

Item 2
130 Pittwater Road & 57 Thompson Street, Gladesville - APL2023/0003

Proposal: Demolition of existing structures and construction of part 2, part 3 storey mixed use development comprising parking within basement 2, retail premises and loading docks within basement 1, a cafe, a medical centre and a liquor store on ground floor, parking at level 1 and a child care facility within level 2 and lot consolidation.

Report prepared by: Senior Town Planner

Report approved by: Senior Coordinator - Development Assessment
 Manager - Development Assessment
 Executive Manager - City Development

**City of Ryde
 Local Planning Panel Report**

DA Number	APL2023/0003
Site Address & Ward	130 Pittwater Road & 57 Thompson Street, Gladesville Lot 6 in Deposited Plan 598121 & Lot 9 in Deposited Plan 10402 East Ward
Zoning	<u>130 Pittwater Road:</u> E1 Local Centre <u>57 Thompson Street:</u> R2 Residential Low Density
Proposal (as amended)	Demolition of existing structures and construction of part 2, part 3 storey mixed use development comprising parking within basement 2, retail premises and loading docks within basement 1, a cafe, a medical centre and a liquor store on ground floor, parking at level 1 and a child care facility within level 2 and lot consolidation.
Property Owner	The Trustee for Gladesville WW Investment Trust
Applicant	Anthony El-Hazouri
Report Author	Sandra McCarry, Senior Town Planner
Lodgement Date	21 July 2023

Notification - No. of Submissions	Twenty six (26) submissions were received.
Cost of Works	\$9,460,000
Reason for Referral to LPP	<p>Section 8.5 of the Environmental Planning and Assessment Act 1979: Development Application LDA2022/0023 was determined by the Local Planning Panel.</p> <p>Original application was referred to RLPP as:</p> <ul style="list-style-type: none"> • Contentious development – (b) in any other case – is the subject of 10 or more unique submissions by way of objection - <i>Schedule 1, Part 2 of Local Planning Panels Direction</i>; and <p>Departure from development standards – contravention of the floor space ratio development standards by more than 10% - <i>Schedule 1, Part 3 of Local Planning Panels Direction</i>.</p>
Recommendation	Approval
Attachments	<p>Attachment 1 - Recommended consent conditions</p> <p>Attachment 2 - Plans submitted with the application</p> <p>Attachment 3 - Clause 4.6 Written Variation Requests</p> <p>Attachment 4 - RLPP Determination & Statement of Reasons for LDA 2022/0023</p> <p>Attachment 5 - Assessment Report, LEP and DCP Compliance Tables, Urban Design Panel & Urban Designer comments and draft conditions for LDA2022/0023.</p> <p>Attachment 6 - Referrals responses from TfNSW, Ausgrid and NSW Police.</p>

1. Executive Summary

This subject development application APL2023/003 is a Section 8.3 Review of determination of LDA2022/0023 which sought consent for the demolition of existing structures and construction of part 2, part 3 storey mixed use development comprising parking within basement 2, retail premises and loading docks within basement 1, a cafe, a medical centre and a liquor store on ground floor, parking at level 1 and a child care facility within level 2 and lot consolidation.

No business or building identification signage is proposed as part of this application, noting that signage is anticipated to be subject to future DAs.

The Development Application LDA2022/0023 was determined by the RLPP as it was a contentious development receiving more than ten (10) unique submissions. Fourteen (14) submissions objecting to the development and four (4) in support of the development were received. The proposal also contravened the floor space ratio development standard by more than 10% (85% variation). The application was refused by the Ryde Local Planning Panel (RLPP) on 13 April 2023.

In accordance with Sections 8.3 (Application for and conduct of review) and 9.1 (Directions by the Minister) of the Act, this application is reported to the RLPP for determination for multiple reasons. Firstly, as the development proposes a departure from a development standard in excess of 10%. The proposal seeks a variation to the floor space ratio (FSR) in excess of 10% and height development standards.

Secondly, pursuant to Section 8.3(5) of the Act, the review of a determination or decision made by a local planning panel is to also be conducted by the panel. As LDA2022/0023 was refused by the RLPP, the RLPP panel must also determine the subject application.

Lastly, the subject application was notified from 25 July 2023 to 22 August 2023 and it attracted twenty six (26) submissions.

Concerns raised in public submissions related to:

- Traffic and parking impacts such as road safety, traffic congestion, impact on street parking, pathway access and location of the basement driveway in Thompson Street
- Amenity - acoustic and privacy impacts
- Zoning permissibility
- Damage to their property
- Out of character with the area.

Each of these issues have been addressed later in the report.

The application is accompanied by written variation request pursuant to clause 4.6 of *Ryde Local Environmental Plan 2014* (RLEP 2014) for Clause 4.3 height of building and Clause 4.4 floor space ratio and the proposed variations are supported.

Aside from the aforementioned variations and technical DCP non-compliances relating to car parking, the proposal is consistent with the requirements of the *Childcare Planning Guideline*, and generally consistent with controls, and associated objectives of the RLEP 2014 and Ryde Development Control Plan 2014 (RDGP 2014). The application has also addressed the reasons for refusal of LDA 2022/0023 as amended plans and documentation have been submitted.

This report concludes that in its context, this development proposal is able to be supported in terms of the development's broader strategic context, function and overall public benefits.

This report recommends that the Panel approve the application for the reasons detailed in this report.

2. The Site and Locality

The site is identified by title as Lot 6 in DP 598121 and Lot 9 in DP 10402 and has a street address of 130 Pittwater Road and 57 Thompson Street, Gladesville. The site is irregular in shape with a primary frontage of 32.695 metres to Pittwater Road and a secondary frontage of 12.19 metres to Thompson Street. The site has a total area of 2,174m² (refer to **Figure 1** and **Figure 2**).

The site bounds six (6) neighbouring properties, which include a mix of residential and commercial development. This is attributed to the site's split zoning, with 130 Pittwater Road zoned E1 Local Centre and 57 Thompson Street zoned R2 Low Density Residential under *Ryde Local Environmental Plan 2014* (RLEP 2014). The site boundaries are as follows:

- Southern side boundary adjoining 126-128 Pittwater Road is 61.185 metres.
- Western boundary adjoining 53 Thompson Street and 2A Gannet Street is 25.44 metres.
- Western boundary adjoining 55 Thompson Street is 42.672 metres.
- Northern boundary adjoining 55 Thompson Street is 24.385 metres.
- Northern boundary adjoining 136 Pittwater Road is 36.841 metres.
- Eastern boundary adjoining 136 and 138 Pittwater Road is 42.672 metres.

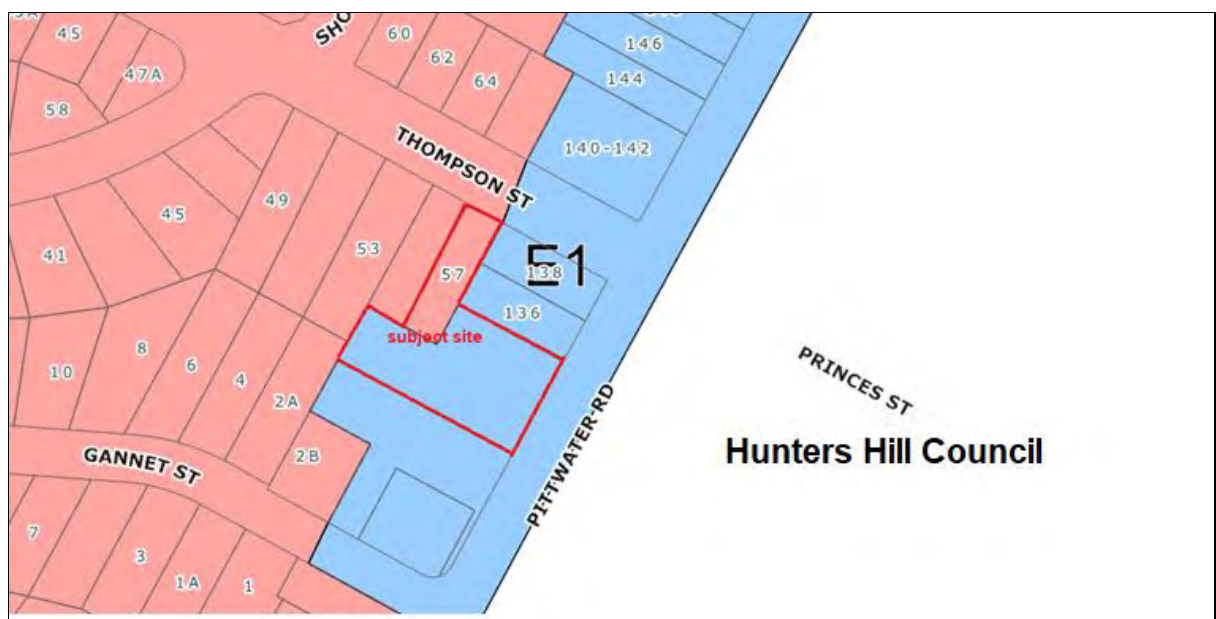


Figure 1: Cadastral map of the subject site (identified by the red border) illustrating the two separate zones. Blue is zoned E1 Local Centre and red is zoned R2 Low Density Residential.



Figure 2: Aerial photo of the subject site (identified by the red border) and adjoining land.

The site is located on the western side of Pittwater Road, approximately 30m south from the intersection of Pittwater Road and Thompson Street, Gladesville. The site is located between 44 to 50 metre AHD contour, exhibiting a cross fall of 5.76 metres (RL 50.67 to RL 44.91) to the northwest.

The allotment at 130 Pittwater Road is currently occupied by a single storey Woolworths supermarket (532m²) and BWS liquor premises (124m²). Vehicular access to the site is provided via a driveway crossover at Pittwater Road located along the southern boundary (**Figure 3**). Beyond the building is concrete hardstand which provides a loading dock and at-grade carparking. An electrical substation is located on the northwest corner of the carpark.

The allotment at 57 Thompson Street is currently occupied by a two-storey dwelling house. Other site improvements include paved areas, inground swimming pool, cubby house and landscaping within the front and rear setbacks (**Figure 4**).

The subject site is not affected by any significant environmental hazards or affectations (e.g. flooding, bushfire, or areas of ecological sensitivity, etc.). The subject site does not contain a heritage item, nor is it within a heritage conservation area.



Figure 3: 130 Pittwater Road as viewed from Pittwater Road looking west towards the site.



Figure 4: 57 Thompson Street as viewed from Thompson Street looking south towards the site with existing driveway.

The development located along Pittwater Road is within a section that consists of small-scale commercial, retail and business tenancies, as well as a range of community uses. **(Figure 5)** To the west of Pittwater Road, the land is subject to the provisions of RLEP 2014, whereas the land to the east of Pittwater Road is subject to the provisions of Hunters Hill Local Environmental Plan 2012.



Figure 5: As viewed heading north along Pittwater Road, with Harris Farm and residential above (shop top housing development) adjacent to the subject site and small retail and business tenancies across the road.



Figure 6: Street view down Thompson Street where it is zoned residential.

3. History of the Site

LDA 2022/0023

24 January 2022	LDA 202/0023 was lodged for the demolition of existing structures and construction of part 2, part 3 storey mixed use development comprising parking within basement 2, retail premises and loading docks within basement 1, a cafe, a medical centre and a liquor store on ground floor, parking at level 1 and a child care facility within level 2 and lot consolidation.
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<p>17 February 2022 – 10 March 2022</p>	<p>The DA was notified to owners of surrounding properties. In response to this notification, ten (10) submissions objecting to the development were received.</p> <p>The other 4 submissions were in support of the proposed development.</p>
<p>24 February 2022</p>	<p>The application went before the Ryde Urban Design Review Panel (UDRP).</p>
<p>22 April 2022 through to 6 December 2022</p>	<p>Request for further information and amendments were made to address:</p> <ul style="list-style-type: none"> • GFA (including extend of GFA for a neighbourhood supermarket) • Building height • Compliance with State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and Ryde DCP – Child Care Centre Design • Arboricultural Impacts • Detailed Site Investigation & Remedial Action Plan to be submitted. • 4.6 written request for the GFA & height contravention, and • Urban Design Panel comments.
<p>14 December 2022 – 23 January 2023</p>	<p>The amended documentation was notified in accordance with the Ryde Community Participation Plan. In response to this notification of the DA, four (4) submissions objecting to the development were received.</p>
<p>1 February 2023</p>	<p>The applicant was requested to provide a clause 4.6 written request to justify the building height contravention.</p>
<p>8 February 2023</p>	<p>A clause 4.6 written request in support of the contravened building height standard was provided.</p>
<p>9 February 2023</p>	<p>Council's Urban Designer provides comments in relation to the applicant's amended plans for the proposed development.</p>
<p>12 March 2023</p>	<p>The applicant provided additional information to address the comments received from Council's Urban Designer in the form of amended architectural plans. In addition, the applicant also submitted amended clause 4.6 written requests to properly identify the proposed development's variation to the building height and floor space ratio development standards.</p> <p>The amended plans were not required to be re-notified due to insignificant additional impacts.</p>
<p>13 April 2023</p>	<p>The application was determined by the Ryde Local Planning Panel (RLPP) at its meeting on Thursday 13 April 2023. The Planning Assessment Report recommended approval, subject to conditions. The report and draft conditions are attached as Attachment 5.</p> <p>The Panel refused the application for the following reasons:</p>

	<ol style="list-style-type: none"> 1. <i>The proposed development must be refused as parts of the proposed mixed use development is prohibited in the R2 Low Density Residential zone of Ryde Local Environmental Plan 2014.</i> 2. <i>The proposed development must be refused as the cl 4.6 written requests do not provide adequate reasons why the Height of Buildings development standard in cl 4.3(2) and the Floor Space Ratio development standard in in cl 4.4(2) of Ryde Local Environmental Plan 2014 should be varied.</i> 3. <i>The proposed development should be refused as the design does not adequately address the potential impact on nearby residential properties or the commercial location or reinforce the commercial interface with the street as appropriate to the zone.</i> 4. <i>The configuration of the development results in an above ground carpark uncharacteristic of the area, a disproportionate allocation of carparking between uses and an inefficient use of the carpark. Carpark allocation between the basements and lack of connectivity results in a shortfall of car parking for the shop uses.</i> 5. <i>The building has not been designed to segregate all functions of the different uses resulting in a prohibited form of development.</i> 6. <i>The ongoing use and function of the site requires an unreasonable reliance on strict compliance with a Plan of Management to satisfy ongoing permissibility. Non-compliance would result in a development not being permitted.</i> 7. <i>The streetscape presentation of the building and the setback from the street frontage is not compatible with the form of development in the local neighbourhood centre.</i> 8. <i>The potential impacts to traffic flow and potential for queuing arising from the implementation of boom gates and intercom system to restrict access to the basement carpark have not been addressed.</i>
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APL 2023/003

21 July 2023	APL 2023/0003 lodged with Council for review of determination of LDA 2022/0023 pursuant to Section 8.3 of the Environmental Planning and Assessment Act 1979.
25 July 2023 – 22 August 2023	The DA was notified to owners of surrounding properties, previous objectors and to Hunters Hill Council. In response to this notification, twenty six submissions objecting to the development were received.
25 July 2023	Referral to internal departments within Council.

26 July 2023	Proposal was referred to Transport for New south Wales (TfNSW), NSW Police and Ausgrid.
8 August 2023	Referral to City Infrastructure – Public Domain, Drainage and Waste
21 September 2023	Amended plans submitted showing access signage. Not required to be renotified as improvement to access details.

4. The Review

The applicant seeks a review pursuant to Section 8.3 of the Environmental Planning and Assessment Act 1979 to the decision to refuse Local Development Application LDA2022/0023 for the demolition of existing structures and construction of part 2, part 3 storey mixed use development comprising parking within basement 2, retail premises and loading docks within basement 1, a cafe, a medical centre and a liquor store on ground floor, parking at level 1 and a child care facility within level 2 and lot consolidation at No.130 Pittwater Road and 57 Thompson Street, Gladesville.

Ryde Local Planning Panel on 13 April 2023 considered the application and determined to refuse the application for the reasons stated above (see the table for History of LDA 2022/0023). The Determination and Statement of Reasons is attached as **Attachment 4**.

The review request includes the demolition of all existing structures and construction of a mixed use development comprising of a retail premises (Supermarket) within the basement, a café, medical centre and a liquor store on the ground floor with a child care facility within Level 2. Future applications for the fit out and operational details will be provided with future applications either through a Complying Development Certificate or Development Application. It is noted that signage will also be subject to future applications.

The existing vehicle crossover along Pittwater Road along with the construction of a new driveway and graded ramp are to be utilised to provide a vehicular access to the Level 1 above ground parking area with vehicular access to the lower basement level from a new vehicular crossover, driveway and graded ramp from Thompson Street.



Figure 7: Photomontage of the development as viewed from Pittwater Road. Carpark entry/exit on the western side.



Figure 8: Photomontage of the development as viewed from Thompson Street with the driveway and the existing adjoining dwelling at 55 Thompson Street.

The applicant has submitted an amended scheme addressing the grounds for refusal. The amended scheme includes:

- Addressing permissibility in the R2 zone in regards to access to and from the commercial component. Amended plans detail physically separate access and avoid shared lift cores between levels of the building, preventing a person from using the B2 basement, via the R2 land, to then access the commercial comments.
- The amended plans reduced the extent of non-compliance with FSR from 1.48:1 to 1.25:1 and revised Clause 4.6 variations have been prepared in relation the breaches in height and FSR.
- Impacts to adjoining properties have been addressed by amendments to boundary walls and to the access. Updated documentations such as the

Acoustic Report and Traffic & Parking Assessment were submitted outlining recommendations.

- The commercial, above ground carpark interface and streetscape has been addressed in amended scheme.
- Traffic flow was revisited and amendments were made to the Basement 2 carparking for the childcare centre and medical centre parking.

Full details of the amended plans and documents are discussed below: ‘

4.1 Reasons for Refusal and review:

1. *The proposed development must be refused as parts of the proposed mixed use development is prohibited in the R2 Low Density Residential zone of Ryde Local Environmental Plan 2014.*

Comments

The development site was zoned part B1 Neighbourhood Centre (130 Pittwater Road) and part R2 Low Density Residential (57 Thompson Street) under the provisions of RLEP 2014 – refer to **Figure 1** above. The B1 zone has since changed to E1 – Local centre (the controls and zoning permissibility table did not change).

Development within the R2 zoned land will consist of a two-way driveway that provides access to the medical centre and centre-based child care facility car park provided at Basement Level 2. The bin room for these uses will also be located at the ground floor of the development and within the R2 site portion of the site. Both the *medical centre* and *centre-based childcare facility* are permitted with consent within the R2 zone and therefore, it was considered that the driveway access to these uses is permissible within the zone. Note: Childcare centre and medical centre are also permissible in the E1 – Local Centre zone.

The Panel was concerned that the use of land zoned R2 Low Density Residential to gain access to the B1 carpark that was designated as the carpark for the medical centre and the childcare centre would also permit access to the commercial component on the ground floor. The Panel was of the view that: *the integrity of the R2 Low Density Residential zone and the B1 Neighbourhood Centre zone should be maintained and that the question of permissibility, principally the use of the R2 Low Density Residential zone, should not be questioned.*

The Panel was not satisfied that the application plans or the measures suggested by the applicants’ representatives at the Panel meeting provided adequate certainty that the R2 Low Density Residential zoned land would not or could not be used for other uses in the proposed development that are prohibited in the R2 Low Density Residential zone and as such the application must be refused.

The original proposal had access to the commercial components from Basement 2 and this area is accessed from the R2 zone. The original proposal relied on a POM to limit this from occurring and the Panel was concerned that strict compliance would be necessary with the POM to ensure permissibility.

To address the concern of permissibility amended plans have been submitted to prevents people from using the B2 basement, via the R2 land, and then to access the commercial component. This has been achieved with the following changes:

- Change to the lift cores so that the north-eastern lift core is not accessible at all from B2. (Previously these lift cores could be used to discharge to the ground floor commercial area and to the supermarket component - this is a fundamental change preventing access from B2 to the commercial components).
- There are now two (2) dedicated lift cores on the south eastern area of Basement 2 being:
 - o Medical Lift: Which discharges directly to the medical tenancy with no access to the other commercial components as this lift is 'closed off' from the supermarket. See Basement 2 Plan No. A0200 Issue G. Signage is to be provided in the lift: "Private Lift Access to Medical Centre only".
 - o Childcare Lift: Which discharges directly to the childcare centre (Level 2) with no access to the other commercial components as this lift is 'closed off' from the supermarket. See Basement 2 Plan No. A0200 Issue G. Signage is to be provided in the lift: "Access to L2 Childcare only. Caution No access to any other levels."

Note: 1. The applicant has advised that users of the childcare lift will not be able to exit out on the ground floor as these lift systems can be programmed to ensure the right access is provided and not double access. However a parent can walk their child from the ground floor, and via the intercom can be granted access directly to Level 2. After dropping off, the parent will need to be granted access back to the ground floor.

2. To gain access to car parking for the medical centre and childcare centre, it is envisaged that signage will be erected at the entry to the carpark at Thompson Street. The signage will advise that that there is no access to the retail space from the car park. Entry to the car park will be via an intercom system to the medical centre and to the child care centre. Swipe cards will be provided for staff. (See **Condition 198**).

See **Figures 9 to 11** different levels.

- The commercial lift cores in the north-eastern corner only serve the commercial uses and do not provide access to Basement 2 .

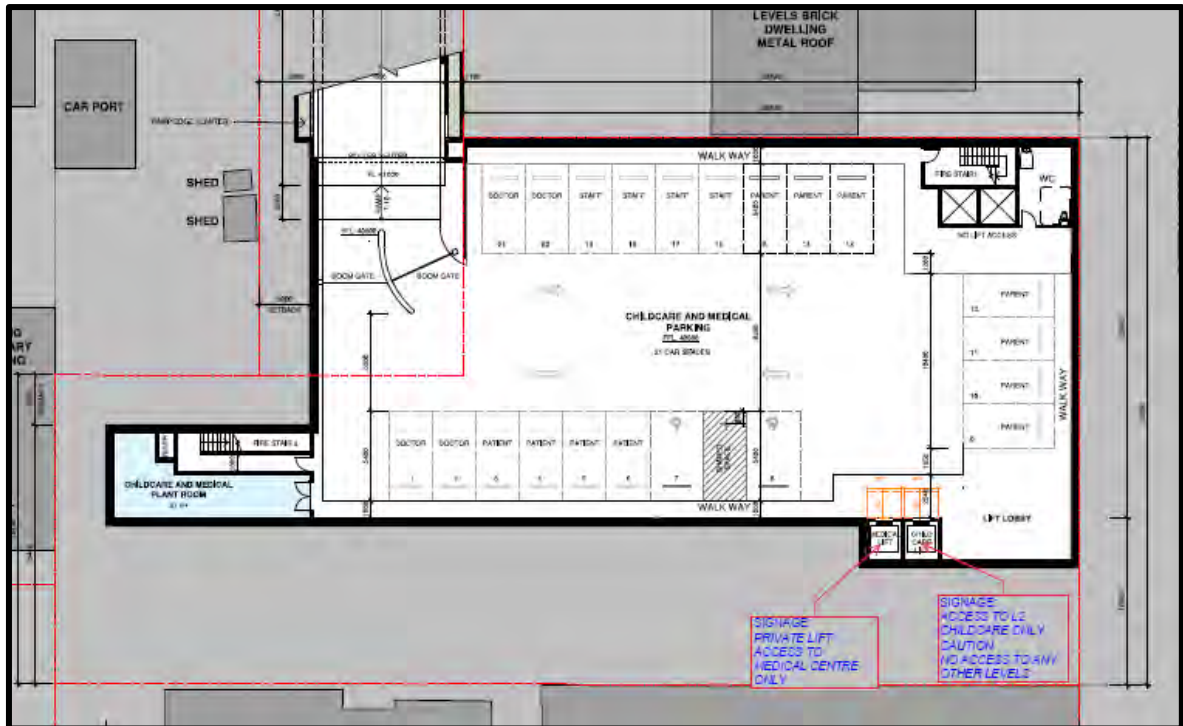


Figure 9: Restriction on access from Basement 2 car park.

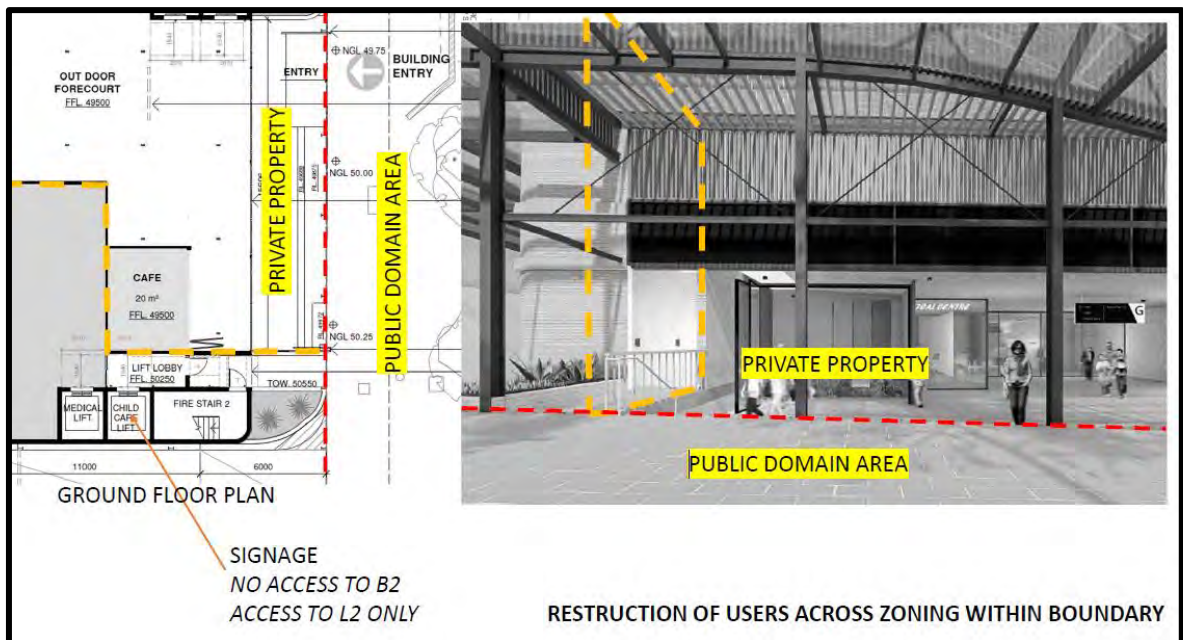


Figure 10: Restriction of access on ground floor.

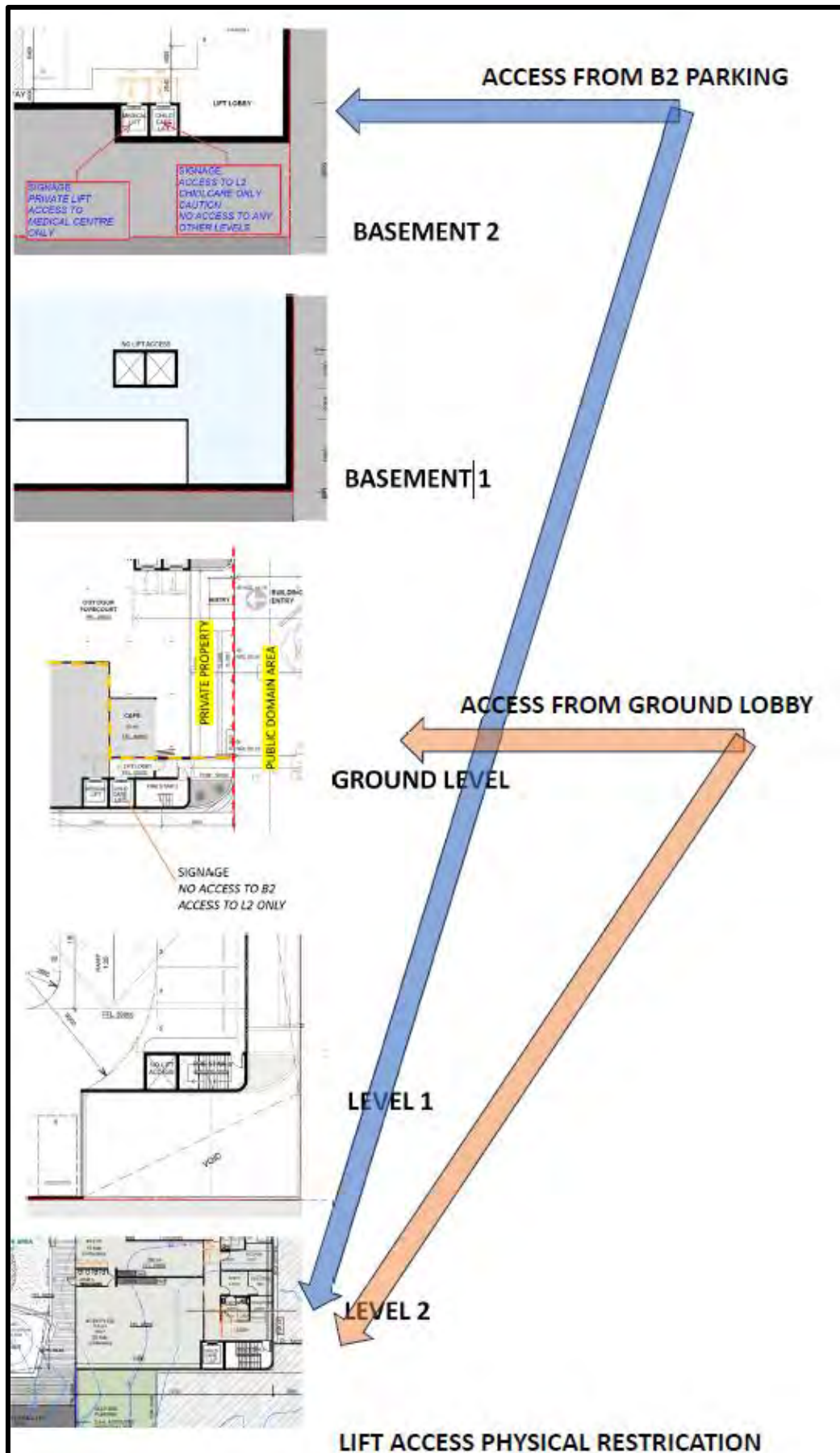


Figure 11: Restriction of access to the different levels.

Figures 12 to 17 compares the original proposal to the amended plans which have addressed the concerns about the R2 zone being used for commercial purposes. Basement Level 2 can now only be used by the medical centre and childcare centre as there is no opportunity for access from the car park to the commercial component and vice versa. The uses and the access to each are now separate with no possible cross overs.

The proposed use on the R2 zoned land is limited to:

- a) driveway ramp providing access to 'Childcare and Medical Parking' at Basement 2; and
- b) the childcare & medical bin room at the Ground Floor.

It is considered that the amended scheme has addressed this issue of permissibility with respect to the two different zoning on site and with imposition of **Conditions 198 and 199** to ensure there is no cross over, this reason for refusal is no longer applicable.

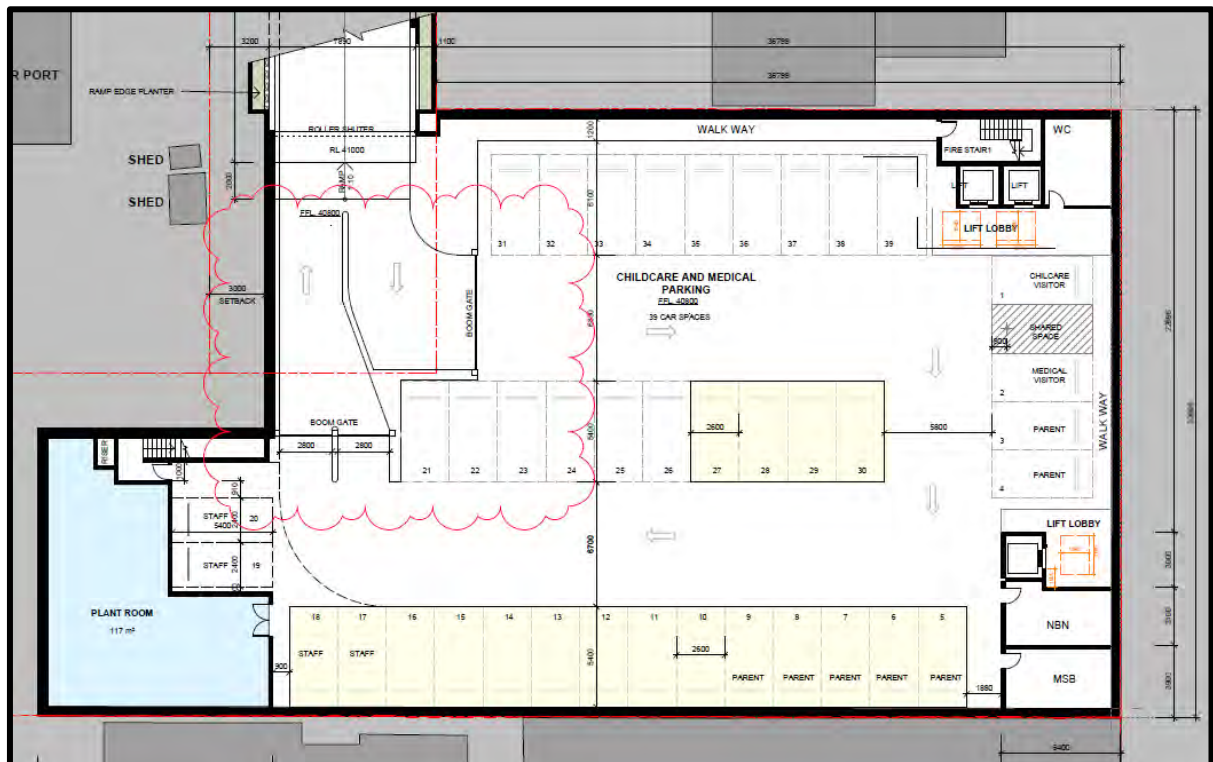


Figure 12: Original proposal of Basement 2 carpark for childcare and medical parking with access from driveway located in R2 zone.

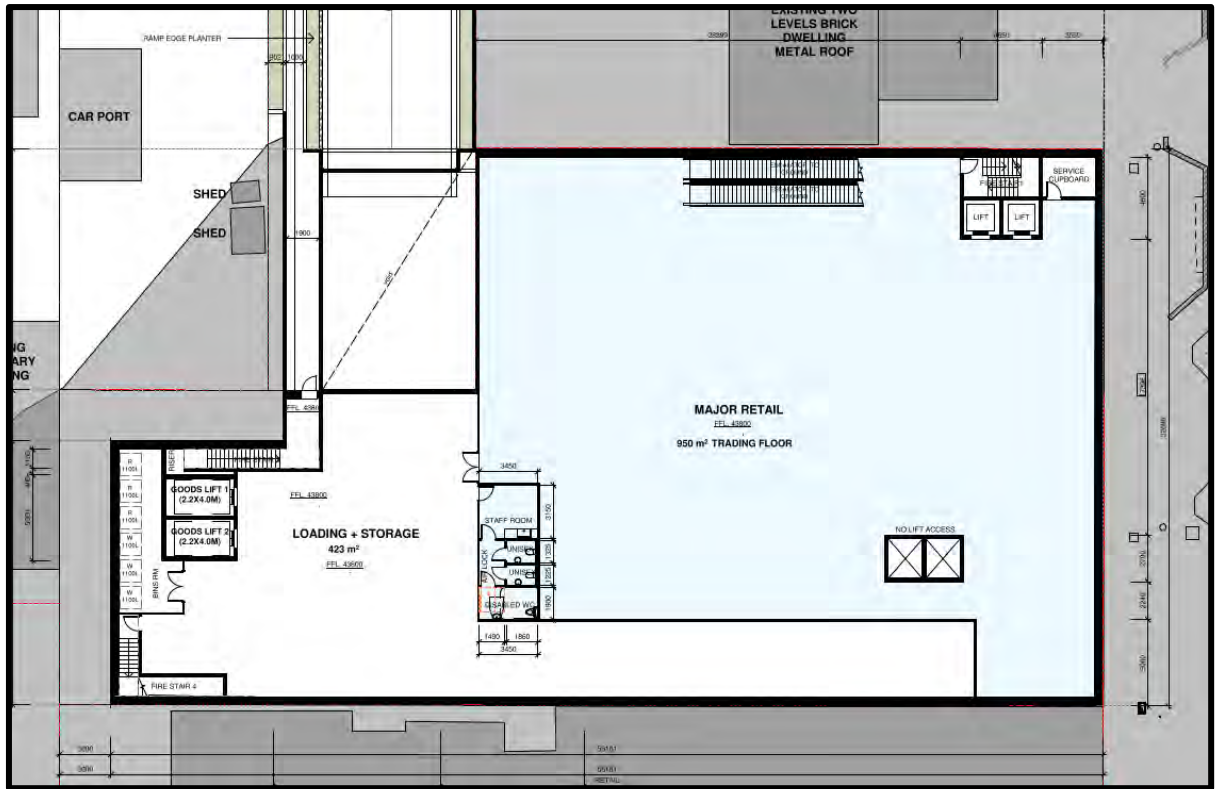


Figure 15: Revised scheme with the two dedicated lift cores for the medical and childcare not accessible from the commercial component.

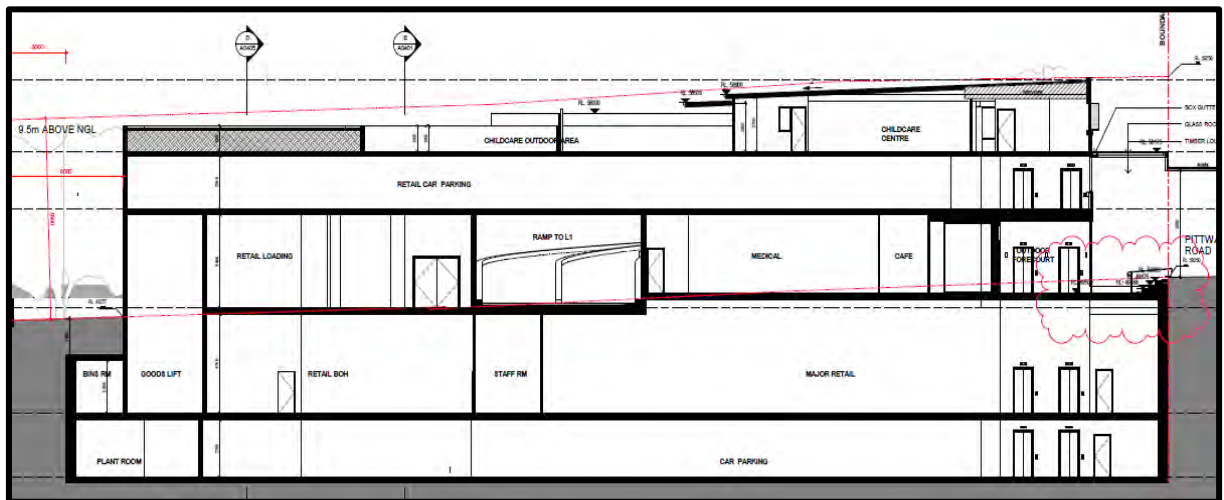


Figure 16: Cross section of original showing lifts access to all levels.

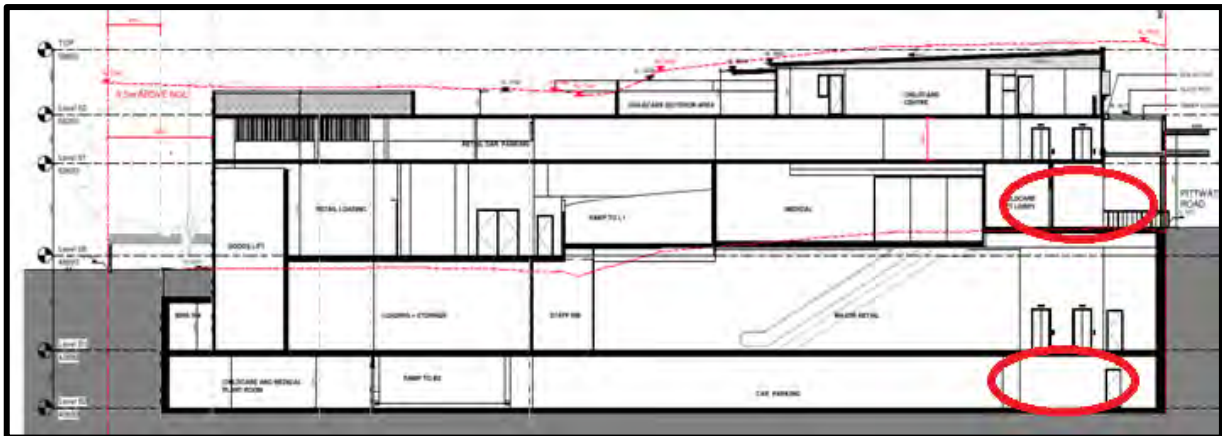


Figure 17: Cross section of the revised scheme with the access from the northern lift cores restricted so there are no cross over of access between the commercial use to the child care and medical centre.

2. *The proposed development must be refused as the cl 4.6 written requests do not provide adequate reasons why the Height of Buildings development standard in cl 4.3(2) and the Floor Space Ratio development standard in in cl 4.4(2) of Ryde Local Environmental Plan 2014 should be varied.*

Comments:

The original proposal had non compliances with the following development standards:

- Clause 4.3 – Height of building. A maximum building height of 9.5m is allowed and the proposal had a maximum building of 10.25m for a small section a variation of 750mm or 7.89%.
- Clause 4.4 - Floor space ratio.

Allowed	Refused LDA
B1 zone: 0.8:1 (1,314.4m ²)	B1 zone: 1.48:1 – 2435m ² or 85%.
R2 zone: 0.5:1 (259.25m ²)	R2 zone 0.023:1 (12m ²)

Clause 4.6 written requests for the height and FSR were submitted with the original application however the Panel considered that the submitted cl 4.6 written requests do not provide adequate reasons as to why the height and floor space ratio development standards should be varied.

The amended development still results in the same breach to the height control. The floor space within the development has been reduced so the resultant FSR is 1.25:1. The applicant has submitted revised Clause 4.6 requests for each of the standards and Clause 4.6 for each of the variations are discussed further in the report under Section 4.15 Matters for Consideration – Ryde Environmental Plan 2014.

It is considered that development consent can be granted as:

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) of Cl 4.6 and*

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

Note: The extent of variation to the floor space has also been reduced by the redesign of Basement 2 car parking.

3. *The proposed development should be refused as the design does not adequately address the potential impact on nearby residential properties or the commercial location or reinforce the commercial interface with the street as appropriate to the zone.*

Comments

Adjoining and surrounding development consists of the following: **(Figure 15)**

- 126 – 128 Pittwater Road: This site adjoins the southern side boundary of the subject site. Development on this site consists of a shop top housing development with a Harris Farm supermarket and café located at the ground floor, and two residential levels above.
- 53A Thompson Street: This site is a battle-axe allotment which adjoins the western side boundary of the subject site. This site consists of a dwelling house which is accessed via an access handle from Thompson Street.
- 55 Thompson Street: This site adjoins both the northern and western boundary of the subject site. This site consists of a single storey dwelling house with detached structures within the rear yard.
- 136 Pittwater Road: This site adjoins the northern and eastern side boundary of the subject site. Development on this site contains a two-storey building used for antique furniture sales.
- 138 Pittwater Road: This site adjoins the eastern side boundary of the subject site. Development on this site contains a two-storey building occupied by a medical centre and business premises for picture framing. At-grade parking is provided to the rear of the site.

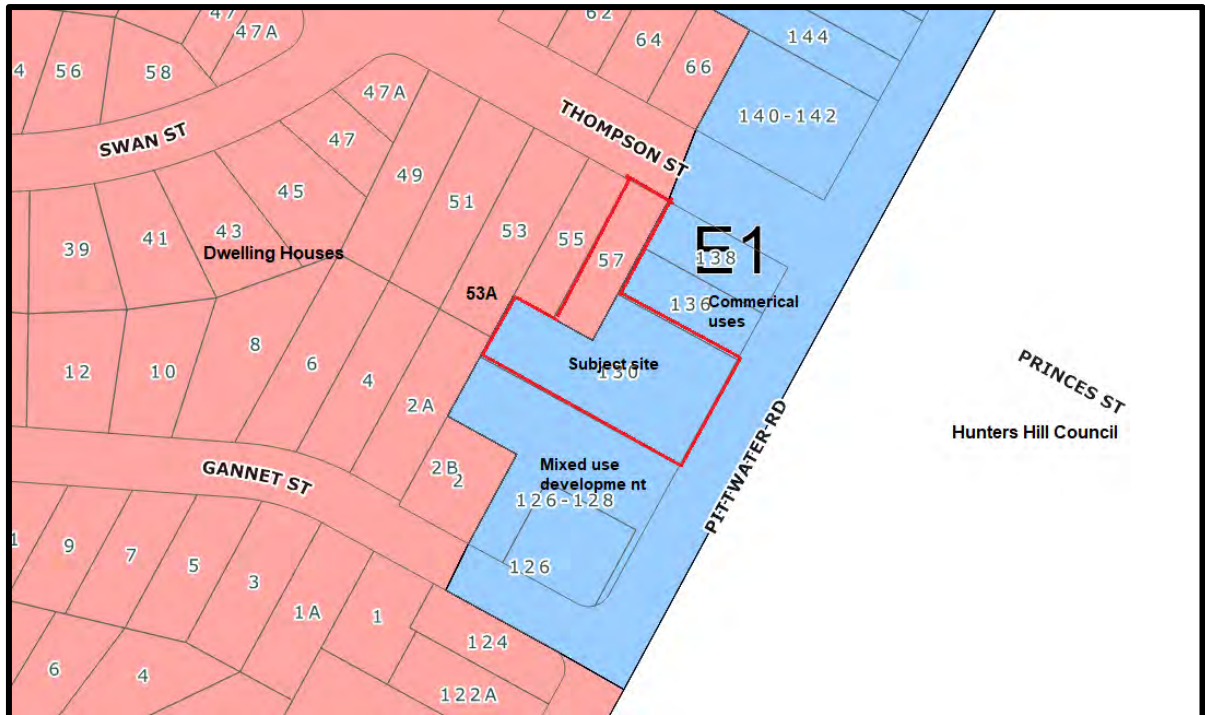


Figure 18: Surrounding zoning and the uses.

Amended architectural plans have been submitted incorporating solid boundary perimeter walls to enclose and minimise any potential impacts of noise, odour and privacy to the nearby residential properties as well as headlight. The solid wall is on Level 1 parking facing Pittwater Road. See **Figure 19** below showing the comparison between this application and the refused DA.

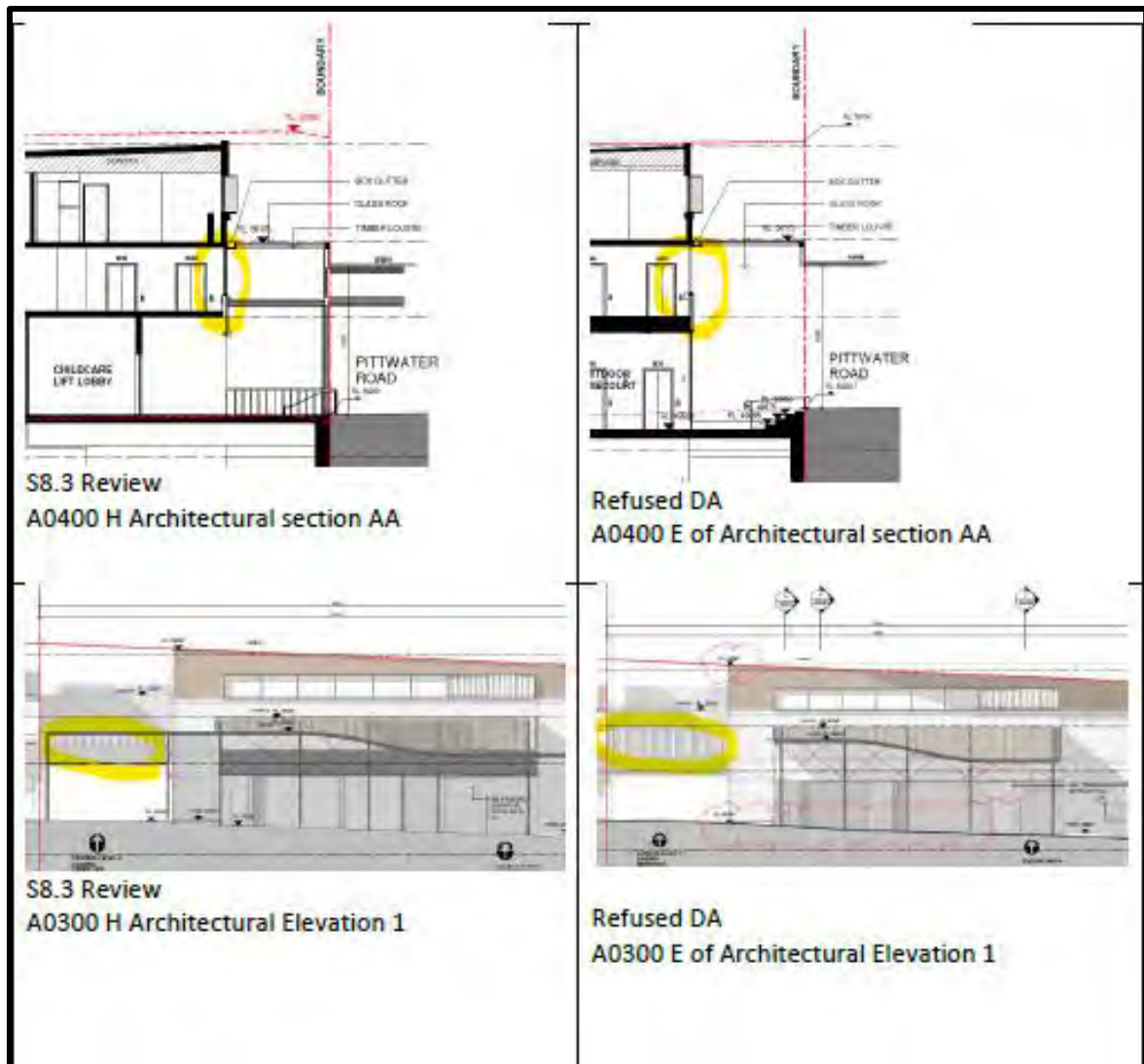


Figure 19: Comparison of the original proposal and revised plans providing a solid wall to the Pittwater Road interface.

With the amendments to the access for the commercial component now only being from Pittwater Road, only visitors to the childcare and medical component will be from Thompson Street, (therefore the higher turnover traffic/parking accessing the development will be from the Pittwater Road frontage). The submitted SEE states that the car park and vehicular access to the childcare and medical centre will be closed outside the hours of the medical/childcare facilities. **Condition 198** has been imposed reinforcing this.

Any impact to the residential property at 55 Thompson Street from the driveway and pedestrian path has been minimised by the provision of a 1m wide landscaping strip, a 1.8m high timber fence and the level difference between the common boundary and the side pathway, see **Figure 20** below. This together with the acoustic barrier adjacent to the driveway and privacy hedge will minimise noise and any privacy concerns.

Condition 5 has been recommended, requiring the substation to be move slightly further to the east with a strip of landscaping to be provided adjacent to the common boundary with 55 Thompson Street.

- Mechanical plant room needs to achieve an equivalent sound power level of 71 dB(A). Various controls such as ensuring all louvres/openings to the plant room face away from nearest residence and quieter plant selection can be utilised.
- A barrier at least 1.8 m high should be erected where the internal spiral ramp to the car park is exposed. Additionally, an awning should be placed above this exposed ramp at an equal height to the floor level of the outdoor play area.
- An awning should be positioned above the south eastern access point to the carpark that extends at least 14.7 m along the driveway and attached to the building on three sides of the awning including the neighbouring building (126-128 Pittwater Road).
- It is advised to mechanically ventilate the childcare centre to avoid the need to open windows.
- If a sleeping room is to be built along the eastern façade of the childcare centre, then any windows facing Pittwater Road must be kept closed and double glazed.

The controls are shown in the figures below.

