially near Bundarra Reserve. We have a long history of wildlife rehabilitation, an activity now curtailed by the systematic removal of habitat for purposes of pavement, building construction, and unsympathetic corporate landscaping.</p>	<p>The holistic management of trees is a complex issue in a growing city. Council acknowledges and appreciates the ongoing contribution of bushcare volunteers.</p>
<p>We have seen the removal of two very large trees which sadly outgrew their safe positions on our own property. One was threatening damage to the house, and one was obscuring main road signage. We were completely satisfied on both occasions with the involvement of Ryde Council staff whose major responsibilities were to the city's residents and to its trees. If the tree work makes sense, there appears to be little difficulty in obtaining expert guidance and/or approval.</p>	<p>Noted. Council officers take into account structural damage and safety issues in assessing tree management applications.</p>
<p>Increasing the distance to 4m from any legally built dwelling or outbuilding greater than 20sq.m for treeworks without Council's sanction would be inconsistent with other, similarly treed, neighbouring municipalities; would in some circumstances encourage quick and temporary erection of a shed or carport to justify tree removal; would be unduly supportive of the ever-increasing tendency to build as high and as close to property lines as possible; would stimulate animosity with neighbours whose well-loved trees may be within 4m of the dividing fence.</p>	<p>This is discussed in the main report.</p>

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By combining the 4m amendment with worst-case interpretation of permissible clearing for fire protection, all the benefits of tree cover will be further downgraded. Visual and airborne pollution go up. Liveability goes down. On the rare occasions that a resident will still attempt to garden in a narrow strip of soil or in a flowerpot, the absence of habitat for birds and beneficial insects will ensure disappointment.	This is not an issue for the DCP. It relates to the 10/50 rules set by the Rural Fire Service (RFS) which address risk to safety and property.
By following prescriptive charts to determine the spread of tree roots, Council would possibly facilitate the common practice of condemning large trees to slow death when the chainsaw approach is prohibited. Species and the development of an individual specimen according to presence or lack of sunlight, reflected heat, quality of soil, availability of water all affect root growth which may not follow a chart but will more certainly be mimicked by above-ground growth.	Amendments to root pruning controls were developed in conjunction with Council's technical experts and allow for some root pruning to occur which will not disturb the structural stability of the tree or result in the long term health of the tree being compromised. Works within the structural root zone still require approval. No other council requires tree management applications for root pruning.
By hinting that increased tree-logging on public land may reduce Council's liability, the Report is just plain misleading. Surely someone in Ryde is aware of court decisions in Ku-ring-gai which exempt that council from court action related to damage from falling trees or tree limbs. Also, any actuarial calculation would surely indicate that the chance of a street tree or park tree shedding a limb at the exact moment when someone passes by is negligible.	The amendments to trees on public land bring the measurements into line with controls for private land. Changes to the procedures for trees on public land were adopted by Council on 15 December 2015 and are undertaken in accordance with the Australian Standard.
Should be more consistency of Policy with similarly vegetated municipalities.	Each Council has their own DCP which includes different controls and criteria for trees. Consideration was given to other councils controls as part of the tree management review.
Opprobrium will invariably be stimulated by inviting public comment over a holiday period.	The amendments to the DCP were exhibited for an extended period from 20 January to 26 February 2016.
TRIM Reference D15/160775	
Increasing the distance to 4 metres may lead to tension and disputation between neighbours and may lead to the increased likelihood that trees in adjoining properties, or standing in public	The rationale for allowing an exemption for tree removal near dwellings and outbuildings is to minimise the risk to life, safety and property for primary development/ habitable areas on the