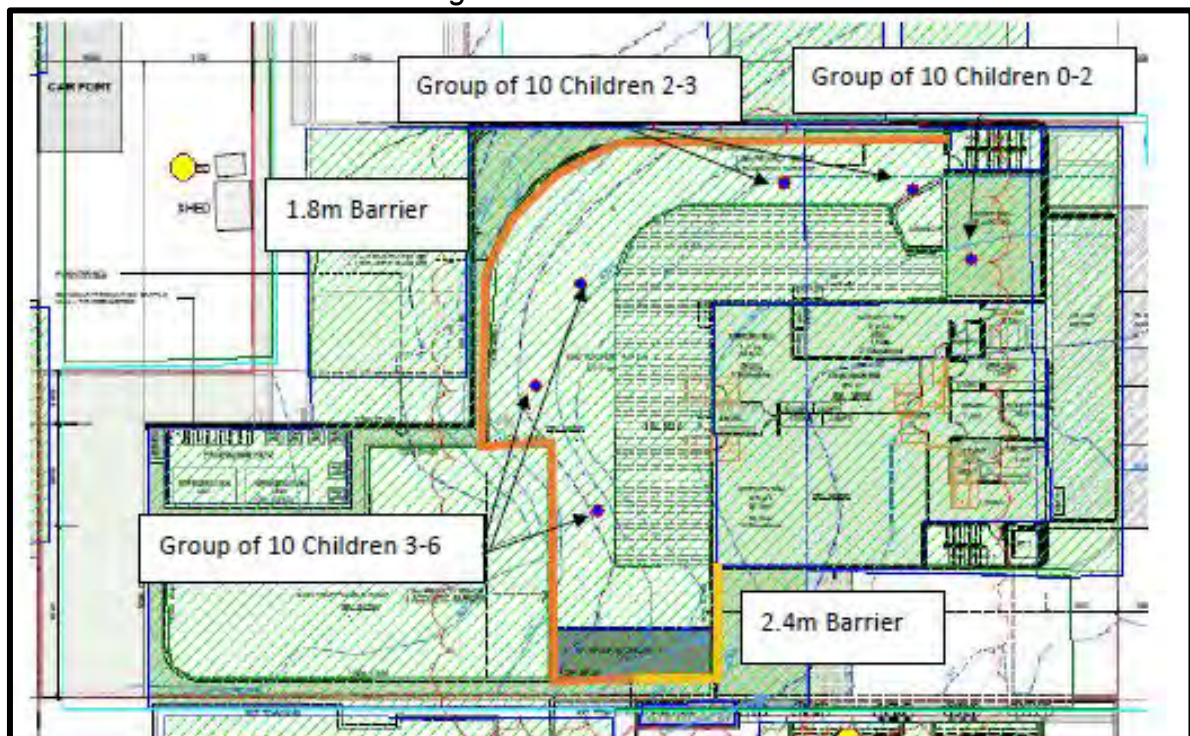


Figure 21 : Outdoor Play Area Noise Controls

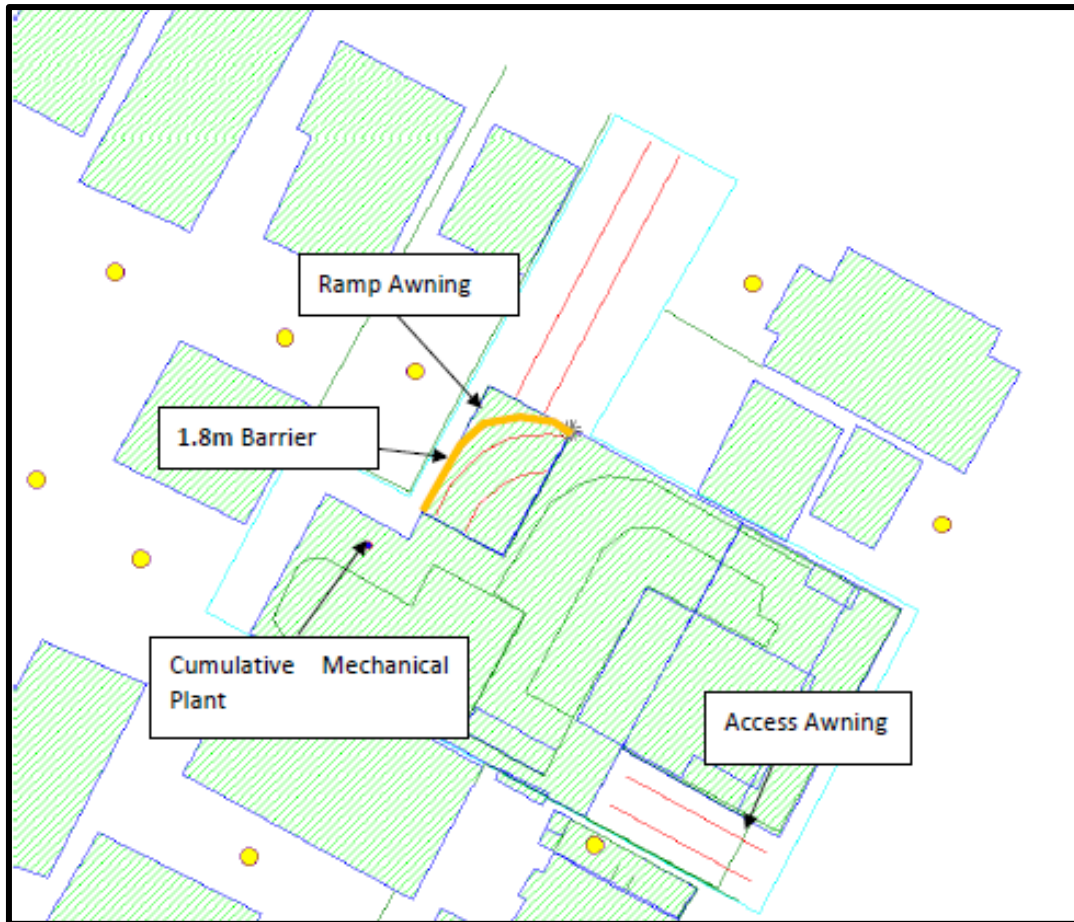


Figure 22: Mechanical Plant Noise Controls

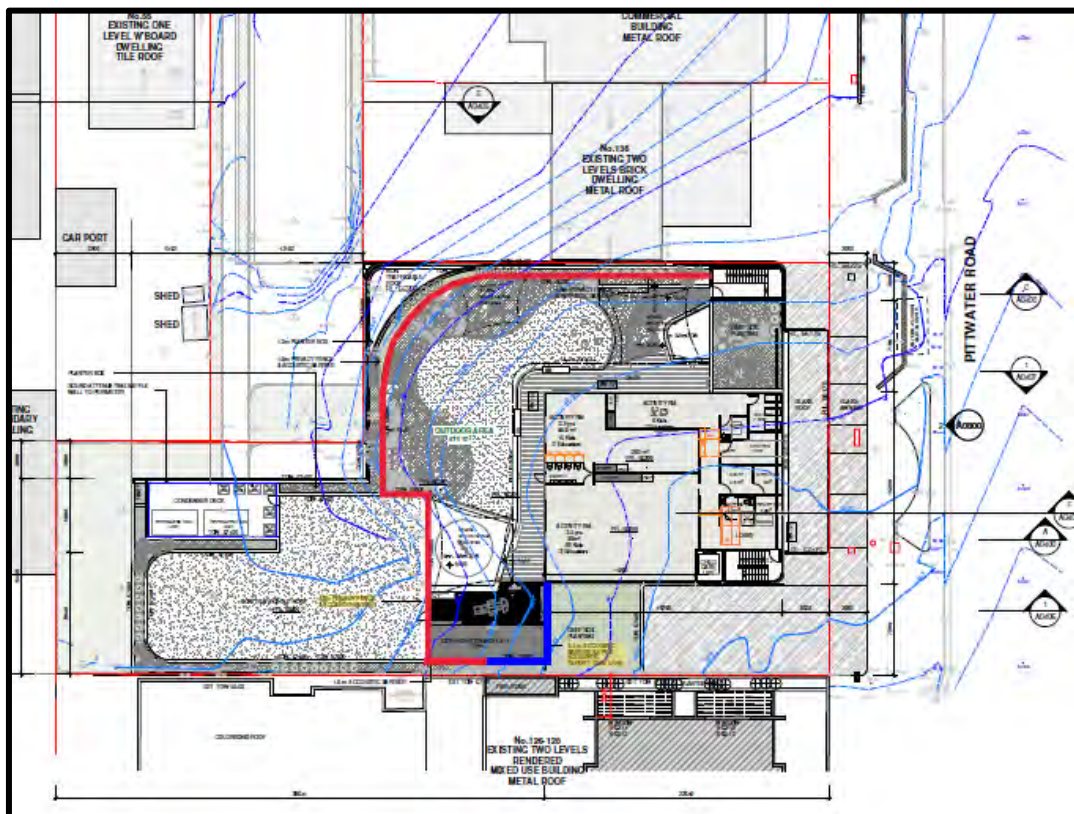


Figure 23: Proposed Floor Plan level 2 – with the barriers as required.

It is considered that the amended proposal with the mitigation measures in place will address concerns raised by the Panel regarding the impacts to the nearby residential properties. A lighting strategy for the development has been included as a condition (see **Condition 223**).

The Noise Impact Assessment accompanying the Review Request has outlined that the construction noise and the ongoing operation of the development will not result in undue acoustic impacts, subject to the development satisfying the operational controls provided at section 6.4 of the report. The operational controls will be included as conditions of consent in the event of an approval.

Commercial Interface with the Street.

Original Application:

The original proposal went before the Ryde Urban Design Review Panel (UDRP) on 24 February 2022 with amended plans reviewed by Council's Urban Designer on 9 February 2023.

Council's Urban Designer assessed the applicant's amended plans in response to the UDRP's assessment and recommendation (UDRP and Council's Urban Designer comments – **Attachment 5**). Extract from the original Assessment report below outlining changes to address the built form:

The amended plans on 12 March 2023, address the concerns raised by Council's Urban Designer. The changes included the following:

- Relocation of the travelator from the eastern aspect of the outdoor forecourt to the northern portion of the ground floor. The relocation of the travelator ensures the access arrangement is not a focal point of the Pittwater Road frontage and allows for better activation and engagement of the primary road frontage.*
- The accessible bathroom has been relocated from the northern aspect of the ground floor to the southern aspect of the floorplate to ensure there is no concealment opportunities and the bathroom will be visible from the public domain.*
- The raised planter along the Pittwater Road frontage has been removed.*
- Provision of a floor to ceiling safety grill is located within the forecourt area to increase safety and security to the development outside of operating hours.*

The amendments made by the applicant has now satisfied Council's Urban Design comments.

Accordingly the commercial interface with Pittwater Road was addressed in the original proposal and amendments were supported by Council's Urban Designer.

S8.3 Review Request

The applicant has advised that architectural Plans depict the building to be built to the boundary which is similar to the neighbouring properties at 126 - 128 Pittwater Road.



Figure 25 : Photomontages as viewed from Pittwater Road.

- The configuration of the development results in an above ground carpark uncharacteristic of the area, a disproportionate allocation of carparking between uses and an inefficient use of the carpark. Carpark allocation between the basements and lack of connectivity results in a shortfall of car parking for the shop uses.*

Comments

Above ground car parking is not uncommon for commercial buildings and in this instance the car park (Level 1) is not “openly visible”. The applicant has provided the following statement:

We note that the proposal incorporates ‘enclosed’ podium parking that is provided as

a specific design response to mitigate impacts to those adjoining residential properties including those from other matters such as light spill and headlight glare, noise and the physical presentation of the parking areas.

Further as it relates to its presentation it is designed as an integral part of the building to the point that it is not perceived at all as a parking level to the development given the design of the scheme that totally integrates the parking level into the built form.

From a planning view point, the design and treatment of the above ground car park is considered satisfactory. On the northern façade (ramp), the addition of the layered screens and blades to the car park reinforce the architectural expression. UDRP and Council's Urban Designer did not raise objections to the design of the car park.

The car parking levels (Basement 2 and Level 1) have been separated for different uses with Basement 2, access from Thompson Street solely for the childcare and medical use. Level 1, with access from Pittwater Road is solely for the retail use. The amended scheme has changed lift core access so that no access from the B2 basement (child care and medical centre) to the commercial areas is available. The submitted Traffic Report states that under Council's Development Control Plan 66 car parking spaces is required for the development, comprising of 45 car parking spaces for retail use and 21 car parking spaces for childcare and medical centre use.

The proposal provides 32 spaces for retail and 21 spaces for the childcare and medical centre uses. This represents a shortfall of 13 car parking spaces for the retail portion of the development. The proposal satisfies the DCP car parking spaces for the childcare centre and medical centre portion of the development.

This shortfall in carparking for the retail component was original considered by Council's Senior Development Engineer for LDA 2022/0023.

It was noted that currently existing on site is a 532m² GFA supermarket and a 124m² liquor store with an on-site car park offering twelve (12) car parking spaces. Based on the above GFA, 27 car parking spaces would be required for the existing use however only 12 space are provided. This represents a current numerical shortfall of 15 car parking spaces from Council's DCP parking requirement.

Council's Senior Development Engineer in the original assessment of LDA 2022/0023 advised that; *the existing parking non-compliance for the major retail and retail premises on the site is a salient aspect and should be taken into account when assessing the merits of the proposal.*

The existing non-compliance with the retail premises car parking on the site has been assessed at 15 spaces.

The proposed shortfall is 13 car parking spaces, meaning the proposed development reduces the historical parking shortfall by 2 spaces.

Council's Senior Development Engineer noted at the time of the original assessment that the development presents a high likelihood for mixed trips.

Having regard to the discussion above, and that the car parking allocation is now clearly allocated and impositions of **Conditions 188** and **189** to ensure parking signage for the different uses. Plus access to public transport is readily available with a bus stop in front of the site and the site is within walking distance from residential properties. Therefore, the shortfall associated with the retail premises is justifiable in this instance. This matter has been discussed in greater detail under the Referral section of the report.

5. *The building has not been designed to segregate all functions of the different uses resulting in a prohibited form of development.*

Comments:

As discussed above in Reason 1, the concerns regarding the 'prohibition' of the development have been resolved as there are no cross access from the E1 component of the development to the R2 component of the development and vice versa, which was the primary concern of the RLPP (See changes and discussion earlier in this section under Reason 1).

6. *The ongoing use and function of the site requires an unreasonable reliance on strict compliance with a Plan of Management to satisfy ongoing permissibility. Non-compliance would result in a development not being permitted.*

Comments:

In the original application (LDA 2022/0023), the concerns raised by the Panel related to the ability for a person to access the commercial components of the development from Basement 2 because this area was accessed from the R2 zone and would result in a prohibited form of development. It was proposed to rely on a Plan of Management to limit this from occurring. The Panel did not support this reliance on a POM as if not strictly complied will result in a permissibility issue.

As discussed above in Reason 1, the issue of permissibility has been addressed as amended plans have been submitted that physically separate access and avoid shared lift cores between levels of the building. This stops a person from using the B2 basement, via the R2 land, to then access the commercial components.

The revised POM is for the management of the childcare centre and noise management.

7. *The streetscape presentation of the building and the setback from the street frontage is not compatible with the form of development in the local neighbourhood centre.*

Comments:

This reason for refusal has been discussed above under Reason 3 with regards to the commercial interface along Pittwater Road.

The streetscape presentation of the building and setback in LDA2022/0023 was reviewed by UDRP and Council's Urban Designer where it was considered that the design of the front forecourt and public domain interface to Pittwater Road was resolved via amended plans submitted 12 March 2023. The amended plan redesign the forecourt to function and present as an extended part of the public domain. The changes were:

- Relocation of the travelator from the eastern aspect of the outdoor forecourt to the northern portion of the ground floor. The relocation of the travelator ensures the access arrangement is not a focal point of the Pittwater Road frontage and allows for better activation and engagement of the primary road frontage.
- The accessible bathroom has been relocated from the northern aspect of the ground floor to the southern aspect of the floorplate to ensure there is no concealment opportunities and the bathroom will be visible from the public domain.
- The raised planter along the Pittwater Road frontage removed.
- Provision of a floor to ceiling safety grill is located within the forecourt area to increase safety and security to the development outside of operating hours.

It is considered that the streetscape presentation is compatible to the future and desired character of the area and this reason for refusal can fall away.

8. The potential impacts to traffic flow and potential for queuing arising from the implementation of boom gates and intercom system to restrict access to the basement carpark have not been addressed.

Comments:

The Traffic Report prepared by McLaren Traffic Engineering state that queuing analysis was undertaken that demonstrates there is sufficient space to accommodate the calculated likely maximum queuing and confirmed that sufficient space is available on site to handle the extent of queuing.

Council's Traffic Engineer has confirmed that *"the results of the queueing analysis show that the expected 98th percentile queue for a boom gate on the Thompson Street driveway would be 7 metres whilst the Pittwater Road driveway would be 14 metres. Given that the boom gates are proposed to be installed at distances from the property boundaries of 36m and 33m on the circulation roadways from Thompson Street and Pittwater Road respectively, both provided queueing areas exceed the expected 98th percentile queue lengths and can be wholly accommodated on the site"*.

The report also states the proposed design does not have adequate space to provide a ticket machine therefore the boom gate control must be operated by a number plate reader. Number plate readers are fast and efficient and allows vehicles to pass through quickly.

5. Planning Assessment

5.1 Environmental Planning and Assessment Act

Section 8.2 Review

Provision	Comment
Section 8.2 Determinations and decisions subject to review	
1) The following determinations or decisions of a consent authority	The subject application is prescribed as a type pursuant to Section 8.2(1)(a).

Provision	Comment
<p>under Part 4 are subject to review under this Division:</p> <ul style="list-style-type: none"> a) the determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary), b) the determination of an application for the modification of a development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary), c) the decision of a council to reject and not determine an application for development consent. 	
<p>2) However, a determination or decision in connection with an application relating to the following is not subject to review under this Division:</p> <ul style="list-style-type: none"> a) a complying development certificate, b) designated development, c) Crown development (referred to in Division 4.6). 	<p>The review is of a development application (LDA2022/0023) which was not a designated development or crown development.</p>
Section 8.3 Application for and conduct of review	
<p>3) A determination or decision cannot be reviewed under this Division:</p> <ul style="list-style-type: none"> a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or b) after the Court has disposed of an appeal against the determination or decision. 	<p>The application was determined on 13 April 2023.</p> <p>The lapsing date for the review period is 13 October 2023. A determination will be needed prior to this date.</p>

Provision	Comment
4) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.	<p>The applicant has made amendments to the application. The amendments made by the applicant include changes to the access from the Basement Level 2 car park to their respective use, revised Clause 4.6 requests and minor design changes.</p> <p>The application as amended is substantially the same development as the development described in the original application.</p>
5) The review of a determination or decision made by a delegate of a council is to be conducted: <ul style="list-style-type: none"> a) by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or b) by another delegate of the council who is not subordinate to the delegate who made the determination or decision. 	<p>A review has been carried out.</p> <p>RLPP determined the original DA. The review is being determined by the RLPP consisting of different members.</p>
6) The review of a determination or decision made by a council is to be conducted by the council and not by a delegate of the council.	<p>N/A – not determined by Council.</p>
Section 8.4 Outcome of review	
After conducting its review of a determination or decision, the consent authority may confirm or change the determination or decision.	<p>As a consequence of the review it is recommended that the development is supported subject to conditions.</p>
Section 8.5 Miscellaneous provisions relating to reviews	
1) The regulations may make provision for or with respect to reviews under this Division, including: <ul style="list-style-type: none"> a) specifying the person or body with whom applications for reviews are to be lodged and by whom applications for reviews and the results of reviews are to be notified, and b) setting the period within which reviews must be finalised, and 	<p>The owners have lodged the review of determination application and this review was being undertaken by a Senior Town Planner and determine by new members of RLPP.</p> <p>The application has been notified in accordance with Council's Community Participation Plan. Twenty six (26) objections submission were received objecting to the proposal.</p>

Provision	Comment
c) declaring that a failure to finalise a review within that time is taken to be a confirmation of the determination or decision subject to review.	The assessment of the application has been finalised within the allowable time frame of 6 months.
2) The functions of a consent authority in relation to a matter subject to review under this Division are the same as the functions in connection with the original application or determination.	The development application was refused by the RLPP. The subject review is being determined by the RLPP, with alternate panel members to that of the original panel.
3) If a decision to reject an application for development consent is changed on review, the application is taken to have been lodged on the date the decision is made on the review.	N/A
4) If a determination is changed on review, the changed determination replaces the earlier determination on the date the decision made on the review is registered on the NSW planning portal.	Noted.
5) Notice of a decision on a review to grant or vary development consent is to specify the date from which the consent (or the consent as varied) operates.	Noted.
6) A decision after the conduct of a review is taken for all purposes to be the decision of the consent authority.	Noted.
7) If on a review of a determination the consent authority grants development consent or varies the conditions of a development consent, the consent authority is entitled (with the consent of the applicant and without prejudice to costs) to have an appeal against the determination made by the applicant to the Court under this Part withdrawn at any time prior to the determination of that appeal.	Noted.

5.2 State Environmental Planning Instruments

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

SEPP (Resilience and Hazards) 2021 (formerly SEPP No. 55 – Remediation of Land) aims to ‘provide a State-wide planning approach to the remediation of contaminated land.’ Clause 4.6 of this SEPP requires Council to consider whether the site is contaminated, and if so whether it is suitable for the proposed development purpose.

The application is accompanied by a Stage 1 preliminary (Environmental) site Investigation prepared by EBG Environmental Geoscience dated October 2021

The report outlined that a number of potential areas of environmental concern were identified. This is attributed to the historical use of the site for hardware and fuel merchants and a service station. The report concluded that a Detailed Site Investigation is to be carried out.

A Detailed Site Investigation was prepared by Geotechnical Consultants Australia. The findings of the report concluded that the potential for significant contamination of soil to be low. The Report recommended that a Hazardous Materials

Survey should be undertaken on all onsite buildings and structures prior to demolition. This is recommended to be required prior to demolition works by way of a condition to be imposed on any consent granted.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP)

The objective of Part 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP) is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.

An Arboricultural Impact Assessment was provided which recommends the retention of three (3) trees on adjoining neighbouring allotments, and twelve (12) street trees along the bounding street verges. The assessment also recommends the removal of fourteen (14) trees located within the subject site, and one (1) street tree along the Thompson Street verge.

No changes are proposed with regards to the assessment of the trees from the original assessment, which was considered satisfactory, subject to recommended conditions. One of these conditions includes the retention of a *Melaleuca quinquenervia* (Paperbark) identified as Tree 13 on the Arboricultural Impact Assessment prepared by the Tree Guardian.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Chapter 2, Subdivision 2, Section 2.48 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (TI SEPP) is to be considered in the assessment as the development will be carried out within 5m of an exposed overhead electricity power line.

The original proposal (LDA 2022/0023) was referred to Ausgrid for comment. Ausgrid did not object to the proposed development. This S8.3 Review was re-referred to Ausgrid and again did not object to the proposal.

Chapter 2, Division 17, Section 2.119 of the TI SEPP applies to the development as the site has a frontage to a classified road.

LDA 2022/023 was referred to TfNSW who have indicated the continued access from the classified road will not be adversely affected by the development. TfNSW note that the traffic generation has suitably been distributed between two separate entry and exit points to the site.

In addition to the above, the development includes a shop with a GFA greater than 500m² with access to a classified road and is therefore traffic generating development per Schedule 3 of the TI SEPP. Referral to TfNSW for concurrence was undertaken. Concurrence was granted from TfNSW on 14 September 2022, to allow the driveway extension to Pittwater Road, subject to conditions. **Condition 10.**

This S8.3 Review Request was re-referred to TfNSW who advised that: *“there are no significant changes proposed with regard to the access arrangements nor to the likely traffic impact on the surrounding road network compared to the previous plans. As such, TfNSW advises that the conditions of its previous letter dated 14 September 2022 remain applicable to the proposed development.”*

Division 10 – Health Services Facilities.

Clause 2.6 (1) of the SEPP provides that 'development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone'.

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

The R2 Low Density Residential is a 'prescribed zone'. (Clause 2.59 (e)).

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Clause 23 of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Education SEPP) provides that:

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into

consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.

The *Child Care Planning Guideline* (herein simply referred to as ‘the Guideline’) establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based childcare facilities in NSW.

The original application (LDA2022/0023) provided a detailed assessment of the proposal against provisions of the Guidelines (**Attachment 2** – Compliance Table) which illustrate general compliance and addressed the one non-compliance in the original assessment report.

This 8.3 Review Request does not alter the original assessment for the childcare centre as the size, location, number of children and indoor and outdoor facilities for the childcare remain the same. The original assessment is attached as **Attachment 7**.

5.3 Ryde Local Environmental Plan 2014

The subject site is zoned part E1 Local Centre (130 Pittwater Road) and part R2 Low Density Residential (57 Thompson Street) under the provisions of RLEP 2014 – refer to **Figure 1** earlier in this report.

The proposal seeks consent for a mixed-use development. The following land uses that make up the mixed use development are permitted with consent within the E1 zone:

- *shops* (major retail and liquor store)
- *food and drink premises* (café)
- *centre-based child care facility*, and
- *medical centre*

Development within the R2 zoned land will consist of a two-way driveway that provides access to the *medical centre* and *centre-based childcare facility* car park provided at Basement Level 2. The bin room for these uses will also be provided at the ground floor of the development, located within the R2 site portion of the site. Both the *medical centre* and *centre-based childcare facility* are permitted with consent within the R2 zone*¹ and therefore, the driveway access to these uses is permissible within the zone.

Note

***1 Medical Centre (health services facilities) are prohibited in R2 zone under the RLEP 2014 however 'health services facilities' (which include medical centres) are permissible with consent in the R2 Zone pursuant to the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 which overrides the provisions of RLEP 2014.**

Objectives of the E1 – Local Centre zone:

The objectives of the E1 zone are as follows:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To encourage employment opportunities in accessible locations.*

The proposal satisfies the above objectives as the development provides a range of retail uses being the café, major retail and liquor store that services the surrounding neighbourhood. The centre-based childcare facility and medical centre also provide key services to people who live or work in the surrounding neighbourhood. The proposal will also provide employment opportunities within the Neighbourhood Centre, which is an accessible location.

Objectives of the R2 – Low Density Residential zone:

The objectives of the R2 zone are as follows:

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

The development of the R2 zoned land includes driveway access to parking for the medical centre and the centre-based childcare facility, along with a substation and landscaping at the site's boundaries. The redevelopment of this portion of land enables the mixed-use development to provide facilities and services to meet the day to day needs of residents and satisfies the second objective.

The first and third objectives of the R2 zone are not relevant to the proposed development.

Principal Development Standards of Ryde LEP 2014

Clause 4.3 Height of buildings: The development site has a maximum height control of 9.5m for both the E1 Local Centre and R2 Low Density Residential zones.

The proposal has a maximum building height of 10.25m calculated at RL 47.75 to RL 58. The contravention to the development standard is 750mm or 7.89%. The variation is over the E1 zone in the middle of the building.

A clause 4.6 written request which was submitted with the review request, prepared by Think Planners dated 13 July 2023 is discussed in more detail below.

Clause 4.4 Floor space ratio: The development site has a maximum permitted floor space ratio, of 0.5:1 for the R2 Low Density zone and 0.8:1 for the E1 Local centre zone.

The proposal has a FSR of 0.023:1 for the R2 Low Density Zone and 1.25:1 for the E1 Local Centre zone. The portion of the site at 130 Pittwater Road exceeds the standard when calculating the individual FSR on the site by 56.5%.

A clause 4.6 written request prepared by Think Planners dated 13 July 2023 has been provided and is discussed in more detail below.

Miscellaneous Provisions of Ryde LEP 2014

Clause 5.4 Controls relating to miscellaneous permissible uses: Section (7AA) states: *If development for the purposes of a neighbourhood supermarket is permitted under this Plan, the gross floor area must not exceed 1,000 square metres.*

Neighbourhood supermarket is permitted within E1 Local centre zone and the proposed supermarket within the basement area will have a floor area of 950m² which complies with the above requirement.

Clause 5.10 Heritage conservation: The site is not identified as a heritage item or within a heritage conservation area.

120 Pittwater Road is identified as a Local Heritage Item 93. Given the considerable separation distance, and significant development between the subject site and the heritage item, the proposal will not significantly impact the item.

Additional Local Provisions of Ryde LEP 2014

Clause 6.2 Earthworks: The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The development seeks to provide two basement levels upon the site and a ramped driveway access at Thompson Street. These works result in significant earthworks.

Council's Development Engineer undertook an assessment of the original proposal and not raised any concerns relation to impacts on waterways, drinking water catchments or environmentally sensitive areas. This proposal do not change the extent of earthworks.

An Aboriginal Heritage Information Management System (AHIMS) search was undertaken for the site and identified that there are no recorded Aboriginal sites or places on the land. As such, it is unlikely any relics would be disturbed.

Clause 4.6 – Exemptions to Development Standards.

A consent authority may grant development consent for developments that do not comply with identified development standards, where it can be shown that flexibility in the application of the standard would achieve better outcomes for and from the development.

The objectives of Clause 4.6 of RLEP 2014 are as follows:

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

Clause 4.6(3)(a) and (b) of RLEP 2014 requires the variation request to demonstrate:

- a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The consent authority when considering a request to vary a development standard must be satisfied that the proposed development will be in the public interest and that the proposed development is consistent with the objectives of the particular standard and the objectives of the zone in which the development is proposed to be carried out.

NSW Land and Environmental Court: Case Law

Several key Land and Environment Court (NSW LEC) cases have refined the way variations to development standards are required to be approached. The key findings and directions of each of these matters are outlined in the following discussion:

Winten v North Sydney Council [2001] NSWLEC 46

The decision of Justice Lloyd in *Winten v North Sydney Council* established the basis on which the former Department of Planning and Infrastructure's Guidelines for varying development standards was formulated.

These principles for assessment and determination of applications to vary development standards are relevant and include:

- Is the planning control in question a development standard?
- What is the underlying object or purpose of the standard?
- Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?
- Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?
- Is a development which complies with the development standard unreasonable or unnecessary in the circumstances of the case?; and
- Is the objection well founded?

Wehbe v Pittwater Council [2007] NSWLEC 827

The decision of Justice Preston in *Wehbe v Pittwater Council [2007]* expanded the findings of *Winten v North Sydney Council [2001]* and established a five (5) part test for consent authorities to consider when assessing an application to vary a development standard in order to determine whether non-compliance with the development standard is well founded.

The five (5) different ways in which an objection may be well founded are as follows:

- *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
- *The underlying objective or purpose of the standard not relevant to the development and therefore compliance is unnecessary;*
- *The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and reasonable;*
- *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC

In the matter of *Four2Five Pty Ltd v Ashfield Council*, it was found that an application under clause 4.6 to vary a development standard must go beyond the five (5) part test of *Wehbe V Pittwater [2007] NSW LEC 827* and demonstrate the following:

- Compliance with the particular requirements of Clause 4.6, with particular regard to the provisions of subclauses (3) and (4) of the LEP; and
- That there are sufficient environment planning grounds, particular to the circumstances of the proposed development (as opposed to general planning grounds that may apply to any similar development occurring on the site or within its vicinity);
- That maintenance of the development standard is unreasonable and unnecessary on the basis of planning merit that goes beyond the consideration of consistency with the objectives of the development standard and/or the land use zone in which the site occurs.

Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245

Al Maha Pty Ltd v Huajun Investments Pty Ltd adopted further consideration for a consent authority to consider

- cl4.6(4)(a)(i): a written request from the applicant adequately demonstrates that compliance with the development standard is unreasonable or

unnecessary(cl4.6(3)(a)), and that there are sufficient environmental planning grounds to justify the contravention (cl4.6(3)(b)), and

- cl4.6(4)(a)(ii): the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development within the relevant zone.

The applicant has submitted a written request, prepared by Think Planners dated 13 July 2023 to vary :

- Clause 4.3 Height of building and
- Clause 4.4 Floor Space Ratio.

This assessment considers the planning merits of the development which includes the variation to each of the development standards.

Clause 4.3 Height of Buildings

Figures 26 & 27 below illustrate the area where the proposed building is over the maximum height of 9.5m. The maximum point contravention is 750mm or 7.89% with the area of non-compliance limited to the acoustic barriers and part of the parapet element to the upper level roof form.

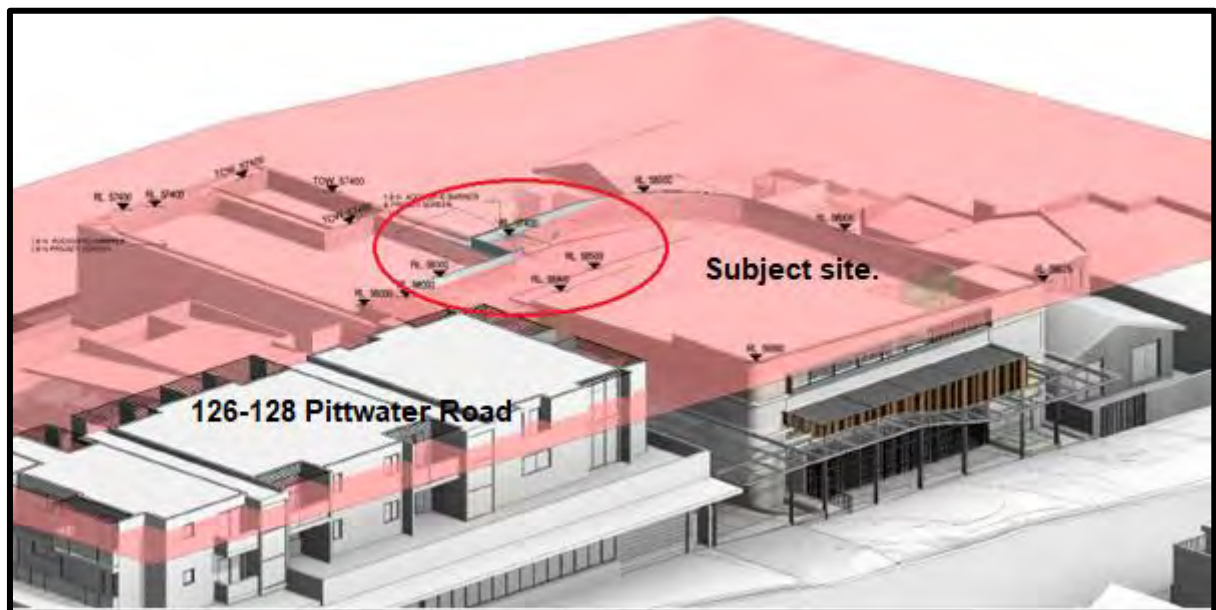


Figure 26: Area where it is over the height limit.

compliance has no bearing on the consistency of the proposal with objective a). This is particularly the case because the location of the breach is in a location that will not be perceived at the street frontage given its location at the rear of the site.

Assessment Officer's Comments: Agreed - The proposed mixed-use building presents three (3) storeys to Pittwater Road. The adjoining development to the south of the site comprises of a shop top housing development with three (3) storeys and is well above the 9.5m building height plane, as shown in **Figure 26** above. Furthermore, the development on the opposite side of Pittwater Road (Hunter Hills Council) is subject to an 11m height limit. The proposed development will be proportionate to, and in keeping with the character of the local area.

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

Written Request: *the overshadowing impacts from this area of noncompliance are no greater than the overshadowing of the compliant scheme given the area of non-compliance is located relatively centrally located on the site. The development as proposed is compatible with the desired future character of the area having regard to the planning controls and the observed form of development to the south that also adopts a 3 storey mixed use proposal. The development does improve the appearance of the area and the area of the height breach does not detract from the achievement of objective (b). This again is particularly the case because the location of the breach is in a location that will not be perceived at the street frontage given its location at the rear of the site and the nature of the breach is such that it will not be perceived from adjoining properties.*

Assessment Officer's Comments: Agreed – the non-compliance is relatively minor and is in the middle of the site, away from adjoining properties and will not result in any undue overshadowing. It is considered that the development is compatible with the appearance of the area, being a 3 storey building next to another 3 storey mixed use building.

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

Written Request: *In relation to objective (c) the area of the breach to the acoustic screen does not detract from consistency with objective (c) in that the height breach facilitates the necessary acoustic screen for the child care centre noting that child care placements are in demand in the area and the height breach facilitates the necessary components of the child care.*

Assessment Officer's Comments: Agreed - The development is to occur within an existing commercial area along a key road network and the proposal makes use of public transport operating along this road network, such as the existing bus stops at Princess Street and Pittwater Road.

The development includes the consolidation of Lot 6 in DP 598121 and Lot 9 in DP 10402, which forms an orderly development site at the intersection of Pittwater Road and Thompson Street from a land use compatibility perspective.

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

Written Request: *In relation to objective (d) due to the minor nature of the variation, it will not have any adverse amenity impacts. In this regard it is noted:*

- *The variation will be visually unnoticeable and will have no adverse impact on the physical bulk, height or scale of the development given the location of the breach and the nature of it relating to an anomaly on the land and to an acoustic screen element rather than an integral part of the building form.*
- *The variation will not lead to a reduction in solar penetration on site or to adjoining properties nor will it lead to sunlight loss or overshadowing.*
- *The proposed variation will not lead to view loss or interrupt views to and from the site.*
- *The proposed variation will not lead to a reduction in privacy of neighbouring properties and the breach enables a suitable screen that also mitigates privacy impacts.*
- *The proposed variation ensures that the necessary acoustic attenuation measures are achieved from children playing the outdoor play area and a lowering of the barrier height would compromise the required acoustic attenuation for the child care centre.*

Assessment Officer's Comments: Agreed - the contravention will not impact on the amenity of surrounding properties for the reasons outlined above. The breach is for an acoustic fence located near the middle of the site and will provide acoustic protection.
(e) to emphasise road frontages along road corridors.

Written Request: *In relation to objective (e) the road frontage of the proposal is retained and the breach to the height control has no bearing on this objective being satisfied.*

Assessment Officers Comments: Agreed - The development addresses the primary street frontage of Pittwater Road. The contravention to the building height is not visible from the Pittwater Road frontage.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary and unreasonable in the circumstances. The written request has demonstrated that the objectives of the development standard under clause 4.3(1) are achieved despite the contravention. The proposal satisfies clause 4.6(3)(a) and 4.6(4)(a)(i) of the RLEP 2014.

Clause 4.6 (3) (b) – Sufficient Environmental Planning Grounds

Written Request: *Environmental planning ground to justify contravening the height development standard:*

- *The area of non-compliance can be attributed to the prior excavation of the Site within the footprint of the existing building, which distorts the height of buildings development standard plane when compared to the topography of the land. In accordance with the Court's findings in Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582 [at 74], this can be properly considered as an environmental planning ground within the meaning of Cl 4.6.*
- *The minor nature of the encroachment is negligible and as such will not generate unacceptable adverse impacts to surrounding properties or as viewed from the public domain as set out in Eather v Randwick [2021] NSWLEC 1075.*

- *The natural topography of the land is such that when using extrapolated levels on what the 'natural' ground level would be then this area would be much higher than the current loading dock entry area- and hence when using extrapolated levels the proposal would be fully below the 9.5m height limit. Hence when comparing to surrounding properties the development still sits at a height that is contemplated by the 9.5m height limit- and this height is much lower than the adjoining development that is a full storey above the 9.5m height limit so contextually this means that the height sits comfortably across the site.*
- *The variation to the height control does not result in unacceptable overshadowing and privacy impacts to the adjoining residential properties.*
- *The proposed variation ensures that the necessary acoustic attenuation measures are achieved from children playing the outdoor play area- and a lowering of the barrier height would compromise the required acoustic attenuation for the child care centre.*

Therefore, the current proposal is a suitable outcome from an environmental planning perspective and demonstrates that there is merit in varying the height control to achieve a better design response on the site notably by providing suitable acoustic barriers to the child care component to mitigate acoustic impacts and that this area relates to a 'dip' in the natural topography of the land that if strictly complied with would result in a poor outcome through an artificial lowering of part of the building that would split the slab of the building and create significant design issues with the retail parking level- for no planning benefit.

This breach owing to the 'dip' in the site enables a better design outcome on the site and is consistent with the following Objects of the Environmental Planning and Assessment Act 1979:

- (c) to promote the orderly and economic use and development of land,*
- (g) to promote good design and amenity of the built environment,*

The minor breach to the height standard also does not generate any adverse amenity impacts to adjoining properties with regard to visual privacy or overshadowing given the lot orientation and careful design of the development.

Therefore, the current proposal is a preferred outcome from an environmental planning perspective and demonstrates that there is merit in varying the height control on the site which demonstrates sufficient environmental planning grounds to support the departure.

Assessment Officers Comments: Agreed - The Survey Plan demonstrates that the land falls from the southeast corner of the site towards Thompson Street in north west. Therefore, it is reasonable the 'depression' is an attribute of the site which needs to be taken into consideration when establishing the existing ground level for the site. The area of departure of this development is localised to the existing loading dock area and is largely an 'anomaly' on the land. The area of non-compliance can be attributed to the prior excavation of the Site within the footprint of the existing building, which distorts the height of buildings development standard plane when compared to the topography of the land.

The contravention of the building height standard is only 750mm, the extent of which occurs over a very small area of the building. Given the location of the contravention to the central rear portion of the building, the variance is not visible from the public domain, and does not result in impacts to adjoining properties. Furthermore, the acoustic barriers ensure the acoustic amenity of neighbouring residential properties are retained, and as such can be seen as a positive addition to the building.

Given the above with regards to the topography and that the variation will result in a better outcome in terms of amenity, the written request has satisfactorily established there are sufficient environmental planning grounds to justify contravening the standard in accordance with clause 4.6(3)(b) and 4.6(4)(a)(i).

Clause 4.6 (4) – Zone Objectives and the Public Interest

Clause 4.6 (4)(a)(ii) requires that the consent authority is satisfied that the development is in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone.

As detailed in the discussion of whether compliance with the standard is unreasonable or unnecessary, Council is satisfied that the development is consistent with the objectives of the development standard under clause 4.3(1).

The development must also be consistent with the objectives of the zone. As discussed earlier, the development is consistent with the E1 Local Centre zone objectives.

There is no public benefit in strictly complying with the standard in this particular instance. Maintaining the development standard would not provide any additional public benefit than what is proposed by the development (provision of retail, medical and childcare facilities). The redevelopment will provide increased provisions to support a growing residential area. The redevelopment of the site will result in upgrades to the public domain (**Condition 78**) and urban renewal.

Therefore, the proposal is considered to be in the public interest. The development has demonstrated consistency with clause 4.6(4)(a)(ii).

Clause 4.6 (5) – Matters required to be taken into consideration by the Planning Secretary before granting the concurrence

The departure is not a matter for regional or state environmental planning. The proposal achieves a good urban design outcome, and the proposal is not considered to raise any matters of significance for State or Regional planning.

Circular PS18-003 issued 21 February 2018 informed Council that it may assume the Planning Secretary's concurrence for exceptions to development standards.

Conclusion

The applicant has adequately addressed why compliance with the development standard is unreasonable or unnecessary under clause 4.6(3)(a) of RLEP 2014. The non-compliance with the height of buildings standard can be supported in the circumstance of the case, as there are sufficient environmental planning grounds for contravening the development standard. The contravention of the building height

standard is limited to 750mm for a small portion of the building, and does not alter the bulk and scale of the development as viewed from Pittwater Road. The proposal is consistent with the objectives of the development standard and the zone.

Clause 4.4 Floor Space Ratio.

The amended proposal has lowered the FSR of the scheme, to 2071m² (within the E1 zone) resulting in a variation of 1.25:1 or 56.5%.^{*1} Below is a table illustrating the FSR for 130 Pittwater Road and 57 Thompson Street.

Address	Site Area	GFA Permitted	GFA Proposed	Difference	FSR
57 Thompson Street	520.3m ²	0.5:1 (260.15 m ²)	12m ²	- 248.15m ²	0.023:1
130 Pittwater Road	1653.7m ²	0.8:1 (1322.96m ²)	2071m ² 1365m ² basement 718m ² above ground	+748.04 m ²	1.25:1 Or 56.5%
Total	2163.3m²	1583.11m²	2083m²	+499.89m²	

Table 1: Floor space for each of the different zones.

^{*1} The reduction in floor space is a result of removal of excess car parking that counted as floor space in the original proposal.

130 Pittwater Road exceeds the standard when calculating the individual FSR on the site by 56.5%.

A revised clause 4.6 written request, prepared by Think Planners dated 13 July 2023 has been submitted for the variation to the FSR standard. The written request argues the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

Clause 4.6 (3) (a) – Compliance Unreasonable and Unnecessary

The objectives of the floor space ratio standard are set out in Clause 4.4 as follows:

- (a) to provide effective control over the bulk of future development,
- (b) to allow appropriate levels of development for specific areas,
- (c) in relation to land identified as a Centre on the Centres Map—to consolidate development and encourage sustainable development patterns around key public transport infrastructure.

The justification in the applicant's request and Assessment Officer's comments are below:

4.4(a) to provide effective control over the bulk of future development

Written Request: The extent of 'above ground' FSR is less than the permissible FSR and the non-compliance arises from the inclusion of GFA within the basement. Hence

the perceived bulk and scale is only from the area above the ground floor which is dramatically less than the maximum FSR permitted- i.e. only half of the permitted GFA can be seen from the public domain and surrounding properties.

Therefore the bulk of the development is entirely in line with what is contemplated for the site and the area of non-compliance has no impact on the bulk of the development.

The proposed development exhibits a suitable bulk and scale on the site despite the numerical departure. This is clearly observed through the 3d Massing extract provided that shows the development sits comfortably in the site context exhibits less bulk than the adjoining development and the overall height of the development is consistent with the height standard. Further the lack of development on the R2 portion means that the bulk on that portion of the site is appropriate in terms of mitigating potential impacts to the adjoining dwelling to the west

Assessment Officer's Comments: Agreed – As shown in **Table 1** and **Figures 28 & 29** illustrating where the bulk of floor space is located, within the basement floor space i.e. the departure arises from the GFA located in the basement where the 'bulk' of the building is not visible from any public domain with the above ground section of the building comparable with the adjoining mixed use building.

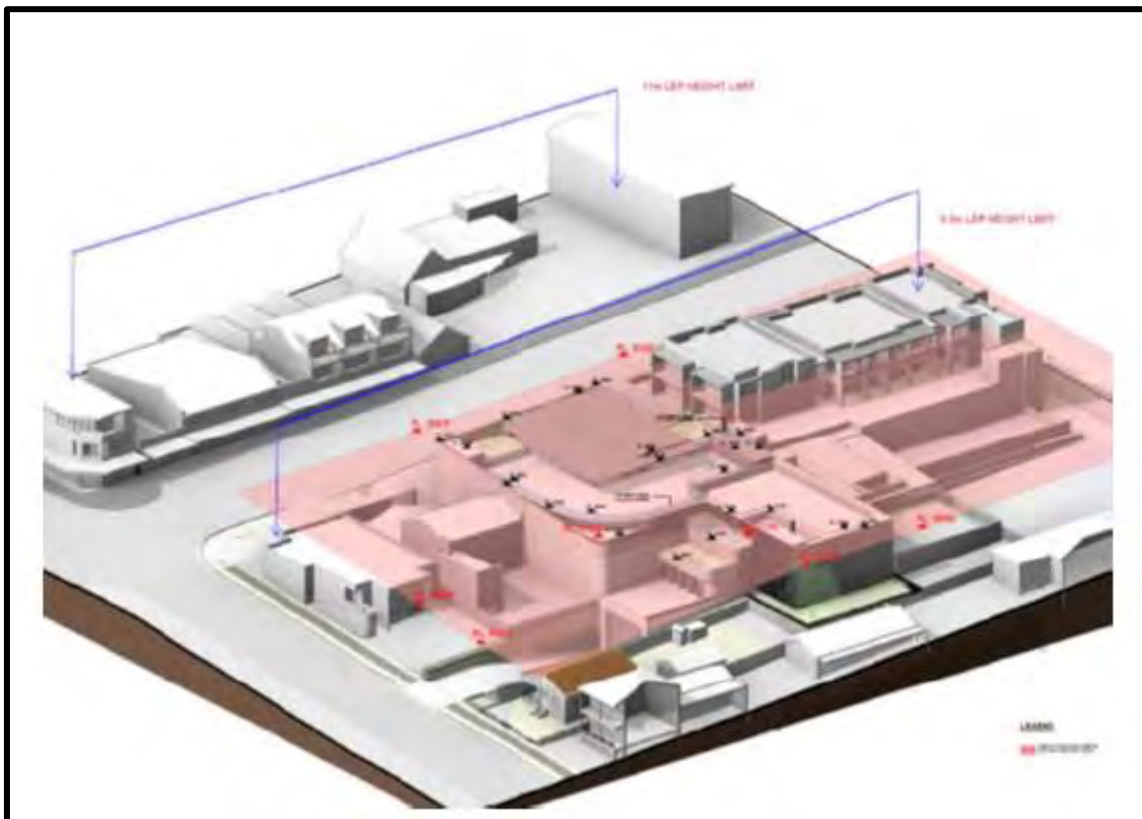


Figure 28: 3D massing diagram contained in the clause 4.6 written request for FSR contravention.

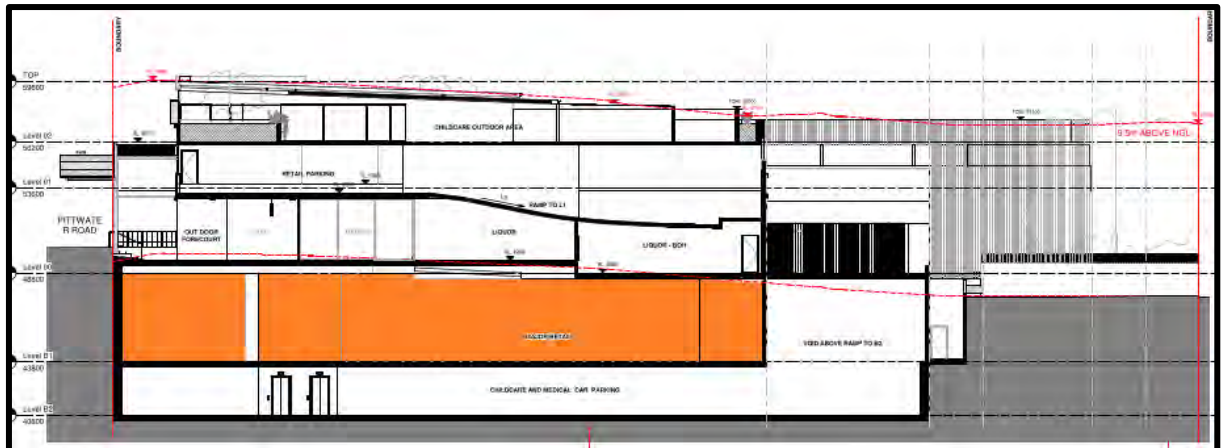


Figure 29: Cross section illustrating below ground floor space.

The 3D massing diagram demonstrates the proposal's height and bulk aligns with more recent development at 126-128 Pittwater Road.

Whilst it is noted that the bulk of the development at 126-128 Pittwater Road is confined to the Pittwater Road frontage, the proposed development extends further west toward the Thompson Street residential zoned land. However, 57 Thompson Street is limited to a basement driveway ramp, and minimal above ground structures. In this respect, it is agreed with the applicant that the lack of development of the R2 portion helps transition the perceived bulk and scale and assists in minimising amenity impacts to the adjoining residential properties.

Objective 4.4(a) is satisfied as the applicant has demonstrated the development will be compatible with the bulk of future development in the local area.

4.4(b) to allow appropriate levels of development for specific areas

Written Request:

- *The extent of development across the sites is appropriate, notwithstanding the numerical departure. This is because the development is compliant with the maximum permitted GFA in the areas above ground and the area of the breach is derived through a combination of the supermarket and the rear storage and loading areas associated with the supermarket.*
- *When taking out the basement GFA, the extent of GFA would actually be compliant across the 2 sites at the areas at or above the ground floor- noting 0.5:1 is provided 'above ground'. The level of development achieved on the site is appropriate for the area given the compliant levels of GFA achieved 'above ground'.*
- *The intensity of the use arising from the proposed GFA must also be considered in relation to this objective and in that regard the traffic impacts are considered to be acceptable as set out in the McLaren Traffic report. In addition the amenity impacts of noise and other privacy impacts are avoided due to the containment of the use below ground.*

- *The size and extent of the existing supermarket is relevant, noting this scheme effectively replaces that supermarket and is of a suitable scale- being a neighbourhood supermarket which the LEP expressly permits in this zone- as compared to a full line supermarket which would be prohibited at a greater scale than that proposed. Accordingly the size and intensity, despite the FSR breach, fits within the desired intensity of development on the site and intended for the site.*
- *The trade area of 950m² is larger than the existing trade area of 656m². Hence this proposal not significantly increasing trade area however the increase is driven by demand for a larger product selection to meet the needs of local shoppers- whilst still being below the 1000m² maximum size contemplated for a neighbourhood centre in this zone. This therefore has no impact on the desired retail hierarchy and hence the FSR breach does not detract from consistency with this objective.*

Assessment Officer's Comments: Agreed – The site is not identified as being in any “specific area”, it is not in a Town Centre area, character area, key site map or Special and Character area.

As discussed above in point (a) it was demonstrated that the proposal includes an appropriate level of development for the site when considering the context of the local area. In addition, SIDA modelling have been undertaken and the size of the development is not considered to have significant adverse impact to the surrounding traffic. Council's Development Traffic Engineer has not raised any traffic issues and supports the findings of the submitted Traffic Report.

4.4(c) in relation to land identified as a Centre on the Centres Map—to consolidate development and encourage sustainable development patterns around key public transport infrastructure.

Written Request: *The development site is not mapped on the Centres Map and hence the objective is not relevant.*

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances.

Assessment Officer's Comments: Agreed – The site is not identified as forming part of a Centre on the Centres Map within RLEP 2014.

As outlined above the proposal remains consistent with the underlying objectives of the FSR control and as such compliance is considered unnecessary or unreasonable in the circumstances.

The written request has demonstrated that the objectives of the development standard under clause 4.3(1) are achieved despite the contravention. The proposal satisfies clause 4.6(3)(a) and 4.6(4)(a)(i) of the RLEP 2014.

Clause 4.6 (3) (b) – Sufficient Environmental Planning Grounds

The submitted request provides the following in response to addressing what the environmental planning grounds are for the variation.

Written Request: *The below points demonstrate suitable environmental planning grounds exist to justify contravening the FSR development standard and further demonstrates that the FSR departure does not give rise to any environmental impacts, and therefore the proposal is an appropriate design response for the subject site:*

- *A fundamental planning and design consideration for the site is the part R2 and part E1 zoning and the desire to concentrate the development on the E1 portion of the site which means that the extent of built form is concentrated on 130 Pittwater Road. This is in order to limit impacts to the R2 adjoining land but more fundamentally to contain the development on the most useable portion of the site and the most suitable portion of the site given the nature of the use.*
- *It is noted that the non-compliance is attributable to gross floor area within the basement, such that there is no impact from that floor space on the perceived bulk of the development. If calculating the GFA on those areas 'above ground' the extent of GFA is 0.5:1.*
- *Therefore the FSR departure is a means of adopting a suitable design response on the land having regard to the area of the site that can most suitably accommodate the built form (E1 portion) and it avoids placing the building in proximity to the R2 land and enables maximum separation along the common boundary.*
- *The additional GFA in the basement is storage and loading areas as well as the supermarket- all of which are suitable uses of the areas 'below ground' in association with the proposal. The intensity of the use arising from the proposed GFA must also be considered in relation to this objective and in that regard the traffic impacts are considered to be acceptable as set out in the McLaren Traffic report. In addition the amenity impacts of noise and other privacy impacts are avoided due to the containment of the use below ground. The size and extent of the existing supermarket is relevant, noting this scheme effectively replaces that supermarket and is of a suitable scale- being a neighbourhood supermarket which the LEP expressly permits in this zone- as compared to a full line supermarket which would be prohibited.*
- *Because the distribution of additional GFA is within the basement the built form outcome is one intended for the site and presents an efficient use of land and a suitable design response for the site given the context and interface with the R2 land by concentrating the development on the E1 zoned parcel and containing the area of the additional GFA below ground. The site attributes lend themselves to this approach with GFA being below ground when noting:*
 - *The dual site frontage;*
 - *The topographical fall of the land towards the rear that lends itself to the supermarket below ground and the parking in a sleeved podium above.*
 - *The benefits of containing the additional GFA below ground to minimise and limit amenity impacts and concentrating the GFA on the E1 zoned*

parcel to provide the most appropriate contextual response for the site.

- *The location of the additional GFA has no adverse amenity impacts on adjoining properties in terms of visual privacy, visual bulk, overshadowing, view loss, or the like.*
- *This design approach and breach of the FSR associated within the basement area enables a suitable design outcome on the site and is consistent with the following Objects of the Environmental Planning and Assessment Act 1979:
(c) to promote the orderly and economic use and development of land,
(g) to promote good design and amenity of the built environment,*
- *The departure to the FSR standard also does not generate any adverse amenity impacts to adjoining properties with regard to visual privacy or overshadowing given the lot orientation and careful design of the development.*

Therefore, the current proposal is a suitable outcome from an environmental planning perspective and demonstrates that there is merit in varying the FSR control to achieve a suitable design response on the site which demonstrates sufficient environmental planning grounds to support the departure to the FSR standard.

The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control. To require strict compliance would result in an underdevelopment of the land that would be a poor outcome having regard to the location and context of the site.

Assessment Officer's Comments: The applicant must demonstrate that the contravention is justified on 'sufficient environmental planning grounds'. It is not merely enough to demonstrate that there is no adverse impact due to the departure, but must demonstrate that the *development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.*

It is considered that the applicant has demonstrated:

- that the contravention will not impact on surrounding properties due to the extra bulk being below ground with design consideration to concentrate the building on the E1 portion away from the R2 adjoining land.
- the variation will promote good design and amenity, (kept the bulk of the building below ground) and will allow for the orderly and economic development of the land. The new and improved supermarket and new shops and uses will cater to the surrounding area and provide added amenity to the area.

The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) of clause 4.6.

Clause 4.6 (4) – Zone Objectives and the Public Interest

Clause 4.6 (4)(a)(ii) requires that the consent authority is satisfied that the development is in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone.

As detailed in the discussion of whether compliance with the standard is unreasonable or unnecessary, Council is satisfied that the development is consistent with the objectives of the development standard under clause 4.4(1).

The development must also be consistent with the objectives of the zone, being:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To encourage employment opportunities in accessible locations.*

As discussed earlier, the development is consistent with the E1 Local Centre zone objectives. The proposal contributes to the range of small-scale retail, business and community uses to serve the needs of people who live or work in the surrounding neighbourhood noting the proposed neighbourhood supermarket, child care and medical uses all contribute to these desired uses in the E1 zone.

Therefore, the proposal is considered to be in the public interest. The development has demonstrated consistency with clause 4.6(4)(a)(ii).

Clause 4.6 (5) – Matters required to be taken into consideration by the Planning Secretary before granting the concurrence.

The departure is not a matter for regional or state environmental planning. The proposal achieves a good urban design outcome, and the proposal is not considered to raise any matters of significance for State or Regional planning.

Circular PS18-003 issued 21 February 2018 informed Council that it may assume the Planning Secretary's concurrence for exceptions to development standards.

Conclusion

The applicant has adequately addressed why compliance with the development standard is unreasonable or unnecessary under clause 4.6(3)(a) of RLEP 2014. The non-compliance with the FRS standard can be supported in the circumstance of the case, as there are sufficient environmental planning grounds for contravening the development standard. The contravention of the FSR does not result in the bulk and scale of the development being out of character with the surrounding area viewed from Pittwater Road. The proposal is consistent with the objectives of the development standard and the zone.

5.4 Ryde Development Control Plan 2014 (RDCP 2014)

The proposal is subject to the provisions of the following parts of RDCP 2014:

- Part 3.2: Child Care Centres
- Part 7.2: Waste Minimisation and Management
- Part 8.2: Stormwater & Floodplain Management
- Part 8.3: Driveways
- Part 9.2: Access for People with Disabilities
- Part 9.3: Parking Controls

Parts 3.2 to 9.3 was discussed in details in the original LDA 2022/0023 (**Attachment 7**) and this review do not alter the original assessment made.

Part 9.3: Parking Controls

Part 9.3 of RDCP 2014 outlines the minimum car parking controls for new development. The proposal's number of parking spaces provided for each land use with respect to the RDCP 2014 controls is outlined below.

In regards to the redesign of the parking area, the revisions are predominantly in the Basement Level 2 and effectively reduce the degree of parking in this area. No issues are present in the parking area design.

The development proposes a variety of uses which warrant the following parking requirements based on rates in the DCP;

Retail

Type	Area	Required Parking Rate	Parking Req	Parking Req (Rounded)
Major Retail	950m ² (1430m ² GFA)	25	38.00	38
Liquor	150	25	6.00	6
Café	21	25	0.84	1

The SEE has made reference that the retail use is intended for supermarket.

The Traffic Report is noted to have adopted the "trading floor area" of 950m² and disregarding the 423m² of floor area dedicated to "loading + storage". Whilst the DCP Part does not differentiate the non-trading floor area it is accepted the loading area is not contributory to parking demand and this is aligned with the RMS "Guide to Traffic Generating Developments".

Based on above, the retail component of the development technically warrants 45 spaces however the development provides 32 spaces and is thereby short 13 spaces.

Childcare Centre

No.	Rate* (parking space/ unit)	Parking Spaces Required	Parking Req (Rounded)	
Children	53	1 space / 8 children	6.625	7
Staff	8	1 space / 2 employees	4	4
TOTAL				11

The architectural plans allocate 7 parent spaces 4 staff spaces, thereby satisfying the minimum parking requirements for this use.

Medical Centre

The SEE has stated the fitout and exact staff numbers are to be addressed in a future detailed DA however the Traffic Report has provided the following figures;

	Quantity	Required Parking Rate	Parking Req
Doctors	4	1 per doctor	4
Staff	4	1 per 2 staff 1 per patient space per	2
Patients	(4)	doctor	4

The architectural plans allocate 4 doctor spaces and 4 patient spaces however the 2 staff spaces are unmarked. There are 2 unallocated disabled spaces and therefore it would be appropriate to allocate 1 as a patient space and the other as a parent space. This then frees up two conventional spaces which can then be allocated to medical centre staff and should be addressed by condition.

Parking Summary

In regards to the parking shortfall related to the retail component, the applicant's Traffic Report has made note that the existing shopping centre (532m²) and liquor store (124m²) provides only 12 offstreet parking spaces yet warrants 27 spaces under the DCP requirements. The consultant has presented that the development then has a parking "credit" which is reduced by two further spaces and therefore presents an acceptable outcome.

The parking component is considered on merit;

- Whilst the DCP makes no provision for parking credits to be accounted for in new development, the proposal does reduce the current parking shortfall presented by the existing use. It is accepted the development reduces the current parking shortfall.
- In relative terms, the current operation provides 44% of the required parking. The proposed development provides 71% of the required parking and presents a significant reduction in non-compliance when considered relatively.
- The proposed retail use presents the opportunity for mixed trips with other uses in the area, noted to be predominantly fast-food outlets and specialist retail.
- Investigation into the parking supply of the neighbouring Harris Farm Market store notes that a parking surplus was provided for this development. The use warranted 39 parking spaces yet the development accommodates 69 retail parking spaces, providing 30 surplus parking spaces. Given the opportunity for mixed trips between this site and the subject development is very high, it is accepted the surplus level of parking would greatly alleviate parking demand on the subject site.
- The site is located on a classified road and has excellent access to public transport (a bus stop fronts the site).

- *There is very limited ability for the development site to accommodate additional parking without provision of an additional level, noting it already proposes two separate parking levels on the lot.*
- *The surrounding parking restrictions are mostly 1/2P parking during retail hours and so result in a high degree of turnover and degree of parking availability in the area.*

Accordingly whilst the development is not strictly compliant with the DCP in terms of parking spaces, it is accepted it will significantly improve the level of parking availability present with the current development and so can be supported.

5.5 Planning Agreements OR Draft Planning Agreements

There are no planning agreements or draft planning agreements for this development.

5.6 City of Ryde Section 7.11 - Development Contributions Plan 2020

From 1 July 2020, the City of Ryde Fixed Rate Levy (Section 7.12) Development Contributions Plan 2020 (Fixed Rate Plan) applies to non-residential development outside of the Macquarie Park precinct that propose an increase in GFA. The Fixed Rate Plan imposes a 1% levy on the construction value of all non-residential development consents for developments over a \$350,000 construction value threshold.

The cost of works of the proposal is \$9,460,000. The required contributions have been calculated as follows: \$94,600.

Note: Calculation from LDA 2022/023 and this amount will be adjusted according to CPI at the time of payment, see **Condition 60**.

5.7 Any matters prescribed by the regulation

Should development consent be granted, a condition of consent will be included outlining that the existing buildings on site must be demolished in accordance with *Australian Standard AS 2601—2001: The Demolition of Structures*.

6. The likely impacts of the development

Built impacts

The impacts on the built environment have already been discussed throughout this report. The building has been designed to provide predominantly built to boundary setback to its side boundary on the basement levels and 1st floor carpark which is appropriate within a commercial context. The ground level and the top floor level is setback 7m for the driveway adjacent to the southern boundary mixed use development.

The front setback provides an appropriate transitional development between the three storey mixed use building to the south and low scale two and one storey built form to the north. The development proposes a 4m setback from Pittwater Road from the first

floor. This is consistent with the front setback established by existing built form to the site immediate northern boundary.

Natural impacts

The proposal will not give rise to adverse impacts on the natural environment and associated amenity (i.e. visual privacy, view loss and overshadowing). Subject to conditions, the proposed use will also unlikely result in impacts (i.e. noise, vibration, excessive hours of operation, etc.) that will adversely affect residential amenity and the natural environment.

Social and economic impacts

The proposal will enable redevelopment of the site to provide for increased uses and for additional employment opportunities within the local area. The proposal will subsequently not give rise to adverse social and economic impacts.

Traffic Impacts

The current retail land uses on site is estimated to generate up to 44 (AM) and 88 (PM) peak hour vehicle movements to and from the site.

The proposed mixed-use development is estimated to have a weekday peak hour trip generation of 139 (AM) and 207 (PM) peak hour vehicle trips. The proposed development is therefore anticipated to introduce an additional 95 (AM) and 119 (PM) peak hour vehicle movements on the surrounding public road network.

Council's Traffic Engineer has reviewed the Traffic Report submitted with the Review and support the report: *The results of the traffic modelling show that all intersections retain the same level of service under future traffic loads, with a minor increase in average delay and degree of saturation. This is indicative of the intersections performing at the same performance level and that there will be no noticeable impact on the existing road network as a result of the proposed development.*

7. Suitability of the site for the development

The site is not affected by any significant restrictions (e.g., flooding, acid sulphate soils, areas of environmental sensitivity, etc.). The assessment contained within this Report demonstrates the site is inherently suitable for the proposed development.

8. The Public Interest

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the subject site, the surrounding area and the natural and built environments are minimised. The proposal has been assessed against the relevant planning instruments and is considered to be acceptable. The proposal seeks a variation to cl. 4.3 & Cl 4.4 of the RLEP 2014 and have been supported by a satisfactory Clause 4.6 written variation.

The proposal will not result in any significant nor adverse impacts upon existing development on adjoining properties or the surrounding area more broadly. On this

basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

In addition, the original DA was presented to the UDRP in early 2022. Several matters requiring design amendments were raised and addressed in the original LDA. The development has appropriately responded to the UDRP's comments, as such approval of the proposal is in the public interest.

9. Public Notification and Submissions

In accordance with the Ryde Community Participation Plan (CPP), the proposal was notified to owners and occupiers of surrounding properties between 25 July 2023 and 22 August 2023. Twenty six (26) objections were received objecting to the proposal.

Figure 30 shows the location where the objections were received, location of 10 of the submissions are not shown on the map as they are located over 300m away.

The objections raised in the submissions are outlined below, followed by a comment from the assessing planner:



Figure 30: Location where submissions were received with 10 located outside the range of this map. Westminster Road is located over 300m away.

- **Permissibility**

- *Rezoning of residential to commercial at 57 Thompson Street – set a precedent. Medical centre and child care centre bin – not permissible use of R2 zone.*
- *Applicant has not sought to provide any assurance that the intended use of that driveway for Medical Centre and Childcare Centre is only for those uses, what happens after hours?*
- *Logistical operation of the carpark management difficult to comply – not sure how the lift to childcare be operated.*
- *What measures to prevent shoppers from parking in B2 going from the medical centre to access the bottle shop/commercial uses. What measures prevent shopper using the ramp to access the commercial component.*

- *The proposal is over Council's permissible height and FSR- scale not in keeping with the surrounding neighbourhood.*

Assessment Officer's Comment

As discussed earlier in the report under Section 4.1 – Reasons for refusal and review, the development site is proposed over two zones, (R2 and E1 – Local Centre). Medical centre and childcare centres are permitted in the R2 residential zone. The R2 zoning is not being changed and both childcare and medical centres are permissible within the zone.

The amended Architectural Plan demonstrate a physical disconnect, where the prohibited uses under the R2 Zone (Liquor and Retail) cannot be accessible by the 57 Thompson Street. See Plan A0200 Issue G demonstrates no access to the Major Retail located on Basement 1.

Two separate lifts are proposed which are one for the medical centre and one for the childcare centre. These lifts will have direct access to their tenancies and can be programmed (ie operate like residential apartment lift, where you can only access certain levels) Note: The lift to the medical centre is directly to the medical centre and the lift can be activated with an intercom in the basement for patients that will restrict shoppers who park in the basement for the prohibited uses.

The applicant has advised that the child care centre staff will have their own fob pass to activate the lift which will have direct lift access to Level 2 only. Parents will have a pin code to activate the lift to Level 2 only. Visitors will have to schedule a call/intercom to activate the lift.

Condition 198 is recommended requiring an intercom system, linked to the relevant uses, be provided in the lifts to only allow access to the medical centre and childcare centre.

Condition 199 has been imposed to ensure that access from 57 Thompson Street is only for the Medical Centre and Childcare centre.

With regard to the non-compliances with height and FSR, revised Clause 4.6 written requests have been submitted for each of the variation. Clause 4.6 allows flexibility in the application of development standards (when the preconditions set out in that clause have been met and where this will achieve a positive planning outcome). Full discussion of the Clause 4.6 written requests is detailed in Section 5.3 of this report.

It is considered that the amended scheme has addressed this issue of permissibility with respect to the two different zoning on site.

- **Traffic and parking impacts:**

- *Concerns regarding the driveway and car parking access at 57 Thompson Street. Including the proximity of the entry to the intersection of Thompson Street and Pittwater Road, and the necessity to restrict the hours of the car park entry (Thompson Street).*
- *Shortfall in parking, result in increased street parking. Car parking provided isn't sufficient to service the proposed development. Additional traffic overflow of staff using residential streets due to insufficient parking for staff on site (on Thompson Street).*
- *Child safety due to the increased traffic flows at Thompson Street.*
- *Traffic Report - Underestimated vehicular trips – child care centre may have the potential for 128 trips each week day, medical centre 120 trips car trips each day. Request for a new Traffic Report to include valid local peak times, ensuring*

- key inclusion of the after work peak times. Traffic is regularly banked from Pittwater Road to Swan Street.*
- *Increased traffic westbound through residential streets.*
 - *Restriction of vehicles using Thompson Street due to acoustic and traffic impacts to residential locality.*
 - *Splitting the parking between two separate road entrances will result in increased traffic congestion.*
 - *Trolleys dumping*
 - *Traffic modelling during Covid lockdown, unrealistic.*
 - *Location of Thompson Street and Harris Farm driveways - dangerous. These developments do not need to be in the smaller communities.*
 - *Driveway should not be provided on Pittwater Road. Inappropriate design of the above ground parking. Not in character with the area.*
 - *Car parking entry/exit for the child care and medical centre should be restricted to 7am – 7pm.*
 - *What happens when there is no parking space or do not have appointment and enter the Thompson Street carpark.*
 - *Concerns about the existing boundary fence at 55 Thompson Street, what about noise from pedestrian, request for a higher more private aesthetically pleasing fence around my boundary.*
 - *Thompson St and Swan Street is full of cars parked for residents and employees of the local shop area. With this proposal cars WILL double park, illegally quickly park across driveways etc as they ‘pop into the shop’ or drop off for day care centres. It is UNSUSTAINABLE not only for residents but the continued safety of all.*

Assessment Officer’s Comment

The proposal was referred to Transport for New south Wales and Council’s Senior Development Engineer who has reviewed the proposal with respect to the two driveways, 57 Thompson Street and off 130 Pittwater Road. Regard to the submissions raising concerns about the driveway provided at Pittwater Road TfNSW has provided concurrence and outlined that this arrangement is acceptable. In An extract from TfNSW comments with regards to the proposal is provided below:

*“TfNSW has reviewed the submitted documents and notes there are no significant changes proposed with regard to the access arrangements nor to the likely traffic impact on the surrounding road network compared to the previous plans. As such, TfNSW advises that the conditions of its previous letter dated 14 September 2022 (Attachment A) remain applicable to the proposed development” See **Attachment 6** for TfNSW response.*

Additionally, Council’s Senior Development Engineer and Council’s City Infrastructure Traffic Engineer have supported this arrangement, noting that a driveway crossover is currently provided at Pittwater Road to service the existing retail development on the site. No objections were raised relating to traffic and safety issues.

The submissions have raised concern about the location of the driveway at Thompson Street, and its proximity to the intersection at Pittwater Road. Again, this has been reviewed by Council’s City Infrastructure Traffic Engineer, who has confirmed that this arrangement is acceptable. The location of two separate driveways also reduces the number of vehicles entering/exiting the site at one point, hence, reducing the demand on the road network.

A revised Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineer dated 14 July 2023 has been submitted. The applicant was requested to do further SIDRA modelling as part of the original assessment and updated SIDRA modelling was done in 2022. The report looked at the traffic assessment of each of the uses. The Traffic Report was modelled on the basis of the TfNSW Guide to Traffic Generating Developments (2002). All estimations have been addressed to the appropriate guides and is not based on assumptions. SIDRA INTERSECTION was used to assess the expected traffic load. The assessment also considers a left turn into the Thompsons Street and has considered that there are no detrimental impacts to the performance of intersection surrounding the site. Extract of the conclusion of the report is provided below:

The net increase in traffic generation of the proposed development has been estimated to be some +95 trips (+48 in, + 47 out) and +119 trips (+59 in, +60 out) in the AM and PM peak hour periods respectively. The impacts of the traffic generation have been modelled using SIDRA INTERSECTION 9.0, indicating that there will be no detrimental impact to the performance of the intersections surrounding the site as a result of the generated traffic.

Council's City Infrastructure Traffic Engineer has not raised any objections to the findings of the report.

The proposal complies with the parking requirement for the childcare centre and the medical centre. The shortfall in parking is for the retail use. Council's Senior Development Engineer has no objection to the resulting parking shortfall given that the site already currently operates with a parking shortfall and there is great scope that there is a lot of shared trips with surrounding business and therefore this would also contribute to lower parking demands. In addition, the Traffic Report is in support of the shortfall as it is considered an improvement to the existing lot. Both Council's Senior Development Engineer and Council's City Infrastructure Traffic Engineer has outlined that this arrangement is sufficient to service the proposed development. In addition, the site is well service by public transport with a bus stop located in front. Also residents from nearby residential properties are able to walk to the site.

To ensure the driveway provided at Thompson Street does not result in any undue impacts to the residential properties, **Condition 177** will be imposed for a Parking Management Plan be prepared for Basement Level 2. This will mean that access to the Thompson Street basement will only operate during the hours of operation for the child care centre and the medical centre, and not service the retail premises within the development. In addition these parking spaces will have boom gate systems to ensure the appropriate uses of these car space is utilised which will create opportunity for car parking. Where the timed parking will ensure that one vehicle can utilise the parking for a short stay per day.

The applicant has advised that :*"A digital screening can be conditioned to show the vacancy of the intended uses for the availability of Parking Spaces, through live screening at the entry of properties prior to turning into the property. This can be conditioned to show vacancies of doctors and relevant signage.*

Patrons that decide to utilise Thompsons Street will have the relevant signages of no parking for unintended uses prior to entering the property. As patrons read the no vacancy of car spaces on Pittwater Road, the patrons can decide to turn away prior to any congestions. Short-term use will ensure parking availability is on the store to ensure no long term intended use by allocating the appropriate rate on the extended stays. The appropriate shot terms parking will

encourage patrons to run errands and leave the premises. This will address the off street parking concerns.

A trolley lock system can be a condition of consent to ensure that the trolley's within the subject property does not spill into the local streets."

The boom gate can also be programmed to grant patrons in and grant enough time to exit if there are no availabilities to avoid creating congestion.

There can be provision for warning signs that unintended use will result in excessive charges. All other patrons can have their entry validated via the medical centre.

With regards to the above ground car park being out of character with the area, see discussion earlier in the report in **Section 4** under Reasons for refusal and review.

Conditions 196, 197 & 198 have been imposed requiring the above.

With regards to the boundary fence with 55 Thompson Street, architectural Plan A0405 Issue F show a cross section of the Thompson Road driveway with 55 Thompson Street (see **Figure 20** earlier in the report). The plan illustrate the proposed pedestrian path being lower than the adjoining property and not very wide and screened with landscaping in between, therefore it is not considered to pose any privacy or a noise impact.

- **Impact of development on residential zoned land and residential dwellings:**

- *Visual impact of the bin rooms located directly opposite our home (66 Thompson). Impact of light and noise cars will be significant.*
- *Request the operating hours of the medical centre be same as the child care centre. Car parking entry/exit for the child care and medical centre should be restricted to 7am – 7pm.*
- *The setback of the landscaped area provided for Thompson Street is inadequate for a commercial driveway within a residential zone.*
- *Acoustic Impact from the roof top child care centre. At present, during the day when the children of Boronia Park Public School are on meal breaks or in playground with sport the noise travels very far – already very noisy.*
- *Vibration from the excavation.*
- *Should be located away from the residential properties in Thompson Street*
- *Location of the substation.*
- *Construction impact – cracking of walls.*
- *Out of character with the village feel of Boronia Park*

Assessment Officer's Comment

Having regard to the concerns raised about the proximity of the development to residential properties, the proposal has addressed all potential impacts arising to the adjoining residential properties as part of the development application including:

- a 3m side setback to the western boundary of 55 Thompson Street. This setback includes an accessible pathway with a width of 1.3m and landscaping either side of the pathway. A 650mm landscape strip has also been provided along the eastern boundary of 57 Thompson Street.
- Solid wall has been introduced on level 1 parking facing Pittwater Road and 'enclosed' podium parking to mitigate impacts such as light spill and headlight

glare. The batten screens on car park level can be conditioned to have opaque/frosted screens. See **Condition 4**.

- The childcare centre and medical centre bin room is setback 39m in from the frontage of Thompson Street and is not considered to be highly visible from any residential properties. The area will also be screen with aluminium screen as shown in Plan A0302 issue D, Material Board. See **Figure 31** below.
- The Thompson Street car park /vehicular access will be closed outside the hours of the medical / childcare facility. There is no added amenity impact to the residential properties at Thompson Street. The building mass is relocated from the Thompson Street frontage to the E1 portion of the site (Pittwater Road) to mitigate amenity impacts in terms of bulk and scale.
- The applicant has advised that the hours of the medical centre has not been established yet as it will be subject to lease agreement. The operating hours of the childcare centre is 7am to 7pm Monday to Friday. It is considered that as accessed to the medical centre is via an area that is zoned residential, the residential amenity should be protected and a condition imposed to restrict the time of access to medical centre and child care centre in line with residential hours i.e. Child care centre – 7am – 7pm Mondays to Fridays and medical centre – 7am to 7pm Mondays to Sundays. **Condition 197** has been imposed requiring this.
- An Acoustic Report prepared by Benbow Environmental has been submitted. The acoustic report has modelled for more children than the proposed number of children along with the mechanical plants positioned on the roof. The report has identified 2A Gannet to be sensitive receiver. Measurements of background and ambient noise levels were carried out in accordance with *the Australian Standard AS 1055:2018 Acoustics – Description and measurements of environmental noise and the NSW EPA Noise Policy for Industry 2017*
- The report recommended mitigation measures to be implemented to minimise impacts which have been taken on board i.e. provisions of acoustic barriers is to minimise the impacts, both internal and external of the childcare, the perimeter walls are solid walls which contains the commercial operation. The containment of the drive way is to ensure the operations are reduced to minimum. The current design has sound attenuation screens that surround the mechanical plant to contain the sound. Council's Environmental Health Officer has reviewed the Acoustic Report and has raised no objections subject to conditions.
- Vibration and construction noise were also reviewed in the report, which conclude:

"The activities proposed by the proponent were found to comply with the NSW EPA Noise Policy for Industry.

Construction noise exceeds the noise affected RBL + 10 dB set in Table 2 of the Interim Construction Noise Guideline (DECC, 2009) for several receivers, and exceeds the high noise affected management level of 75 dB(A) at one receiver.

Recommended noise controls for construction works are listed in section 6.3.1.1. As detailed within the body of this report, operational noise emissions generated by the

proposed Childcare Centre are predicted to comply with the relevant acoustic criteria at all considered receiver locations. This includes the noise associated with the children's outdoor play activities, mechanical plant and carpark activities.

Acoustic barriers and awnings must be of at least the height and dimensions of that described in the assumptions and controls (section 6.3.2.1 and section 6.3.3.1) to ensure noise level compliance.

The existing road traffic noise levels are not expected to negatively impact the outdoor play areas, indoor play areas and the sleeping areas where the appropriate controls have been applied (section 6.3.6.1). and Section 6.4 of the report provides a summary of the operational noise controls for the development.”
Conditions 49 & 186 have been imposed requiring compliance noise mitigation measures contained in the report.

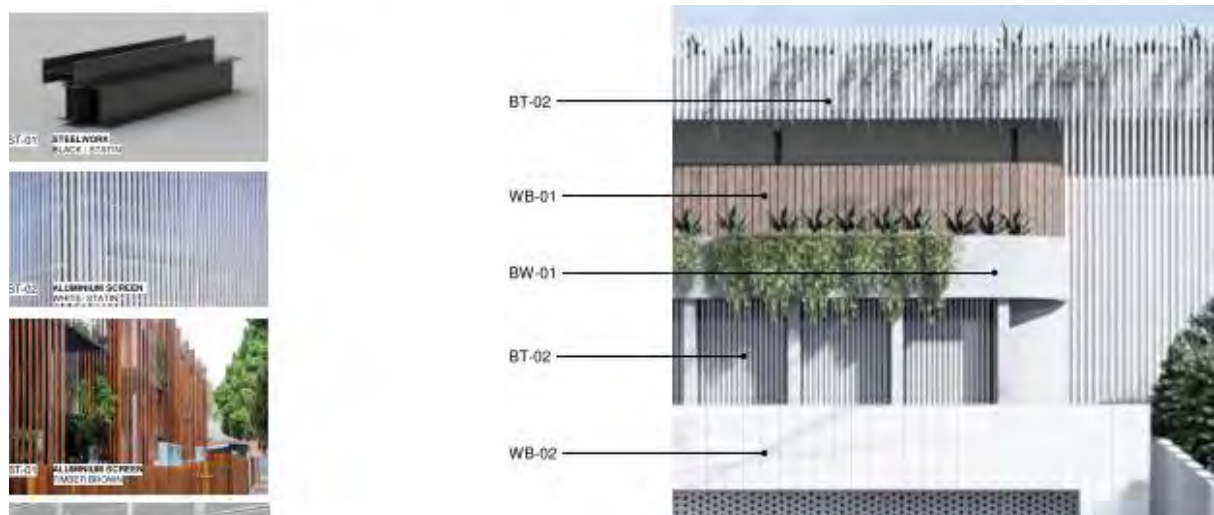


Figure 31: Material board illustrating the screening of the bin area.

- The substation is located adjacent to 55 Thompson Street. **Condition 5** has been imposed requiring the substation to be moved slightly to the east to allow for strip of landscaping to be provided down the side between the boundary and 55 Thompson Street.
- A dilapidation report will be required as a condition of consent to ensure there are no undue impacts to neighbouring properties. A lighting strategy for the development will be conditioned within the notice of determination in the event of an approval. See **Condition 223**.
- Any illegal parking should be referred to Council's Rangers for investigation.
- The proposed development of a local supermarket, small retail shops are permissible in the E1 Local centre zone and medical centre and child care centres permitted in R2 zone. The uses are permissible and as discussed earlier in the report, the design of the building went through several UDRP amendments so as to be in keeping with the character of the area.

Further discussion on how these submissions have been addressed is provided within Section 10 of this Report within the referral comments provided by TfNSW, Council's Senior Development Engineer and Council's City Infrastructure Traffic Engineer.

10. Referrals

10.1 External referrals:

Transport for NSW

The original application (LDA2022/0023) was original referred to TfNSW who granted concurrence to the proposed development subject to conditions.

This application was referred to TfNSW who advised:

“ TfNSW has reviewed the submitted documents and notes there are no significant changes proposed with regard to the access arrangements nor to the likely traffic impact on the surrounding road network compared to the previous plans. As such, TfNSW advises that the conditions of its previous letter dated 14 September 2022 (Attachment A) remain applicable to the proposed development”.

These conditions have been included in the draft consent should this application be approved. **Condition 10.**

Ausgrid

The proposal was referred to Ausgrid for comment (s per Subclause 2 of Section 2.48 of the TI SEPP). Ausgrid have no objections to the proposal and has provided conditions to be included within the consent. **Condition 31.**

10.2 Internal referrals:

City Infrastructure

The application has been referred to Council’s City Infrastructure department which includes Traffic, Drainage, Public Domain & Waste.

Each of the departments have no objections to the proposal and have provided conditions should the proposal be approved.

Note: As a number of submissions received from the notification period raised concerns about traffic, the comment from Council’s Traffic Engineer is summarised below:

External Traffic Implications

The development site currently accommodates an existing Woolworths with a GFA of 532m² GFA and a BWS liquor shop with a GFA of 124m². Based on the trip generation rates established within Transport for NSW’s (TfNSW) Guide to Traffic Generating Developments (GTGD) and its Technical Direction (TDT 2013/04a), the current retail land uses on site is estimated to generate up to 44 AM and 88 PM peak hour vehicle movements to and from the site.

The proposed mixed-use development comprising a new 950m² supermarket, 150m² of specialty retail, a 181m² medical centre and a 53-place childcare centre is estimated to have a weekday peak hour trip generation of 139 AM and 207 PM peak hour vehicle trips based on the trip generation rates specified within GTGD, and its Technical Direction (TDT 2013/04a). The proposed development is therefore anticipated to introduce an additional 95 AM and 119 PM peak hour vehicle movements on the surrounding public road network.

The TIA report prepared by McLaren Traffic Engineering & Road Safety Consultants dated 14 July 2023 modelled the traffic operation of the nearby intersections to compare the existing intersection operations to the future scenario under the increased traffic load. The results of the traffic modelling show that all intersections retain the same level of service under future traffic loads, with a minor increase in average delay and degree of saturation. This is indicative of the intersections performing at the same performance level and that there will be no noticeable impact on the existing road network as a result of the proposed development.

Boom Gate Queueing

The TIA report prepared by McLaren Traffic Engineering & Road Safety Consultants dated 14 July 2023 undertook a queueing analysis to ensure that the boom gates are provided in such a location that can contain the 98th percentile queue wholly on site.

The results of the queueing analysis show that the expected 98th percentile queue for a boom gate on the Thompson Street driveway would be 7 metres whilst the Pittwater Road driveway would be 14 metres. Given that the boom gates are proposed to be installed at distances from the property boundaries of 36m and 33m on the circulation roadways from Thompson Street and Pittwater Road respectively, both provided queueing areas exceed the expected 98th percentile queue lengths and can be wholly accommodated on the site.

In conclusion, Traffic Services Department has no objection to the approval of this application subject to the following conditions.

See **Conditions 11, 13, 40, 41, 75, 152, 153, 154, 155, 156 & 190** which include: pedestrian and traffic management, loading dock management, vehicular egress from Pittwater Road.

Development Engineer

As part of the DA assessment, the proposal was referred to Council's Senior Development Engineer for comment. In their referral response issued on 26 September 2023, the Senior Development Engineer raised no objections to the proposed development subject to the imposition of conditions originally imposed in LDA 2023/0023.

Environmental Health Officer

The proposal was referred to Council's Environmental Health Officer for comment. No objection was raised subject to appropriate conditions of consent.

11. Conclusion

After consideration of the development against Section 4.15 and Division 8.3 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposed changes to address the grounds of refusal, the proposal in its current form is suitable for the site and is in the public interest. The reasons for the decision are as follows:

1. The proposal is consistent with the objectives for the B1 Neighbourhood Centre zone and the R2 Low Density Residential zone.
2. The proposal complies with the statutory provisions set out in the *Environmental Planning and Assessment Act 1979*.
3. The proposal has been supported by satisfactory written requests which demonstrate compliance with the development standards under Clause 4.3 Building Heights and Clause 4.4 Floor Space Ratio is unreasonable and unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify contravening the development standards.
4. The shortfall in parking is support as the proposed retail use presents the opportunity for mixed trips with other uses in the area, with *excellent access to public transport (a bus stop fronts the site), foot travel from nearby residents and a high degree of turnover and degree of parking availability in the area.*
5. The impacts of the proposal will not result in undue environmental impact to adjoining properties and the surrounding environment.
6. The proposal is not contrary to the public interest.
7. The submissions received in response to this DA have been considered & addressed in this report.

12. Recommendation

Pursuant to Section 4.16(1) & Section 8.4 of the Environmental Planning and Assessment Act 1979

- A. THAT the Ryde Local Planning Panel accepts that the Clause 4.6 written request to vary the height development standard (Clauses 4.3(2)) in the RLEP 2014 has adequately addressed the matters in subclause (4) and will be in the public interest as it is consistent with the objectives of the development standard within Clause 4.3 and the objectives of the E1 – Local Centre Zone of the RLEP 2014.
- B. THAT the Ryde Local Planning Panel accepts that the Clause 4.6 written requests to vary the floor space ratio development standards (Clauses 4.4(2)) in the RLEP 2014 has adequately addressed the matters in subclause (4) and will be in the public interest as it is consistent with the objectives of the development standard

within Clause 4.4 and the objectives of the E1 – Local Centre Zone of the RLEP 2014.

C. THAT the Ryde Local Planning Panel, as the consent authority, change the determination to approve Section 8.3 Review Application no. APL2023/0003, for demolition of existing structures and construction of 2 and 3 storey mixed use development comprising retail premises within the basement, a cafe, a medical centre and a liquor store on ground floor, with a child care facility within level 2 at 130 Pittwater Road and 57 Thompson Street, Gladesville, for the review of the determination of LDA2023/0023, subject to the draft conditions subject to the draft conditions contained in **Attachment 1**.

D. That the objectors be advised of the decision.

ATTACHMENTS

- 1** Draft Conditions of Consent
- 2** Architectural Plans - subject to copyright provision
- 3** Clauses 4.6 Variation Requests
- 4** RLPP Determination & Statement Of Reasons for LDA2022/0023
- 5** Assessment Report, LEP and DCP Compliance Tables, Urban Design Panel & Urban Designer comments and draft conditions for LDA2022/0023
- 6** Referrals responses from TfNSW, Ausgrid and NSW Police.

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Attachment 1 – Recommended Conditions of Consent

GENERAL

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

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

Document Description	Date	Plan No/Reference
Cover Page	03/07/2023	Drawing No. A0000, Issue C
Demolition Plan	12/07/2023	Drawing No. A0003, Issue D
Site Plan	12/07/2023	Drawing No. A0100 Issue G
Floor Plan – Basement 2	12/07/2023	Drawing No. A0200, Issue G
Floor Plan – Basement 1	12/07/2023	Drawing No. A0202, Issue I
Floor Plan – Ground Floor	12/07/2023	Drawing No. A0203, Issue J
Floor Plan – Level 1	03/07/2023	Drawing No. A0204, Issue G
Floor Plan – Level 2	12/07/2023	Drawing No. A0205, Issue J
Elevations	12/07/2023	Drawing No. A0300, Issue H
Elevation	12/07/2023	Drawing No. A0301, Issue E
Material Board	12/07/2023	Drawing No. A0302, Issue D
Building Section	12/07/2023	Drawing No. A0400, Issue H
Building Section	03/07/2023	Drawing No. A0401, Issue G
Building Section	12/07/2023	Drawing No. A0405, Issue F
Building Section	12/07/2023	Drawing No. A0406, Issue F
Building Section	12/07/2023	Drawing No. A0407, Issue C
Window Schedule	03/07/2023	Drawing No. A0801, Issue E
Landscape + Play Item Layout Plan: Ground Fr & Level 01	03/07/2023	Drawing No. DA-L101, Revision D
Landscape + Play Item Layout Plan: Level 02	03/07/2023	Drawing No. DA-L102, Revision D
Landscape Details & Maintenance Program	03/07/2023	Drawing No. DA-L103, Revision D
Stormwater Concept Design Basement 02 Plan	03/12/2021	Drawing No. SW200, Revision A
Stormwater Concept Design Basement 01 Plan	03/12/2021	Drawing No. SW201, Revision A
Stormwater Concept Design Ground Floor Plan	03/12/2021	Drawing No. SW202, Revision A
Stormwater Concept Design Roof Plan	03/12/2021	Drawing No. SW203, Revision A
Stormwater Concept Design Detail Sheet	03/12/2021	Drawing No. SW300, Revision A

Erosion and Sediment Control Plan and Details	03/12/2021	Drawing No. SW400, Revision A
Stormwater Concept Design MUSIC Catchment Plan & Results	03/12/2021	Drawing No. SW500, Revision A
Evacuation Diagram	May 2022	Reference No. 58098
Evacuation Diagram	May 2022	Reference No. 58099
Evacuation Diagram	May 2022	Reference No. 58100
Evacuation Diagram	May 2022	Reference No. 58101
Evacuation Diagram	May 2022	Reference No. 58102
Evacuation Diagram	May 2022	Reference No. 58103
Evacuation Diagram	May 2022	Reference No. 58104
Evacuation Diagram	May 2022	Reference No. 58105
DA Access Report prepared by Vista Access Architects	03/07/2023	Reference No. 21345, Revision D
Noise Impact Assessment prepared by Benbow Environmental	23/05/2023	Report No.201167_NIA_Rev4
Plan of Management and Noise Management prepared by Young Academics	1/07/2021	-
Detailed Site Investigation prepared by Geotechnical Consultants Australia Pty Ltd	23/05/2022	Report No. E2259-1
Air Quality Assessment prepared by Benbow Environmental	25/11/2020	Report No. 201167_AQA_Rev2

Reason: To ensure that the development is in accordance with the determination.

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.

Reason: Statutory requirement.

3. **Fire Safety Matters/Changes in building use**

- (a) A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

NOTE: The obligation under this clause to comply with Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.

- (b) This clause does not apply to the extent to which an exemption is in force under clause 187 and 188 in the Environmental Planning and Assessment Regulations 2000.

- (c) In this case clause, “Category 1 fire safety provision” has the same meaning as it has in Clause 3 in the Environmental Planning and Assessment Regulations 2000 subject to any terms of any condition or requirement referred to in Clause 187(6) or 188(4).

Reason: Statutory requirement.

4. **Batten screens.** The batten screens on car park level 1 is to have opaque/frosted screens. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council’s DCP Part 8.5 (Public Civil Works) and Part 8.2 (Stormwater and Floodplain Management), except otherwise as amended by conditions of this consent.

Reason: To ensure that all works are undertaken in accordance with any relevant standard and DCP requirements.

5. **Service Alterations.** All services or utilities required to be altered in order to complete the development works are to be undertaken in accordance with the requirements of the relevant service provider (eg Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.

Reason: To ensure public services are maintained.

6. **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, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council’s standards and specifications, and DCP Part 8.5 (Public Civil Works), to the satisfaction of Council.

Reason: To ensure the amenity and state of the public domain is maintained.

7. **Road Opening Permit.** In accordance with the requirements of the Roads Act, the applicant must obtain consent (Road opening Permit) from Council prior to any excavation being undertaken in the road reserve (this includes verge and public footpath areas). No works shall be carried out in the road reserve without this permit being paid and a copy kept on the site.

Reason: To ensure the amenity and state of the public domain is maintained.

8. **Utility Services -** The applicant shall undertake and bear all costs associated with the liaison, approval and relocation of any utility services. All correspondence and approvals between the Applicant and utility authorities shall be provided to the Council in conjunction with engineering documentation for the stormwater drainage works prior to commencement of construction.

Reason: to ensure that the applicant avoids conflicts with utilities and services.

9. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect

on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 - 2019 and Part 8.1 of City of Ryde Development Control Plan 2014: Construction Activities.

Reason: This condition is to ensure that appropriate measures/controls are in place to assist with the safety of all affected road users within the public domain when construction works are being undertaken.

10. **Transport for New South Wales (TfNSW)** . The design and construction of the vehicular crossing on Pittwater Road shall be in accordance with Council's requirements, with vehicles to enter and exit the site in a forward direction and vehicles are to be wholly contained on site before being required to stop.

Reason: TfNSW requirement and to assist with the safety of all affected road users.

11. **Vehicle Egress (Pittwater Road Driveway)**. Vehicles exiting from the site onto Pittwater Road are to be restricted to left turns only (i.e. no right turning vehicle movements out of the site onto Pittwater Road is permitted). Regulatory "ALL TRAFFIC (LEFT SYMBOLIC) ONLY" sign facing drivers exiting from the Pittwater Road driveway are to be installed within the property boundary, prior to the basement car park and loading dock being open to any user.

Reason: To minimise the impedance to the through traffic flow on Pittwater Road.

12. **Public Utilities and Service Alterations** – All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the Applicant's expense. The Applicant shall comply with the requirements (including financial costs) of the relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council, etc) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development.

Reason: Protection of infrastructure and compliance with relevant Authorities requirements

13. **Works on Public Roads** – Any works performed in, on or over a public road reserve 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 Sections 138 and 139 of the Roads Act 1993.

Reason: Compliance with relevant Acts

14. **Public areas and restoration works** - 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, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP 2014 Part 8.5 *Public Civil Works*, to the satisfaction of Council. Council's standards and specifications are available on the Council website.

Reason: Ensure public safety and protection of infrastructure

15. **Land Boundary / Cadastral Survey** – If any design work relies on critical setbacks from land boundaries or subdivision of the land is proposed, it is a requirement that a land boundary / cadastral survey be undertaken to define the land.

The land boundaries should be marked or surveyed offset marks placed prior to the commencement of any work on site.

Reason: No encroachment of private works on public land

Protection of Adjoining and Public Land

16. **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.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties

17. **Hoardings.**

- a. A hoarding or fence must be erected between the work site and any adjoining public place.
- b. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c. Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

Reason: To ensure the safety of the public and hoarding/fencing is removed at the completion of the development.

18. **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.

Reason: To ensure the safety of the public.

19. **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.

Reason: To ensure development occurs within the site boundaries.

20. **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.

Reason: To ensure public spaces are unobstructed during construction.

Works on Public Road

21. **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.

Reason: Access to public utilities.

22. **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.

Reason: To ensure compliance with the requirements of Roads Act 1993.

Food Premises:

23. **Childcare Centre Kitchen and Retail Food Business Plans (Design)** - The fit-out of the food premises shall comply with:

- (a) Australian Standard AS4674-2004 - Design, Construction and Fit-out of Food Premises.
- (b) Food Safety Standards 3.2.3 Food Premises and Equipment
- (c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.

If a Private Certifier is to be used, the final inspection shall be carried out by a suitably qualified person to ensure that food standards are met. Council's Environmental Health Officer may be engaged to carry out the required inspection for a prescribed fee.

Note: Copies of AS 4764 - 2004 may be obtained from Standards Australia Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority.

Reason: To ensure design of the premises meets relevant public health standards.

24. **Requirement for Trade Waste Agreement** - A trade waste agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises. Separator systems are to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund.

Reason: To ensure the proper disposal of wastewater.

25. **Provision for installation of kitchen exhaust systems** - Adequate provision must be made for the installation of kitchen exhaust systems to the proposed food premises.

Reason: To control offensive emissions and ensure the protection of the environment.

Waste:

26. **Installation of grease trap** - A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored, or food contact equipment or packaging materials are handled or stored is not permitted.

Reason: To ensure the provisions of safe food handling and public health are maintained.

27. **Storage of garbage and recyclable materials** - A separate room or area must be provided in a convenient location on the premises for the storage of garbage and recyclable materials.

Reason: To ensure provision of adequate waste storage arrangements

28. **Construction of garbage rooms** - All garbage rooms must be constructed in accordance with the following requirements:

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

Reason: To ensure provision of adequate waste storage arrangements

29. **Waste collection point for commercial waste** - The commercial waste must be collected from the loading dock located inside the building.

Reason: To ensure provision of adequate waste collection arrangements

30. **Access for waste collection vehicles** - Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and manoeuvring areas must be designed for maximum legal dimensions and weights and allow collection vehicles to enter and leave the premises in a forward direction. Additional clearances must be provided for overhead and side loading where appropriate.

Reason: To ensure provision of adequate waste collection arrangements.

31. **Ausgrid Requirements:** The proposal is to comply with the requirements stipulated in Ausgrid letters, Reference TRIM 2017/36/ and undated letter, attached at the end of this consent.

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.

32. **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.

Reason: To ensure neighbours are notified prior to the commencement of demolition.

33. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

Reason: Statutory requirement.

34. **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.

35. **Asbestos removal:** Asbestos removal to be undertaken with the approval of SafeWork NSW and in compliance with Occupational Health and Safety Standards. The removal contractors are to be accredited by SafeWork NSW. Identification of disposal to metropolitan waste tip to be submitted to Council. Upon completion of asbestos removal and decontamination of the site, a clearance certificate from an Occupational Hygienist who is a member of the Australian Institute of Occupational Hygienist

Copies of receipts from the disposal of asbestos from the site must be submitted to Council and must be to the satisfaction of Council.

Reason: To ensure appropriate disposal of asbestos containing materials

36. **Asbestos removal clearance certificate:** A clearance certificate prepared in accordance with the Code of Practice: How to Safely Remove Asbestos issued by a qualified occupational hygienist must be obtained stating that, where the land has been affected by any contaminants (including asbestos and lead based paints), the land has been remediated in accordance with the recommendations of the investigation report. A copy of the clearance certificate is to be lodged with Council.

Reason: To ensure appropriate disposal of asbestos containing materials

37. **Hazardous materials survey:** A Hazardous Materials Survey (HMS) is to be prepared for the site prior to demolition of any onsite structures, with any control measures outlined in the report to be implemented during demolition of structures. All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report prepared prior to commencement of demolition works, must be complied with.

Prior to the Occupation Certificate being issued, a clearance certificate must be submitted to the Principal Certifier from a suitably qualified person (such as a certified Occupational Hygienist) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the Hazardous Materials Survey Report, and that the site is safe for future occupation in accordance with the approved use.

Reason: To ensure appropriate disposal of waste.

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

Reason: To ensure waste is managed in accordance with the consent.

39. **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.

Reason: To ensure waste is disposed of at lawful facilities.

40. **Demolition Pedestrian and Traffic Management Plan.** A Demolition Pedestrian and Traffic Management Plan (DPTMP) shall be prepared by a suitably qualified traffic engineering consultant and submitted to and approved by Council's Transport Department prior to the commencement of any demolition work.

Truck movements will be restricted during school zone periods between 8:00am – 9:30am and 2:30pm – 4:00pm due to the close proximity of the development site to the Boronia Park Public School. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the DPTMP.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's Schedule of Fees and Charges with payment to be made prior to receipt of approval from Council's Transport Department for the DPTMP.

The DPTMP must include but not limited to the following:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. The DPTMP is to be adhered to at all times during the project.
- iii. Specify that all demolition vehicles are to enter & exit the site and/or work zone in a forward direction.
- iv. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- v. Specify the number of truck movements to and from the site during the demolition phase of the works. Temporary truck standing/ queuing in a public roadway/ domain in the vicinity of the site is not permitted unless approved by City Works Directorate.
- vi. Include Traffic Guidance Scheme(s) (previously Traffic Control Plan(s)) prepared by a SafeWork NSW accredited designer for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.
- vii. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- viii. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- ix. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.
- x. Take into consideration the combined construction activities of other development(s) and/or roadworks in the surrounding area. To this end, the consultant preparing the DPTMP must engage and consult with relevant stakeholders undertaking such works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- xi. Specify spoil management process and facilities to be used on site.
- xii. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xiii. Comply with relevant sections of the following documents:
 - The Australian Standard *Manual of Uniform Traffic Control Devices* (AS1742.3-2019),
 - TfNSW' *Traffic Control at Work Sites* technical manual; and

- Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

Reason: This condition is to ensure that a plan is prepared to address traffic impacts during demolition works to minimise any inconvenience and safety risks to the public.

41. **Implementation of Demolition Pedestrian and Traffic Management Plan.** All works and demolition activities are to be undertaken in accordance with the approved Demolition Pedestrian and Traffic Management Plan (DPTMP). All controls in the DPTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate SafeWork NSW accreditation. Should the implementation or effectiveness of the DPTMP be impacted by surrounding major development not encompassed in the approved DPTMP, the DPTMP measures and controls are to be revised accordingly and submitted to Council's Transport Department for approval. A copy of the approved DPTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: This condition is to ensure that the measures/protocols stated in the approved DPTMP are carried out by the builder when demolition works are being undertaken.

Imported fill

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

Reason: To ensure public safety.

44. **Delivery dockets to be provided.** Each load of imported fill must be accompanied by a delivery docket from the supplier including the description and source of the fill.

Reason: To ensure the source of fill is known.

45. **Delivery dockets – receipt and checking on site.** A responsible person must be on site to receive each load of imported fill and must examine the delivery docket and load to ensure that only Virgin Excavated Natural Material that has been validated for use on the site is accepted.

Reason: To ensure the source of fill is documented.

46. **Delivery dockets – forward to PCA on demand.** The delivery dockets must be forwarded to the Principal Certifying Authority within seven (7) days of receipt of the fill and must be produced to any authorised officer who demands to see them.

Reason: To ensure the source of fill is documented.

Contamination:

47. **Compliance with contamination report** - All requirements, nominated in the Contamination Report *Detailed Site Investigation, Report E2259-1*, 23 May 2022, prepared by Geotechnical Consultants Australia and Stage 1 Preliminary Site Investigation by EBG Environmental Geoscience dated October 2021 and any related project documentation must be implemented.

Reason: To demonstrate compliance with submitted reports

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

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health

Acoustics:

49. **Noise control measures** - All noise control measures, including construction noise mitigation and child care centre requirements, nominated in the Acoustic Report - *Noise Impact Assessment Mixed Use Development – 130 Pittwater Road & 57 Thompson Street Gladesville*, Report No. 201167_NIA_Rev4, November 2022, released 23 May 2023, prepared by Benbow Environmental and any related project documentation must be implemented.

Waste:

50. **Storage and removal of wastes** - All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals.

Reason: To prevent any nuisance or danger to health, safety or the environment.

51. **General requirements for liquid and solid waste** - Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999). NSW EPA Waste Classification Guidelines

Reason: To prevent pollution of the environment.

52. **Contaminated soil disposal** - All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) before being transported from the site.

Reason: To ensure appropriate disposal of contaminated soil.

53. **Hazardous/intractable waste disposal** - Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the EPA, and with the provisions of:

- (a) Work Health and Safety Act 2011
- (b) NSW Protection of the Environment Operations Act 1997 (NSW) and
- (c) NSW Department of Environment and Climate Change Environmental Guidelines; NSW EPA Waste Classification Guidelines

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

54. **Contaminated waste to licensed EPA landfill** - Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

55. **Waste data maintained** - A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

Reason: To confirm waste minimisation objectives are met.

56. **Polluted water excavation - analysis before discharge** - Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and Australian & New Zealand Guidelines for Fresh & Marine Water Quality Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason: To prevent pollution of waterways.

57. **Construction Noise Management Plan (demo & construction)** - A construction noise management plan must be prepared by a suitably qualified and experienced noise expert in accordance with the noise management levels in EPA's *Interim Construction Noise Guideline* and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- a) hours of construction
- b) Identification of nearby residences and other sensitive land uses.
- c) Assessment of expected noise impacts.
- d) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers
- e) include strategies that have been developed with the community for managing high noise generating works.

- f) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.
- g) include a complaints management system that would be implemented for the duration of the construction
- h) include a program to monitor and report on the impacts and environmental performance of the development

Reason: To prevent loss of amenity to the area and maintain appropriate amenity to nearby occupants)

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.

58. **Construction environment management plan – dam dewatering and treatment:**
 A Construction Environment Management Plan is to be in place and must include specific advice on how water treatment and dam dewatering will be undertaken in accordance with the Blue Book, as well as demonstrating the discharged water complies with ANZECC water quality guidelines.

Reason: To prevent polluted waterways

59. **De-watering of Excavated Sites** - Any site excavation areas must always be kept free of accumulated water. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate.

Reason: To protect against subsidence, erosion and other nuisances.

60. **Section 7.12.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

A – Contribution Type	B – Contribution Amount
Section 7.12 Contribution	\$94,600.00

These are contributions under the provisions of Section 7.12 of the Environmental Planning and Assessment Act, 1979 as specified in City of Ryde Fixed Rate (Section 7.12) Development Contributions Plan 2020, effective from 1 July 2020.

The above amount is current at the date of this consent, and is 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 amount that differs from that shown above.

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

A copy of the City of Ryde Fixed Rate (Section 7.12) Development Contributions 2020 Plan may be inspected at the Ryde Customer Service 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>.

(Reason: Statutory requirement).

61. **A Road Occupancy Licence** should be obtained from Transport Management Centre for any works that may impact on traffic flows on Pittwater Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

Reason: To ensure traffic flows on Pittwater Road are acceptable during the construction of the development.

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

With respect to this, the following revision(s) / documentation must be provided with the plans submitted with the application for a Construction Certificate;

- a) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans to be prepared for the Construction Certificate must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle. In the case for the ramp to Level 1, the profile must also account for the headroom clearance in the passageway between the retail units and waste room, as well as, the vehicle headroom clearance between the ramp surface and the level above.

- b) To ensure that service vehicles have sufficient headroom clearance when accessing loading bay areas, an accessway / ramp profile must be produced along the vehicle path of travel for all service vehicles. The plan must detail all levels and overhead clearances (allowing for services) along the vehicle path of travel from the vehicle entry at the boundary to the loading bay area and must demonstrate that the required overhead clearance (SRV – 3.5m / MRV & HRV – 4.5m) is achieved along this path.
- c) The crest of the ramp to Level 1 is unable to accommodate two way traffic flow (descending vehicles will be required to enter the opposing lane to access the ramp down). To prevent vehicle conflicts in this location, the area at the crest of the ramp and extending across the frontage to space no. 32 is to be marked (pavement paint or similar) and signage to be installed to indicate ascending drivers must give way to exiting vehicles.
- d) The curved entry to the base of the ramp leading to Level 1 parking area must be delineated and linemarked so as to direct and guide vehicle traffic to the upper levels, facilitating safe and efficient vehicle movement.
- e) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, the northern side of the driveway entry at the property boundary must have clear sight through a splayed region defined by Figure 3.3 of AS 2890.1 (2004) and Council's DCP. Ideally the region is to be free of all obstructions, otherwise any solid obstructions are to be no greater than 900mm above finished surfaces and horizontal fencing/ slats are to permit more than 50% visual permeability.