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<p>space, will be within the four metre limit. This may lead to argument, between neighbours, for removal of such trees often leading to costly and unnecessary legal conflict.</p>	<p>land. It also streamlines the tree regulation process and reduces the number of tree management applications which impacts on staff resources and the budget.</p>
<p>Enhancing the process for tree works undertaken on public land, in particular by increasing the height of pruning that can occur without approval (internal process only) from 3 metres to 5 metres. Tree branches at the three metre height has been observed to be both an ideal height for birds foraging or awaiting to swoop for food on the ground and is a safe height from marauding felines.</p>	<p>The amendments to trees on public land bring the measurements into line with controls for private land. Changes to the procedures for trees on public land were adopted by Council on 15 December 2015.</p>
<p>Trees greatly enhance our community by providing benefits including reduction of air pollution, reduction in volume of stormwater, mitigation of wind and noise, provision of habitat and support for biodiversity, reduction in UV exposure, enhanced sense of place & identity, improved mental well-being, encouragement of outdoor activity, reduced demand for energy and increased property values.</p>	<p>Agreed. These benefits need to be balanced with other considerations such as safety.</p>
<p>TRIM Reference D15/163447</p>	
<p>Tree management is usually an emotive, political and contentious issue. This often arises because a Council's decision making processes re trees allows for the "political" process to capture a transparent and diligent tree assessment Council process. The benefits provided by trees in suburban backyards and streets are often poorly understood. Short-sighted tree management policies develop from this poor understanding. Council's proposed changes would seem to reflect this shortsightedness and is likely to result in a significant loss of tree canopy in residential houses and streets leaving bushland reserves isolated remnants.</p>	<p>Local government is responsible for setting policy for tree management. Various Council policies address the significance of trees.</p>
<p>Some of the benefits of trees include combating climate change, cleaning the air, providing oxygen, cooling the streets and the city, conserving energy, saving water, preventing water pollution,</p>	<p>Noted. The benefits of trees are discussed in the main report.</p>

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<p>preventing soil erosion, shielding children from ultra-violet rays, providing food, contributing to health, reducing violence, creating economic opportunities, providing creative and spiritual inspiration, bringing diverse groups of people together through "bushcare" programs, providing identity and civic pride, providing a canopy and habitat for wildlife, blocking urban views and sound, increasing property values, and increasing business traffic.</p>	
<p>Increasing the distance to 4m could obliterate trees across Ryde. Whilst trees are often seen as a development impediment and there is desire for staff time to be reduced in tree assessment with relaxed controls, it is very short-sighted. It will result in increased tensions between neighbours given the four metre extension will mean increased likelihood that trees in adjoining properties will be within the four metre limit. There may be pressure for removal of these trees and dispute resolution will require a political process.</p>	<p>The rationale for allowing an exemption for tree removal near dwellings and outbuildings is to minimise the risk to life, safety and property for primary development/ habitable areas on the land. It also streamlines the tree regulation process and reduces the number of tree management applications which impacts on staff resources and the budget.</p>
<p>The four metre extension to the exemption under the Tree DCP is not consistent with other Council areas. We note Council's recent support for alliance with Hunters Hill and Lane Cove in response to the State Government's amalgamation proposals yet neither of these two Councils appear to have any distance exemption rule. From a quick search only three relatively nearby Councils were found to have such an exemption: Bankstown (from house only), Parramatta and Warringah Councils. We also note that the Bushland and Environment Advisory Committee has also expressed concern regards this inconsistency with other Council tree controls.</p>	<p>Each Council has their own DCP which includes different controls and criteria for trees. Consideration was given to other councils controls as part of the tree management review.</p>
<p>Overall, it would seem that there has been some "cherry-picking" of other Councils' tree controls to support this relaxation to tree controls rather than attempt for consistency in controls within</p>	<p>Consideration was given to other councils controls as part of the tree management review for comparison purposes.</p>

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<p>the local district.</p> <p>Enhancing the process for tree works undertaken on public land, in particular by increasing the height of pruning that can occur without approval (internal process only) from 3 metres to 5 metres. In bushland areas trees with branches at three metres provide opportunity for birds to stay protected from cats etc but swoop effectively for food on the ground. Five metres will not provide the same opportunity for feeding. It is important in bushland areas that habitat for native species is well preserved and of good quality.</p> <p>From searches, it was difficult to find any Council that had such an exemption. It seems this change relates to Council's internal procedures and will not require any exhibition. If this rule is applied in any "blanket" way across Ryde for trees on public land it creates the potential for tree disfiguration, imbalance to tree canopy and subsequent tree instability, loss of fauna habitat, loss of shade in parkland and overall a reduction in the many benefits listed above.</p>	<p>Changes to the procedures for trees on public land were adopted by Council on 15 December 2015. All councils would have an internal procedure for where trees are on public land and require assessment by internal arborists.</p>
<p>We feel that the City of Ryde has struggled for a number of years in balancing its responsibilities to maintain a green canopy across the City with the pressures of urban development and the potential for sub division on many local allotments which are generally larger than modern lot sizes.</p>	<p>Managing trees is a complex issue in a growing city. Council has various policies which encourage trees including the street tree masterplan and the Urban Forest Policy.</p>
<p>In the longer term we do not feel the proposed amendments will improve the liveability of the City. They appear inconsistent with immediately adjoining Councils' controls. It would seem that the review of the Tree DCP has been driven by sections of Council who lack an understanding of the values and benefits of trees. We urge that Council rejects these amendments and better recognises the values and benefits of trees. There is need for improved understanding of the role and responsibility of local government to develop tree planning controls which</p>	<p>Noted.</p>