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

Reason: To ensure the vehicle access and parking area is in accordance with the require standards and safe for all users.

63. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to, generally in accordance with the plans by SGC Consulting Engineers Pty Ltd (Refer to Project No. 20210352 Dwgs SW100,SW200-SW203,SW300,SW400 & SW500 Rev A dated 3 December 2021) subject to any variations marked in red on the approved plans or noted following;

- a) A clear failure mode must be provided along the western boundary, ensuring that any errant flow from the development is directed to the north, towards Thomson Street. This will require any terraced retaining walls, garden beds and the like to have levels, grades or openings to facilitate this. Additionally the western boundary must be bunded so as to ensure no such flow is dispersed to neighbouring land.
- b) Connection to the public drainage infrastructure will require the approval of Council's City Works (Stormwater) Department. Any conditions associated with this approval must be noted on the plans.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a suitably qualified Civil Engineer and comply with the following;

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (*Stormwater drainage*) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- The subsurface drainage system must be designed to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid long term impacts related to the support of structures on neighbouring properties.

Reason: To ensure that the developments stormwater management system is aligned with the controls and objectives of the City of Ryde DCP 2014 Part 8.2

64. **Stormwater Management - Onsite Stormwater Detention.** In accordance with Council's community stormwater management policy, an onsite stormwater detention (OSD) system must be implemented in the stormwater management system of the development.

As a minimum, the OSD system must;

- a) provide site storage requirement (SSR) and permissible site discharge (PSD) design parameters complying with Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*).
- b) incorporate a sump and filter grate (trash rack) at the point of discharge from the OSD system to prevent gross pollutants blocking the system or entering the public drainage service,
- c) ensure the OSD storage has sufficient access for the purpose of ongoing maintenance of the system, and
- d) ensure the drainage system discharging to the OSD system is of sufficient capacity to accommodate the 100 year ARI 5 minute storm event.

Detailed engineering plans and certification demonstrating compliance with this condition & Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) are to be submitted with the application for a Construction Certificate.

Reason: To ensure that the design of the OSD is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2

65. **Stormwater Management - Pump System.** The basement pump system must be dual submersible and shall be sized and constructed in accordance with Section 9.3 of AS 3500.3 (*Stormwater drainage*).

The wet well must be designed and constructed in accordance with section 9.3 of AS 3500.3 (*Stormwater drainage*), except that the sump volume is to be designed to accommodate storage of runoff accumulating from the 100yr ARI 3 hour storm event, in the event of pump failure as per the requirements of Council's DCP - Part 8.2 (*Stormwater and Floodplain Management*).

Direct connection of the pumps rising main to the kerb will not be permitted. The rising main must discharge to the sites drainage system, upstream of the onsite detention system (if one is provided) or any rainwater tank which is utilised for irrigation only.

Pump details and documentation demonstrating compliance with this condition are to be submitted in conjunction with the Stormwater Management Plan for the approval of the Certifying Authority, prior to the release of any Construction Certificate for construction of the basement level.

Reason: To ensure that the design of the pump system is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2 and relevant Australian Standards.

66. **Geotechnical Design, Certification and Monitoring Program.** The applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

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

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

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

Reason: To ensure there are no adverse impacts arising from excavation works.

67. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work. As a minimum, the scope of the report is to include;

- a) 126-128 Pittwater Road
- b) 136 Pittwater Road
- c) 55 Thompson Street
- d) 53 Thompson Street

A copy of the dilapidation survey is to be submitted to the Accredited Certifier and Council prior to the release of the Construction Certificate.

Reason: To clarify any claims of damage made by adjoining property owners.

68. **Site Dewatering Plan.** A Site Dewatering Plan (SDP) must be prepared and submitted and approved by the Principal Certifier as part of the application for a Construction Certificate.

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

- a) All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
- b) Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
- c) Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
- d) The maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging to the kerb.
- e) Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- f) Incorporate water treatment measures to prevent the discharge of sediment laden water to the public drainage system. These must be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
- g) Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.
- h) Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act.

Reason: To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems.

69. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant and approved by the

Principal Certifier, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by NSW Department – Office of Environment and Heritage and must contain the following information;

- 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.

The ESCP must be submitted with the application for a Construction Certificate.

Reason: To protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

70. **Stormwater - Council Drainage - Reflux Valve** - A design certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, shall be provided to the Principal Certifying Authority, prior to the issue of the Construction Certificate, confirming that the site drainage outlet pipe has been designed with a reflux valve in order to stop any backwater effect from Council's stormwater system for events up to the 1% AEP (100 year ARI).

Reason: To ensure no water from Council's Stormwater Drainage Network enters the site.

71. **Stormwater - Council Drainage – Pit Connection Details** - The proposed site drainage connection to the New Proposed Council Kerb Inlet Pit shall be made via a uPVC pipe. The site drainage connection pipe shall be cut flush with the internal wall of the pit and should enter the pit perpendicular to the pit wall.

Amended stormwater plans complying with this condition shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. The plans shall be prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent.

Reason: to ensure connection to pit compliance with Council's DCP and Australian Standards.

72. **Stormwater - Drainage Design Submission - Assessment Fee** – The applicant is to pay to Council fees for assessment of all relevant drainage design engineering plans, in accordance with Council's Schedule of Fees & Charges at the time of the

issue of the plan approval, prior to such approval being granted by Council prior to the issue of the Construction Certificate.

Note: An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the Council drainage works and any additional reviews required.

Reason: to ensure relevant Council assessment fees are paid.

73. **Stormwater - Drainage Design Submission** - Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council's City Works Directorate for the proposed drainage works in accordance with Council's DCP (2014) Part 8.2 Stormwater and Floodplain Management Technical Manual, prior to the issue of the Construction Certificate.

The design submission shall address the following:

- a) A drainage system layout plan and structural details shall be drawn at a scale of 1:100, 1:200 or 1:250 and shall show the location of drainage pits and pipe and any other information necessary for the design and construction of the drainage system (i.e. utility services).
- b) A drainage system longitudinal section shall be drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and shall show the underground channel and pipe size, class and type, pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system (i.e. utility services).
- c) The location and as-built information (including dimensions and invert levels) of the New Proposed Kerb Inlet Pit is to be confirmed by a suitably qualified surveyor. This shall be incorporated into the drainage engineering drawings.
- d) Special details including non-standard pits, pit benching and transitions shall be provided on the drawings at scales appropriate to the type and complexity of the detail being shown.
- e) The drainage system layout plan shall be documented on a detailed features survey plan that describes all existing structures, utility services, vegetation and other relevant features.

Reason: to ensure the Stormwater Civil Design complies with Council's and Australian Standards and has sufficient details to obtain construction certificate.

74. **Construction Pedestrian and Traffic Management Plan.** A Construction Pedestrian and Traffic Management Plan (CPTMP) shall be prepared by a suitably qualified traffic engineering consultant and submitted to and approved by Council's Transport Department prior to issue of any Construction Certificate.

Truck movements will be restricted during school zone periods between 8:00am – 9:30am and 2:30pm – 4:00pm due to the close proximity of the development site to the Boronia Park Public School. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CPTMP.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's Schedule of Fees and Charges with payment to be made prior to receipt of approval from Council's Transport Department for the CPTMP.

The CPTMP must include but not limited to the following:

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- iii. Make provision for parking onsite once the basement level parking is constructed. All Staff and Contractors are to use the basement parking once available.
- iv. Specify the number of truck movements to and from the site associated with the construction works. Temporary truck standing/ queuing in a public roadway/ domain in the vicinity of the site are not permitted unless approved by City Works Directorate.
- v. Include Traffic Control Plan(s) prepared by a SafeWork NSW accredited designer for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.
- vi. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- vii. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- viii. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- ix. Take into consideration the combined construction activities of other development(s) and/or roadworks in the surrounding area. To this end, the consultant preparing the CPTMP must engage and consult with relevant stakeholders undertaking such works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- x. Specify spoil management process and facilities to be used on site.
- xi. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xii. Comply with relevant sections of the following documents:
 - The Australian Standard *Manual of Uniform Traffic Control Devices* (AS1742.3-2019),
 - TfNSW' *Traffic Control at Work Sites* technical manual; and
 - Part 8.1 of *City of Ryde Development Control Plan 2014: Construction Activities*.

Reason: This condition is to ensure that a plan is prepared to address traffic impacts during construction to minimise any inconvenience and safety risks to the public.

75. **Waste and Service Vehicle Access.** Access to the on-site loading bay area including ramp grades, transitions and height clearance shall be designed for safe forward in and forward out access of 12.5m long truck. The minimum height clearance required is 4m, measured from the floor level to the lowest point of any overhead structures/service provisions such as pipes.

Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 12.5m long truck shall be reviewed and approved by a chartered civil engineer (with evidence of this certification submitted to Council) prior to the issue of the Construction Certificate. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.

Reason: This condition is intended to assist with the safety and efficiency of heavy vehicles entering and exiting the site.

76. **Ground Anchors** - The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to an application to Council's City Works Directorate, and approval obtained as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural engineering plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, minimum depth below existing ground level at the boundary alignment and the angle of installation.

The approval will be subject to:

- a) Advice being provided to the relevant Public Utility Authorities of the proposed anchoring, including confirmation that their requirements are being met.
- b) the payment of all fees in accordance with Council's Schedule of Fees & Charges at the time of the issue of the approval, and
- c) the provision of a copy of the Public Liability insurance cover of not less than \$20million with Council's interest noted on the policy. The policy shall remain valid until the de-commissioning of the ground anchors.

Reason: Ensuring compliance with Council's relevant Planning Instruments

77. **Public Domain Improvements – Design for Construction Certificate** - The public domain is to be upgraded on both the Pittwater Road and Thompson Street frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Chapter 8 – Small and Neighbourhood Centres. The works shall include paving, lighting upgrade works, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council.

A public domain plan for the following works shall be submitted to, and approved by Council's City Works Directorate, prior to the issue of the relevant Construction Certificate.

- a) Footpath paving as specified in the condition of consent for public infrastructure works.
- b) Street trees and / or landscaping works as specified by Council's Landscape Architect.

Note: In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.

For the undergrounding of existing overhead electricity network, the requirements specified in the Ausgrid Network Standards NS130 and NS156 are to be met.

- c) New street lighting using LED luminaires are to be designed and installed to Australian Standard AS1158:2020 Lighting for Roads and Public Spaces, in accordance with the required vehicular luminance category and pedestrian luminance category along both the Pittwater Road and Thompson Street frontages. The street lighting will remain on the Ausgrid street lighting network.

Reason: Provision and upgrade of public assets and to ensure compliance with Council's relevant Planning Instruments

78. **Public Infrastructure Works - Design for Construction Certificate** – Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council's City Works Directorate prior to the issue of the Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.

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

The Applicant must submit, for approval by Council as the Road Authority, full design engineering plans and specifications for the following infrastructure works:

- a) The full reconstruction of half road width for the extent of the Pittwater Road and Thompson Street frontages of the development site in accordance with the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, Clause 1.1.4 – Constructing Half Road.
- b) The reconstruction of the driveway crossing on Pittwater Road in order to provide a new driveway consistent with the expected development lifespan. The full extent of the new driveway on the Pittwater Road frontage is to be surfaced in granite.
- c) The construction of new kerb and gutter along the Pittwater Road frontage of the site

- d) Construction of granite footway along the Pittwater Road frontage of the site in accordance with the City of Ryde Public Domain Technical Manual Chapter 8 – Small and Neighbourhood Centres.
- e) Existing landscaping plantings within the tree pits along the Pittwater Road frontage of the site are to be retained and where necessary upgraded so all plantings are healthy. In addition to the existing plantings, Lomandra Tanika at 6 plants per square metre are to be planted in the remaining vacant space within the street pits.
- f) The existing public benches and street bins are to be retained / reinstated. In the case that there is any damage to the existing street furniture, incurred either prior to or during the development works, the damaged fixtures must be replaced as part of the public domain works.
- g) Any works deemed necessary to upgrade the existing retaining walls on the Pittwater Road frontage to ensure they provide for the split level footway for the full life of the new development.
- h) Upgrade of the existing bus shelter on the Pittwater Road frontage to meet Council's current requirements.
- i) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- j) Signage and line marking details
- k) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

Notes:

1. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths, prior to setting the floor levels for the proposed building.
2. Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
3. Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - *Public Civil Works, Section 5 "Standards Enforcement"*. A checklist has also been prepared to provide guidance, and is available upon request to Council's City Works Directorate.
4. City of Ryde standard drawings for public domain infrastructure assets are available on the Council website. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated.

Reason: Provision and upgrade of public assets and to ensure compliance with Council's relevant Planning Instruments and standards

79. **Reinstatement of Bus Stop** – The existing bus stop along the Pittwater Road frontage of the development site shall be relocated to a location approved by Sydney Buses prior to commencement of the public domain improvement works. The bus stop shall be reinstated in its final location in accordance with the requirements of the Disability Standards for Accessible Public Transport 2002.

Reason: Improve public amenity

80. **Vehicle Footpath Crossing and Gutter Crossover** – A new vehicle footpath crossing and associated gutter crossover shall be constructed at the approved vehicular access location/s. Where there is an existing vehicle footpath crossing and gutter crossover, the reconstruction of this infrastructure may be required so it has a service life consistent with that of the development, and it is also compliant with current Council's standards and specifications. The location, design and construction shall be in accordance with City of Ryde Development Control Plan 2014 Part 8.3 *Driveways* and Part 8.5 - *Public Civil Works* and Australian Standard AS2890.1 – 2004 *Offstreet Parking*.

Prior to the issue of the Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath crossing and gutter crossover. The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover.

The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included.

All grades and transitions shall comply with Australian Standard AS 2890.1-2004 *Offstreet Parking* and Council's specifications. The new crossing shall be 7.3m wide, without the splays, and shall be constructed at right angle to the alignment of the kerb and gutter, and located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

Fees are payable at the time of the application, in accordance with Council's Schedule of Fees and Charges.

The Council approved design details shall be incorporated into the plans submitted to the Principal Certifier, for the application of the Construction Certificate.

Reason: Improved access and public amenity

81. **Public Domain Works – Defects Security Bond** - To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue by Council, of the Compliance Certificate for the External Works. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period. A bond in the form of a cash deposit or Bank Guarantee of \$80,000 shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.

Reason: Ensure compliance with specifications

82. **Engineering plans assessment and works inspection fees** – The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to such approval being granted by Council.

Note: An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

Reason: Ensure compliance with Council's requirements

83. **Anticipated Assets Register - Changes to Council Assets** - In the case that public infrastructure improvements are required, the developer is to submit a listing of anticipated infrastructure assets to be constructed on Council land as part of the development works. The new elements may include but are not limited to new road pavements, new Multi-Function Poles (MFPs), new concrete or granite footways, new street trees and tree pits, street furniture, bus shelters, kerb and gutter and driveways. This information should be presented via the Anticipated Asset Register file available from Council's Assets and Infrastructure Department. The listings should also include any assets removed as part of the works.

The Anticipated Asset Register is to assist with council's future resourcing to maintain new assets. There is potential for the as-built assets to deviate from the anticipated asset listing, as issues are resolved throughout the public domain assessment and Roads Act Approval process. Following completion of the public infrastructure works associated with the development, a Final Asset Register is to be submitted to Council, based upon the Public Domain Works-As-Executed plans.

Reason: Record of civil works

84. **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**.

Reason: To ensure compliance with the Australian Standards.

85. **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**.

Reason: To ensure the structural integrity of the approved development.

86. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (other buildings with delivery of bricks or concrete or machine excavation.

Reason: Statutory requirement.

87. **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

Reason: Statutory requirement.

88. **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**.

Reason: To provide suitable vehicular access.

89. **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**.

Reason: Statutory requirement.

90. **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>

91. **Road and rail noise/vibration.** The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.

92. **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**.

Reason: To ensure the use of appropriate roofing material to minimise reflectivity and impacts upon amenity.

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

Reason: To ensure appropriate lighting is provided for residential safety and maintains the amenity of adjoining properties.

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.

94. **Stormwater - Pre-Construction CCTV Report** - To ensure Council's stormwater infrastructures are adequately protected, a pre-construction CCTV report on the existing stormwater pipeline and the existing kerb lintel pit in the vicinity of the proposed development is to be submitted to Council prior to the commencement of any construction works.

An electronic closed-circuit television report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing drainage line adjacent to the site is required. This report shall include the date of CCTV inspection and shall be submitted to Council's City Works Directorate for approval prior to commencement of any works.

Note: The applicant shall contact Council's Stormwater and Catchments section to obtain a map of Council's existing Stormwater network in the vicinity prior to conducting the CCTV survey.

All fees and charges associated with the review of the report shall be in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the report is submitted. The applicable fee is for 1.0 hour of Staff Time (payment receipt to be attached with the CCTV submission).

Reason: to verify the pre-construction condition of Council's asset/s.

95. **Notice of Intention to Commence - Council Drainage Works** – Prior to commencement of the Council drainage works, Council's City Works Directorate shall be notified for written acceptance.

This Notice shall include the name of the Contractor who will be responsible for the construction works, and the name of the Supervising Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.

Reason: to ensure Council's City Works Directorate is notified about the intention of commencing drainage works.

96. **Notification to adjacent properties – Council Drainage Works** - The Applicant shall provide the adjoining owners and occupiers written notice of the proposed Council drainage works, a minimum two weeks prior to commencement of construction. The notice is to include a contact person name and number should adjoining owners and occupiers have any enquiries in relation to the construction works.

All structures and surface areas affected by the drainage connection works must be reinstated at the completion of this activity, at no cost to the affected property owner.

Reason: to ensure adjacent properties are notified about the intention of commencing drainage works.

97. **Work Zones and Permits.** Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane.

Reason: Specific activities on public roads where Council is the consent authority requires Council approval prior to such activities being undertaken.

98. **Road Occupancy Licence.** Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows on a State Road (e.g. lane closures, etc.) and/or within 100m of a signalised intersection.

Reason: Transport for NSW requirement.

99. **Notice of Intention to Commence Public Domain Works –** Prior to commencement of the public domain works, a *Notice of Intention to Commence Public Domain Works* shall be submitted to Council's City Works Directorate. This Notice shall include the name of the Contractor who will be responsible for the construction works, and the name of the Supervising Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.

Note: Copies of several documents are required to be lodged with the Notice; no fee is chargeable for the lodgement of the Notice.

Reason: Ensure compliance and record of works

100. **Notification of adjoining owners & occupiers – public domain works** - The Applicant shall provide the adjoining owners and occupiers written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to

the owners.

Reason: Ensure compliance and record of works

101. **Pre-construction inspection** - A joint inspection shall be undertaken with Council's Engineer from City Works Directorate prior to commencement of any public domain works. A minimum 48 hours' notice will be required when booking for the joint inspection.

Reason: Ensure compliance and communicate Council's requirements

102. **Pre-Construction Dilapidation Report** - To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable.

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

The report is to be dated and submitted to, and accepted by Council's City Works Directorate, prior to any work commencing.

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

Reason: Protection of Council's infrastructure

103. **Road Activity Permits** - To carry out work in, on or over a public road, the Consent of Council is required as per the *Roads Act 1993*. Prior to the commencement of the relevant works and considering the lead times required for each application, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Public Domain Works*.

- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
- b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. **A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.**

- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period be extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.

Reason: Legal requirement

104. **Temporary Footpath Crossing** - A temporary footpath crossing, if required, must be provided at the vehicular access points. It is to be 4 metres wide, made out of sections of hardwood with chamfered ends and strapped with hoop iron, and a temporary gutter crossing must be provided.

Reason: Ensure public amenity and safety

105. **Ryde Traffic Committee Approval** - A plan showing details of the proposed signage and line marking, and/or traffic devices including pedestrian refuge, pedestrian crossing or LATM measures, shall be submitted to the Council and approved by the Ryde Traffic Committee prior to the installation of any traffic devices, signage and linemarking.

106. **Development** to be within site boundaries. The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Any doors/ gates on the boundary must be installed so they do not open onto any footpath.

Reason: To maintain public safety and amenity in public domain areas adjoining the development site.

107. **Ground Anchors**. The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to

application for approval from Council's Public Works department, as per the provisions of Section 138 of the Roads Act. The application for consent must include detailed structural plans prepared by a chartered structural engineer, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is subject to the applicant paying all applicable fees in accordance with Council's Management Plan.

Reason: To minimise the imposition of soil / rock anchors on the public domain.

108. **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.

Reason: Statutory requirement.

109. **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.

Reason: To ensure to site is safely secured.

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.

110. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by SGC Consulting Engineers Pty Ltd (Refer to Project No. 20210352 Dwg's SW100,SW200-SW203,SW300,SW400 & SW500 Rev A dated 3 December 2021) submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.

Reason: To ensure the stormwater system is constructed as approved

111. **Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the

manual “Managing Urban Stormwater: Soils and Construction“ by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.

Reason: To prevent soil erosion and the discharge of sediment over the land.

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

Reason: To ensure that the excavation works are undertaken appropriately throughout the period of construction.

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

Reason: To ensure that site dewatering is undertaken appropriately throughout the period of construction.

114. **Stormwater - Hold Points during construction – Council Drainage Works –** Council requires inspections to be undertaken by a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, for all Council stormwater drainage works and/or for all stormwater drainage works in Council’s land.

The Applicant shall submit to the Principal Certifying Authority, certification from the Engineer, at each stage of the inspection listed below, stating all civil and structural construction works have been executed as detailed in the stamped approved plans, and in accordance with the relevant Australian Standards, City of Ryde standards and specifications within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

- a) Upon backfilling of excavated areas and prior to the construction of the final pavement surface.
- b) Upon/during connection to Newly constructed Council’s Kerb Inlet Pit.
- c) Final inspection - upon the practical completion of all drainage and associated works (including road pavements, kerb & gutters, footpaths and driveways) with all disturbed areas satisfactorily restored.

Reason: to ensure construction works satisfy Council's DCP and Australian Standards requirements.

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

Reason: This condition is to ensure that the measures/protocols stated in the approved CPTMP are carried out by the builder during construction.

116. **Hold Points during construction - Public Domain –** Council requires inspections to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.

The Applicant shall submit to Council's City Works Directorate, certification from the Engineer, at each stage of the inspection listed below, within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

- a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
- b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
- c) Upon compaction of the applicable sub-base course.
- d) Upon compaction or construction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course).
- e) Upon installation of any formwork and reinforcement for footpath concrete works.
- f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

Reason: Ensure compliance with relevant standards

117. **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*.

Reason: Statutory requirement.

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

Reason: To retain the acoustic amenity of neighbouring residential properties.

119. **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.

Reason: To ensure all works are located on the subject site.

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

Reason: To protect the environment and the amenity of surrounding properties.

121. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:

- a. Fill is allowed under this consent;
- b. The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
- c. the material is reused only to the extent that fill is allowed by the consent.

Reason: To protect the environment.

122. **Construction materials.** All materials associated with construction must be retained within the site.

Reason: To ensure safety and amenity of the area.

123. **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.

Reason: Statutory requirement.

124. **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.

Reason: To ensure the site is appropriately maintained.

125. **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".

Reason: To ensure works do not disrupt pedestrians and vehicular traffic.

126. **Tree Retention.** The following trees as referenced within the Arboricultural Impact Assessment prepared by The Tree Guardian dated 13th May 2022 must be retained and protected: Trees 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 19, 29 & 30

Reason: To ensure all trees nominated for retention on the approved plan are appropriately retained and protected.

127. **Tree Removal.** The following trees as referenced within the Arboricultural Impact Assessment prepared by The Tree Guardian dated 13th May 2022 are approved for removal: Trees 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27 & 28

Reason: To ensure all trees nominated for removal on the approved plan are appropriately removed.

128. **Tree Protection Plan and Specification.** A dedicated and detailed Tree Protection Plan & Specification is to be prepared by an AQF Level 5 Arborist who is registered with either Arboriculture Australia or the Institute of Australian Consulting Arboriculturists. This document is to provide details and guidance as to how existing trees to be retained are to be protected during the demolition, excavation and construction works. This document is to take into consideration all trees within neighbouring property allotments and within the public domain which may be affected by the proposal. The Tree Protection Plan & Specification is to be submitted to Council for review and approval prior to issuance of Construction Certificate.

Reason: To provide a suitable framework and guidance for tree protection prepared by a qualified professional.

129. **Tree Protection.** All tree protection works for trees nominated for retention including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site.

Reason: To ensure suitable tree protection is in place prior to the commencement of any demolition works.

130. **Tree Protection Fencing.** All protective fencing and signage around TPZs must be located in accordance with AS4970: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.

Reason: To provide suitable protection fencing for trees nominated for retention.

131. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites and the Arboricultural Impact Assessment prepared by The Tree Guardian dated 13th May 2022. 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 by the Project Arborist throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.

Reason: To ensure a suitably qualified Arborist is appointed and made responsible for the protection of trees.

132. **Stormwater Trench/Pit Locations - General.** The alignment of stormwater infrastructure is to be located as far away from existing trees to be retained as practical. Should the excavation for the stormwater pits and trenches conflict with any major structural roots (greater than >25 mm diameter) of existing trees, their location and alignment is to be modified in consultation with the Project Arborist to avoid impact. Under no circumstances should roots be severed or cut without prior approval from the Project Arborist.

Reason: To ensure excavation works associated with stormwater infrastructure do not result in damage to existing tree roots.

133. **Underground Utilities.** Any utility services to be located underground within the TPZ are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >25 mm diameter). To prevent soil compaction and root damage these works should be conducted with nonmotorised hand tools or directional drilling.

Reason: To ensure excavation works associated with services installation do not result in damage to existing tree roots.

134. **Demolition & Excavation within TPZ.** Any demolition and excavation or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual, non-motorised hand tools and under the supervision of the Project Arborist. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.

Reason: To ensure all demolition and excavation works do not result in damage to existing tree roots.

135. **Fill Requirements.** All fill to be placed within the Tree Protection Zones of neighbouring trees is to be gap graded structural soils which allows for gaseous exchange and future root growth. The Project Arborist is to confirm suitability of the proposed material prior to installation.

Reason: To ensure any fill to be placed within root zones is of a suitable type to minimise impacts to existing trees.

136. **Root Pruning.** Where root pruning is required, roots shall be severed with clean, sharp pruning implements and retained in a moist condition during the construction phase using hessian material or mulch where practical. Severed roots shall be treated with a suitable root growth hormone.

Reason: To reduce the stress and negative impacts caused by any root pruning required for construction.

Contamination:

137. **Compliance with contamination report** - All requirements, nominated in the Contamination Report *Detailed Site Investigation, Report E2259-1, 23 May 2022,*

prepared by Geotechnical Consultants Australia and Stage 1 Preliminary Site Investigation (PSI) by EBG Environmental Geoscience dated October 2021 and any related project documentation must be implemented.

Reason: To demonstrate compliance with submitted reports

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

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health

Waste:

139. **Storage and removal of wastes** - All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals.

Reason: To prevent any nuisance or danger to health, safety or the environment.

140. **General requirements for liquid and solid waste** - Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999). NSW EPA Waste Classification Guidelines

Reason: To prevent pollution of the environment.

141. **Contaminated soil disposal** - All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) before being transported from the site.

Reason: To ensure appropriate disposal of contaminated soil.

142. **Hazardous/intractable waste disposal** - Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the EPA, and with the provisions of:

- (d) Work Health and Safety Act 2011
- (e) NSW Protection of the Environment Operations Act 1997 (NSW) and
- (f) NSW Department of Environment and Climate Change Environmental Guidelines; NSW EPA Waste Classification Guidelines

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

143. **Contaminated waste to licensed EPA landfill** - Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

144. **Waste data maintained** - A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

Reason: To confirm waste minimisation objectives are met.

145. **Polluted water excavation - analysis before discharge** - Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and Australian & New Zealand Guidelines for Fresh & Marine Water Quality Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason: To prevent pollution of waterways.

146. **De-watering of Excavated Sites** - Any site excavation areas must always be kept free of accumulated water. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate.

Reason: To protect against subsidence, erosion and other nuisances.

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.

147. **Stormwater - Council Drainage Works – Post Construction Certifications** - Following completion of the final stage of the drainage and associated works and

prior to the issue of the Occupation Certificate, the applicant shall submit all certifications from the Supervising Engineer for each hold point inspection required for the drainage works, as outlined in the condition for “Stormwater - Hold Points during construction – Council Drainage Works”, to Council’s City Works Directorate for written acceptance.

The certificates shall contain photographs of the completed works and commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

Reason: To ensure the public infrastructure works have been completed following all quality requirements.

148. **Stormwater – Council Drainage Works - Works-as-Executed Plans** - To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, and that the assets to be handed over to Council are accounted for inclusion in Council's Assets Register, Works-as-Executed Plans (in both hard and soft copies - AutoCAD, CivilCAD, Civil 3D, 12D or any other commercially used program), certified by a Registered Surveyor shall be submitted to, and accepted by Council in writing, with any rectifications required by Council to be completed by the Developer prior to the issue of any Occupation Certificate.

The Works-as-Executed Plans are to note all departures clearly in red, on a copy of the approved Construction Certificate drawings, and certification from a suitably qualified Civil Engineer shall be submitted to support all variations from the approved plans.

Reason: To ensure the public infrastructure works are completed in accordance with the approved plans and specifications.

149. **Stormwater - Post-Construction CCTV Report** - To ensure Council’s stormwater infrastructures are adequately protected, there are no damages and no protruding pipe inside Council’s pipeline due to proposed construction activities and property drainage connection, a post-construction CCTV report on the Council’s stormwater pipeline through the proposed development site and the existing kerb inlet pit in front of the property is to be submitted to Council.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing drainage line adjacent to the site is required. The report is to be dated and submitted to, and accepted by Council’s City Works Directorate, prior to issue of the Occupation Certificate.

The report shall be used by Council to compare with the pre-construction CCTV footage report, and to assess whether any rectification works will be required to Council’s satisfaction at no cost to Council. The applicant shall obtain written approval from a Council Engineer prior to the issue of the Occupation Certificate.

Note: The applicant shall contact Council's Stormwater and Catchments section to obtain a map of Council's existing stormwater network in the vicinity prior to conducting the CCTV survey.

All fees and charges associated with the review of the report shall be in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the report is submitted. The applicable fee is for 2.0 hour of Staff Time (payment receipt to be attached with the CCTV submission).

Reason: to verify the post-construction condition of Council's drainage assets.

150. **Final Inspection – Council Drainage Assets Handover** - For the purpose of the handover of the trunk drainage assets to Council, a final inspection shall be conducted in conjunction with Council's Stormwater Assets Engineer from City Works Directorate following the completion of the Council Drainage Works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the trunk drainage Works.

Note: An inspection fee is applicable for each visit, and at least 48 hours' notice will be required for the inspections. Please contact Council's Customer Service Section on 9952 8222 to book an inspection subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

Reason: to verify the new drainage asset/s have been built as per Council's standards.

151. **Restoration – Supervising Engineer's Certificate** - Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council a certificate from the Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular crossings as a result of the construction works associated with this development site, have been completed in accordance with the Council's standards and specifications, and DCP (2014) Part 8.5 Public Civil Works, or the Roads and Maritime Services' standards and specifications, where applicable.

Reason: to verify the new drainage asset/s have been built as per Council's standards.

152. **Signage and Linemarking – External.** Any alterations to the public domain that results in a change to the parking and traffic conditions requires a signage and linemarking plan prepared by a suitably qualified traffic engineering consultant to be submitted to Council for endorsement by Ryde Traffic Committee and subsequent approval by Council, prior to the issue of any Occupation Certificate.

Note: The applicant is advised that Ryde Traffic Committee generally meets once a month. As such, adequate time should be allowed for the review and approval process.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's latest Schedule of Fees and Charges.

Reason: This condition is to ensure that changes to the traffic and parking conditions within the surrounding public road network as a consequence of the development is appropriately managed to minimise the impact to public safety and amenity.

153. **Signage and Linemarking (External) – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by Council. These works are to be undertaken prior to the issue of any Occupation Certificate.

Reason: This condition is to ensure that the works outlined in the approved signage and linemarking plan are installed, prior to the development being occupied.

154. **Loading Dock Management Plan.** An updated Loading Dock Management Plan shall be prepared by the applicant and submitted to and approved by Council's Transport Department prior to the issue of any Occupation Certificate. The plan must specify that the vehicles permitted to access the loading dock shall be no longer than 10.8m in length.

The Plan will need to demonstrate how the internal loading dock will be managed to ensure servicing arrangements including waste collection will be wholly accommodated within the site without interfering with the safety of all road users and the efficiency of traffic movements on the public road (including verge). Vehicle queuing on any public road is not permitted.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's latest Schedule of Fees and Charges.

Reason: This condition is intended to assist with minimising the impact of site servicing activities primarily associated with deliveries and refuse collection on the surrounding public roads.

155. **Vehicle Footpath Crossing and Gutter Crossover – Construction** - The proposed vehicle footpath crossing and gutter crossover shall be constructed prior to the issue of any Occupation Certificate at no cost to Council. Works may include the removal of any redundant vehicle footpath crossing and gutter crossover and reinstatement of kerb and gutter and restoration of road pavement.

Any adjustment or relocation of underground utilities as a result of the driveway construction must be carried out in accordance with the requirements of the utility authority. Minimum cover requirements of utility authorities must be maintained.

Reason: Improved access and public amenity

156. **Compliance Certificate – Vehicle Footpath Crossing and Gutter Crossover** - A Compliance Certificate shall be obtained from Council's City Works Directorate and a copy submitted to the Principal Certifier prior to the issue of any Occupation Certificate, confirming that the vehicle footpath crossing and gutter crossover have been constructed in accordance with the Council's standards and requirements. Fees are payable for the issue of the Compliance Certificate, in accordance with Council's Schedule of Fees and Charges.

Reason: Ensure Compliance

157. **Public Domain Improvements and Infrastructure Works – Completion** – All public domain improvements and infrastructure works shall be completed to Council's satisfaction, in accordance with the approved public domain plans and at no cost to the Council, prior to the issue of any Occupation Certificate.

Reason: Ensure Compliance

158. **Restoration – Supervising Engineer's Certificate** - Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council a certificate from the Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular crossings as a result of the construction works associated with this development site, have been completed in accordance with the Council's standards and specifications, and DCP2014 Part 8.5 *Public Civil Works*, or the Roads and Maritime Services' standards and specifications, where applicable.

Reason: Ensure public safety and protection of infrastructure

159. **Electricity accounts for new street lighting** - Prior to the issue of any Occupation Certificate, the Applicant shall liaise with Council's Public Domain Development Section regarding the setting up of the electricity account/s in order to energise the newly installed street lighting.

Reason: Public amenity and safety

160. **Compliance Certificates – Street Lighting** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a *Certificate of Compliance - Electrical Work (CCEW)* from the Electrical Contractor, and certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

Reason: Ensure Compliance

161. **Compliance Certificate – External Landscaping Works** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Landscape Architect confirming that the public domain landscaping works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

Reason: Ensure Compliance

162. **Public Domain Works-as-Executed Plans** – To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, Works-as-Executed (WAE) Plans shall be submitted to Council for review and approval. The WAE Plans shall be prepared on a copy of the approved plans and shall be certified by a Registered Surveyor. All departures from the Council approved details shall be marked in red with proper notations. Any rectifications

required by Council shall be completed by the Developer prior to the issue of any Occupation Certificate.

In addition to the WAE Plans, a list of all infrastructure assets (new and improved) that are to be handed over to Council shall be submitted in a form advised by Council. The list shall include all the relevant quantities in order to facilitate the registration of the assets in Council's Asset Registers.

Reason: Record of Completed Works

163. **Registered Surveyor Final Certificate** – Upon completion of all construction works, and before the issue of any Occupation Certificate, a Certification from a Registered Surveyor must be submitted to Council, stating that all works (above and below ground) are contained within the site's land boundary.

Reason: Ensure Compliance and no encroachments

164. **Supervising Engineer Final Certificate** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

Reason: Ensure Compliance

165. **Supervising Engineer Final Certificate** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

Reason: Ensure Compliance

166. **Post-Construction Dilapidation Report** – To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.

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

The report shall include summary statement/s comparing the pre and post construction conditions of the public infrastructure. The report is to be dated and submitted to, and

accepted by Council's City Works Directorate, prior to issue of the Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, and to assess whether restoration works will be required prior to the issue of the Compliance Certificate for External Works and Public Infrastructure Restoration.

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

Reason: Protection of public assets

167. **Decommissioning of Ground Anchors** – Prior to the issue of any Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.

Reason: Ensure compliance for protection of public assets

168. **Final Inspection – Assets Handover** - For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer from City Works Directorate following the completion of the external works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the External Works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

A minimum 48 hours' notice will be required when booking for the final inspection.

Reason: Ensure Compliance

169. **Compliance Certificate – External Works and Public Infrastructure Restoration** – Prior to the issue of any Occupation Certificate, a compliance certificate shall be obtained from Council's City Works Directorate confirming that all works in the road reserve including all public domain improvement works and restoration of infrastructure assets that have dilapidated as a result of the development works, have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this Certificate in accordance with Council's Schedule of Fees and Charges at the time of issue of the Certificate.

Reason: Ensure Compliance

170. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.

Reason: To clarify the configuration of the completed stormwater management system.)

171. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention, pump/ sump and WSUD components incorporated in the approved Stormwater Management system. The terms of the instrument are to be in accordance with the Council's standard for the relevant systems and are to be to the satisfaction of Council. To assure Council the construction of the stormwater management system has been completed, stormwater Works-As-Executed plans and certification of the system are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website). The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.

Reason: This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s).)

172. **Drainage System Maintenance Plan.** A drainage system maintenance plan (DSMP) must be prepared for implementation for the ongoing life of the development.

The DSMP must contain the following;

- a) All matters listed in Section 1.4.9 of the DCP Part 8.2 (Stormwater and Floodplain Management – Technical Manual).
- b) The DSMP is to incorporate a master schedule and plan identifying the location of all stormwater components crucial to the efficient operation of the trunk drainage system on the development lot. This is to include (but not be limited to) pump/sump systems, WSUD components and all onsite detention systems. The master plan is also to contain the maintenance schedule for each component.
- c) The DSMP is also to include safe work method statements relating to access and maintenance of each component in the maintenance schedule.
- d) Signage is to be placed in vicinity of each component, identifying the component to as it is referred in the DSMP (eg. OSD – 1), the reference to the maintenance work method statement and maintenance routine schedule.
- e) Designate areas inside the property in which the maintenance operation is to be undertaken for each component. Maintenance from the road reserve or public domain is not accepted. Areas are to be demarcated if required.
- f) Locate a storage area for maintenance components / tools to be stored on site. The location is to be recorded in the DSMP.

The DSMP is to be prepared by a suitably qualified and practising drainage engineer in co-operation with a workplace safety officer (or similar qualified personal) and all signage / linemarkings are to be implemented prior to the issue of any Occupation Certificate.

Reason: To ensure the approved stormwater components such as onsite detention system , pumps and WSUD measures, function as designed for the ongoing life of the development)

173. **Positive Covenant - Onsite Waste Collection.** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), ensuring that future owners provide and maintain the access driveway and loading bay accommodating waste collection services undertaken by Council. The terms of the instrument are to be generally in accordance with Council's current standard terms (available from Council) and any amendments necessary drafted in accordance with the City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances), to Council's satisfaction. The drafted instrument must be accompanied by a Works-As-Executed plan of the service area ensuring there is adequate swept path and height clearances so as to accommodate Council waste vehicles. A swept path analysis may also be required to clarify this. The instrument and works-as-executed plans are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website) for review and the covenant must be registered on the title prior to the release of any Occupation Certificate for the development works.

Reason: To ensure that Council's Waste Service can safely access the site for the purpose of waste collection.)

174. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
 - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
 - c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
 - d) Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 (Stormwater drainage), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
 - e) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).

- f) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
- g) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
- h) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

Reason: To ensure that all engineering components are completed to the satisfaction of an appropriately qualified person, prior to occupation or use of the development.)

175. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site prior to the issue of an Occupation Certificate. The plate construction, wordings and installation shall be in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at 1 Pope Street – Ryde (Top Ryde City Shopping Centre).

Reason: To ensure that owners of the site are aware of the location of the onsite detention system and the need to maintain the system over the life of the development.)

176. **Parking Area Linemarking and Signage.** Traffic measures such as directional signage, traffic control linemarking and signs must be installed in the developments parking area. The location and specifications of these measures must be in accordance with AS 2890.1, must be based on Traffic Engineering principals and must be located under the guidance of a suitably qualified Traffic Engineer experienced in traffic safety. Certification that these measures have been implemented must be provided to the Accredited Certifier prior to the issue of an Occupation Certificate for any part of the development requiring use of the parking area.

Reason: To ensure the safe and efficient circulation of traffic and access to parking areas from the public road.)

177. **Parking Management Plan – Basement Level 2**

A Parking Management Plan for Basement Level 2 is to be prepared by a suitably qualified traffic and parking engineer. This Parking Management Plan is to be submitted to the Executive Manager City Development at the City of Ryde Council for assessment and approval. The Parking Management Plan is to address:

- Access control to the respective child care centre and medical centre car parking spaces.
- The hours of operation of the boom gates to the child care centre and medical centre.

- The operational arrangements for the roller shutter with respect to securing the basement outside of operating hours for the child care centre and medical centre.
- Wayfinding and signposting are required for each car parking basement to help visitors avoid entering the incorrect car park.
- Marking of parking spaces for the child care centre and medical centre to avoid visitors parking in incorrectly allocated spaces.
- Signposting prohibiting parking within Basement Level 2 for customers and staff associated with the supermarket, shops, and café.
- Managing access to the parking area

Reason: To ensure orderly use of the car parking in Basement Level 2, and also ensure Basement Level 2 is only used by the medical centre and child care centre.

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

Reason: To ensure that the landscape works are consistent with the Development Consent.

179. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the Fire and Rescue NSW.

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

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

180. **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**.

181. **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.

Reason: Statutory requirement.

182. **Letterboxes and street 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.

Reason: To ensure consistency with Council's requirements for street numbering.

Food Premises:

183. **Registration childcare centre kitchen and retail food businesses (Council) -** Prior to an Occupation Certificate being issued, food businesses must submit a food business registration with Council.

Reason: Compliance with the requirements of the Food Act.

184. **Certify fit-out childcare centre kitchen and retail food businesses complies with food safety standards -** Certification to be provided to the principal certifying authority (PCA), prior to occupation, that the fit-out of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004.

It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.

Reason: To ensure construction and fit-out of the premises meets relevant public health standards.

Contamination:

185. **Compliance with contamination report -** Prior to the issue of an occupation certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Ryde Council, stating that all works/methods/procedures/control measures approved by Council and nominated in the report *Detailed Site Investigation, Report E2259-1, 23 May 2022*, prepared by Geotechnical Consultants Australia and any related project documentation have been completed.

Reason: To demonstrate compliance with submitted reports

Acoustics:

186. **Compliance with acoustic report -** Prior to the issue of an occupation certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Council, stating that all works/methods/procedures/control measures approved by Council and nominated in the report *Noise Impact Assessment Mixed Use Development – 130 Pittwater Road*

& 57 Thompson Street Gladesville, Report No. 201167_NIA_Rev4, November 2022, released 23 May 2023, prepared by Benbow Environmental and any related project documentation have been completed.

Reason: To demonstrate compliance with submitted reports

187. **Obtain Liquor License** – The supply and/or sale of alcohol is not permitted until consent has been obtained from Liquor and Gaming NSW. Such consent must be submitted to Council prior to occupation of the premises.

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.

188. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the parking allocation as follows;

Level 1

- Minimum of 32 parking spaces for retail customers

Basement Level 2 (21 spaces)

Childcare:

- 7 parking spaces (pickup-drop-off) for childcare parents
- 4 parking spaces for childcare centre staff

One of the 7 spaces for the childcare parents must be allocated as a Disabled space for parent pickup.

Medical centre:

- 4 parking spaces for Medical Centre Doctors
- 4 parking spaces for Medical Centre patient
- 2 parking spaces for Medical Centre Staff.

One of the 4 spaces for the medical patient must be allocated as a Disabled space.

Reason: To ensure the development maintains the approved capacity and allocation of parking spaces on the site.

189. **Parking Signage:** Signage is to provided at the entry of the car parks to advise customers of the different carpark and their uses. The car spaces are to be clearly lined marked and signposted to indicate the use of the parking spac

Reason: To ensure the parking is clearly allocated and segregated to the different uses.

190. **Implementation of Loading Dock Management Plan.** All vehicle ingress and/or egress activities are to be undertaken in accordance with the approved Loading Dock Management Plan. Vehicle queuing on public road(s) or outside of the loading dock is not permitted.

Reason: This condition is to ensure that the measures outlined in the approved loading dock management plan is implemented.

191. **Stormwater Management – Implementation of maintenance program.** The stormwater management system components are to be maintained for the ongoing life of the development by the strata management/ owners corporation, as per the details in the approved drainage system maintenance plan (DSMP).

Reason: To ensure the stormwater management system is appropriately maintained for the life of the development.

192. **Child care centre - Number of children & staff** – the centre-based child care facility is restricted to a maximum of 53 children and is restricted to a minimum of 8 staff members at any one time.

Reason: To ensure compliance with the Education and Care Services National Regulations and Regulation 107 of the Education and Care Services National Regulations.

193. **Medical centre** – the medical care is limited to a maximum of 4 doctors and 4 staff members at any one time.

Reason: To ensure adequate parking can be provided on site to support the development.

194. **Distribution Hub.** The area labelled distribution hub on the ground floor plan can only be used for the purpose of storage for the liquor premises. This area is not to be used for habitable floor space.

Reason: To ensure parking provided on site can service the development.

195. **Supermarket Trading Floor Area.** The trading floor area of the supermarket is limited to 950m².

Reason: To ensure parking provided on site can service the development.

196. **Trolley Lock system.** A trolley lock system or similar is to be in place to ensure that the shopping trolley do not spill into the local streets.

Reason: Maintain amenity to the area.

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

Centre Based Child Care Facility

- 7am to 7pm (Monday-Friday) (excluding public holidays).

Medical Centre

- 7am to 7pm (Monday-Sunday)

Liquor Premises

- 6am to 10pm (Monday-Sunday)

Supermarket

- 6am to 12am (Monday-Sunday)

Food and Drink Premises

- 6am to 10pm (Monday- Sunday)

Reason: To ensure the acoustic amenity of the local area is retained.

198. **Access to Basement Level 2 Parking.** The following arrangements must be in place to gain access to the Basement Level 2 parking for the child care centre and medical centre:

- Signage or digital screening advising of no parking or access to the retail shops.
- Digital screening to show the vacancy of the intended uses for the availability of Parking Spaces.
- Access to the car park is via booking or swipe card for staff with an intercom system for visitor/parents at the Boom gate to access the medical centre by way of appointments.
- Intercom system to the child care centre visitor/parents or by swipe cards for staff.
- The roller shutter at the base of the driveway ramp descending the basement level 2 parking area must remain open for all hours of operation of the medical centre and child care centre.
- The restricted parking system on this level must offer 2 hours of unrestricted parking (in terms of time and money) for the hours of operation of the medical centre and child care centre. Timed parking to ensure that one vehicle utilise the parking for a short stay per day. No overnight parking – vehicles will be towed away if parked overnight.
- Parking in Basement Level 2 for all other land uses on site is not permitted.
- Vehicular access to the child care and medical centre is to be closed outside the hours of the medical / childcare facility.

Reason: To ensure car parking in Basement Level 2 is only used by the medical centre and child care centre.

199. **Access to the medical centre and child care centre.** Access to/from the medical centre and child care centre is to be only from Basement Level 2 car park or from the lift lobby off Pittwater Road.

200. **Waste storage/disposal – hours of collection.** Waste and recyclable material generated by these premises must not be collected between the hours of 9pm and 8am on any day.

201. **Waste storage/disposal – method.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

202. **Waste storage/disposal – containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.

203. **Waste storage/disposal – recycling.** Wastes for recycling should be the stored in separate bins or containers and transported to a facility where the wastes will be recycled or re-used.

204. **Delivery and loading/unloading – hours.** No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 7am on any day.
205. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the property at the ground floor loading dock accessed via Pittwater Road.
206. **Loading areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.
207. No approval is granted in this consent for general or third party advertising which is prohibited.

Food Premises:

208. **Food premises** - The operation of the premises is to comply with the relevant provisions of the Food Act 2003, Food Regulation 2015 and the Australia New Zealand Food Authority Food Standards Code.

Reason: To ensure operation of the premises complies with the relevant legislation and standards.

Acoustics:

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

Reason: To prevent loss of amenity to the area.

210. **No 'offensive noise'** - Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.

Reason: To reduce noise levels.

211. **Noise from mechanical equipment** - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

212. **Management Plan** – Any requirements regarding site operations nominated in the acoustical consultant’s report and any related project documentation (eg. Use of outdoor play areas) must be implemented and included in a site management plan or a specific noise management plan.

213. **Council may require acoustical consultant’s report** – Upon receipt of a justified customer request, Council may require the submission of an acoustic report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.

Reason: To demonstrate compliance with relevant legislation

214. **Compliance with Acoustic Report** - All control measures nominated in the *Noise Impact Assessment Mixed Use Development – 130 Pittwater Road & 57 Thompson Street Gladesville*, Report No. 201167_NIA_Rev4, November 2022, prepared by Benbow Environmental must be implemented.

(Reason: To demonstrate compliance with submitted reports)

Waste:

215. **Management of waste storage facilities** - All waste storage areas are to be maintained in a clean and tidy condition at all times.

Reason: To ensure the ongoing management of waste storage areas.

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

Reason: To ensure the ongoing management of waste storage areas.

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

Reason: To ensure waste is adequately stored within the premises.

218. **Storage of bins between collection periods** - Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

Reason: To ensure waste is adequately stored within the premises.

219. **Remove putrescible waste at sufficient frequency** - All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

Reason: To ensure provision of adequate waste disposal arrangements.

220. **Clinical wastes (contractor agreement)** - The occupier must enter into an agreement with a licensed waste transporter for the collection and disposal of clinical wastes generated on the premises, and a copy of the service contract must be provided to Council on request.

Reason: To ensure waste is adequately disposed

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

Reason: To ensure waste is adequately stored within the premises

222. **CCTV Cameras.** The applicant must install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the building. The cameras should also monitor the 50 metre vicinity outside the building including, but not limited to, the footpath area in front of the premises. CCTV cameras should also cover any communal areas, lifts, public spaces, retail and commercial space and the basement car parks. Recordings should be made twenty-four (24) hours a day seven (7) days a week.

As a minimum, CCTV cameras at entry and exit points to the premises **MUST** record footage of a nature and quality in which it can be used to identify a person recorded by the camera. All other cameras **MUST** record footage of a nature and quality in which it can be used to recognise a person recorded by the camera.

The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.

If requested by police, the applicant or body corporate is to archive any recording until such time as they are no longer required.

Recordings are to be made in a common media format such as Windows Media Player or similar or should be accompanied by applicable viewing software to enable viewing on any windows computer.

The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel.

If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.

CCTV should be installed throughout the basement car park area and should include the entry and exit points to the car park.

Reason: To ensure provision of security.

223. **Lighting.** The areas around the entrances should be well lit and that all lighting should be designed to Australian and New Zealand Lighting standards.

Sensor lighting should be installed into areas that may be areas of concealment. The walls and ceilings of the car park areas should be painted a light colour. This can assist in reducing power consumption in order to comply with the Australia New Zealand Standards – Lighting. It also ensures that the lighting within the car park is consistent without creating dark areas of the car park which can often be a target for criminal activity.

Reason: To ensure provision of security.

224. **Access control.** Access control should be set in place to exclude unauthorized access to the buildings as well as to restricted areas. All areas should be fitted with doors that comply with Australian Design Standards.

The locks fitted to the doors should be of a high quality and meet the Australian design standards.

Any glass within these doors should be laminated to enhance the physical security of the doors.

Fire exit doors to the development should be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.

The main entry/exit doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the unit.

It is recommended that for security reasons that the basement car parking areas have some type of security gate or security roller shutter that can be closed to prevent people loitering in the car park and to prevent crimes such as malicious damage, stealing, assaults and sexual assaults.

Reason: To ensure provision of security.

225. **Signage.** A street sign should be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No.8. Signage also needs to be provided at entry/exit points and throughout the development to assist users. Clear signage should indicate residential and restricted areas.

Signage also needs to be provided on any fire exit doors warning users that the doors are to be used for emergency purposes only.

Signage is to be used to indicate entries and exits. Signs should be clear, legible and useful.

Signs should be erected in the car parks and near entry and exit points which details security measures and reminds people to lock their vehicles and remove valuables from their vehicles.

Location maps should be used throughout the complex to indicate to visitors where they are. Good signage with clear instructions in relation to way finding should be erected within the basement car park areas.

Reason: To ensure provision of security.

226. **Maintenance.** As malicious damage (graffiti) is often an offence caused to such developments. Strong consideration should be given to the use of graffiti resistant materials and a policy to remove any graffiti within 48 hours. A maintenance policy should be established for this development.

Reason: To ensure provision of security.

PROJECT TITLE: PROPOSED MIXED USE DEVELOPMENT

PROJECT ADDRESS: 130 PITTWATER ROAD, GLADESVILLE, NSW 2111
57 THOMPSON STREET, GLADESVILLE, NSW 2111

LOT NUMBER: 6 **DP NUMBER:** DP 598121
9 **DP 10402**

DRAWING LIST

DRAWING #	DRAWING NAME	DATE	REVISION
A0001	URBAN CHARACTER	12/07/2023	E
A0002	SITE ANALYSIS	12/07/2023	E
A0003	DEMOLITION PLAN	12/07/2023	D
A0100	SITE PLAN	12/07/2023	G
A0200	FLOOR PLAN - BASEMENT 2	12/07/2023	G
A0202	FLOOR PLAN - BASEMENT 1	12/07/2023	I
A0203	FLOOR PLAN - GROUND FLOOR	12/07/2023	J
A0204	FLOOR PLAN - LEVEL 1	03/07/2023	G
A0205	FLOOR PLAN - LEVEL 2	12/07/2023	J
A0300	ELEVATIONS	12/07/2023	H
A0301	ELEVATION	12/07/2023	E
A0302	MATERIAL BOARD	12/07/2023	D
A0400	BUILDING SECTION	12/07/2023	H
A0401	BUILDING SECTION	12/07/2023	G
A0402	SITE AXONOMETRIC	12/07/2023	J
A0403	SITE AXONOMETRIC	12/07/2023	K
A0404	SURVEY PLAN OVERLAID	12/07/2023	F
A0405	BUILDING SECTIONS	12/07/2023	F
A0406	BUILDING SECTIONS	12/07/2023	F
A0407	BUILDING SECTIONS	12/07/2023	C
A0500	GFA CALCULATION	12/07/2023	I
A0600	SHADOW DIAGRAMS	12/07/2023	F
A0601	SHADOW DIAGRAMS	12/07/2023	F
A0602	SHADOW DIAGRAMS	12/07/2023	F
A0603	SHADOW DIAGRAMS	12/07/2023	F
A0605	SOLAR STUDIES	12/07/2023	G
A0606	SOLAR STUDIES	12/07/2023	G
A0700	3D VISUALISATION	12/07/2023	F
A0701	3D VISUALISATION	12/07/2023	G
A0702	3D VISUALISATION	12/07/2023	G
A0705	3D VISUALISATION	12/07/2023	C
A0706	3D VISUALISATION	12/07/2023	C
A0707	3D VISUALISATION	12/07/2023	C
A0800	NOTIFICATION PLAN	12/07/2023	D
A0801	WINDOW SCHEDULE	12/07/2023	E



NOTE:
This Drawing is indicative only. All contractors shall assume responsibility for Australian Standard, BCA and NCC code compliance. None of the Employees of TesserArch are registered architects, engineers, or land surveyors.

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ISSUE	DATE	DESCRIPTION
A	15/06/2023	ISSUED FOR REVIEW
B	20/06/2023	ISSUED FOR REVIEW
C	12/07/2023	ISSUED FOR REVIEW

RYDE LOCAL ENVIRONMENTAL PLAN 2014

130 PITTWATER ROAD:		57 THOMPSON STREET:	
SITE AREA:	1653.7m ² (BY CALC) 1643m ² (BY DP)	SITE AREA:	520.3m ² (BY CALC) 518.5m ² (BY DP)
ZONING:	E1: Local Centre	ZONING:	R2: Low Density Residential
PERMISSIBLE FSR:	0.8:1	PERMISSIBLE FSR:	0.5:1
PERMISSIBLE GFA:	1322.96 m ₂	PERMISSIBLE GFA:	260.15 m ²
TOTAL PERMISSIBLE GFA:	1583.11 m₂		

PROPOSED BUILDING GROSS FLOOR AREA:

BASEMENT 1:	1365 m ²
GROUND FLOOR:	458 m ²
LEVEL 2:	260 m ²
TOTAL:	2083m²
LANDSCAPE AREA:	519.4 m² = 24% OF LANDSCAPE AREA
DEEPSOIL AREA:	192 m² = 8% OF DEEP SOIL AREA
SITE COVERAGE:	1437.1 m² = 66%

	E1 LOCAL CENTRE	R2 LOW DENSITY RESIDENTIAL
SITE AREA	1653.7 m ²	520.3 m ²
PERMISSIBLE GFA	1322.96 m ²	260.15 m ²
PERMISSIBLE FSR	0.8:1	0.5:1
PROPOSED GFA	2071 m ²	12 m ²
PROPOSED FSR	1.25:1	0.02:1
TOTAL GFA	2083 m ²	
TOTAL FSR	1.27:1	

CARPARK CALCULATION

DESCRIPTION	RATE	REQUIRED
MEDICAL	1 SPACE / DOCTOR 1 SPACE / 2 STAFF 1 SPACE / 4 PATIENTS	4 2 4
MAJOR RETAIL LIQUOR CAFE	1 SPACE / 25m ² 1 SPACE / 25m ² 1 SPACE / 25m ²	38 6 0.8
CHILDCARE CENTRE	1 SPACE / 8 CHILDREN 1 SPACE / 2 STAFF	6.6 4
TOTAL:		65.4 SPACES

PROVIDED 53 SPACES

STATUS:

CLIENT:

REVELOP

PROJECT:

PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:

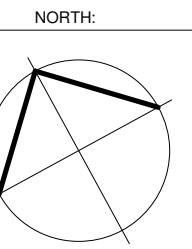
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DRAWING TITLE:

COVER PAGE

NOTES:



SCALE: DATE:

@ A1 03/07/2023

DRAWN BY: CHECKED BY: PROJECT NO: DRAWING NO: ISSUE:

DZ SS 200417 **A0000 C**

CAD FILE:

URBAN CHARACTER

URBAN CHARACTER



URBAN CHARACTER KEY

- Site boundary
- Trees

BUILDING HEIGHT AND MATERIALITY



BUILDING HEIGHT + MATERIALITY KEY

- Site boundary
- Trees
- 1 Storey
- 2 Storey
- 3 Storey
- 5 Storey



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STATUS: _____

CLIENT: _____

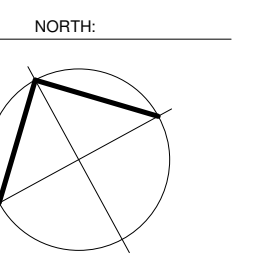
REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

DRAWING TITLE:
URBAN CHARACTER

NOTES: _____



SCALE: _____ DATE: _____

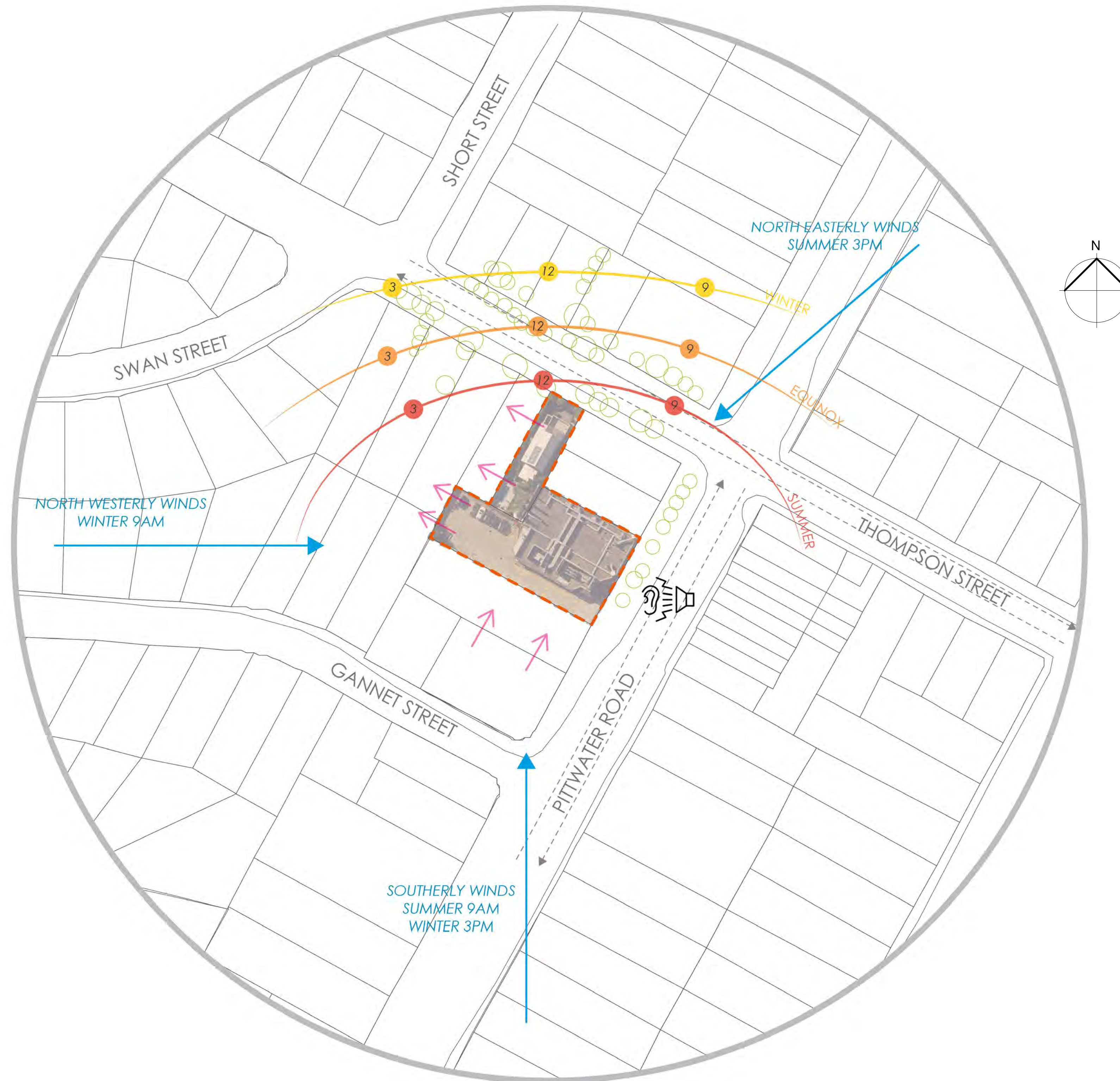
@ A1 03/07/2023

DRAWN BY: _____ CHECKED BY: _____ PROJECT NO: 200417 DRAWING NO: A0001 ISSUE: E
CAD FILE: _____

SITE ANALYSIS

SITE ANALYSIS KEY

- Site Boundary
- Traffic Flow Direction
- Potential Overlooking
- Trees



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CLIENT: _____

REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITWATER ROAD GLADESVILLE

ARCHITECT:
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E: info@tesserarch.com.au
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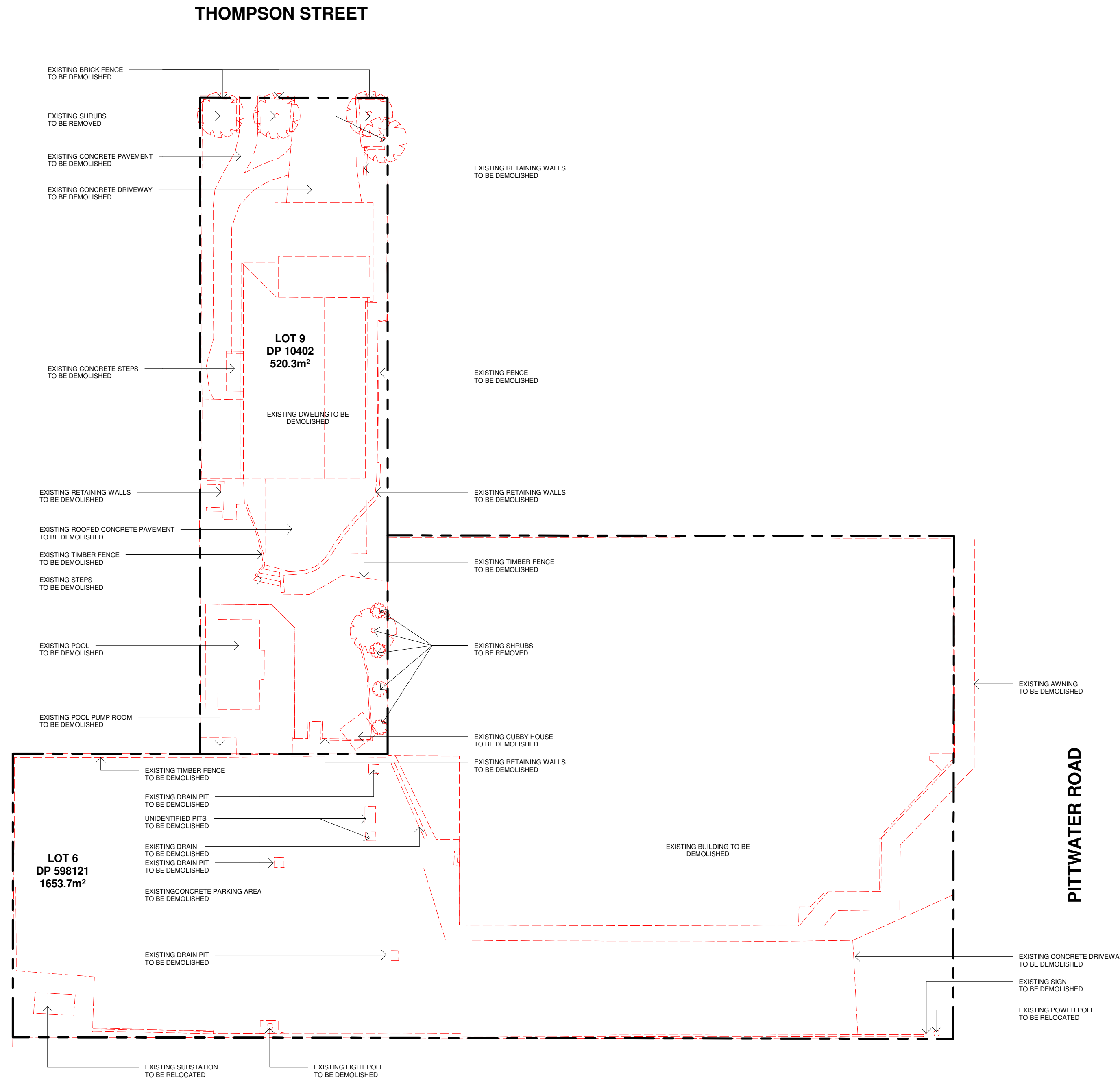
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SITE ANALYSIS

NOTES: _____ NORTH: _____

SCALE: _____ DATE: _____
@ A1 03/07/2023

DRAWN BY:	CHECKED BY:	PROJECT NO:	DRAWING NO:	ISSUE:
DZ	SS	200417	A0002	E
CAD FILE:				

7/12/2023 5:56:05 PM



1 DEMOLITION PLAN
1 : 200

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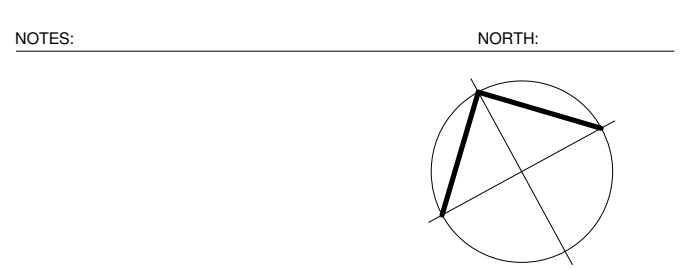
CLIENT: _____

REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

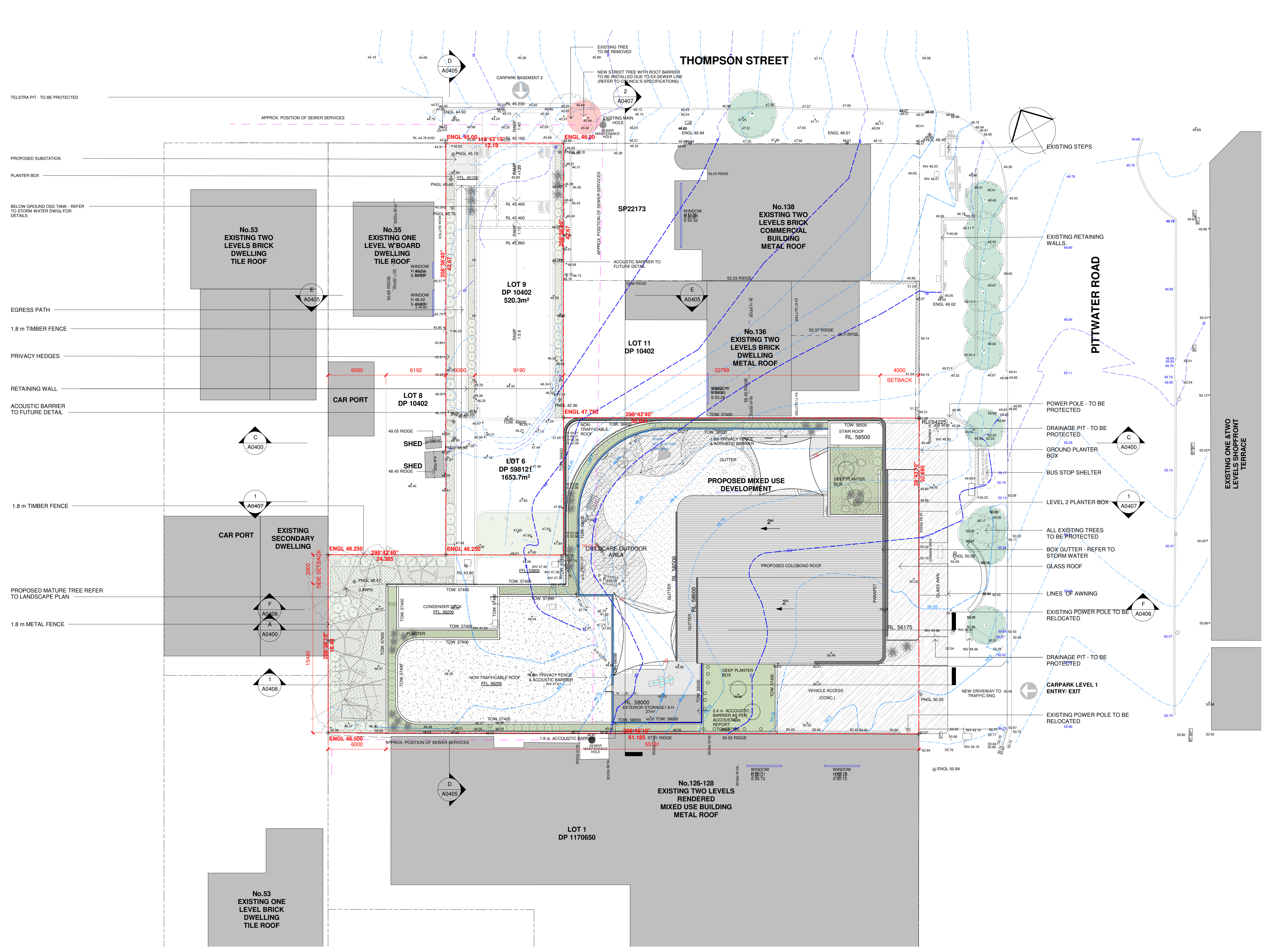
ARCHITECT:
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PH: 0488 22 1234

DRAWING TITLE:
DEMOLITION PLAN



SCALE: 1 : 200 @ A1
DATE: 03/07/2023

DRAWN BY: DZ
CHECKED BY: SS
PROJECT NO: 200417
DRAWING NO: A0003
ISSUE: D



- LEGEND:**
- DP Down Pipe
 - FW Floor Waste
 - SA Smoke Alarm
 - MV Mechanical Ventilation
 - TOP Top Of Parapet
 - TOW Top Of Wall
 - TOK Top Of Kerb
 - FFL Finish Floor Level
 - FCL Finish Ceiling Level
 - FSL Finish Slab Level
 - RL Reduced Level
 - ENGL Existing Natural Ground
 - ENGL Proposed Natural Ground
 - ST Storage
 - ENS Ensuite
 - LD Linear Drain
 - HWS Hot Water System
 - ACC AC Condenser
 - LIN Linen
 - BM Bench Mark
 - MB Mail Box
 - V.C Vehicle Crossing
 - TP Telstra Pit
 - F.C.L Folding Clothes Line
 - Sh Shower
 - HC Hose Cock
 - GPO General Purpose Outlet
 - POP Pull Out Pantry
 - WM Washing Machine
 - D Dryer
 - Ch Chute
- Existing tree
- WALL LIGHT
 - RECESSED LED DOWNLIGHT
 - RECESSED LED STRIP LIGHT

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G	12/07/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

REVELOP

PROJECT: _____

PROPOSED MIXED USE DEVELOPMENT

130 PITTWATER ROAD GLADESVILLE

ARCHITECT: _____

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NORTH SYDNEY NSW 2060 PH: 0488 22 1234

DRAWING TITLE: _____

1 SITE PLAN
1 : 200

NOTES: _____

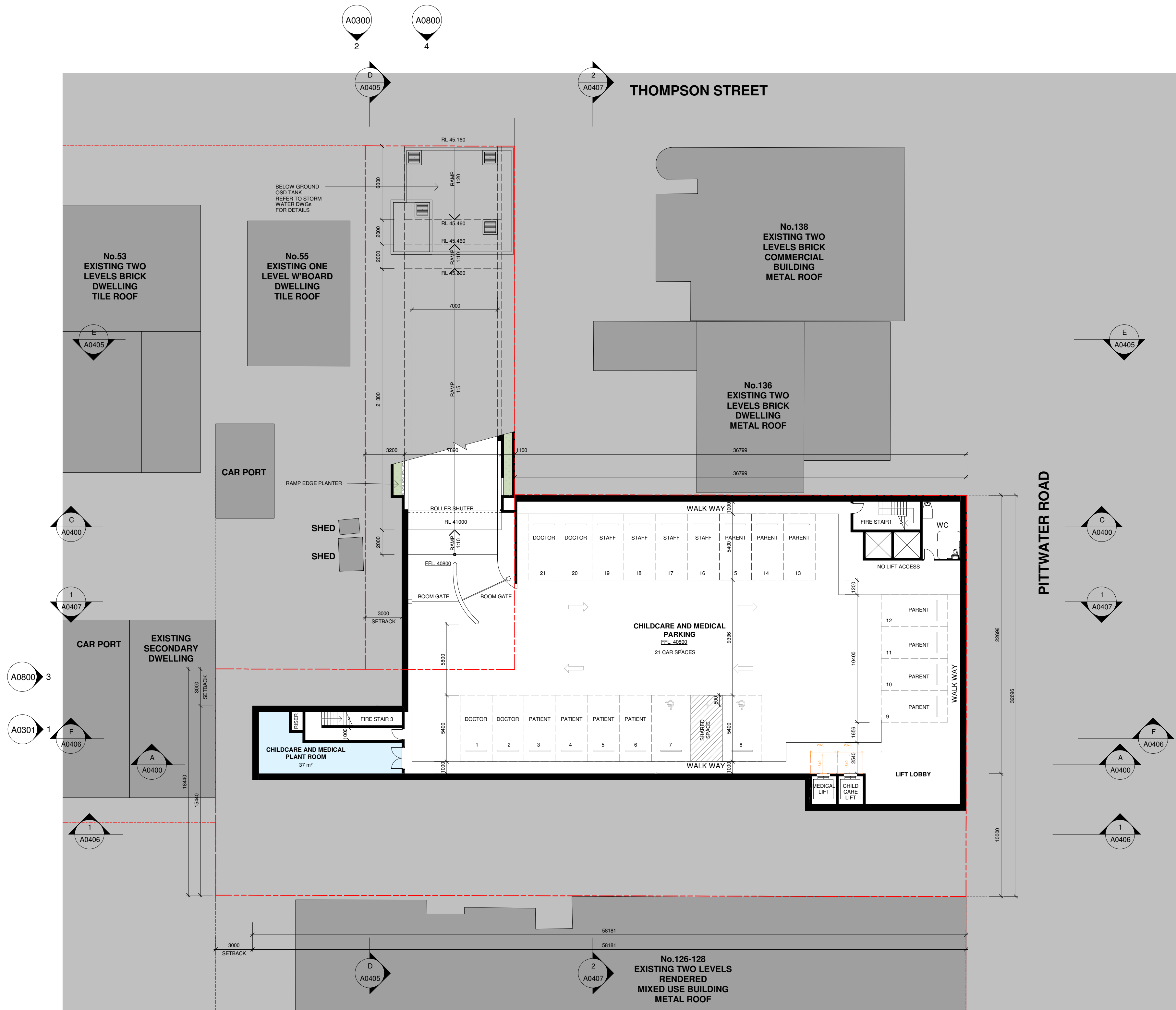
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As indicated @ A1 03/07/2023

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CAD FILE: _____

7/12/2023 5:56:06 PM



CARPARK CALCULATION

DESCRIPTION	RATE	REQUIRED
MEDICAL	1 SPACE / DOCTOR	4
	1 SPACE / 2 STAFF	2
	1 SPACE / 4 PATIENTS	4
CHILDCARE CENTRE	1 SPACE/ 8 CHILDREN	6.6
	1 SPACE/ 2 STAFF	4
TOTAL:		20.6 SPACES

PROVIDED **21 SPACES**
(EXCL. 2 ACCESSIBLE SPACE)

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G	12/07/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

REVELOP

PROJECT: _____

PROPOSED MIXED USE DEVELOPMENT

130 PITTWATER ROAD GLADESVILLE

ARCHITECT: _____

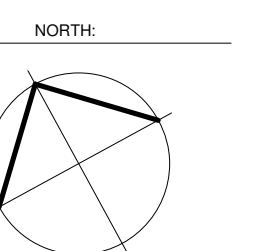
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DRAWING TITLE: _____

FLOOR PLAN - BASEMENT 2

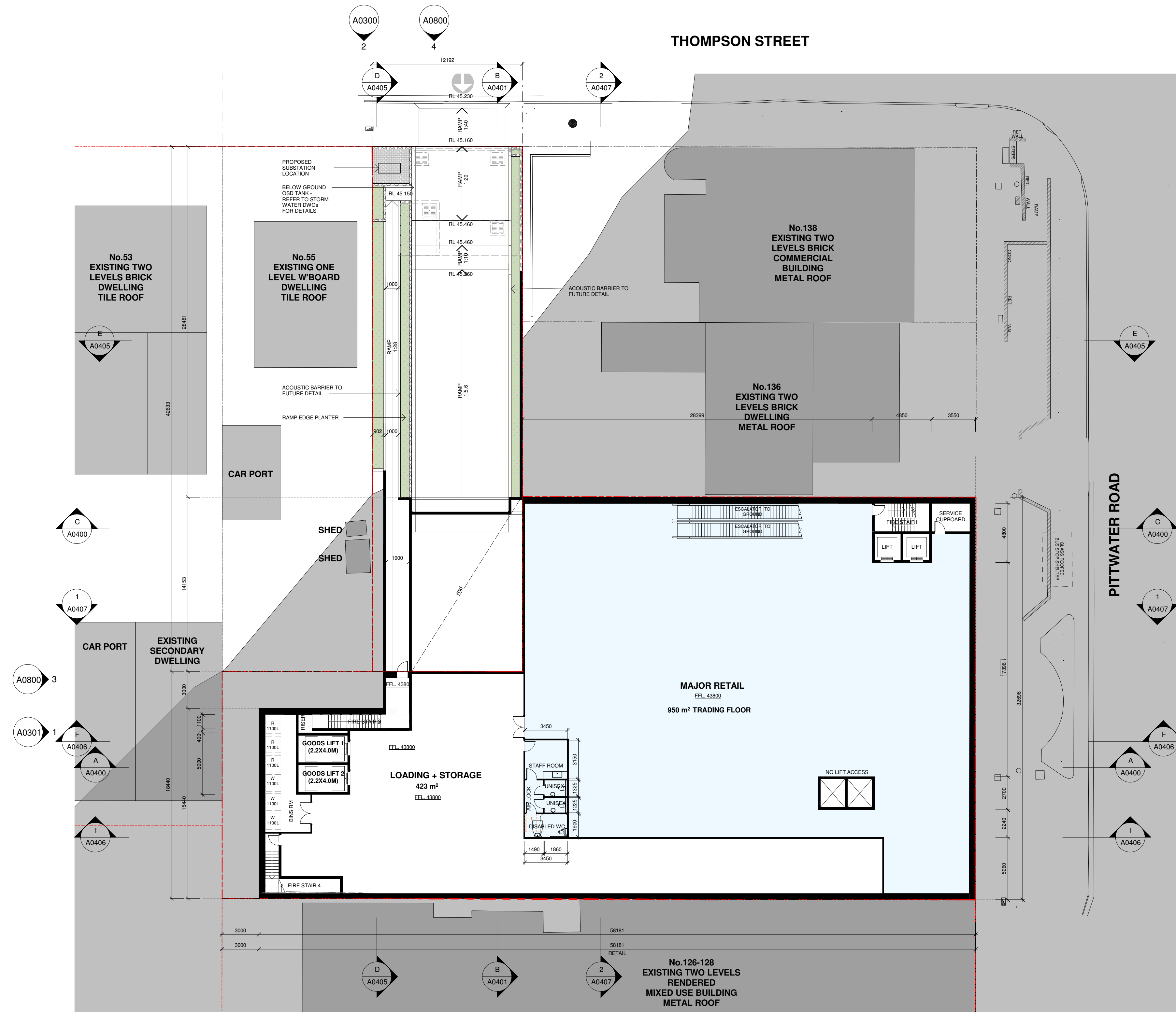
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SCALE: 1 : 200 @ A1 DATE: 03/07/2023

DRAWN BY: DZ CHECKED BY: SS PROJECT NO: 200417 DRAWING NO: A0200 ISSUE: G

CAD FILE: _____



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H	20/06/2023	ISSUED FOR REVIEW
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STATUS: _____

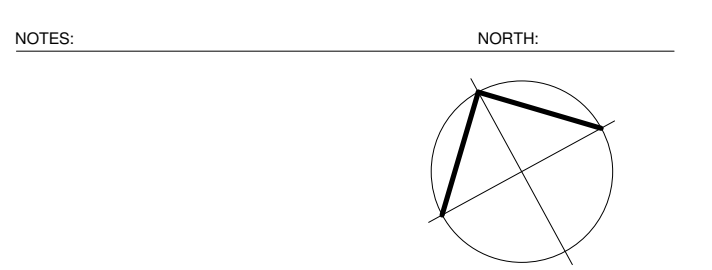
CLIENT: _____

REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

FLOOR PLAN - BASEMENT 1



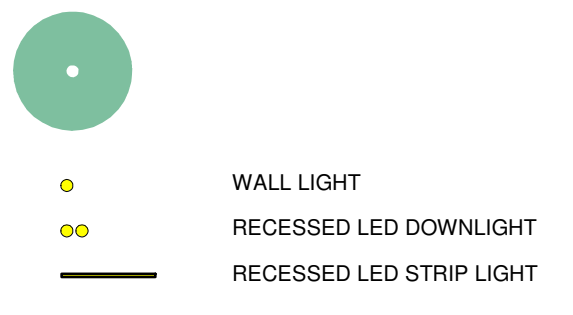
SCALE: 1 : 200 @ A1
DATE: 03/07/2023

DRAWN BY: DZ CHECKED BY: SS PROJECT NO: 200417 DRAWING NO: A0202 ISSUE: I
CAD FILE: _____

LEGEND:

- DP Down Pipe
- FW Floor Waste
- SA Smoke Alarm
- MV Mechanical Ventilation
- TOP Top Of Parapet
- TOW Top Of Wall
- TOK Top Of Kerb
- FFL Finish Floor Level
- FCL Finish Ceiling Level
- FSL Finish Slab Level
- RL Reduced Level
- ENGL Existing Natural Ground
- ENGL Proposed Natural Ground
- ST Storage
- Ens Ensuite
- LD Linear Drain
- HWS Hot Water System
- ACC AC Condenser
- LIN Linen
- BM Bench Mark
- MB Mail Box
- V.C Vehicle Crossing
- TP Telstra Pit
- F.C.L Folding Clothes Line
- Sh Shower
- HC Hose Cock
- GPO General Purpose Outlet
- POP Pull Out Pantry
- WM Washing Machine
- Dr Dryer
- Ch Chute

Existing tree



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STATUS: _____

CLIENT: _____

REVELOP

PROJECT: _____

PROPOSED MIXED USE DEVELOPMENT

130 PITTWATER ROAD GLADESVILLE

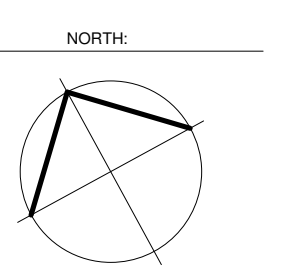
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DRAWING TITLE: _____

FLOOR PLAN - GROUND FLOOR

NOTES: _____

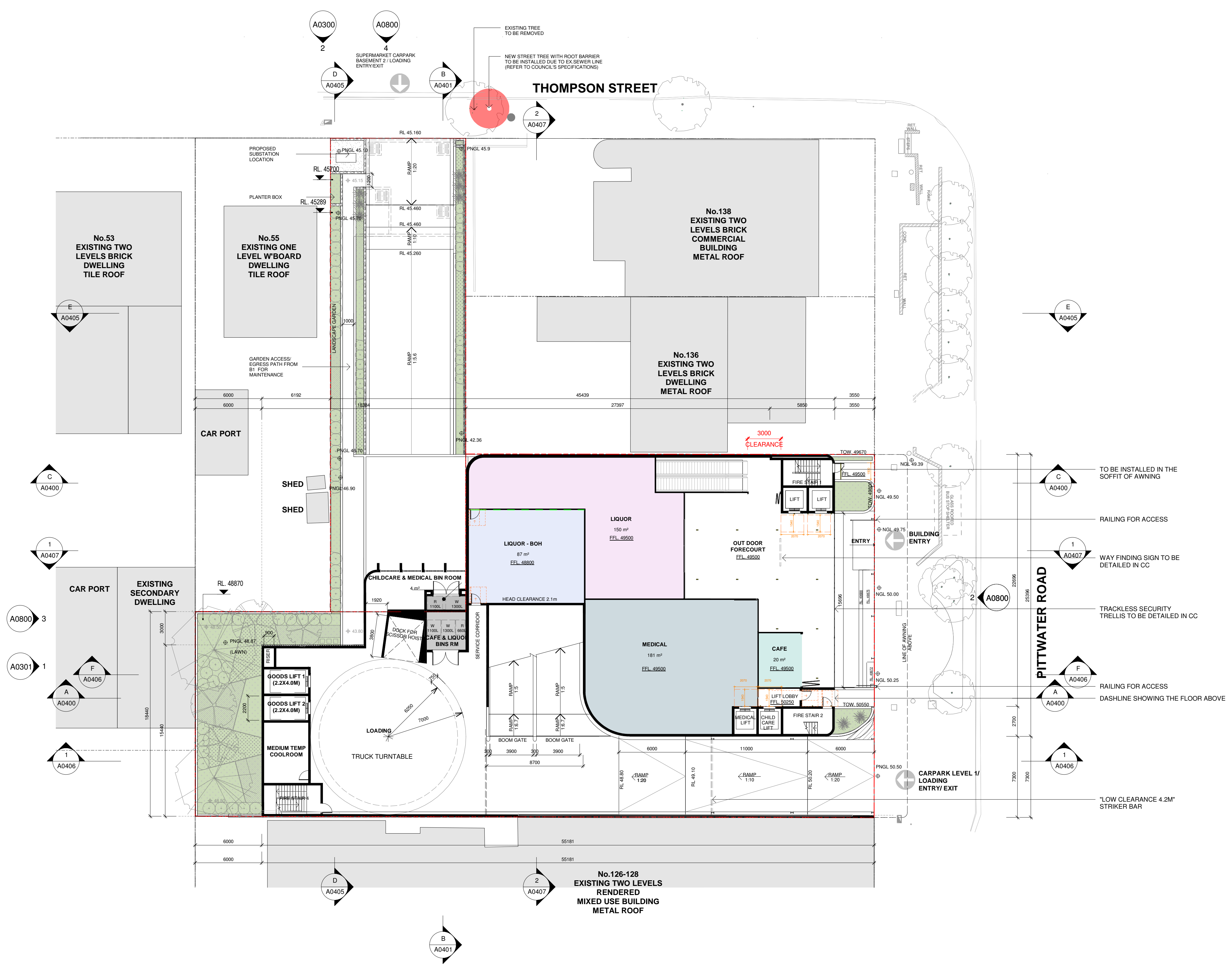


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As indicated @ A1 03/07/2023

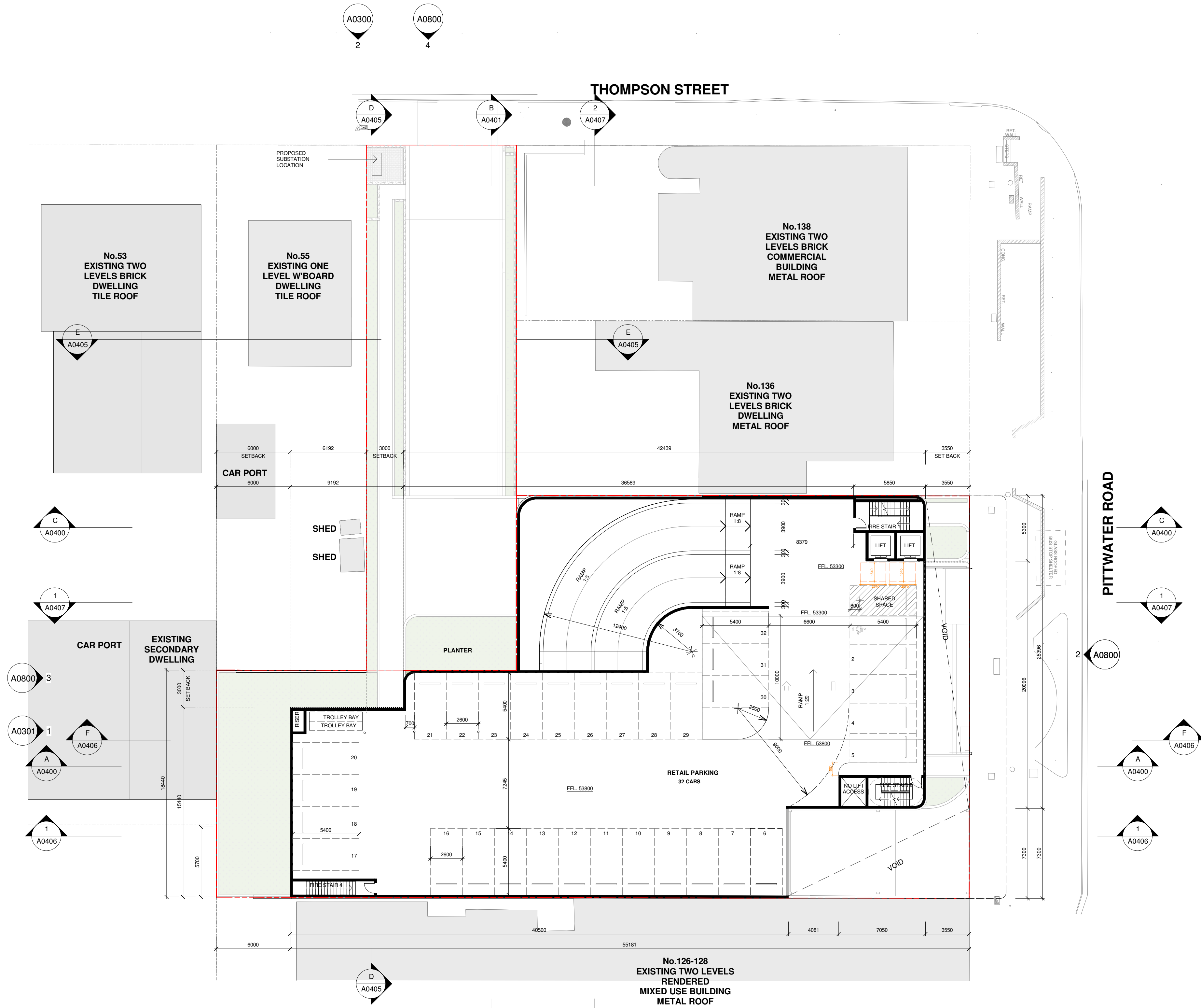
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DZ	SS	200417	A0203	J

CAD FILE: _____



- TO BE INSTALLED IN THE SOFFIT OF AWNING
- RAILING FOR ACCESS
- WAY FINDING SIGN TO BE DETAILED IN CC
- TRACKLESS SECURITY TRELLIS TO BE DETAILED IN CC
- RAILING FOR ACCESS
- DASHLINE SHOWING THE FLOOR ABOVE
- "LOW CLEARANCE 4.2M" STRIKER BAR

7/14/2023 5:25:57 PM



CARPARK CALCULATION

DESCRIPTION	RATE	REQUIRED
MAJOR RETAIL	1 SPACE / 25m ²	38
LIQUOR	1 SPACE / 25m ²	6
CAFE	1 SPACE / 25m ²	0.8
TOTAL:		44.8 SPACES

PROVIDED 32 SPACES

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C	19/01/2021	ISSUED FOR DA
D	09/06/2023	ISSUED FOR REVIEW
E	15/06/2023	ISSUED FOR REVIEW
F	20/06/2023	ISSUED FOR REVIEW
G	03/07/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

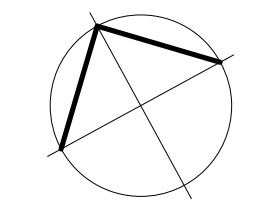
REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

DRAWING TITLE:
FLOOR PLAN - LEVEL 1

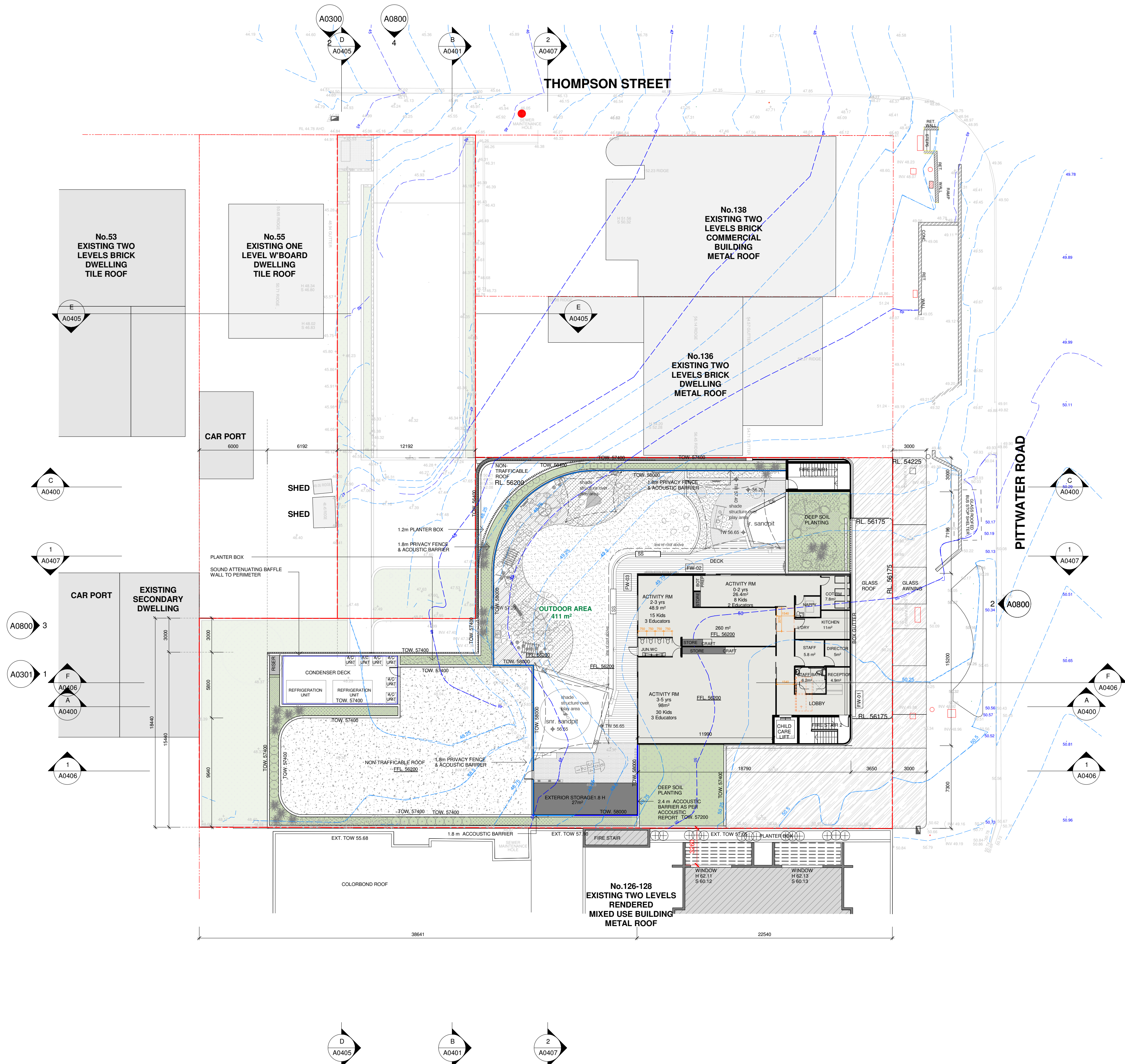
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SCALE: 1 : 200 @ A1 DATE: 03/07/2023

DRAWN BY: DZ CHECKED BY: SS PROJECT NO: 200417 DRAWING NO: A0204 ISSUE: G
CAD FILE: _____

7/12/2023 5:56:10 PM



CHILD CARE CAR PARK CALCULATION

CAPACITY: 53 Kids
 STAFF : 3 + 3 + 2 = 8 Educators
 STAFF Carpark : 4 spaces (1/2staff)
 PARENTS Carpark : 6.6 Spaces (rate 1/8 kids)

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E	30/05/2022	ISSUED FOR REVIEW
F	23/01/2023	ISSUED FOR REVIEW
G	09/06/2023	ISSUED FOR REVIEW
H	15/06/2023	ISSUED FOR REVIEW
I	20/06/2023	ISSUED FOR REVIEW
J	12/07/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

REVELOP

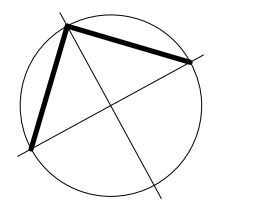
PROJECT:
PROPOSED MIXED USE DEVELOPMENT
 130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH

LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
 E: info@tesseracth.com.au
 PH: 0488 22 1234

DRAWING TITLE:
FLOOR PLAN - LEVEL 2

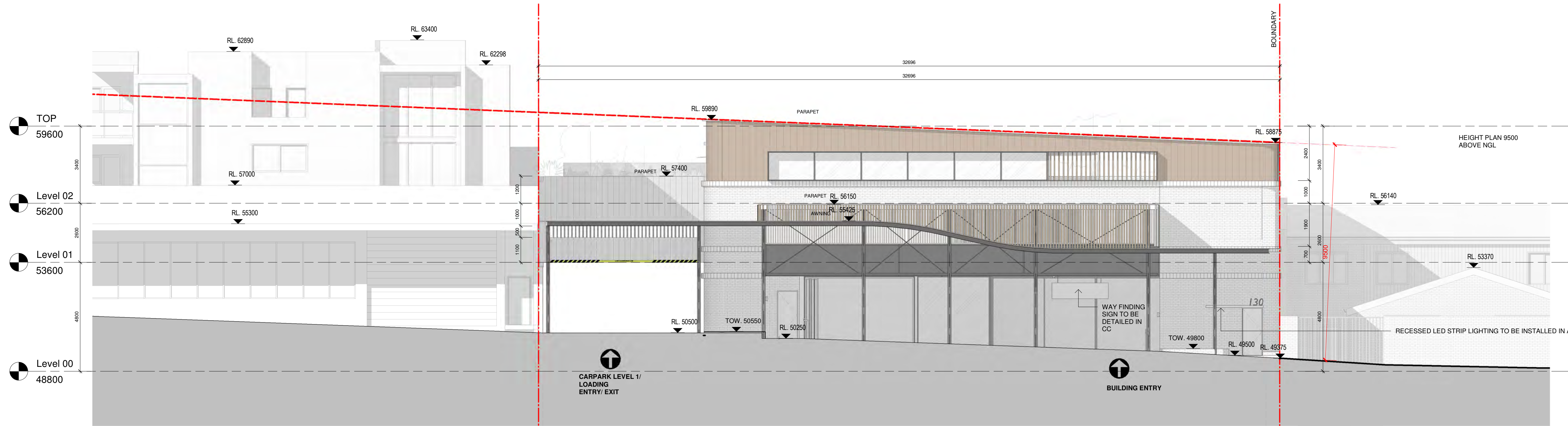
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SCALE: 1 : 200 DATE: 03/07/2023

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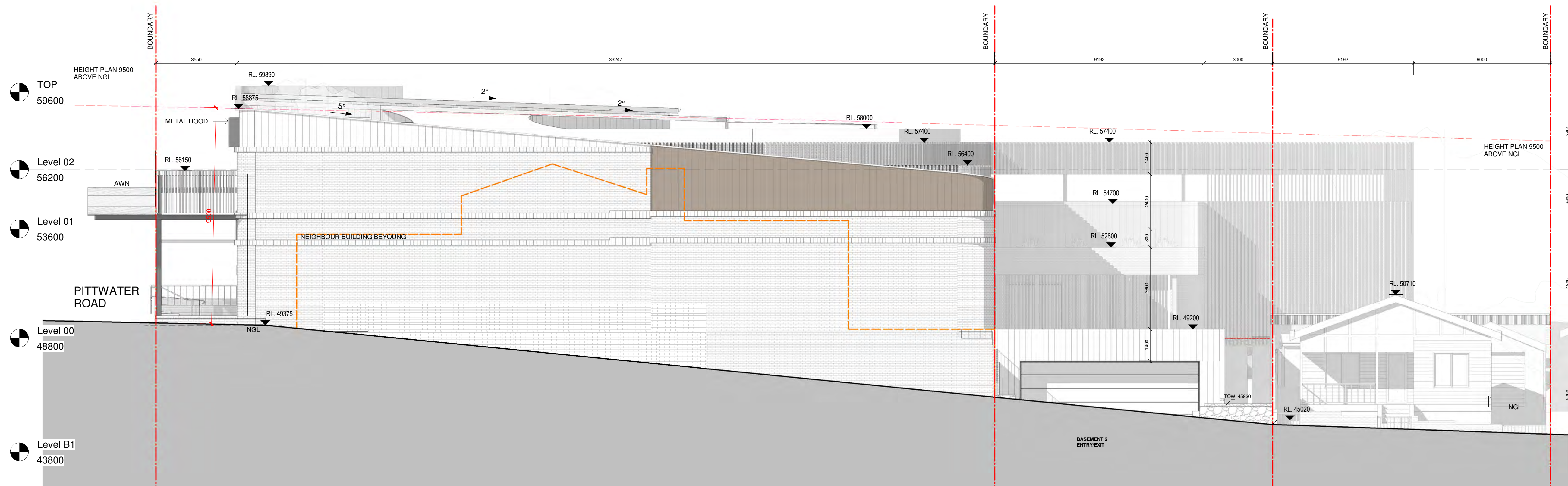
1 PITTWATER ROAD ELEVATION
1 : 100

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G	20/06/2023	ISSUED FOR REVIEW
H	12/07/2023	ISSUED FOR REVIEW

STATUS:

CLIENT:

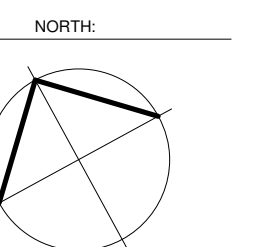
REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

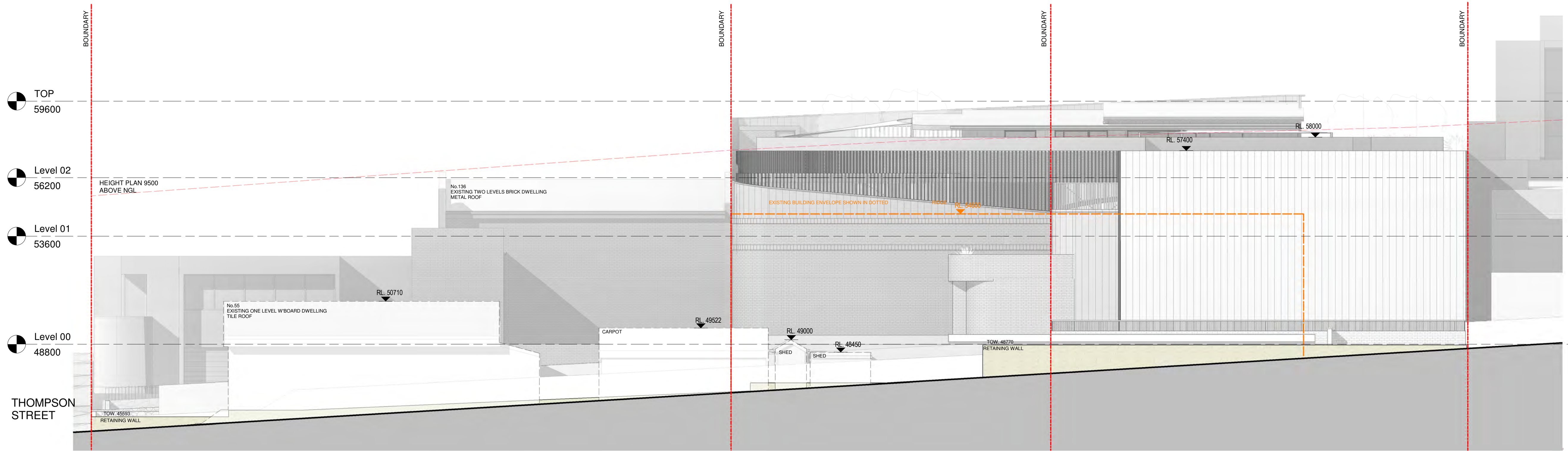
DRAWING TITLE:
ELEVATIONS

NOTES:



SCALE: 1 : 100
DATE: 03/07/2023
DRAWN BY: DZ
CHECKED BY: SS
PROJECT NO: 200417
DRAWING NO: A0300
ISSUE: H
CAD FILE:

2 THOMPSON STREET ELEVATION
1 : 100



1 REAR ELEVATION
1 : 100

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STATUS: _____

CLIENT: _____

REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

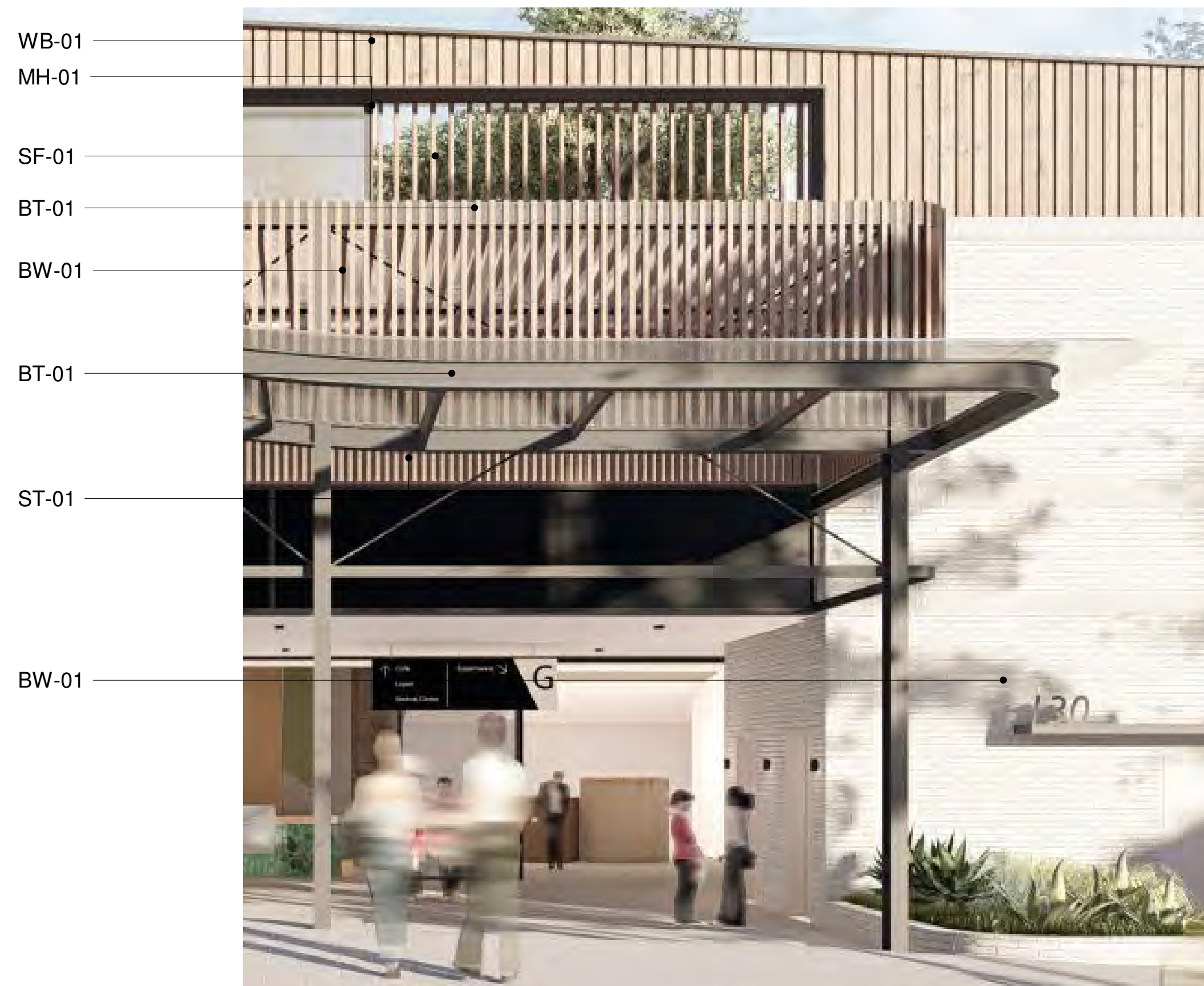
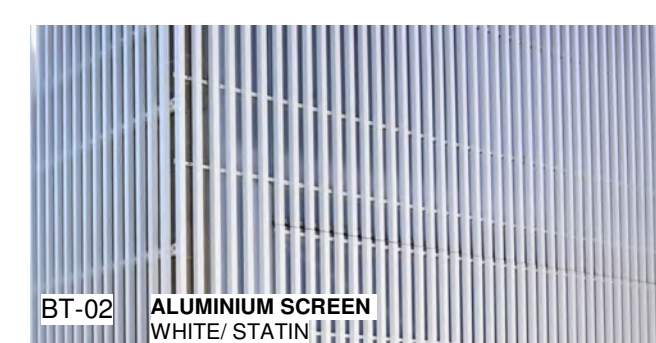
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ELEVATION

NOTES: _____ NORTH: _____

SCALE:	DATE:
1 : 100	03/07/2023

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DZ	SS	200417	A0301	E

CAD FILE: _____



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STATUS: _____

CLIENT: _____

REVELOP

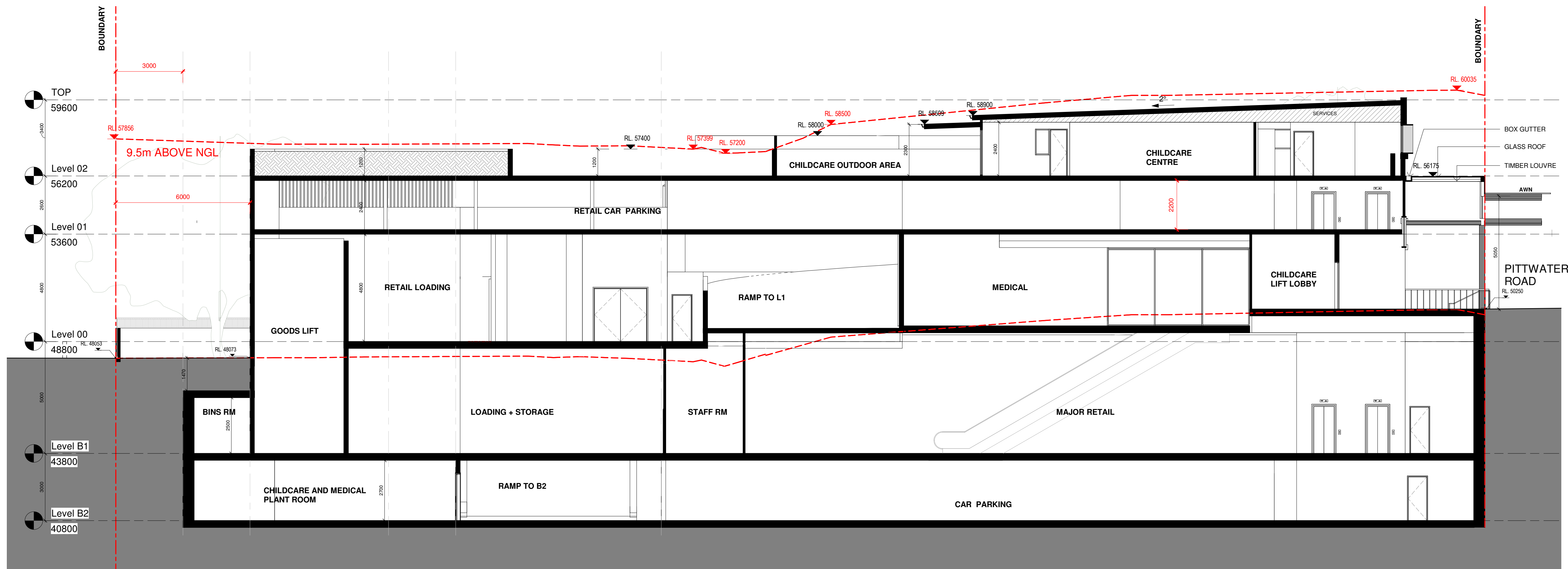
PROJECT:
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130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
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MATERIAL BOARD

NOTES: _____ NORTH: _____

SCALE:	DATE:
1 : 10	03/07/2023
DRAWN BY: DZ	CHECKED BY: SS
PROJECT NO: 200417	DRAWING NO: A0302
ISSUE: D	
CAD FILE:	



Section A-A
1 : 100

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H	12/07/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTSWATER ROAD GLADESVILLE

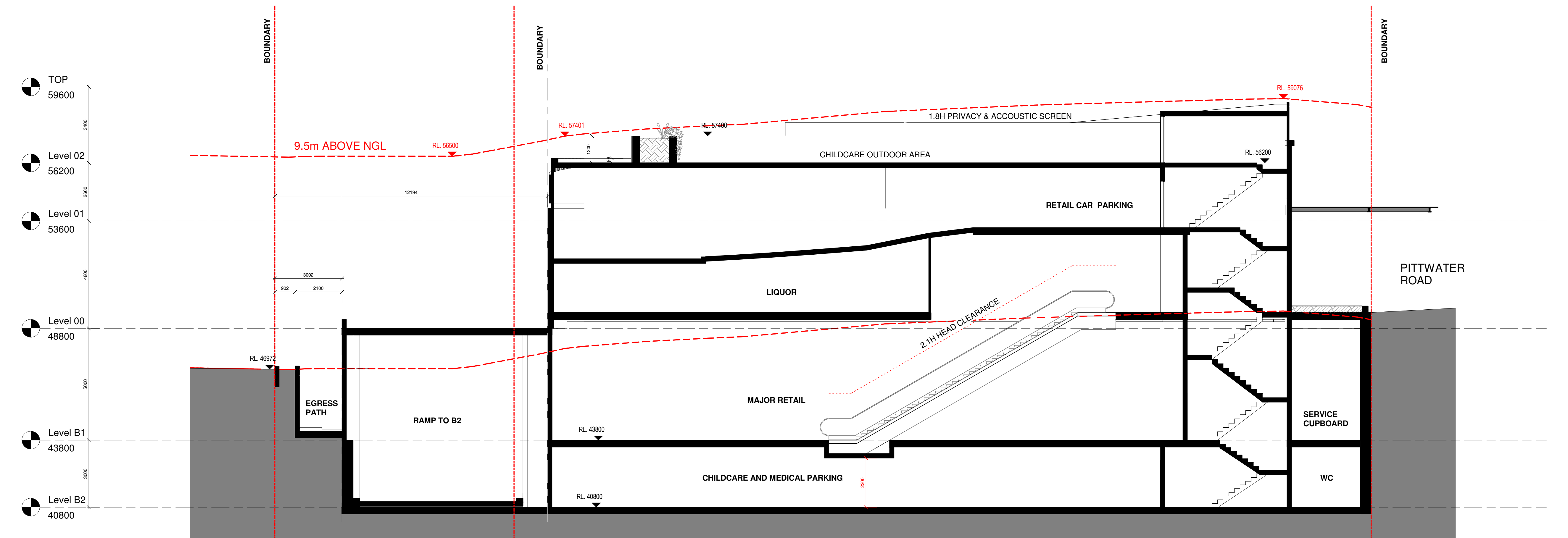
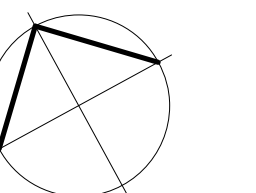
ARCHITECT:
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E: info@tesserarch.com.au
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DRAWING TITLE:
BUILDING SECTION

NOTES: _____

NORTH: _____



Section C-C
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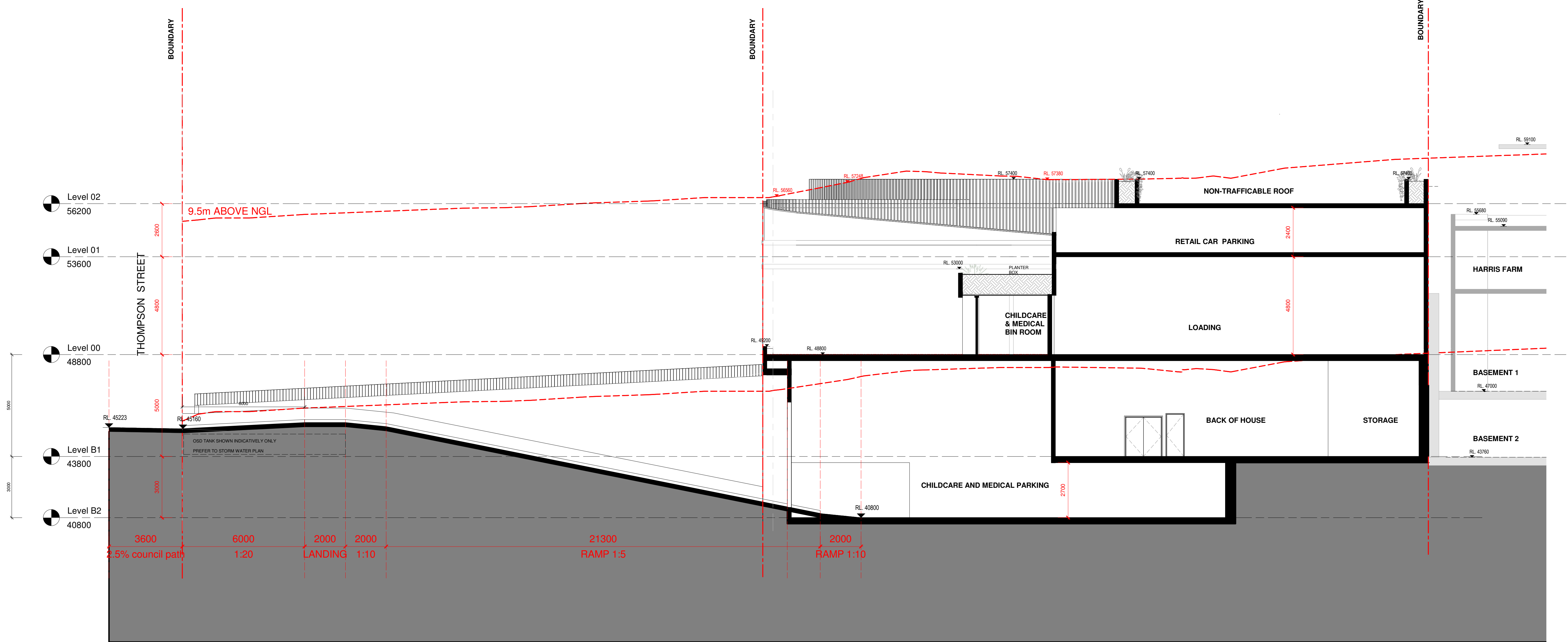
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DZ SS 200417 A0400 H

CAD FILE: _____



Section B-B
1 : 100

CLIENT:

REVELOP

PROJECT:

PROPOSED MIXED USE DEVELOPMENT

130 PITTWATER ROAD GLADESVILLE

ARCHITECT:

TESSERARCH

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DRAWING TITLE:

BUILDING SECTION

NOTES: NORTH:

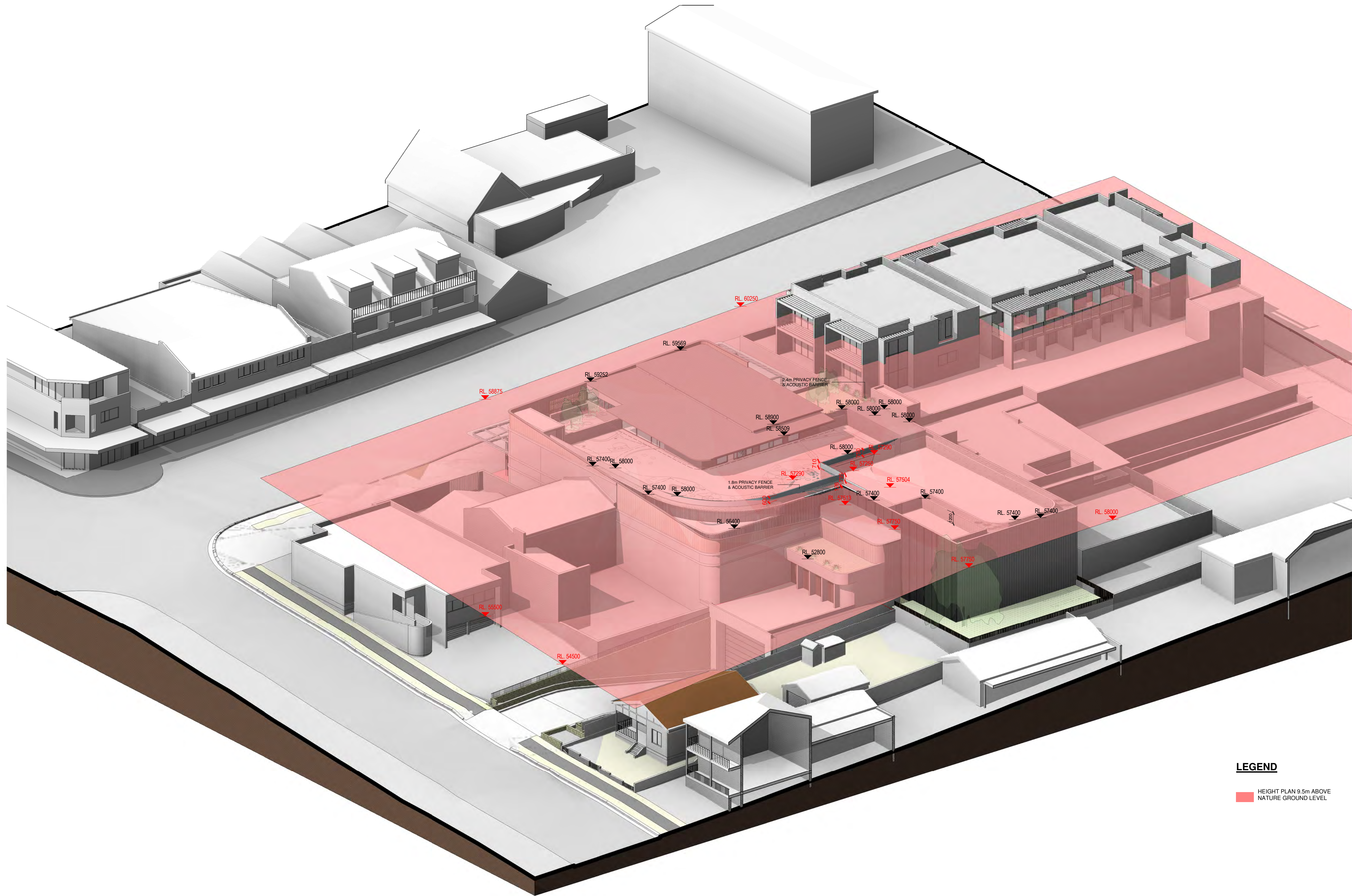
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DRAWN BY: CHECKED BY: PROJECT NO: DRAWING NO: ISSUE:

DZ SS 200417 A0401 G

CAD FILE:



LEGEND

■ HEIGHT PLAN 9.5m ABOVE
NATURE GROUND LEVEL

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F	06/02/2023	ISSUED FOR REVIEW
G	15/06/2023	ISSUED FOR REVIEW
H	20/06/2023	ISSUED FOR REVIEW
I	05/07/2023	ISSUED FOR REVIEW
J	12/07/2023	ISSUED FOR REVIEW

STATUS: _____

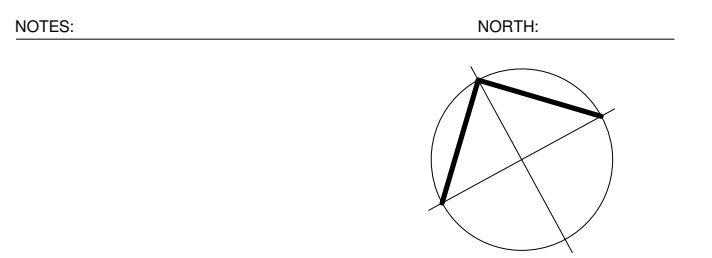
CLIENT: _____

REVELOP

PROJECT:
**PROPOSED MIXED USE
DEVELOPMENT**
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

DRAWING TITLE:
SITE AXONOMETRIC

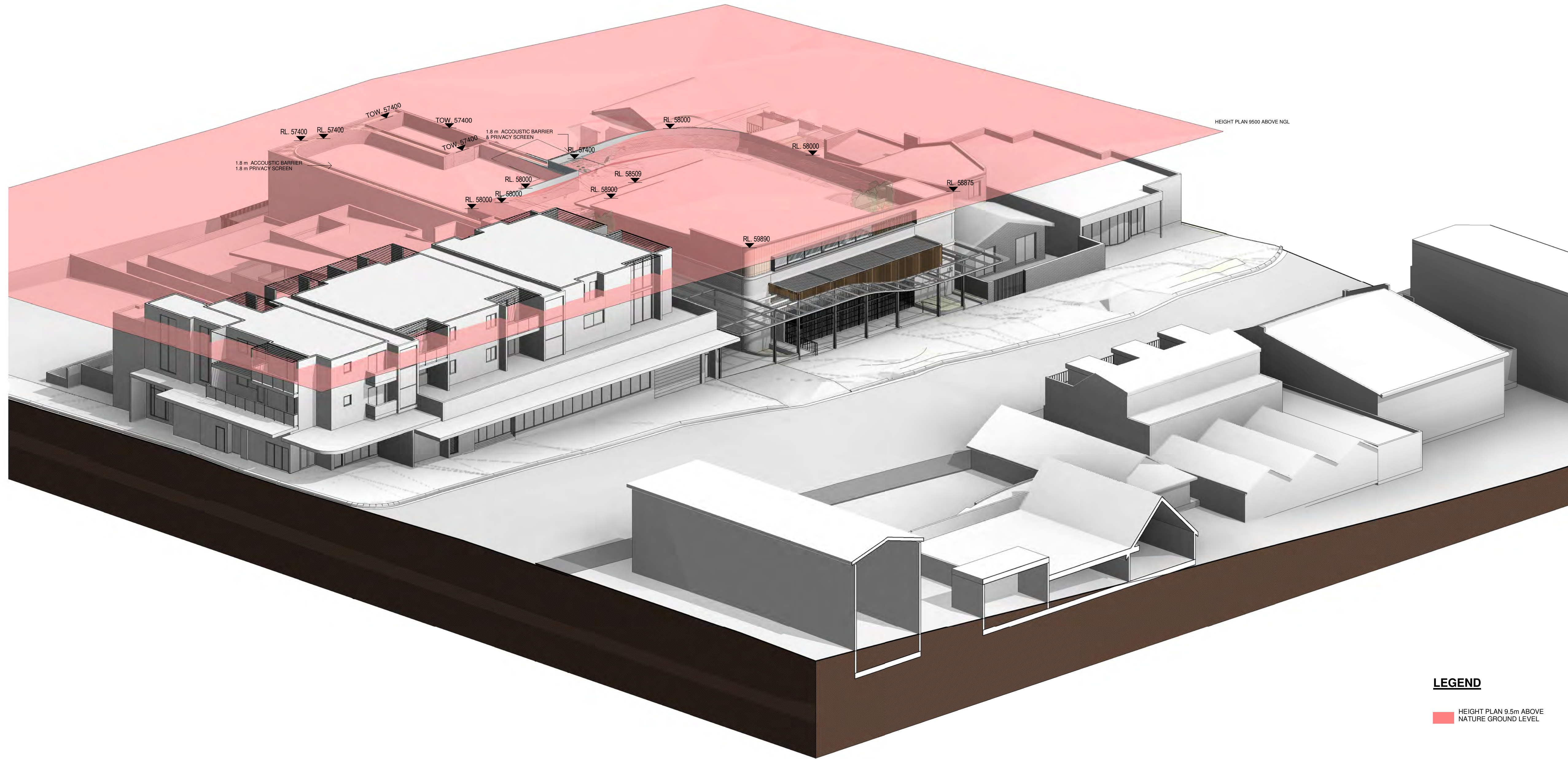


SCALE: 1 : 1 @ A1 03/07/2023

DATE: _____

DRAWN BY: DZ CHECKED BY: SS PROJECT NO: 200417 DRAWING NO: A0402 ISSUE: J

CAD FILE: _____



LEGEND

HEIGHT PLAN 9.5m ABOVE NATURE GROUND LEVEL

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H	15/06/2023	ISSUED FOR REVIEW
I	20/06/2023	ISSUED FOR REVIEW
J	05/07/2023	ISSUED FOR REVIEW
K	12/07/2023	ISSUED FOR REVIEW

STATUS:

CLIENT:

REVELOP

PROPOSED MIXED USE DEVELOPMENT

130 PITTWATER ROAD GLADESVILLE

ARCHITECT:

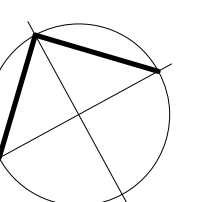
TESSERARCH

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DRAWING TITLE:

SITE AXONOMETRIC

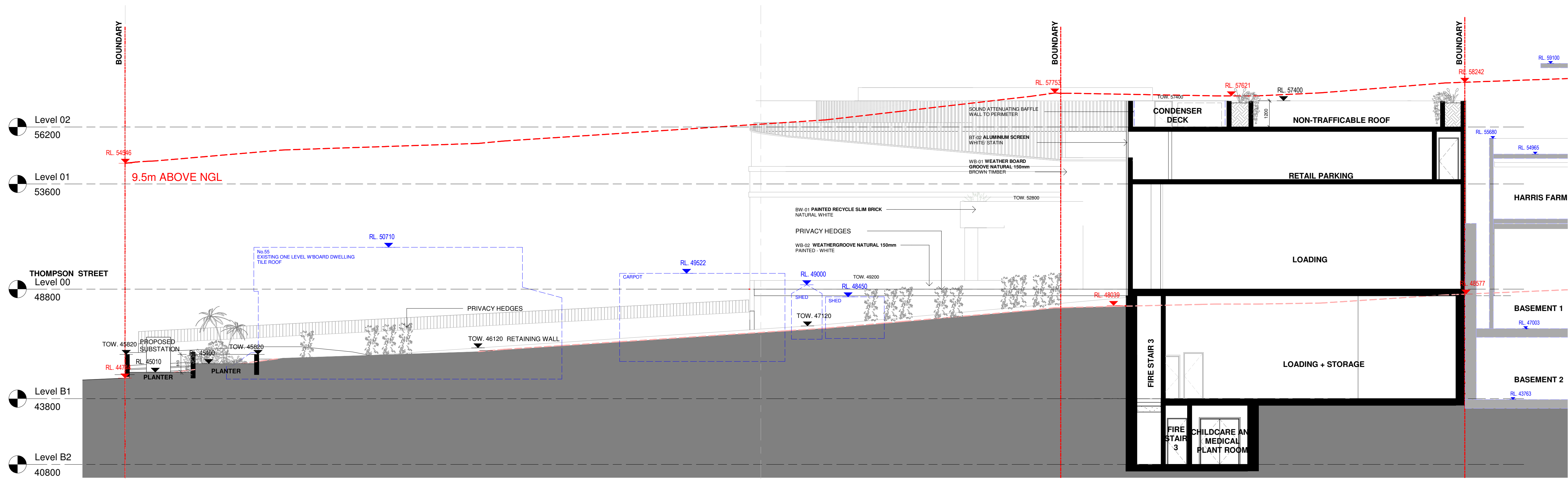
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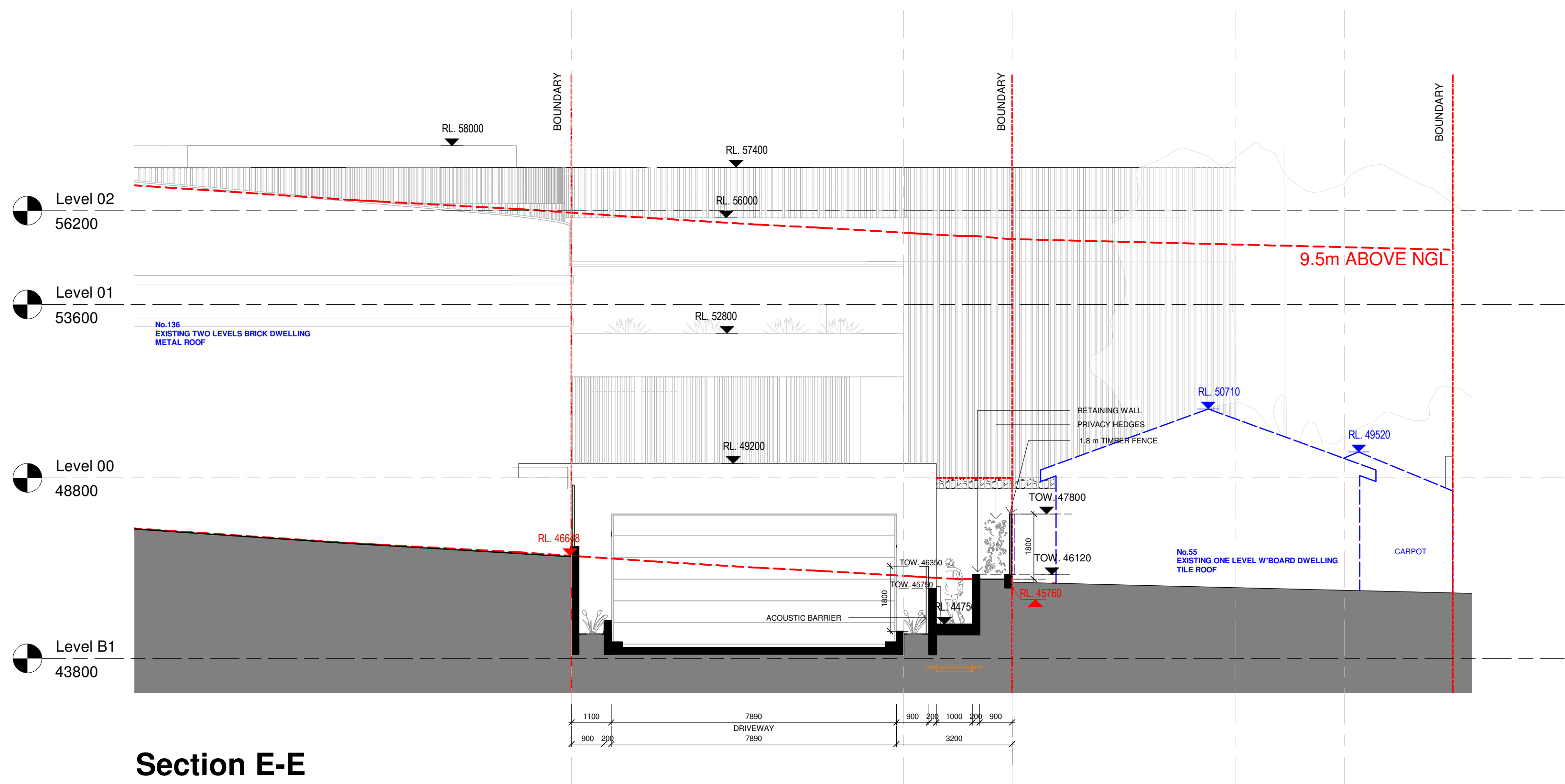
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DRAWN BY: DZ CHECKED BY: SS PROJECT NO: 200417 DRAWING NO: A0403 ISSUE: K

CAD FILE:



Section D-D
1 : 100



Section E-E
1 : 100

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E	05/07/2023	ISSUED FOR REVIEW
F	12/07/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

REVELOP

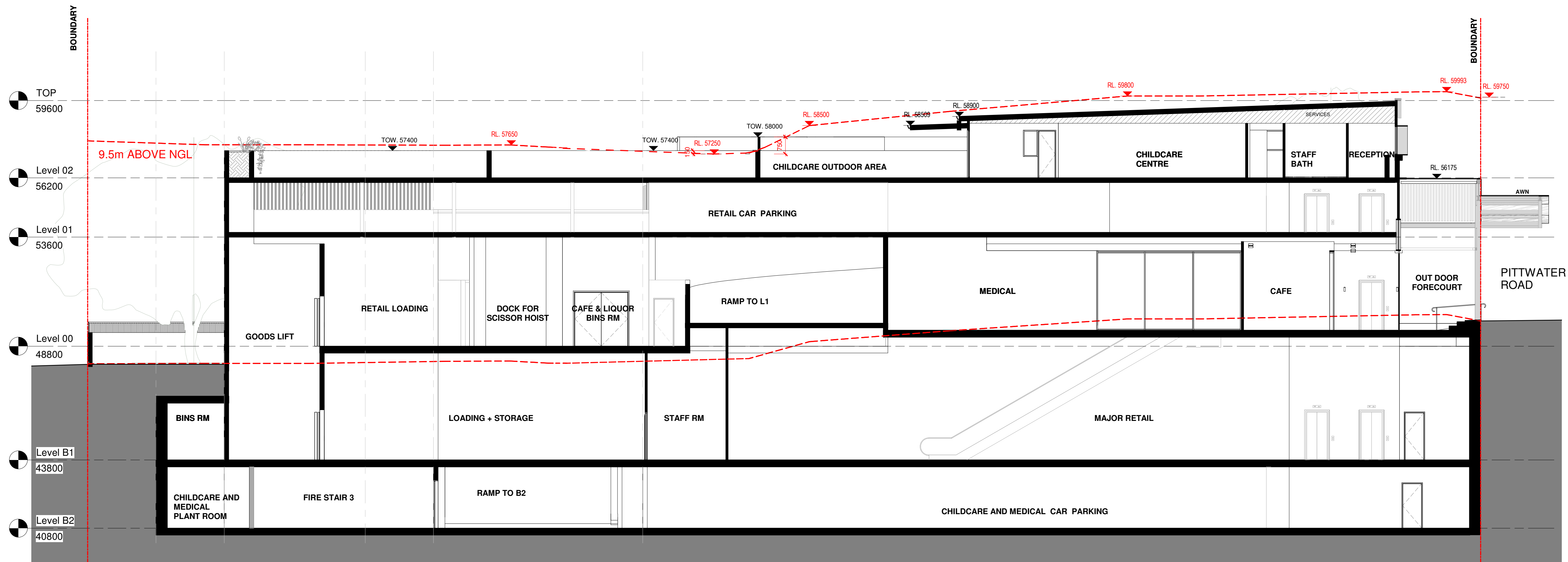
PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

BUILDING SECTIONS

NOTES: _____ NORTH: _____

SCALE:	DATE:
1 : 100	03/07/2023
DRAWN BY: DZ	CHECKED BY: SS
PROJECT NO: 200417	DRAWING NO: A0405
ISSUE: F	



SECTION F-F
1 : 100

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ISSUE	DATE	DESCRIPTION
A	06/02/2023	ISSUED FOR REVIEW
B	15/06/2023	ISSUED FOR REVIEW
C	20/06/2023	ISSUED FOR REVIEW
D	03/07/2023	ISSUED FOR REVIEW
E	05/07/2023	ISSUED FOR REVIEW
F	12/07/2023	ISSUED FOR REVIEW

STATUS:

CLIENT:

REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

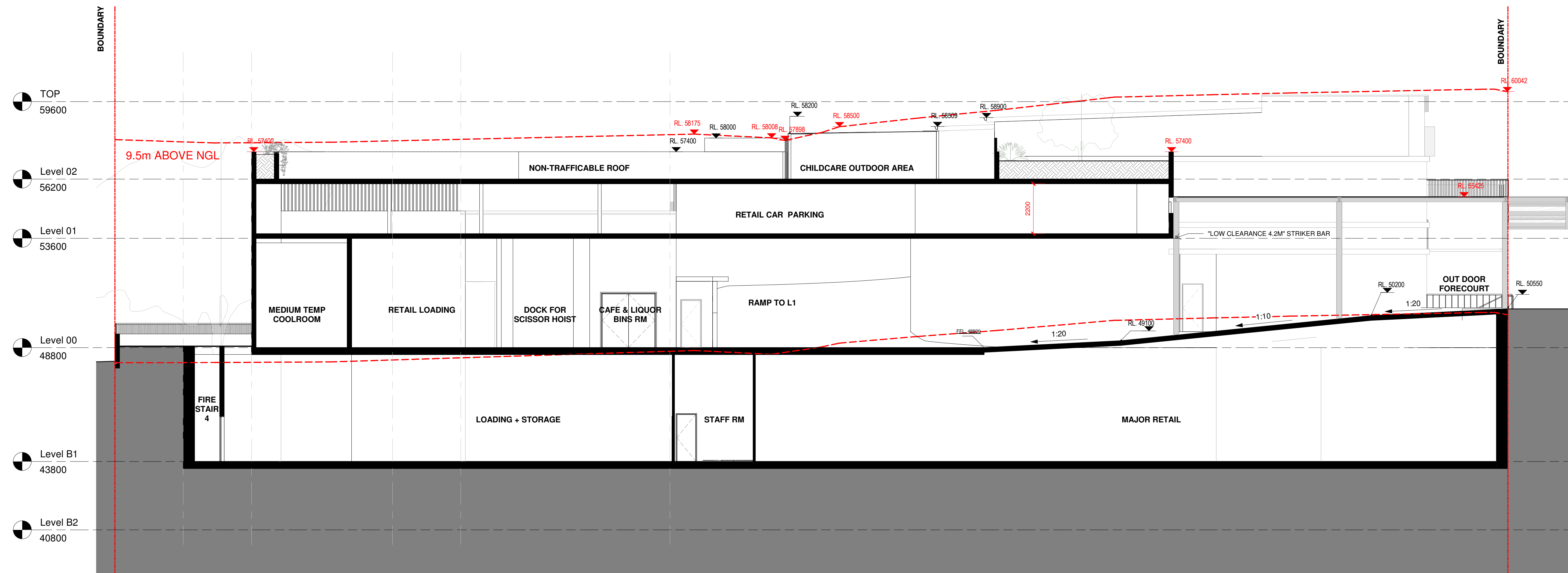
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BUILDING SECTIONS

NOTES: NORTH:

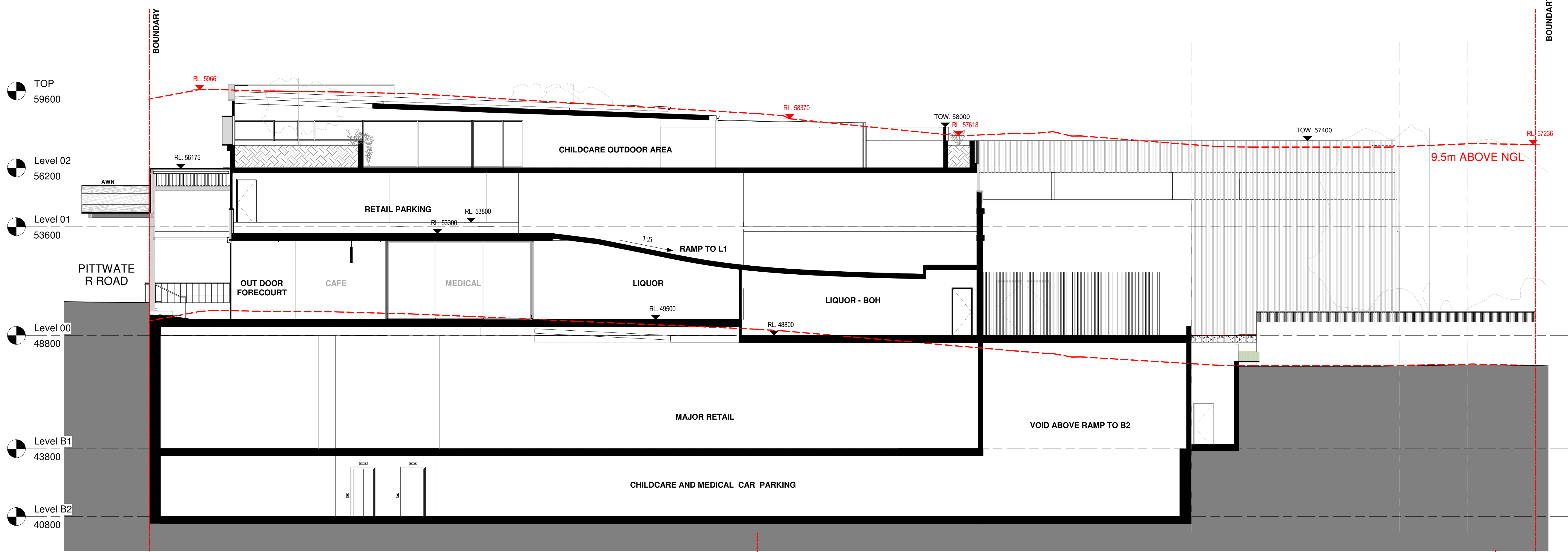
SCALE: 1 : 100 @ A1 DATE: 03/07/2023

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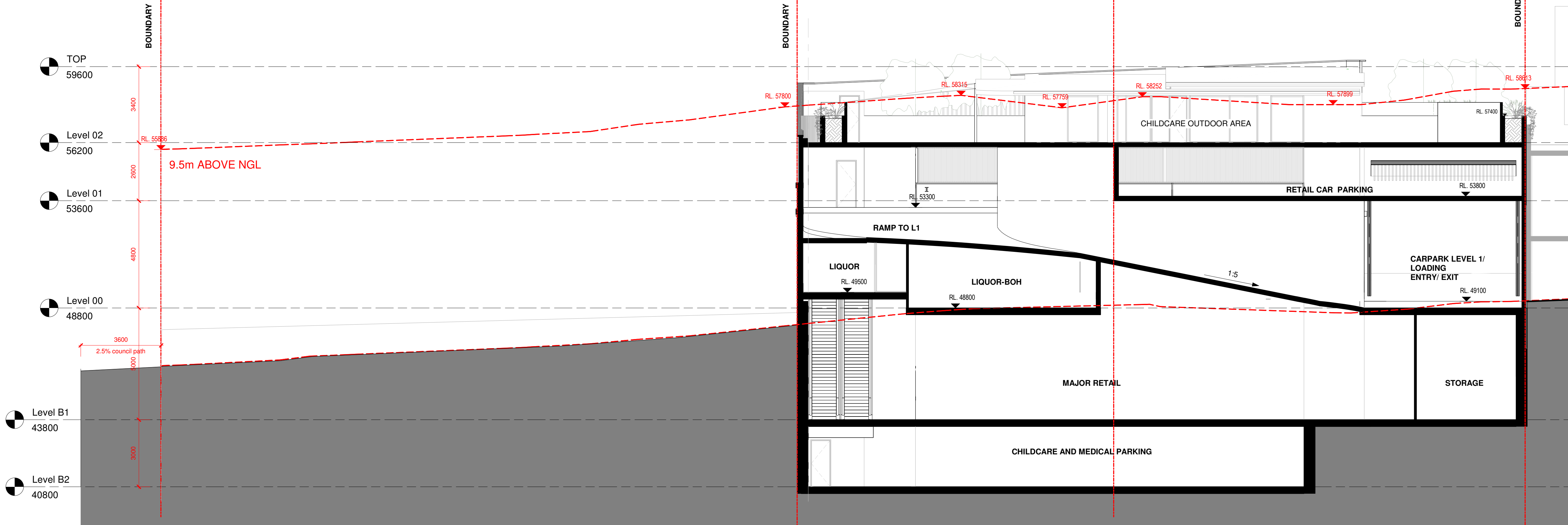
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Section G-G
1 : 100



Section H-H
1 : 100



Section I-I
1 : 100

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ISSUE	DATE	DESCRIPTION
A	03/07/2023	ISSUED FOR REVIEW
B	05/07/2023	ISSUED FOR REVIEW
C	12/07/2023	ISSUED FOR REVIEW

STATUS:

CLIENT:

REVELOP

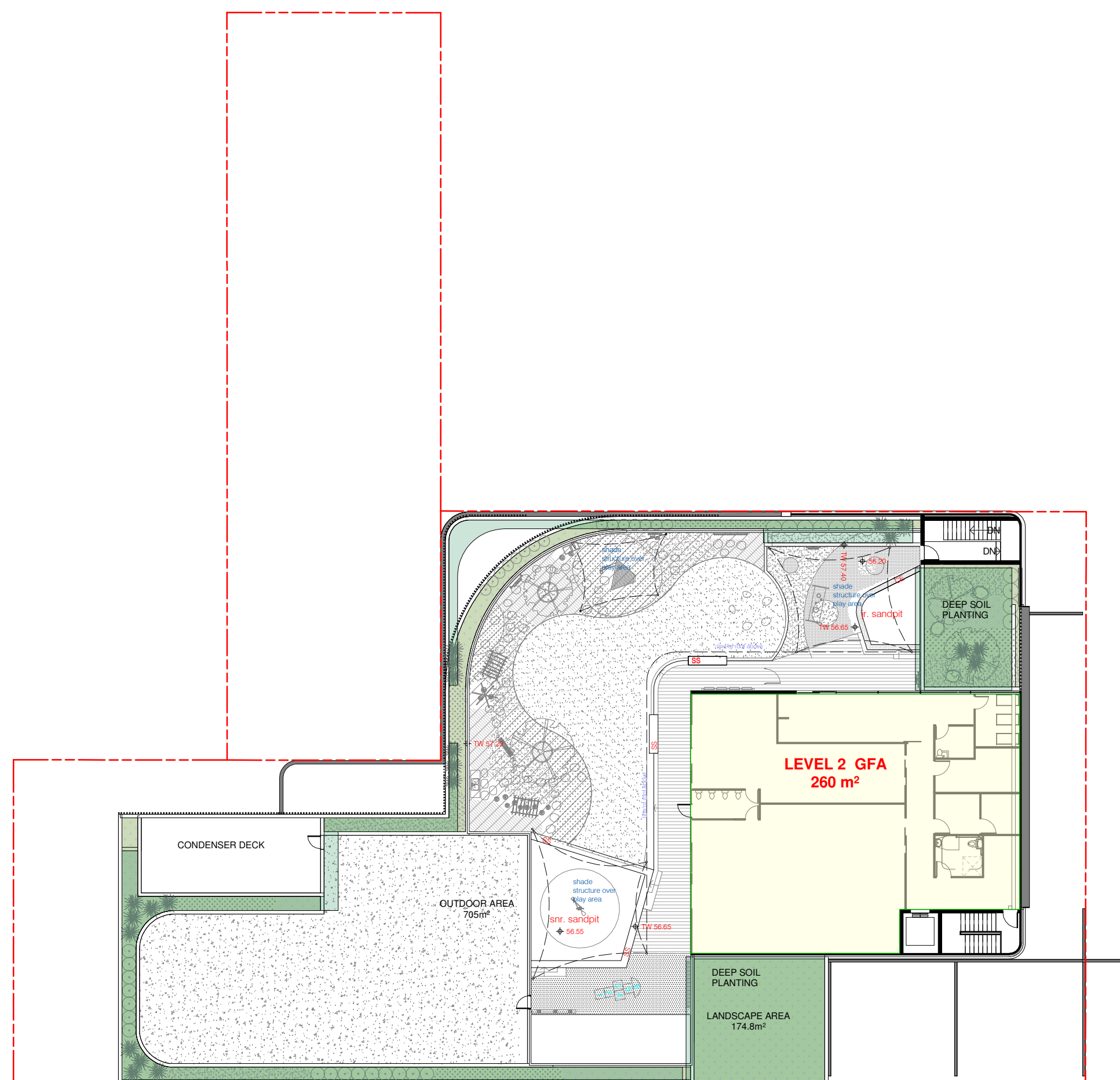
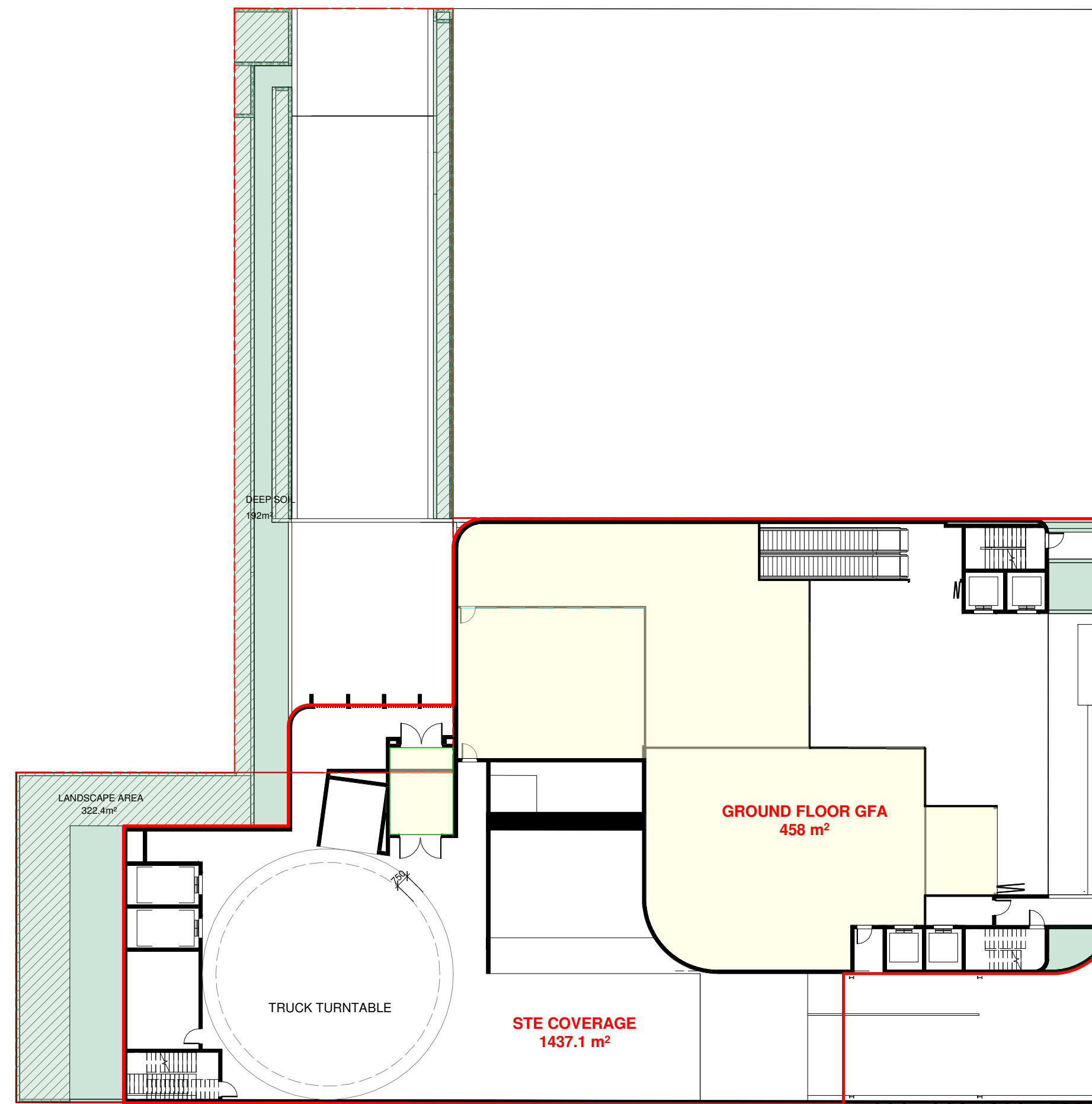
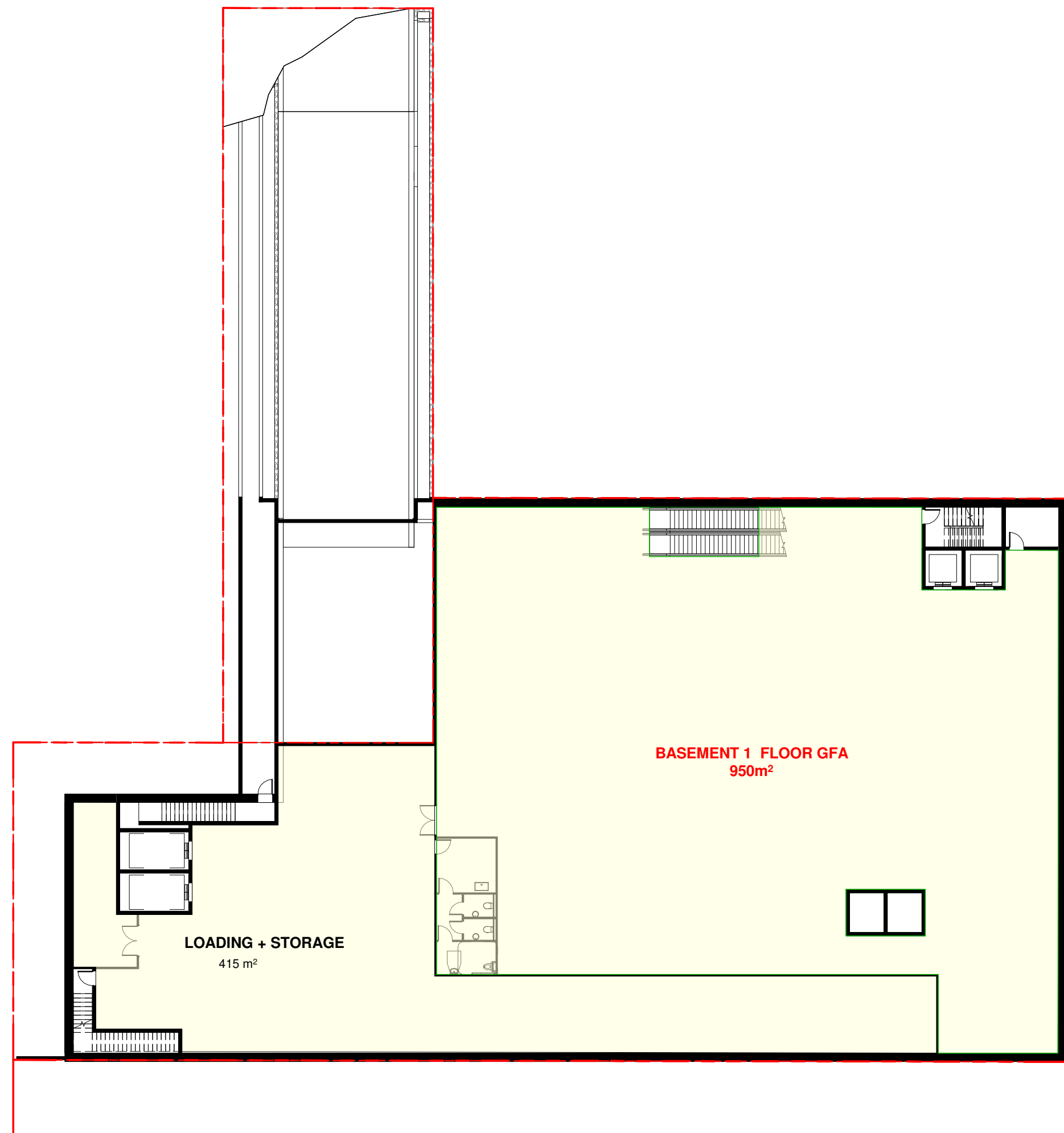
PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

DRAWING TITLE:
BUILDING SECTIONS

NOTES:

SCALE:	DATE:			
1 : 100	03/07/2023			
DRAWN BY:	CHECKED BY:	PROJECT NO:	DRAWING NO.:	ISSUE:
DZ	SS	200417	A0407	C
CAD FILE:				



RYDE LOCAL ENVIRONMENTAL PLAN 2014

130 PITTWATER ROAD:

SITE AREA: 1653.7m² (BY CALC) 1643m² (BY DP)
ZONING: E1: Local Centre
PERMISSIBLE FSR: 0.8:1
PERMISSIBLE GFA: 1322.96 m₂

57 THOMPSON STREET:

SITE AREA: 520.3m² (BY CALC) 518.5m² (BY DP)
ZONING: R2: Low Density Residential
PERMISSIBLE FSR: 0.5:1
PERMISSIBLE GFA: 260.15 m₂

TOTAL PERMISSIBLE GFA : 1583.11 m₂

PROPOSED BUILDING GROSS FLOOR AREA:

BASEMENT 1: 1365 m²
 GROUND FLOOR: 458 m²
 LEVEL 2: 260 m²
TOTAL: 2083m²

LANDSCAPE AREA: 519.4 m² = 24% OF LANDSCAPE AREA

DEEPSOIL AREA: 192 m² = 8% OF DEEP SOIL AREA

SITE COVERAGE: 1437.1 m² = 66%

BUILDING GROSS FLOOR AREA BY ZONING

	E1 LOCAL CENTRE	R2 LOW DENSITY RESIDENTIAL
SITE AREA	1653.7 m ²	520.3 m ²
PERMISSIBLE GFA	1322.96 m ²	260.15 m ²
PERMISSIBLE FSR	0.8:1	0.5:1
PROPOSED GFA	2071 m ²	12 m ²
PROPOSED FSR	1.25:1	0.02:1
TOTAL GFA	2083 m ²	
TOTAL FSR	1.27:1	

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D	23/01/2023	ISSUED FOR REVIEW
E	27/02/2023	ISSUED FOR REVIEW
F	09/03/2023	ISSUED FOR REVIEW
G	15/06/2023	ISSUED FOR REVIEW
H	20/06/2023	ISSUED FOR REVIEW
I	12/07/2023	ISSUED FOR REVIEW

STATUS:

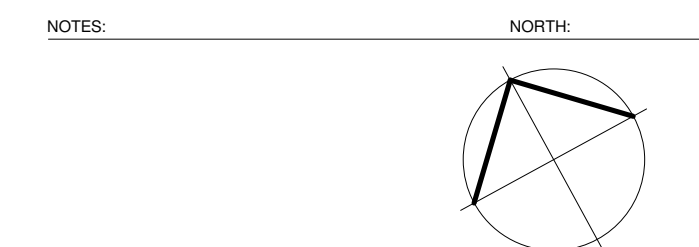
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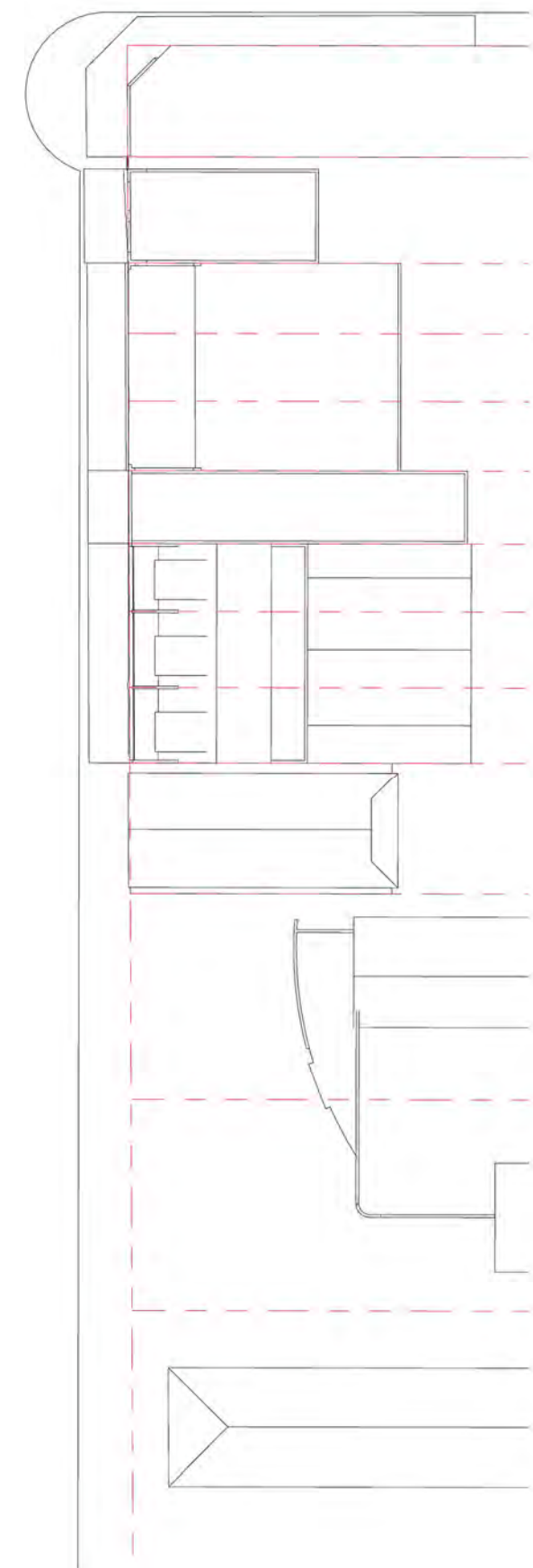
PROJECT:
PROPOSED MIXED USE DEVELOPMENT
 130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
 LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060 E: info@tesseracth.com.au PH: 0488 22 1234

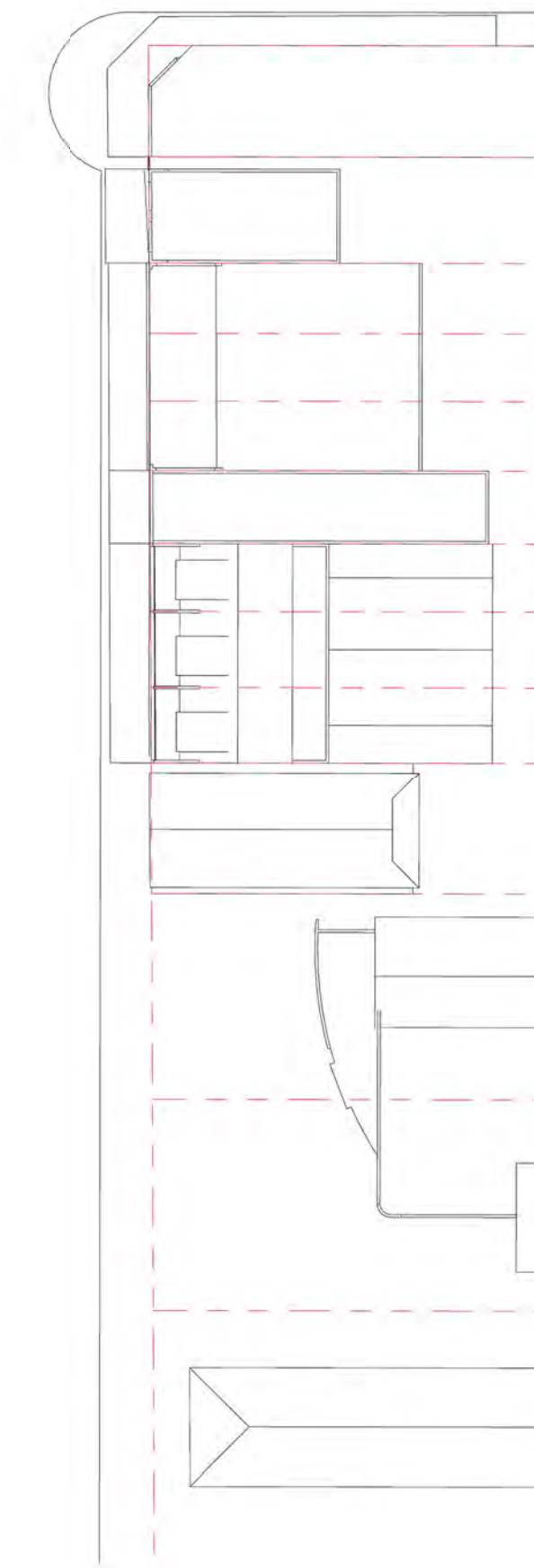
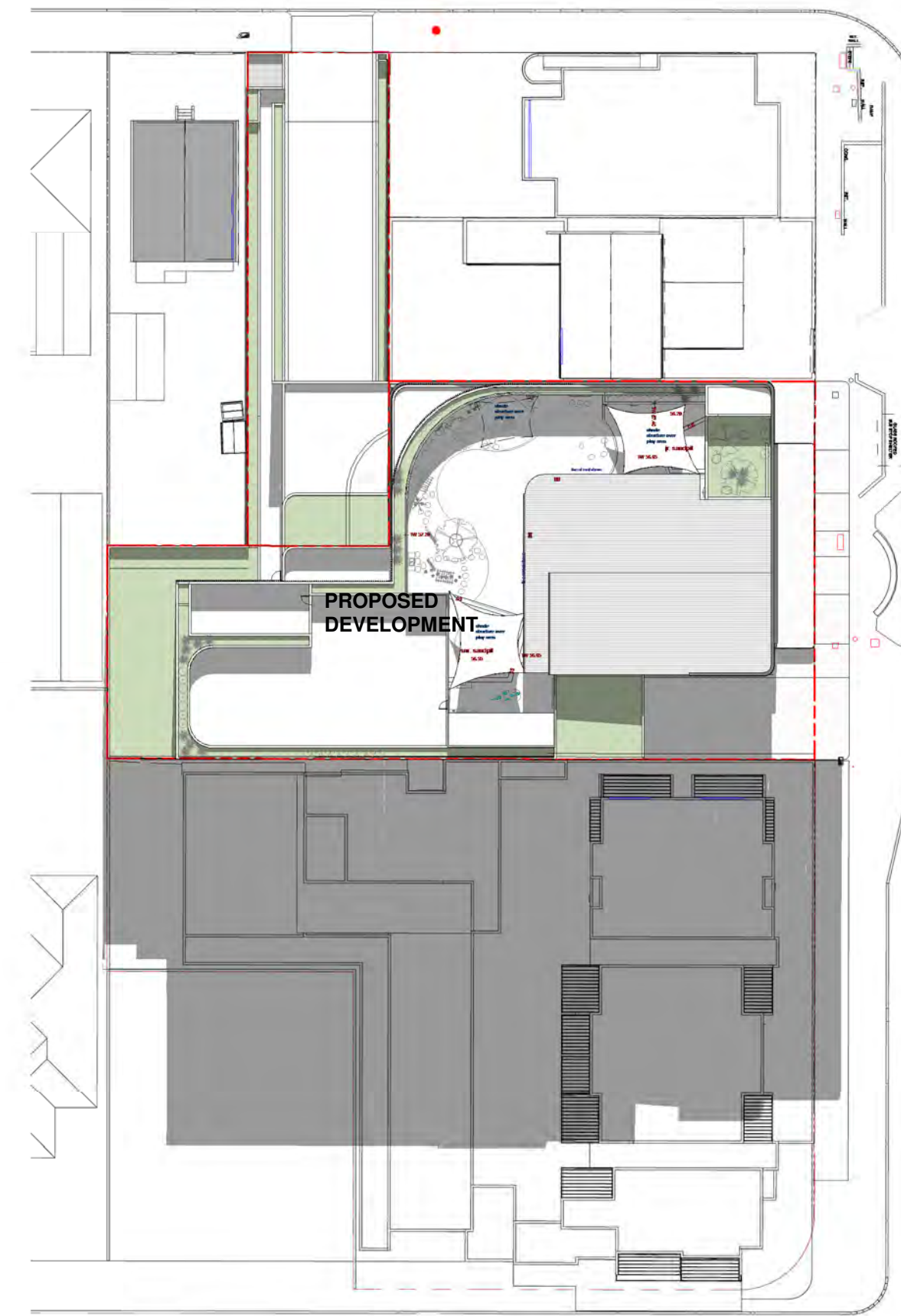
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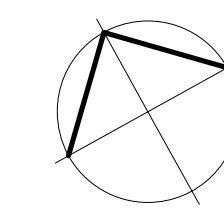
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 CAD FILE:



1 SHADOW DIAGRAM - 21 JUNE - 9am
1 : 500



2 SHADOW DIAGRAM - 21 JUNE - 10am
1 : 500



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E	20/06/2023	ISSUED FOR REVIEW
F	12/07/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

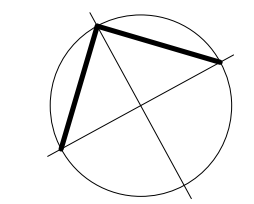
REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

DRAWING TITLE:
SHADOW DIAGRAMS

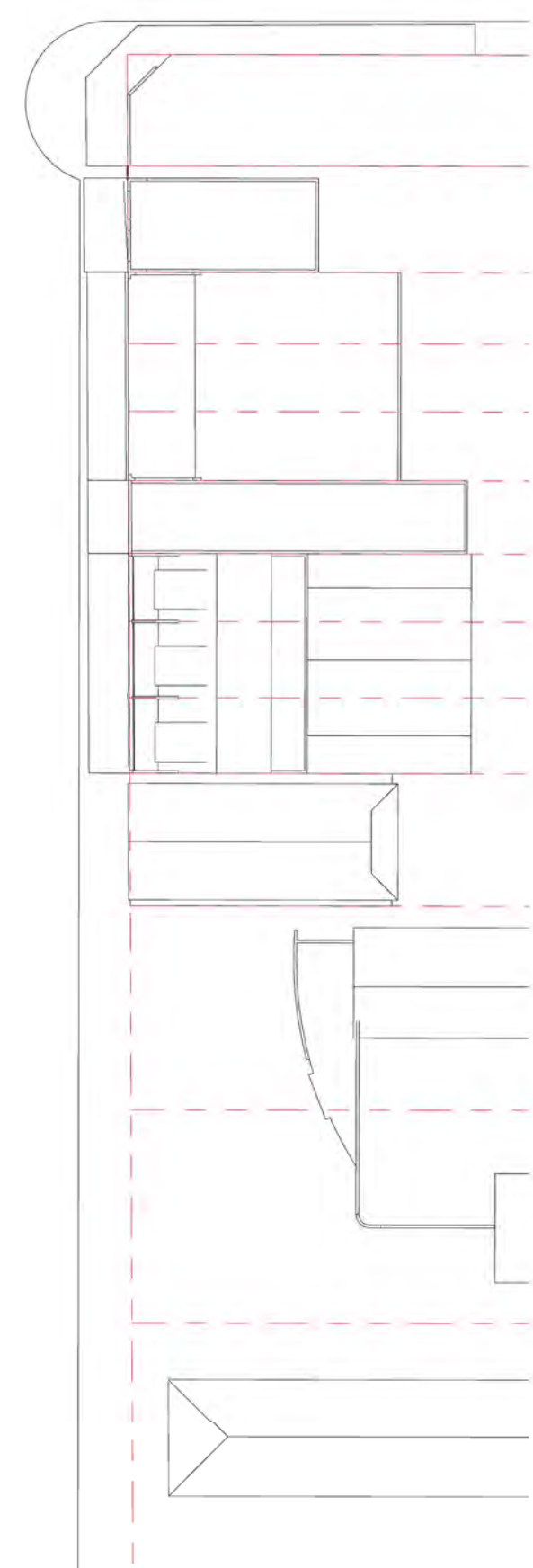
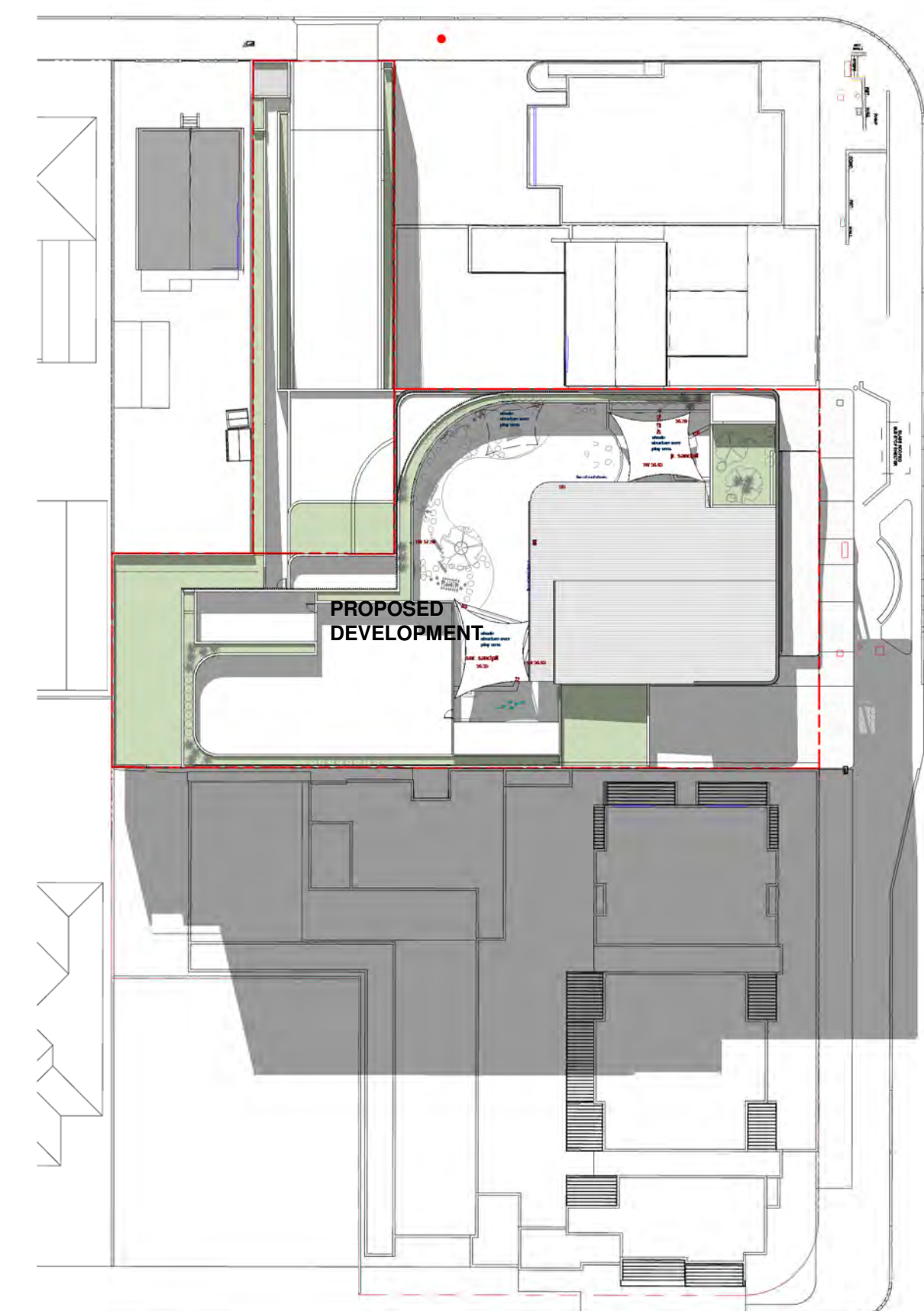
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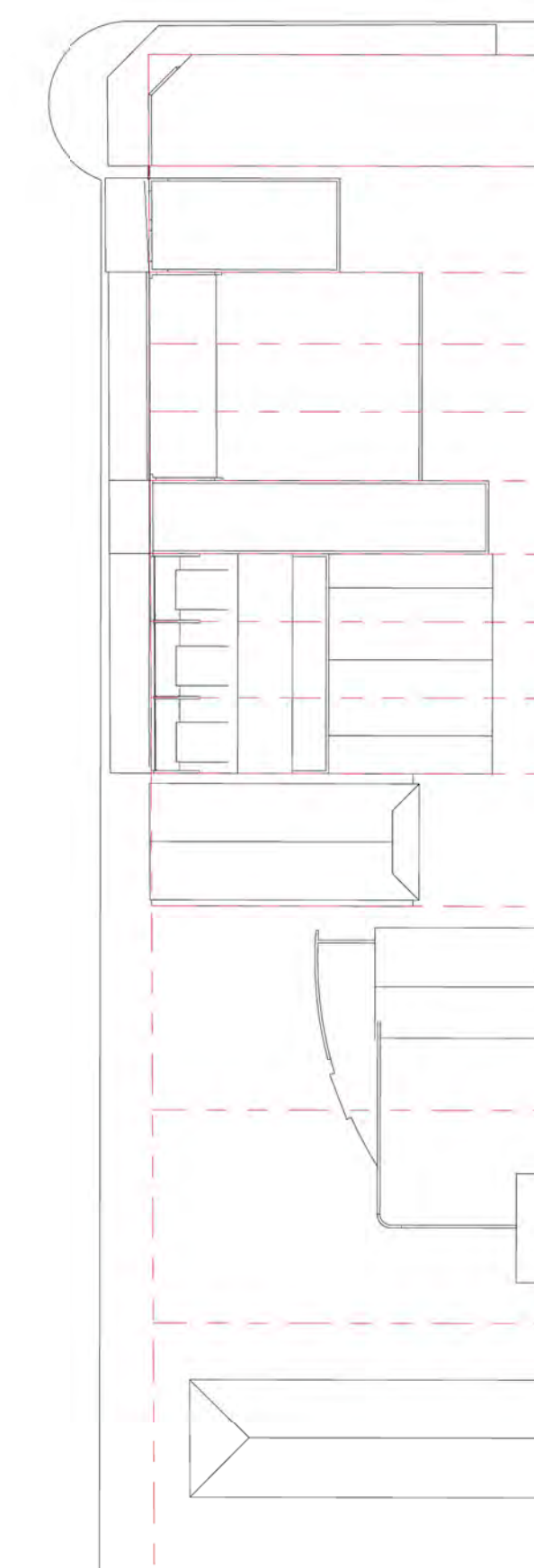
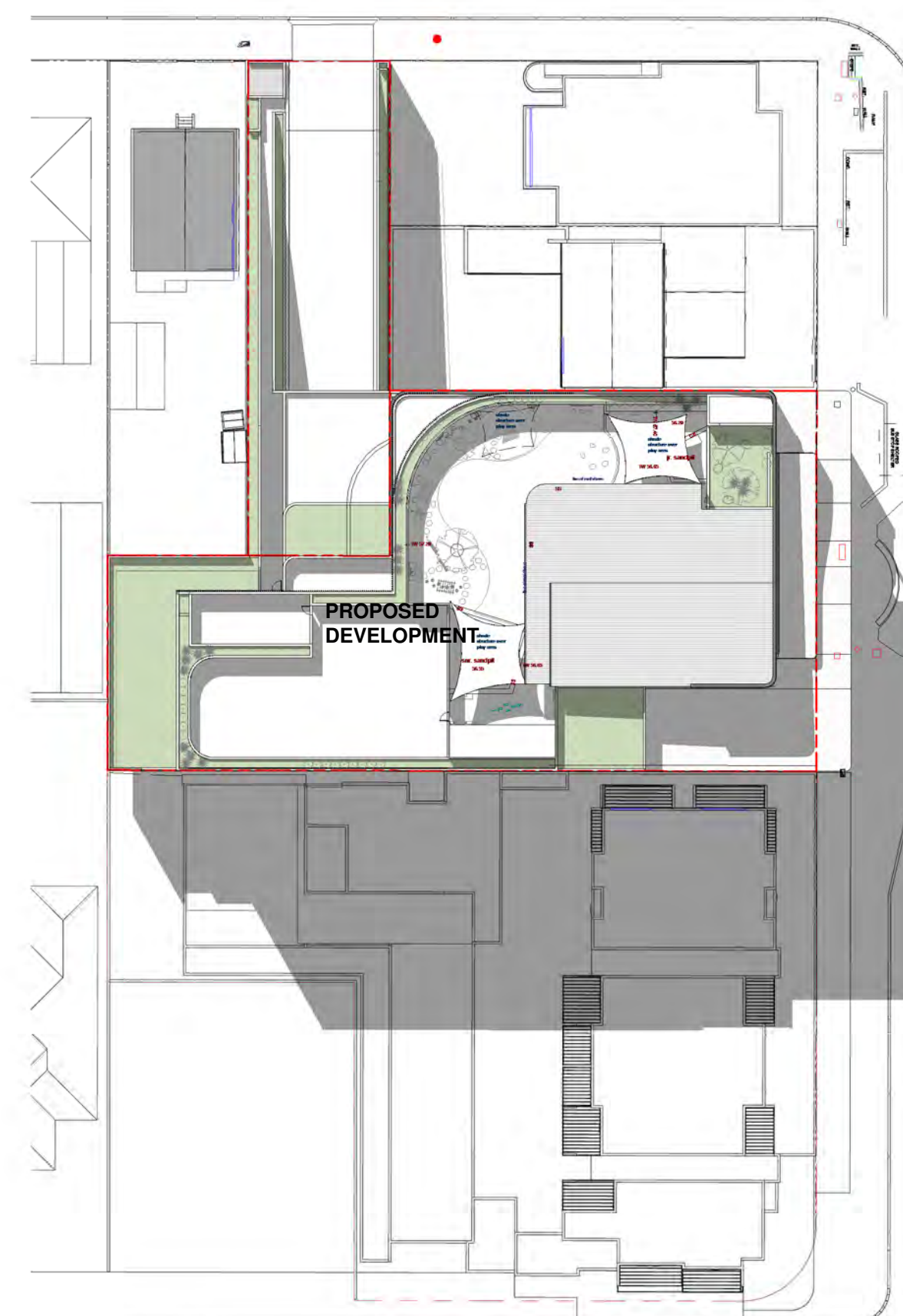
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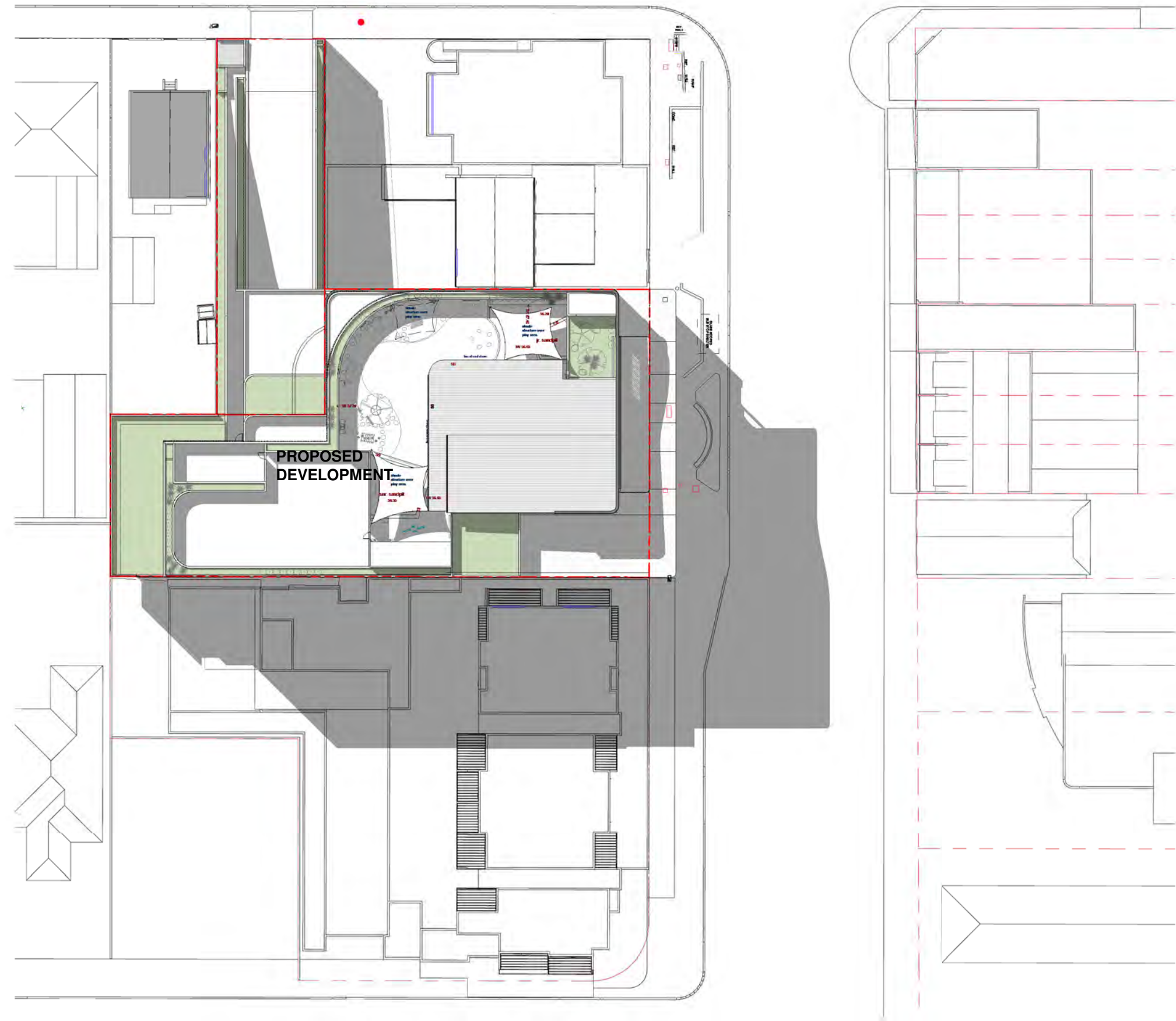
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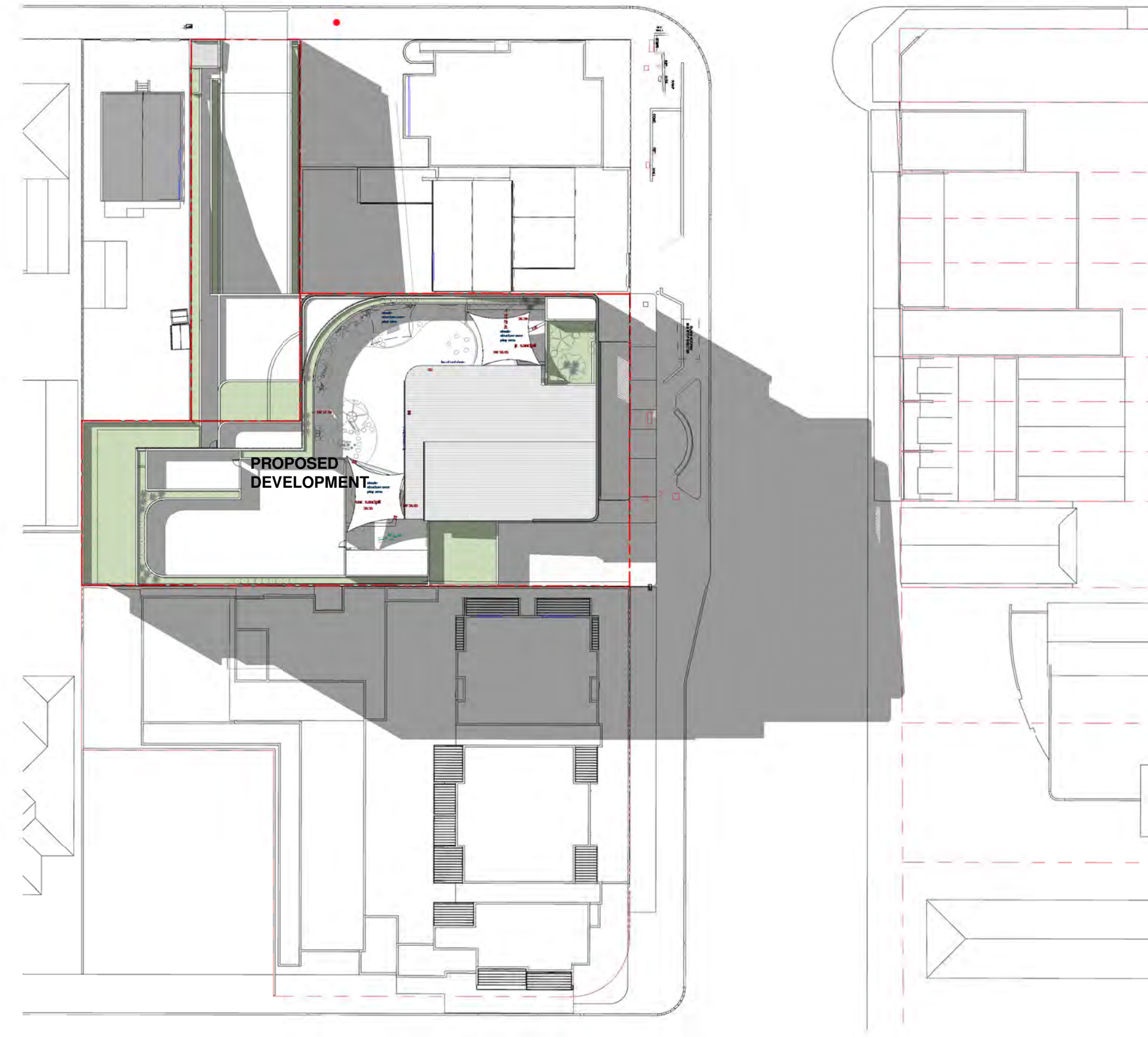
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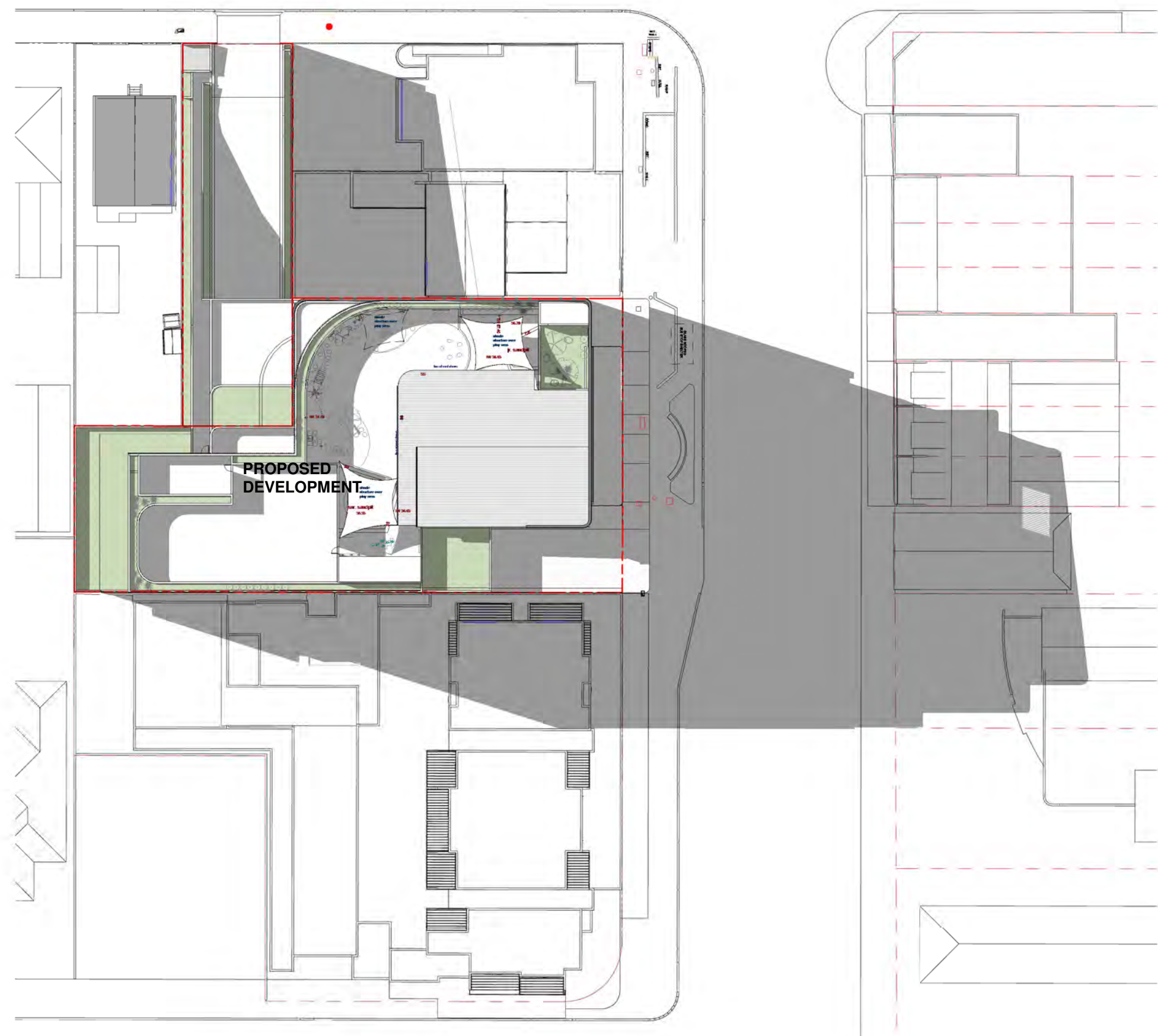
4 SHADOW DIAGRAM - 21 JUNE - 12pm
1 : 500



1 SHADOW DIAGRAM - 21 JUNE - 13pm
1 : 500



2 SHADOW DIAGRAM - 21 JUNE - 14pm
1 : 500



3 SHADOW DIAGRAM - 21 JUNE - 15pm
1 : 500

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D	15/06/2023	ISSUED FOR REVIEW
E	20/06/2023	ISSUED FOR REVIEW
F	12/07/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

REVELOP

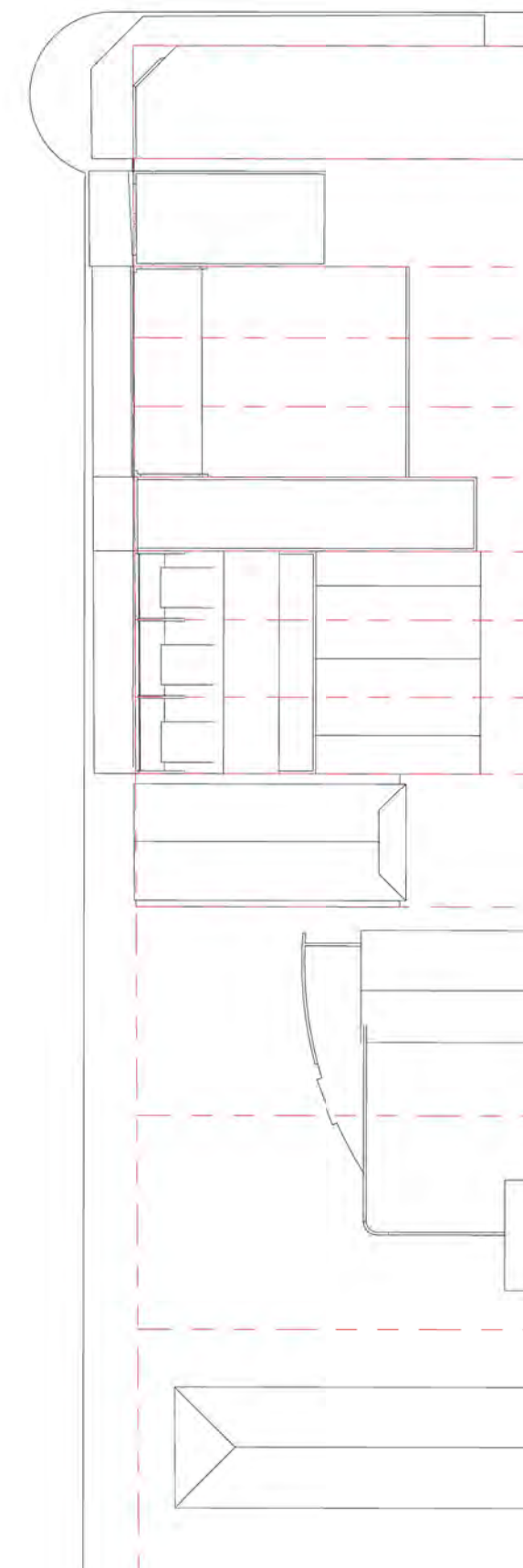
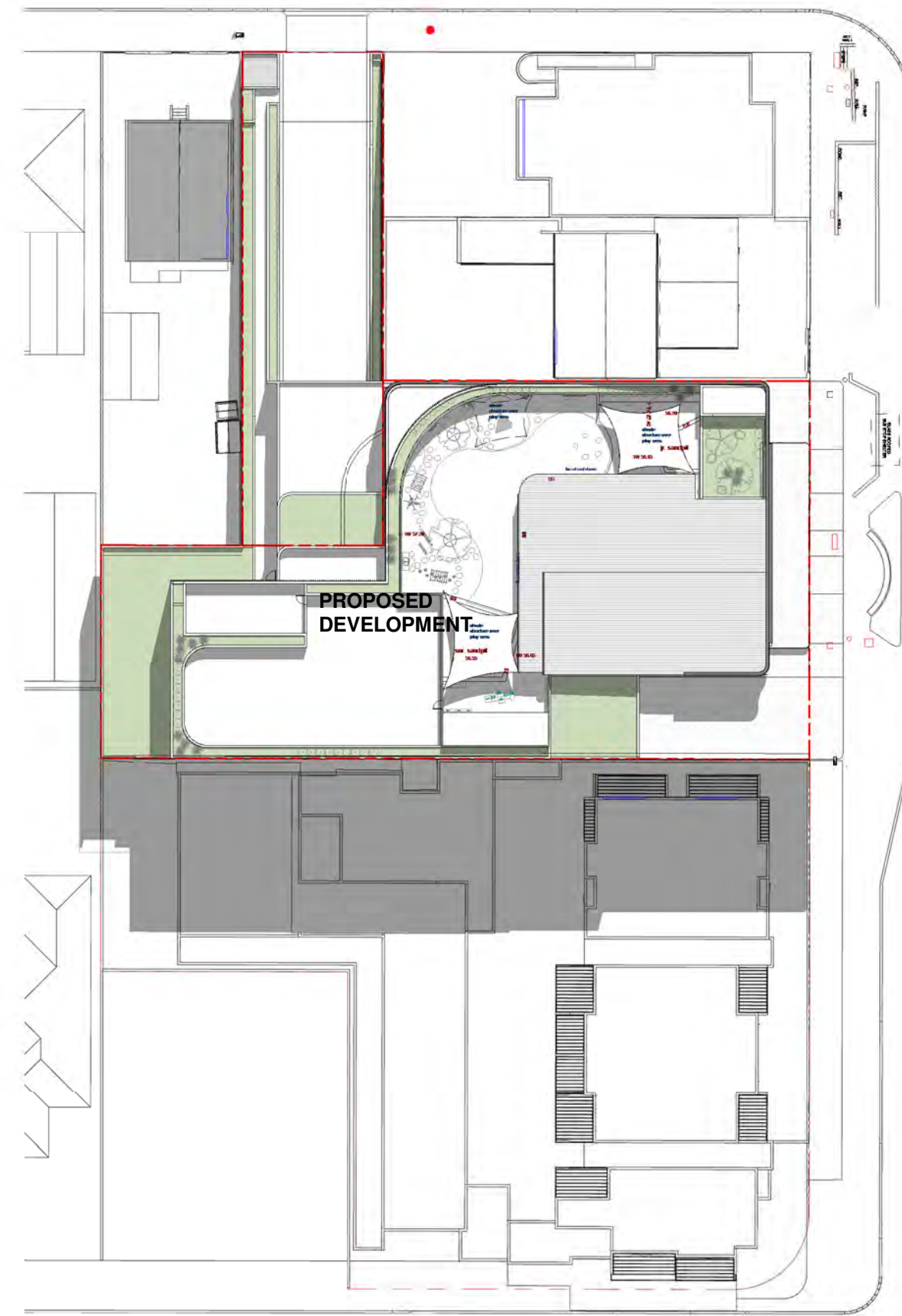
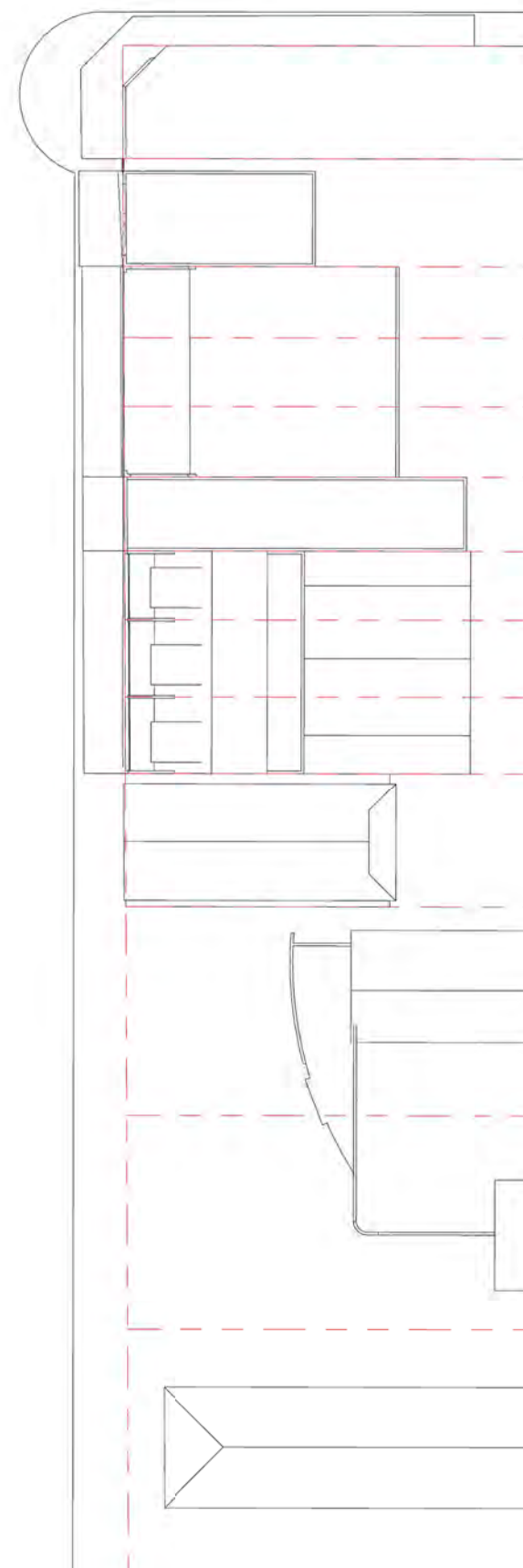
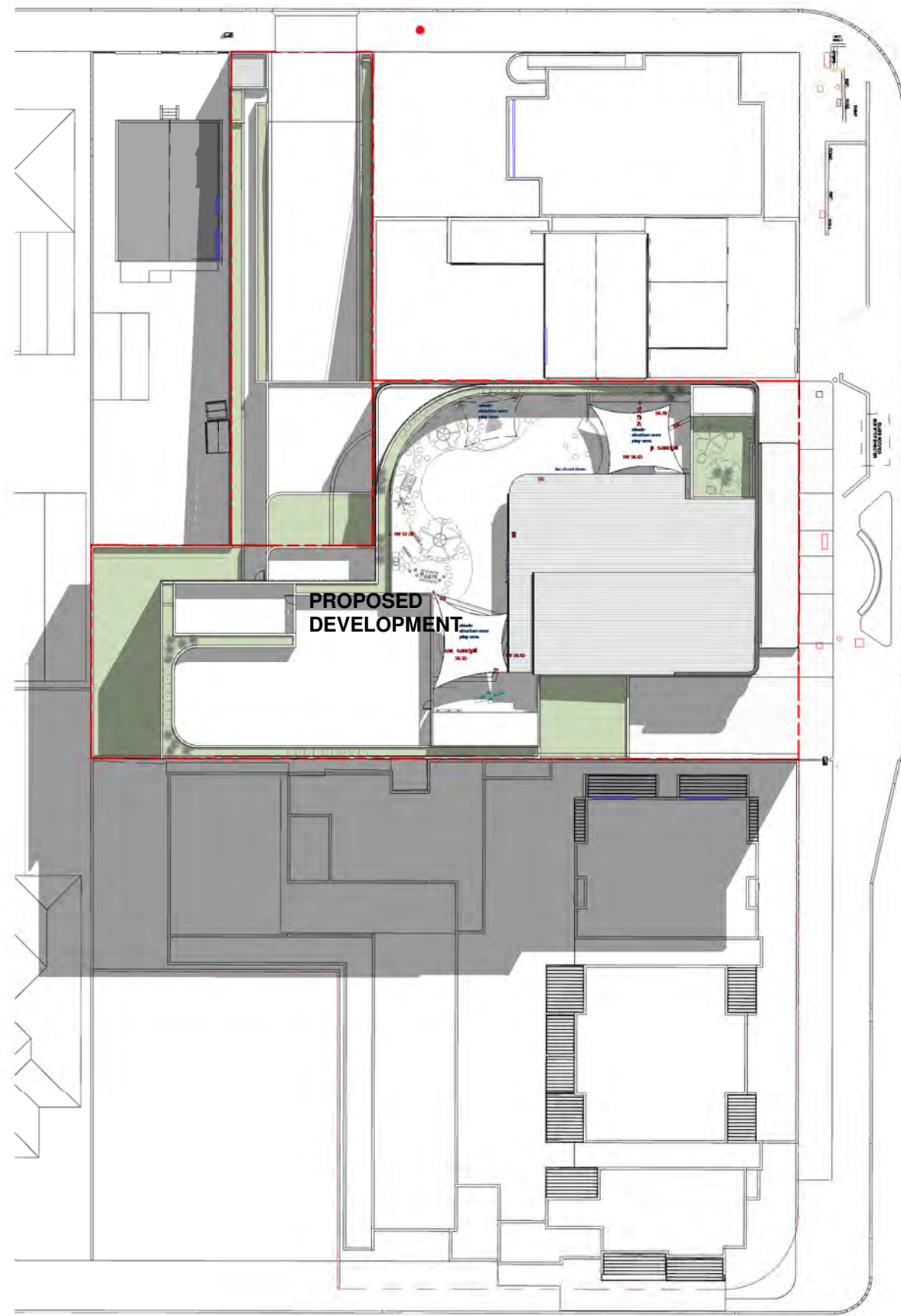
PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