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**ATTACHMENT 3. CORRESPONDENCE RECEIVED BY COUNCILLORS PRIOR
TO PLANNING AND ENVIRONMENT COMMITTEE OF 8 DECEMBER 2015**

ensure an adequate tree cover and an enhancement of local amenity.	
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7 TEMPORARY CONSTRUCTION-RELATED ENCROACHMENTS ON PUBLIC LAND

Report prepared by: Senior Coordinator - Building Compliance
File No.: EHB/11/3/6 - BP16/520

REPORT SUMMARY

Council at its meeting held 26 April 2016 considered a Notice of Motion 'Temporary Construction – Related Encroachments on Public Land' and resolved:

'That the General Manager prepares a report to the May 2016 meeting of Council that details Council's existing policies and practices for managing encroachment by builders on public land. The report should include details of Council's current approach to implementation and enforcement of these policies and recommendations for strengthening all relevant policies and practices, having regard to the following matters (amongst others):

- *Placement of worksite fencing on public land;*
- *Maintenance of safe and clean pedestrian thoroughfare along footpaths past building sites, with consideration for disabled pedestrians;*
- *Maintenance of nature strip vegetation;*
- *Storing materials, equipment or waste on public land;*
- *Vehicle parking on public land;*
- *Temporary obstruction of public land where this is unavoidable;*
- *Provision for charging where encroachment onto public land is approved;*
and
- *Inspection and enforcement where unacceptable practices are occurring'*

Council has a broad set of policies, practices and procedures already in place to effectively manage compliance and enforcement of construction activities particularly impacts relating to public land. These measures include Council's Construction Hoarding Permit Policy, Work Zone Approval and Road Use Permit processes that cover a majority of the matters raised in the Council resolution. A brief description for each measure is provided in the body of this report and demonstrates how the existing framework of controls is adequate.

The problem for Council is not policy or practice related but rather a shortage of resources to respond quickly to breaches as the building legislation changes, more exempt and complying developments are approved (as the applicability widens) and the number of sites that are under a private certifier are increasing with some private certifiers failing to take decisive and timely initial compliance action.

ITEM 7 (continued)

In 2014/15, Council's Environment, Health and Building Department responded to over 2,500 complaints annually with over three quarters of these being building compliance related and the same proportion of those relating to sites that are under a private certifier. This number is trending 11% higher in 2015/16 and is expected to grow in future years.

Council currently has two Environment Protection and Development Compliance Officers working Monday to Fridays whose job it is, amongst other compliance and enforcement related work such as investigation of unauthorised development and non-conforming land use and development consents, to carry out investigations and to work with the private certifiers to effect quick compliance when breaches are found.

Existing resources barely cover provision of a reactive response service and is also limited by the spread of days and times surveillance is provided. The number of complaints is also expected to grow when the Councils of Ryde, Hunters Hill and Lane Cove are merged. Importantly, current staffing and resourcing levels in the other two Councils are very limited and it is understood they are experiencing the same compliance and enforcement issues as is being experienced by the City of Ryde.

For Council to be able to offer a more proactive service and improved level of building compliance and enforcement, the availability of appropriately qualified staff and associated resources must increase as would the need to include Saturday surveillance in the compliance and enforcement program.

This report will recommend that two additional Environment Protection and Development Compliance Officers be employed to properly resource Council's building compliance and enforcement responsibilities in a more proactive manner over 6 days each week. Existing staff will also be transitioned into the Saturday surveillance.

The estimated expenditure to cover the proposed level of additional resourcing would be in the order of \$225,000 per annum and this amount can be fully funded from the revenue Council receives from the adopted Environmental Monitoring Levy which is collected to support the building compliance and enforcement service and is paid by all developers when developments exceed \$50,000 in construction value and are approved.

RECOMMENDATION:

- (a) That the report on Council's existing policies and practices for managing encroachment by builders on public land is noted.

ITEM 7 (continued)

- (b) That Council endorse the employment of two additional full time Environment Protection and Development Control Officers in the Environment, Health and Building Department to more proactively respond to the rising number of building compliance and enforcement breaches each year and to include Saturday surveillance in the Council's surveillance program before the end of 2016.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Sergio Pillon
Senior Coordinator - Building Compliance

Report Approved By:

Sam Cappelli
Manager - Environment, Health and Building

Liz Coad
Acting Director - City Strategy and Planning

ITEM 7 (continued)

Discussion

To satisfy Council's resolution of 26 April, 2016, Council has a broad set of fee related permits and approvals already in place to effectively manage compliance and enforcement of construction activities particularly for impacts relating to public land.

These include;

Road Opening Permit

A permit issued by Council under the Roads Act 1993 Sections 101, 138(1) and 223 approving the opening of road pavement or footway and quantifying the restoration charges to be paid by the applicant.

Road Use Permit

A licence issued by Council (or RMS for classified State Roads, but only the road carriageway, not footpaths) under the Roads Act 1993 Sections 138(1) and 223 to occupy an area of road pavement or footpath for nominated dates and times and up to one month PER PERMIT for construction or maintenance on adjoining land. The licence is subject to hours of operation and approved traffic control / management plans. Separate approval is required for the proponent's Traffic Control Plan.

Crane Permit

A permit issued by Council under the Roads Act 1993 Sections 138(1) and 223 approving the standing of a crane on the public road reserve to carry out a work in, on or over a public road.

Concrete Pump Permit

A permit is issued for the standing of a concrete pump on the public road reserve to carry out a work in, on or over a public road.

Elevated Tower Permit

The standing of an elevated tower on the public road reserve to carry out a work in, on or over a public road

Construction Hoarding Permit

Sections 115 - the erection of a hoarding within the road reserve for the purpose of protecting members of the public from any hazards on the public road during works on adjacent private property.

Skip Bin on Nature Strip

A permit is issued for the temporary placement of a skip bin on a public footway adjoining a work site.

Metered Parking Usage

Occupy spaces without paying meter fees or adherence to time limits.

ITEM 7 (continued)

Ground Anchors

Insert and leave in place (tensioned or redundant) ground anchors under the road for attaching to structural retaining elements within adjacent private property.

Work Zone Permit

A permit issued by Council under the Road Transport Act Section 122 granting approval for an area of road pavement or footpath adjoining a construction site to be used exclusively for construction purposes. The permit authorises temporary change of parking controls by replacement of traffic regulatory signage with work zone signage.

Notice of Temporary Lane/Road Closure– NSW Police

A permit issued by the NSW Police under the Law Enforcement (Power and Responsibilities) Act 2002 Section 103 permitting the temporary closure of a lane or road by standing and operation of a mobile crane/travel tower/concrete pump for nominated dates and times.

Traffic Control Plan (TCP)

A plan approved by Council (and RMS for affected State Roads) under the Roads Act 1993 Sections 115 and 223 for the temporary control of traffic around or through a construction site.

Pedestrian Control Plan

A plan approved by Council under the Roads Act 1993 Sections 115 and 223 for the temporary control of pedestrians around or through a construction site

Temporary Access through Public Reserves and Parks – Alignment Levels

Road reserve boundary levels issued by Council under the Roads Act 1993 section 29 for works on the adjoining private property, specifically in relation to driveways

Construction Traffic Management Plan

A plan approved by Council (and RMS for affected State Roads) under the Roads Act 1993 Sections 115 and 223 for the temporary management of traffic around or through a construction site.

For each of the matters listed in the Council resolution, a brief description is provided below showing how the stated impacts are managed under the current controls;

Placement of worksite fencing on public land

Council's current policy requires a hoarding certificate and road use permit. This is reinforced with conditions of approval on LDA's. Council officers take action by requiring applications to be submitted for approval when encroachments occur or enforcing removal of the site security fence from the nature strip to be relocated to the property boundary.

ITEM 7 (continued)

Maintenance of safe and clean pedestrian thoroughfare along footpaths past building sites, with consideration for disabled pedestrians

Council officers follow up customer service requests regarding maintenance of the pedestrian thoroughfare when advised of an issue. An example of this was the requirement for a temporary footpath to be provided outside a construction site in Gordon Street Eastwood, even though on completion of the development permanent reinstatement will be required. Conditions of approval were imposed on the LDA and the Certifier responsible was required to issue Notices in the builder to comply with the consent. This led to the construction of a temporary footpath.

Maintenance of nature strip vegetation

General maintenance of the nature strip is followed up with the property owner or builder if it is a construction site. Where the site or property is abandoned or vacant Council City works and Infrastructure staff are often called upon to mow this area, as nature strips are council owned land. A recent example of this is the mowing of the nature strip along Rutledge Street Eastwood at the rear of Eastwood Public School.

Storing materials, equipment or waste on public land

This is not permitted and conditioned on development consents. It is policed by Council Rangers or Environment Protection and Development Control Officers. However there may be cases where in conjunction with a hoarding permit and a separate road use permit storing of materials on council land may be approved.

Vehicle parking on public land

This is a breach of traffic rules and is managed by Council Rangers.

Temporary obstruction of public land where this is unavoidable

Road Use Permits are required to be obtained from Council's Traffic/ Transport & Development department. Pedestrian management plans are generally required with road use permits when pedestrian access is to be denied, and appropriate traffic controllers will be required to be engaged. A standard condition is also in effect on LDAs regarding this requirement and can be enforced via compliance with the conditions of consent and or enforcement of the road rules.

Provision for charging where encroachment onto public land is approved

Approval fees are required and charged by Council for hoarding certificates and road use permits as adopted by Councils fees and charges.

Inspection and enforcement where unacceptable practices are occurring

This is carried out via Councils Rangers as well as Environment Protection and Development Control officers who manage complaints via Councils CRMs.

ITEM 7 (continued)

As can be seen, the problem for Council to proactively manage any of the above permits and approvals or take timely and appropriate compliance and enforcement action is not policy or practice related but rather a shortage of available resources that prevent a quick response to breaches when complaints are made. This is compounded by the fact that the building legislation is becoming more flexible, more exempt and complying developments are being approved (as the applicability widens) and more sites are under the control of private certifiers many failing to take timely and decisive compliance action.

Council currently has two staff working weekdays to undertake this surveillance work and this level of resources barely covers the provision of a reactive response service when breaches are detected or complaints are received. A lot of time is spent on sites that are under the control of private certifiers where they are should take the initial compliance action before Council can involve itself pursuing compliance and enforcement action.

Existing resources at best can provide a reactive action only in response to a complaint.

Statistically we know that there are an estimated 1,344 active construction certificates and complying development certificate approvals across Ryde at the present time with many of these under a private certifier. There are also a further 563 active construction approvals across Lane Cove and Hunters Hill Councils. We know that the Council's Environment, Health and Building Department has responded to over 2,500 complaints in 2014/15 with over three quarters of these being building compliance related and the same proportion of those relating to sites that are under a private certifier. In 2014/15, this equated to over 1,800 building compliance related complaints with over 1,400 complaints involving sites under the control of a private certifier. These numbers are growing at a rate of 11% each year.

We also can reasonably expect the number of complaints to grow when Ryde, Hunters Hill and Lane Cove Councils become a merged entity although the current ratio is expected to be the same. We are also aware that the resources coming from the other Councils are very limited as they experience similar concerns to Ryde.

Council can provide a much more proactive surveillance program, particularly targeting sites under private certifier with the addition of two more appropriately qualified compliance staff and an expansion of surveillance times to include Saturday surveillance in the program.

ITEM 7 (continued)

The provision of two full time two additional full time Environment Protection and Development Control officers to specifically monitor and control the activities of temporary construction related encroachments of Council land is proposed. They will have the ability of providing a proactive approach by conducting regular monitoring by visiting all construction sites. The availability of these officers to work six days per week will ensure that the best possible outcomes for the community will be achieved.

Financial Implications

The financial implications of the proposal includes the cost of recruiting two compliance officers and the provision of two vehicles, mobile phones, ipad or other hand held technology and associated tools of trade and equipment.

Total cost for two officers would be in the order of \$225,000 annually and this can be fully funded from the Environmental Monitoring Levy under the Council's current adopted fees and charges which is paid on all developments at the rate of 0.174% of development value greater than \$50,000 with a minimum fee of \$99 for purposes relating to the Council's Compliance and Enforcement Program on new developments during construction. This levy normally accounts for over \$1.5 million per annum and is being used to support the Council's compliance monitoring and enforcement services program.

Options

That Council does not change the existing level of resources in response to building compliance, monitoring and enforcement of construction sites noting that this will remain at best a reactive approach and would not meet the current customer or Councillor expectations.