DRAWING TITLE:
SHADOW DIAGRAMS

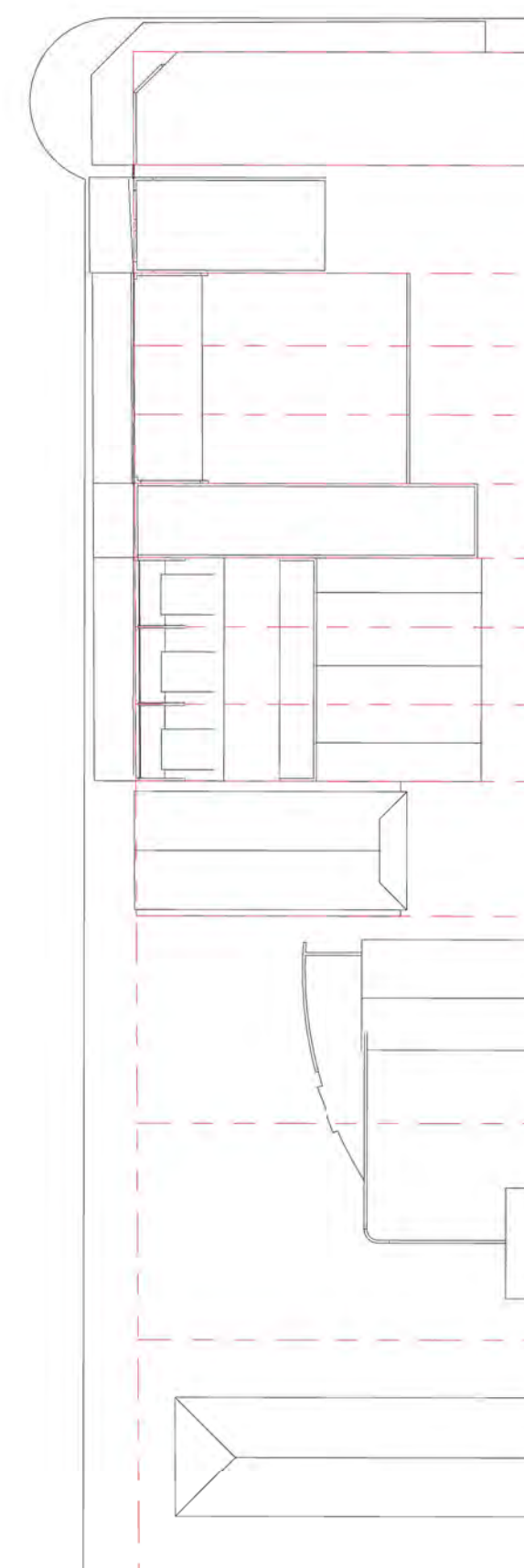
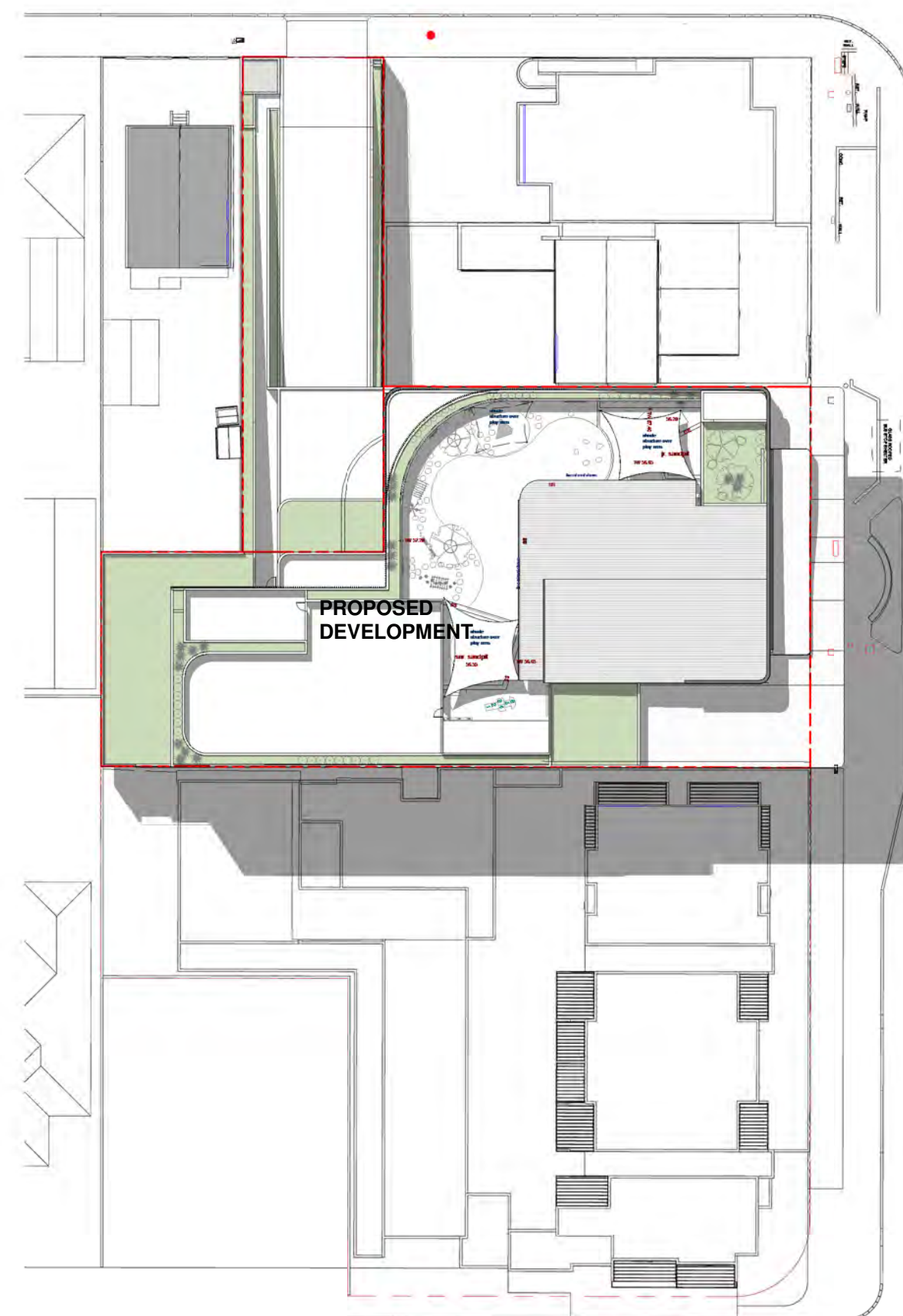
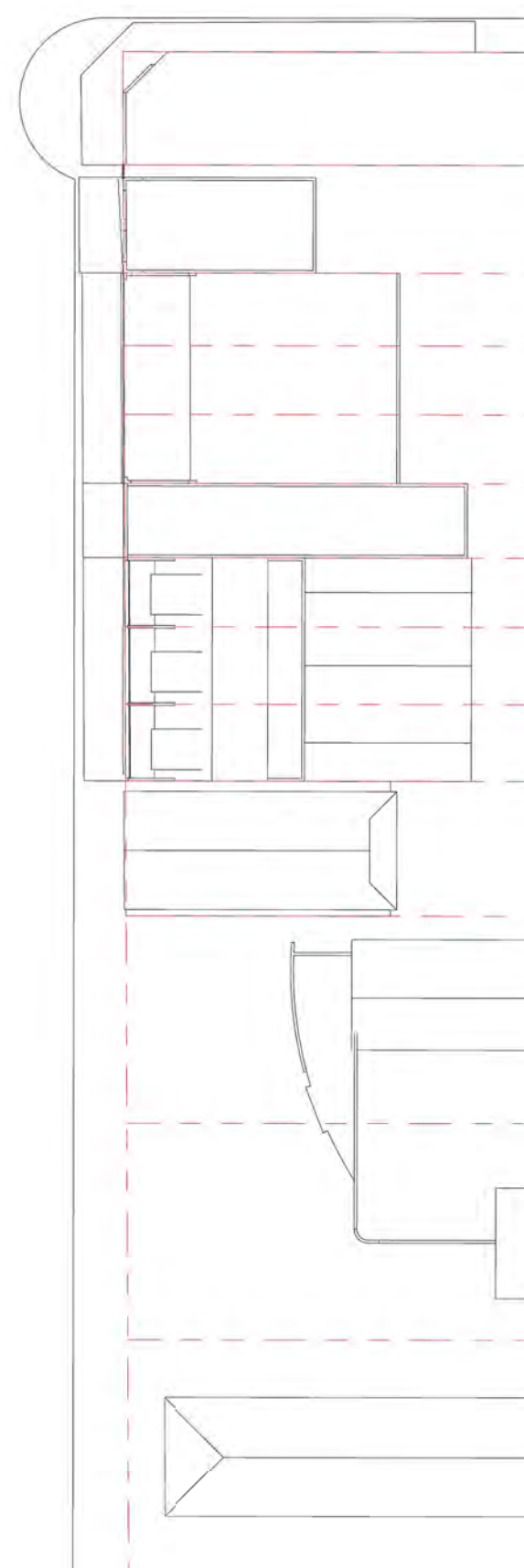
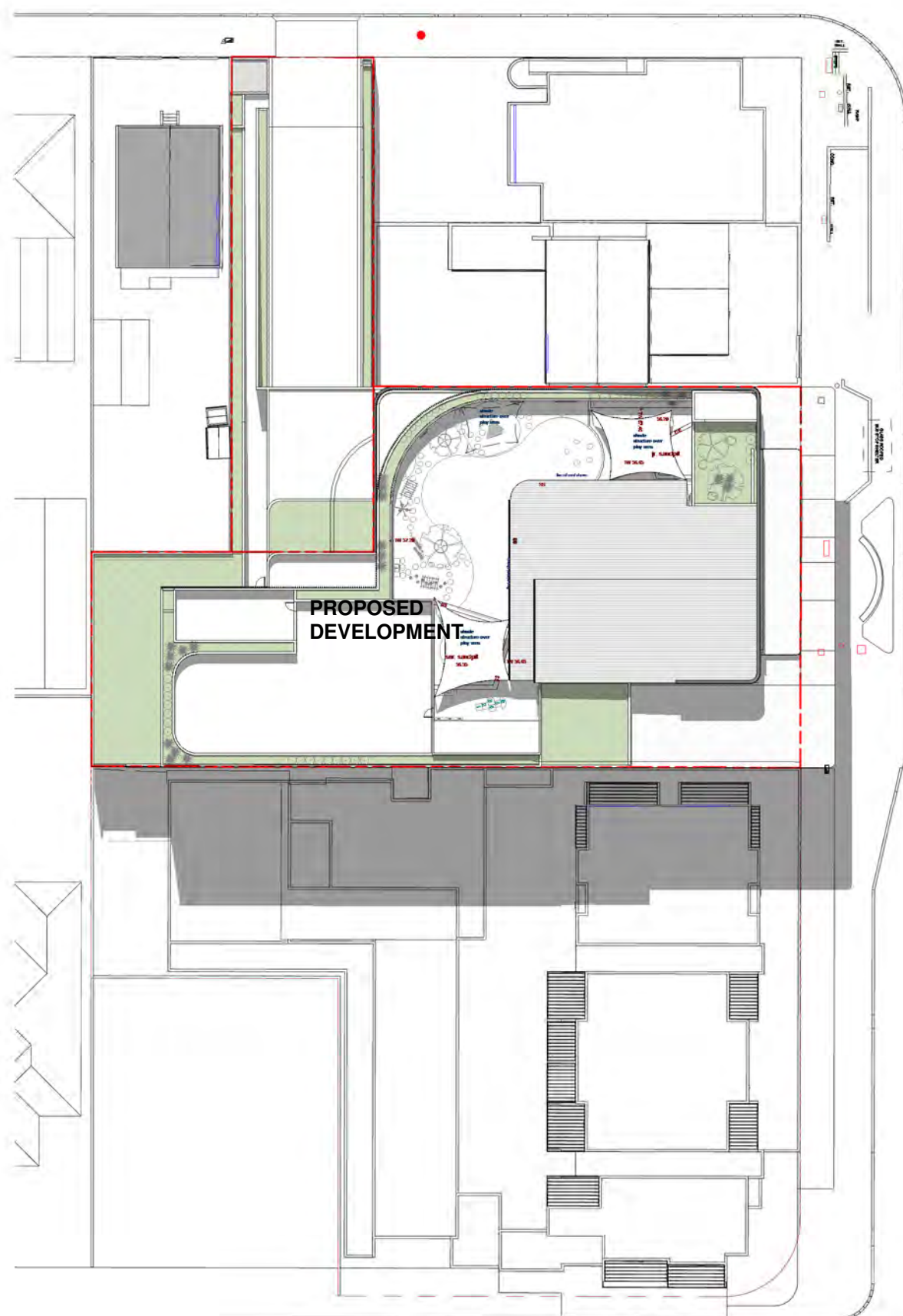
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PROJECT NO: 200417	DRAWING NO: A0601
ISSUE: F	
CAD FILE:	



1 SHADOW DIAGRAM - 21 SEPTEMBER - 9am
1 : 500

2 SHADOW DIAGRAM - 21 SEPTEMBER - 10am
1 : 500



3 SHADOW DIAGRAM - 21 SEPTEMBER - 11am
1 : 500

4 SHADOW DIAGRAM - 21 SEPTEMBER - 12pm
1 : 500

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E	20/06/2023	ISSUED FOR REVIEW
F	12/07/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

REVELOP

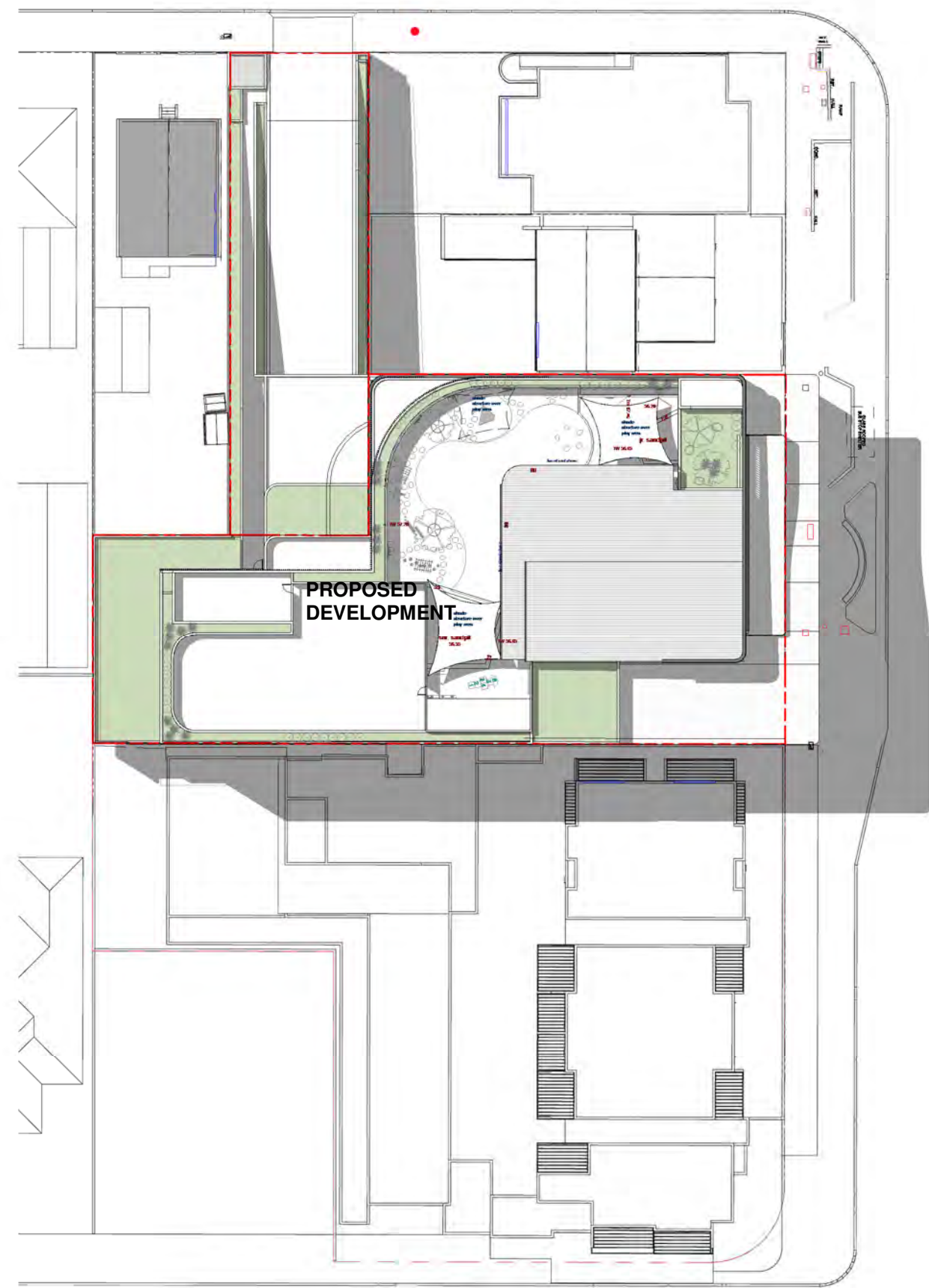
PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
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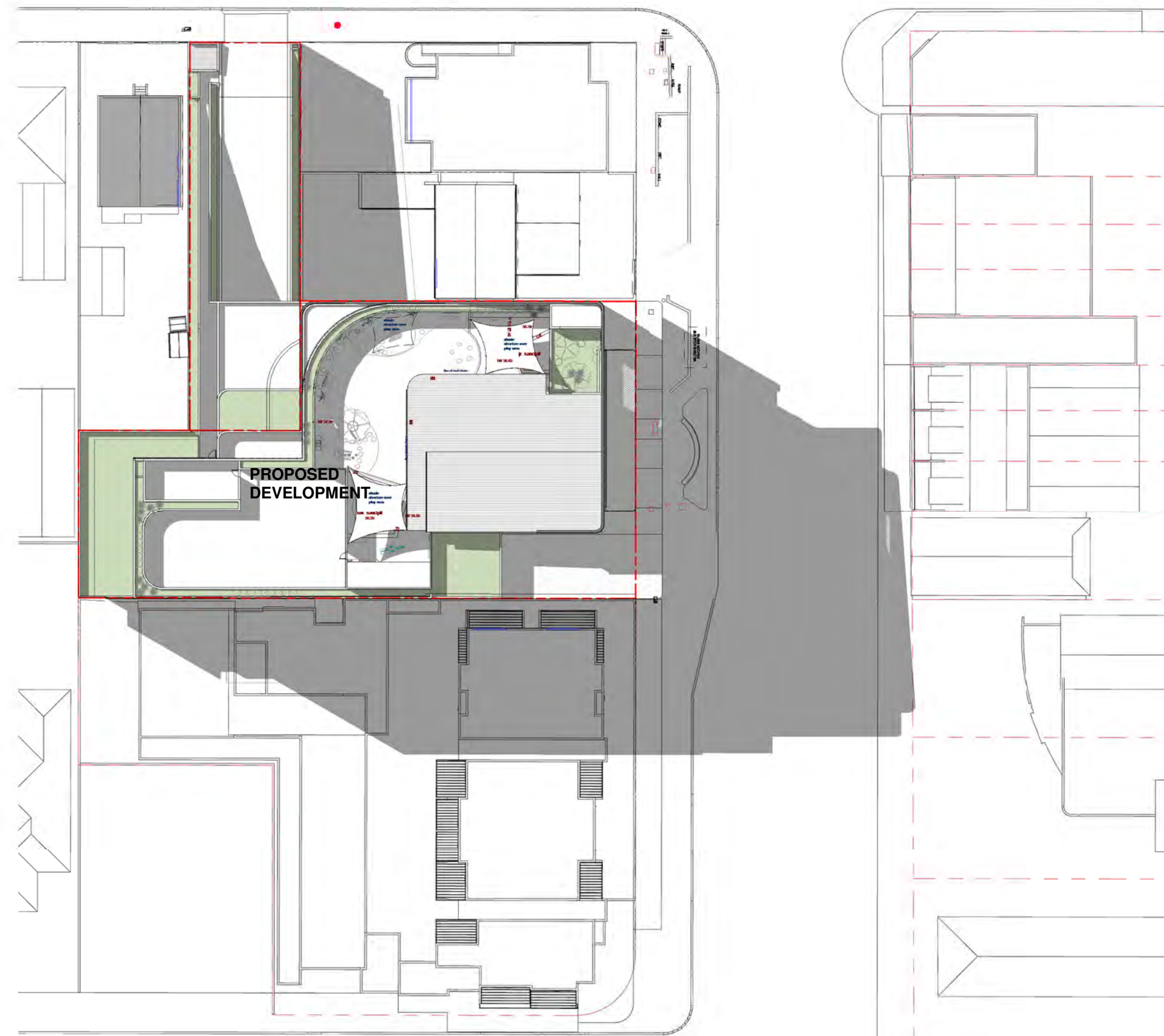
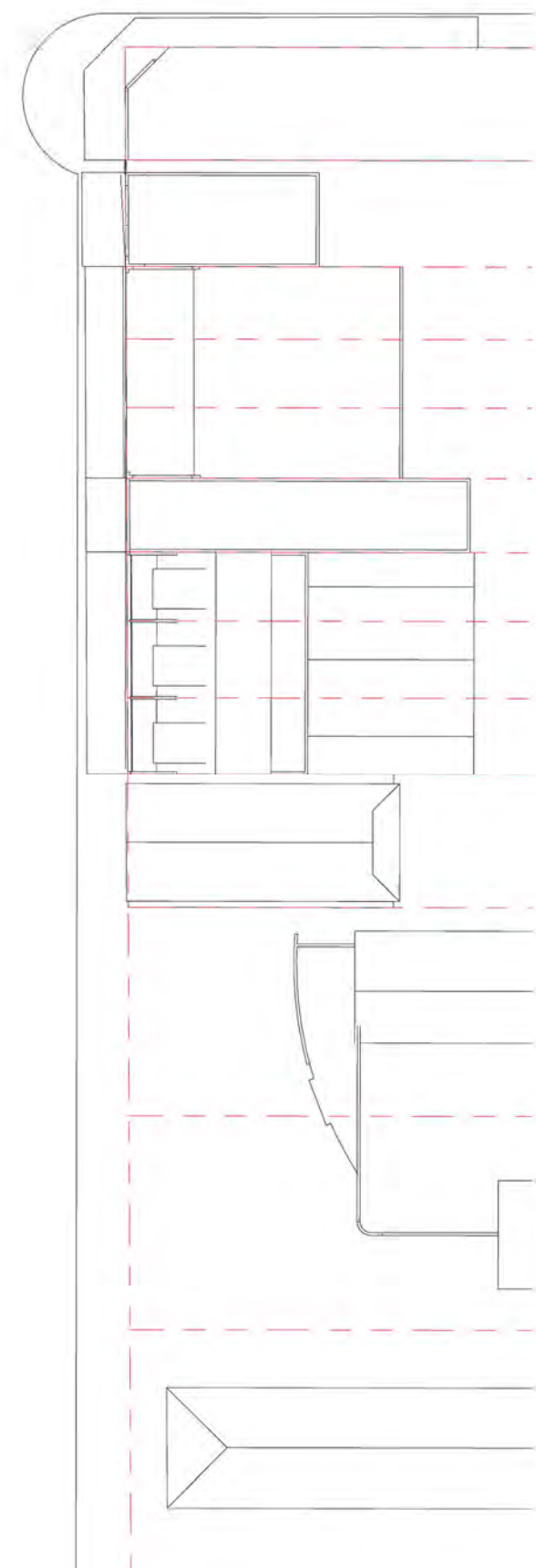
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SHADOW DIAGRAMS

NOTES: _____ NORTH: _____

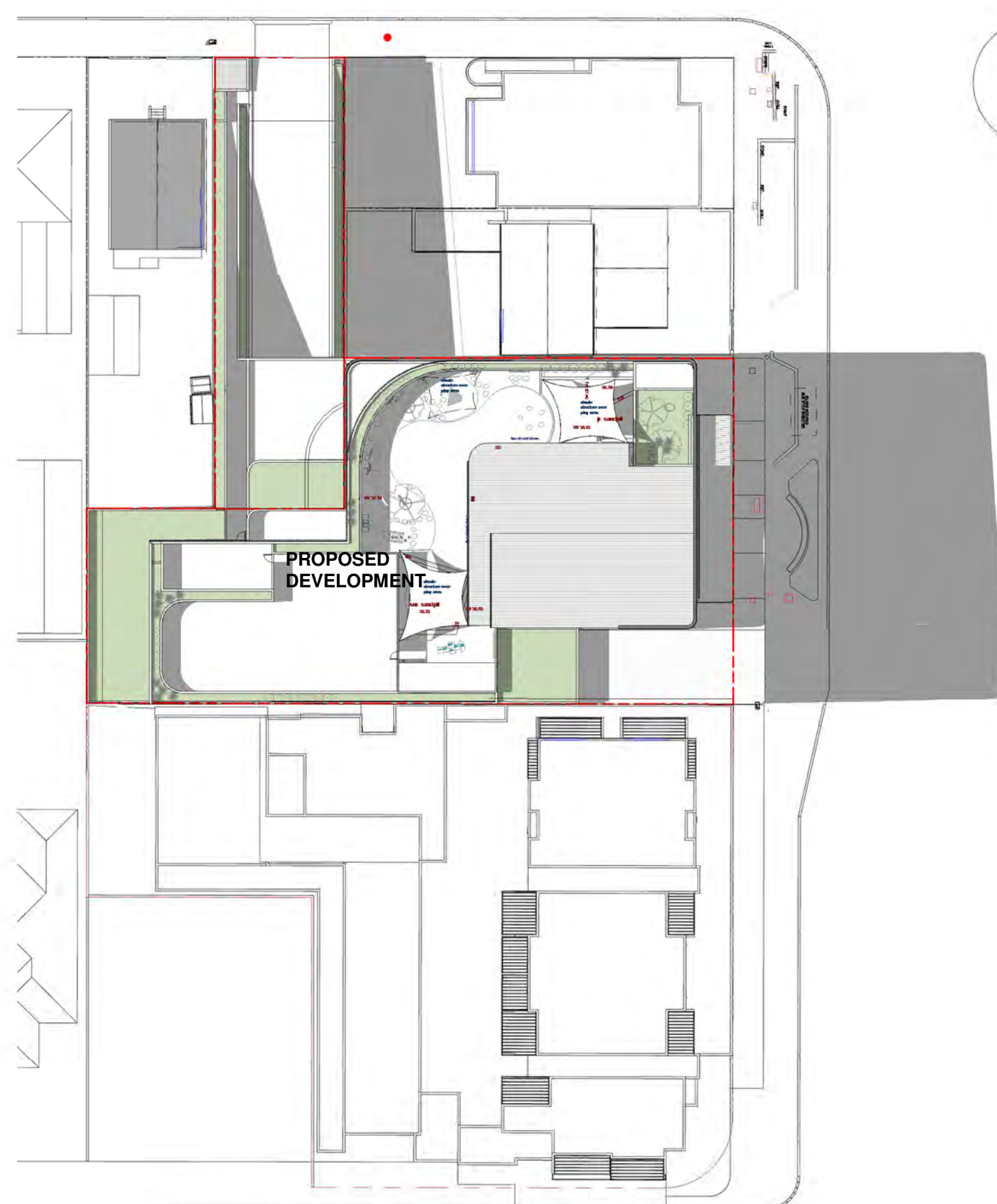
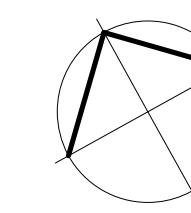
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ISSUE: F	



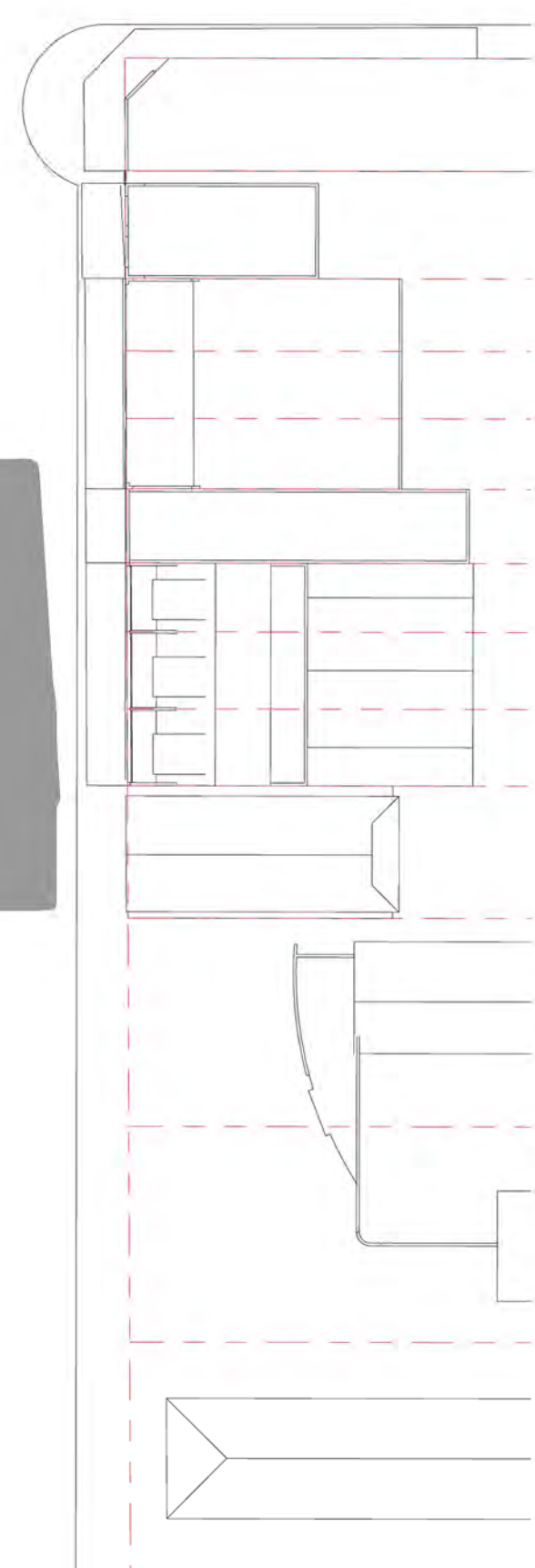
1 SHADOW DIAGRAM - 21 SEPTEMBER - 13pm
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2 SHADOW DIAGRAM - 21 SEPTEMBER - 14pm
1 : 500



3 SHADOW DIAGRAM - 21 SEPTEMBER - 15pm
1 : 500



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STATUS: _____

CLIENT: _____

REVELOP

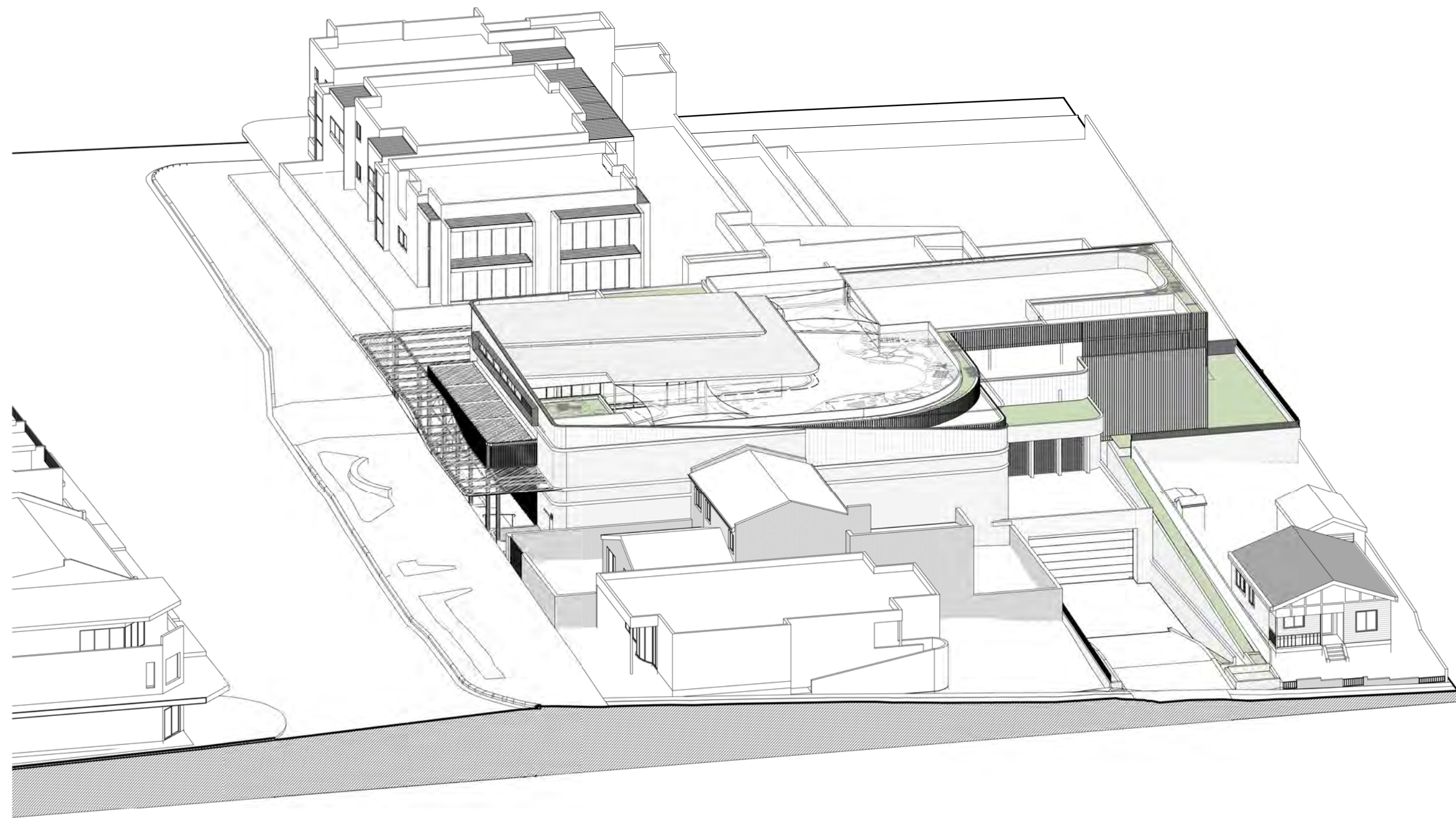
PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

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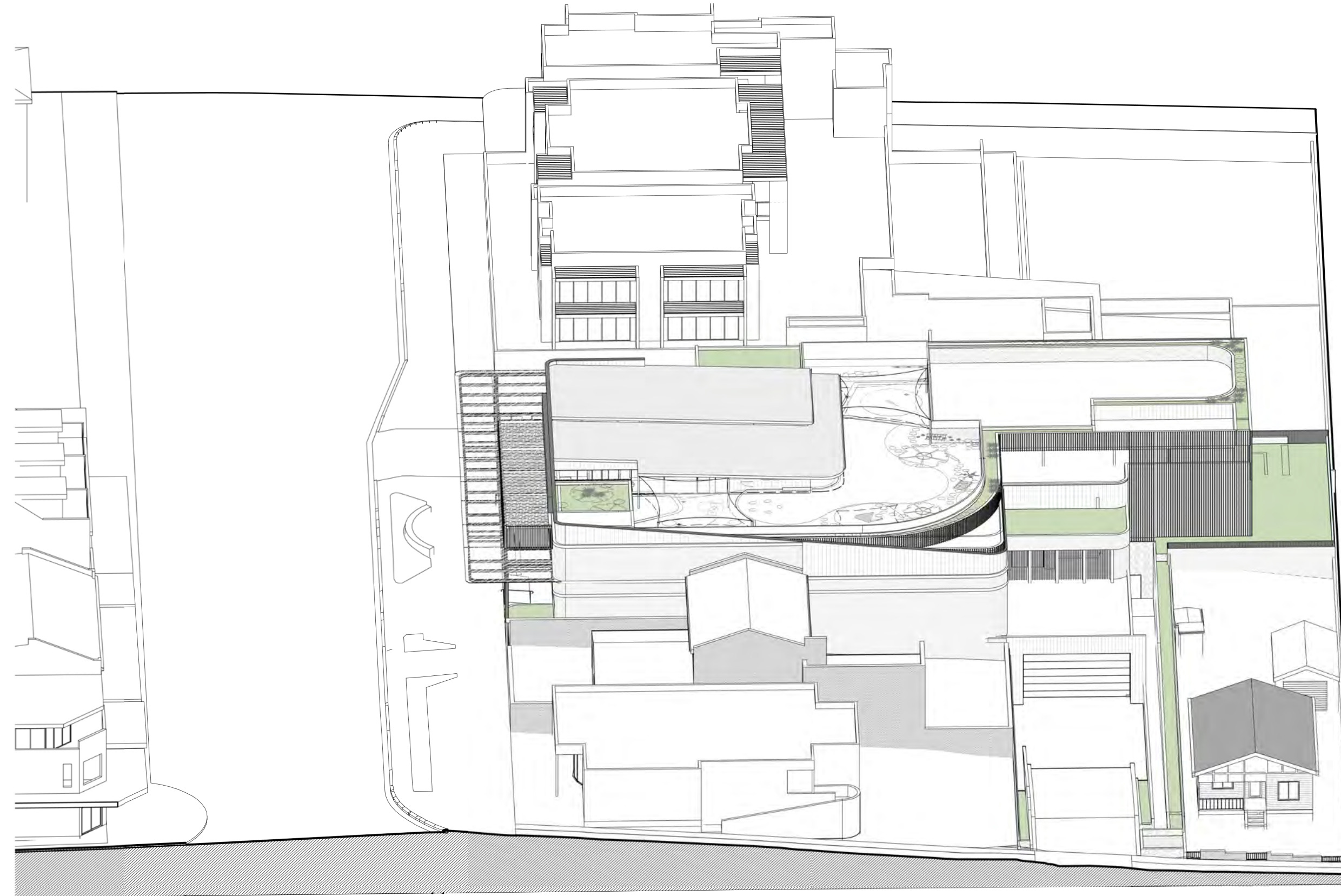
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SHADOW DIAGRAMS

NOTES: _____ NORTH: _____

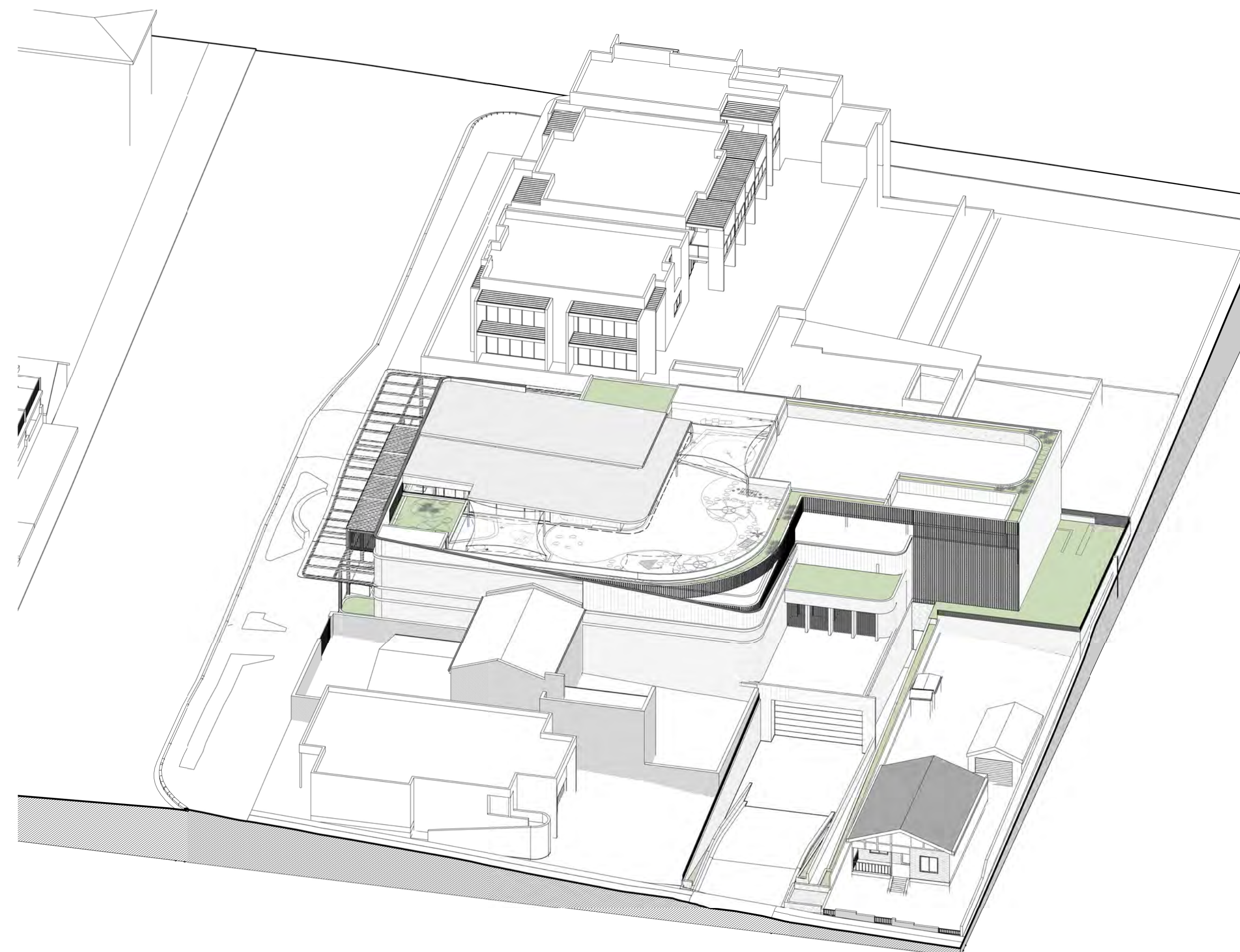
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PROJECT NO: 200417	DRAWING NO: A0603
ISSUE: F	
CAD FILE:	



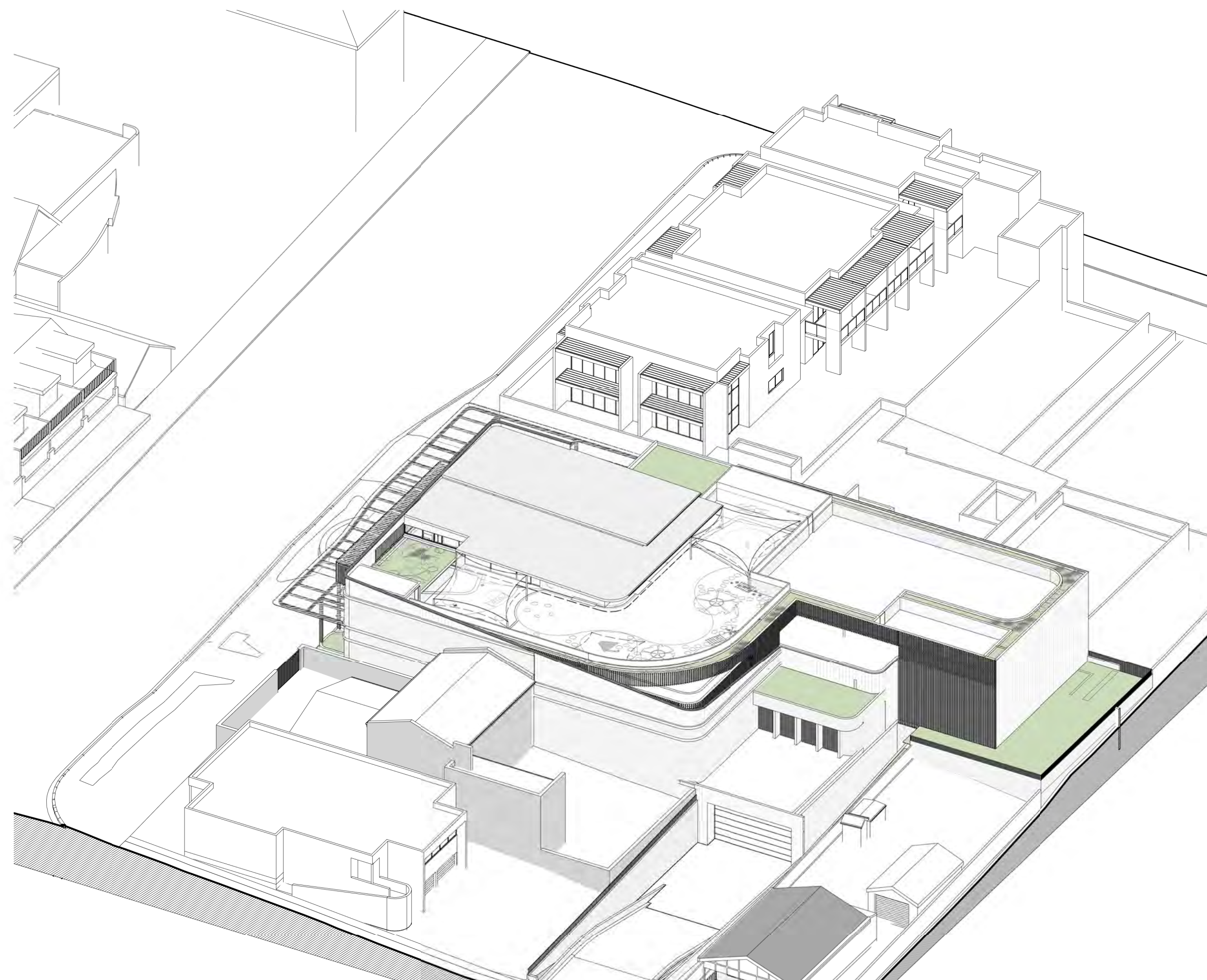
1 VIEW FROM SUN - 21 JUNE - 9am



2 VIEW FROM SUN- 21 JUNE - 10am



3 VIEW FROM SUN- 21 JUNE - 11am



4 VIEW FROM SUN - 21 JUNE - 12pm

NOTE:
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B	13/01/2021	ISSUED FOR PRE-DA
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D	09/03/2023	ISSUED FOR REVIEW
E	15/06/2023	ISSUED FOR REVIEW
F	20/06/2023	ISSUED FOR REVIEW
G	12/07/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH

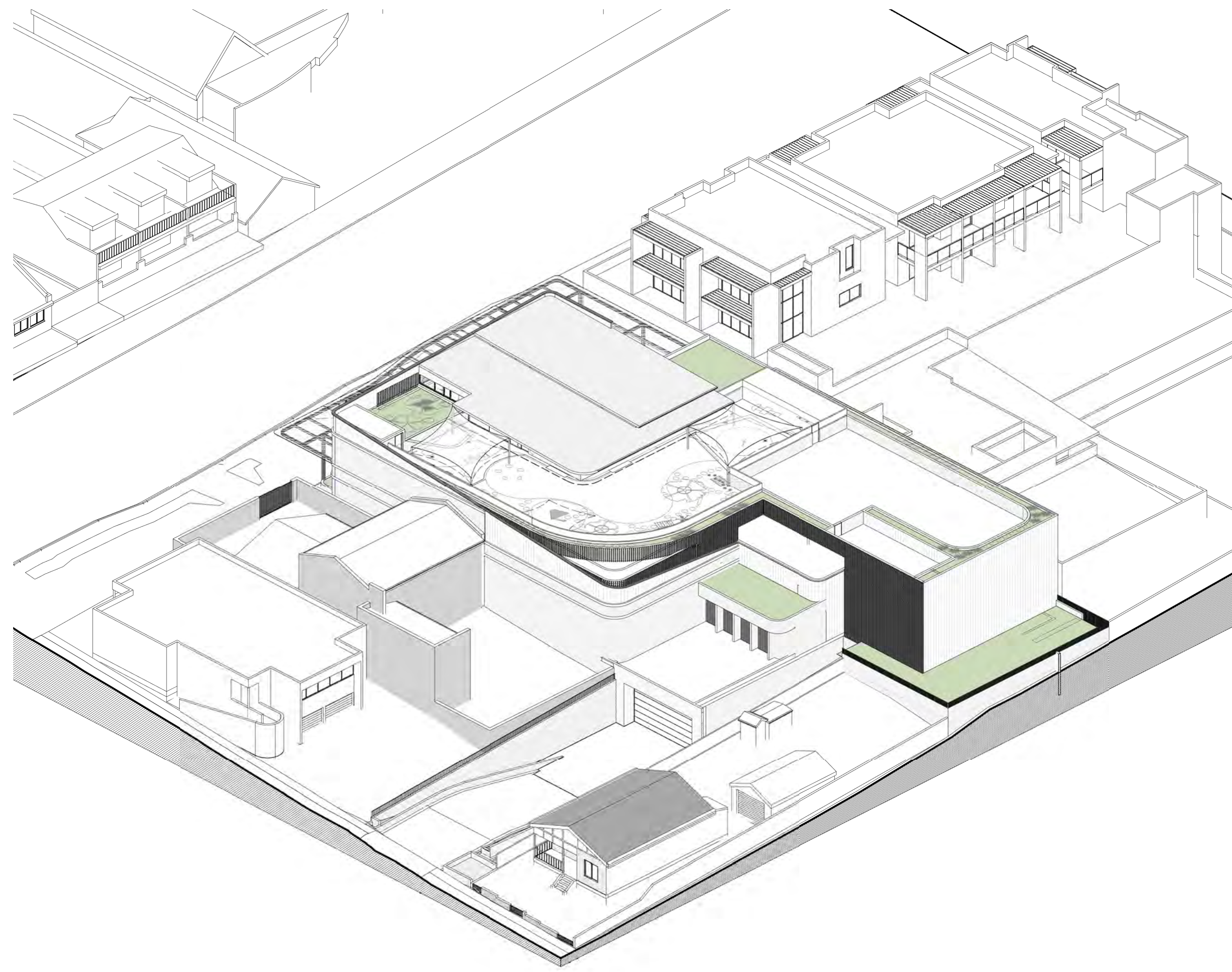
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

DRAWING TITLE:
SOLAR STUDIES

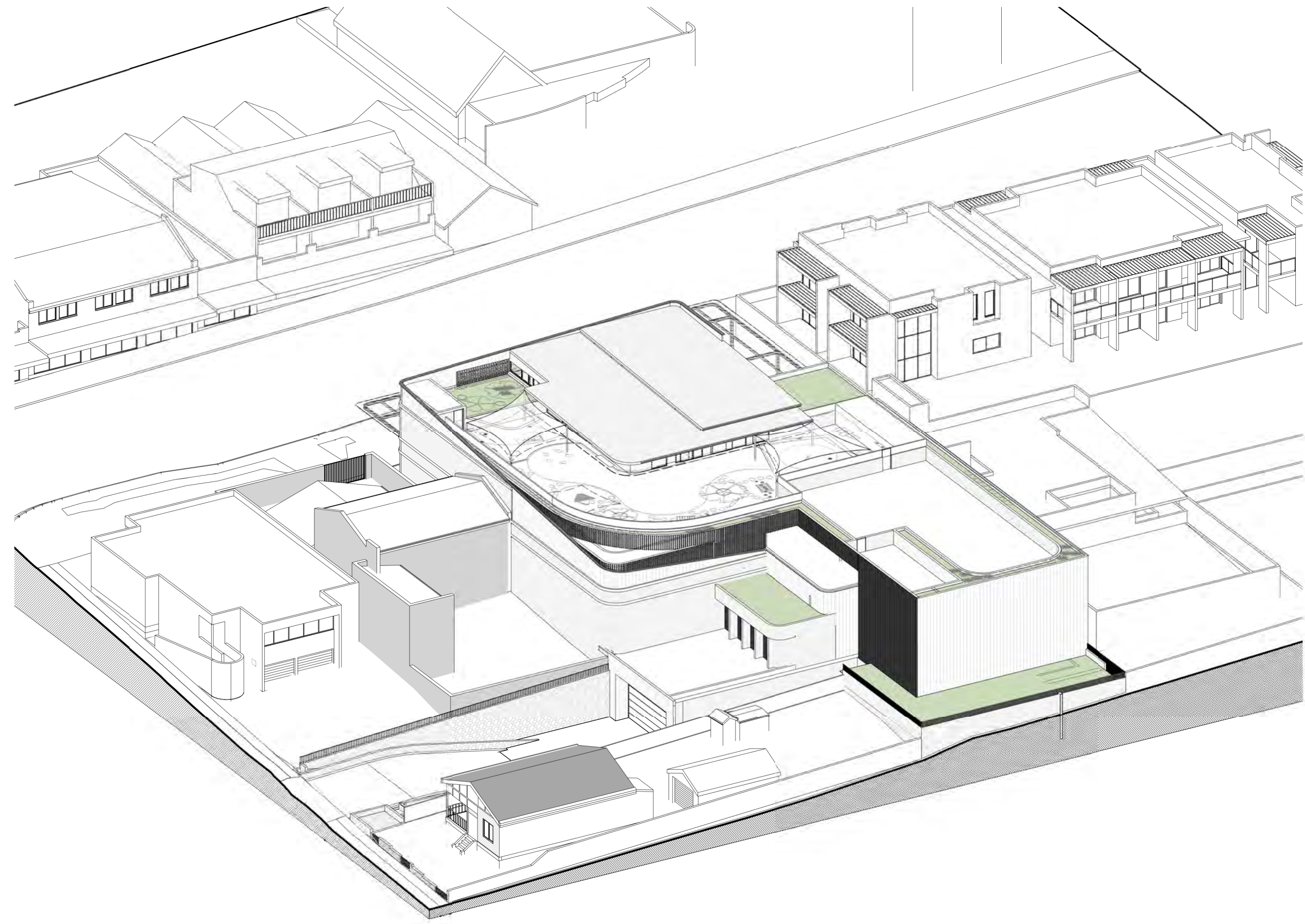
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SCALE: _____ DATE: 03/07/2023

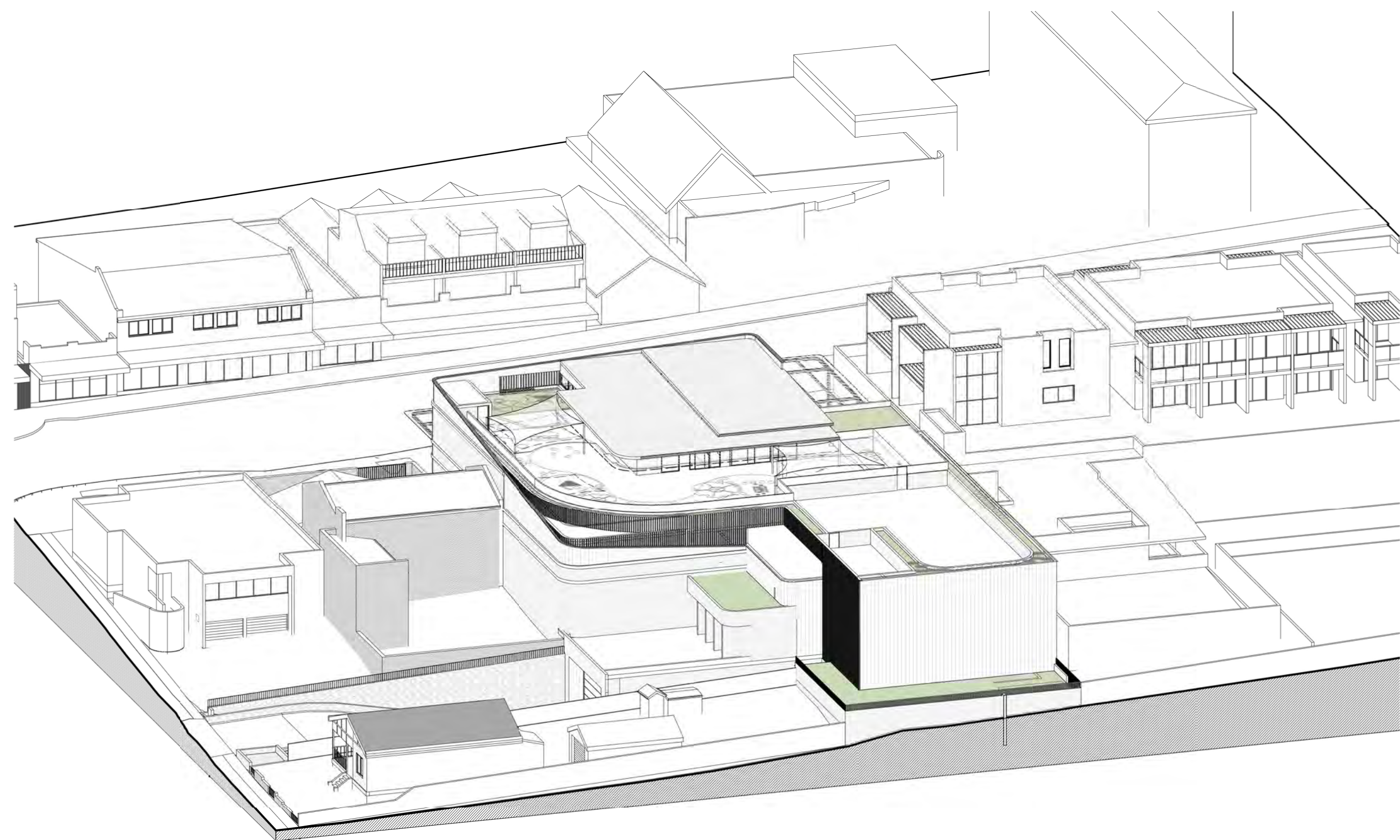
DRAWN BY: DZ CHECKED BY: SS PROJECT NO: 200417 DRAWING NO: A0605 ISSUE: G
CAD FILE: _____



1 VIEW FROM SUN - 21 JUNE - 13pm



2 VIEW FROM SUN - 21 JUNE - 14pm



3 SHADOW DIAGRAM - 21 JUNE - 15pm

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STATUS: _____

CLIENT: _____

REVELOP

PROPOSED MIXED USE DEVELOPMENT

130 PITTWATER ROAD GLADESVILLE

ARCHITECT:

TESSERARCH

LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060 E: info@tesserarch.com.au PH: 0488 22 1234

DRAWING TITLE:

SOLAR STUDIES

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SCALE: _____ DATE: _____

@ A1 03/07/2023

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DZ SS 200417 A0606 G

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CLIENT: _____

REVELOP

PROJECT: _____

PROPOSED MIXED USE DEVELOPMENT

130 PITTSWATER ROAD GLADESVILLE

ARCHITECT: _____

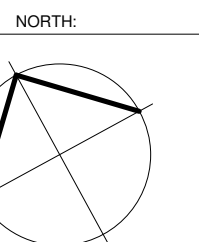
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DRAWING TITLE: _____

3D VISUALISATION

NOTES: _____



SCALE: _____ DATE: _____

@ A1 03/07/2023

DRAWN BY: _____ CHECKED BY: _____ PROJECT NO: _____ DRAWING NO: _____ ISSUE: _____

DZ SS 200417 A0700 F

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STATUS: _____

CLIENT: _____

REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTSWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

DRAWING TITLE:
3D VISUALISATION



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DZ SS 200417 A0701 G
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REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

DRAWING TITLE:
3D VISUALISATION



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@ A1 03/07/2023

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DZ	SS	200417	A0702	G

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REVELOP

PROJECT: _____

PROPOSED MIXED USE DEVELOPMENT

130 PITTWATER ROAD GLADESVILLE

ARCHITECT: _____

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3D VISUALISATION

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@ A1 03/07/2023

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DZ SS 200417 **A0704 F**

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PROJECT: _____

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130 PITTWATER ROAD GLADESVILLE

ARCHITECT: _____

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PROJECT: _____

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130 PITTWATER ROAD GLADESVILLE

ARCHITECT: _____

TESSERARCH

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3D VISUALISATION

NOTES: _____ NORTH: _____

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130 PITTWATER ROAD GLADESVILLE

ARCHITECT: _____

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DRAWING TITLE: _____

3D VISUALISATION

NOTES: _____ NORTH: _____

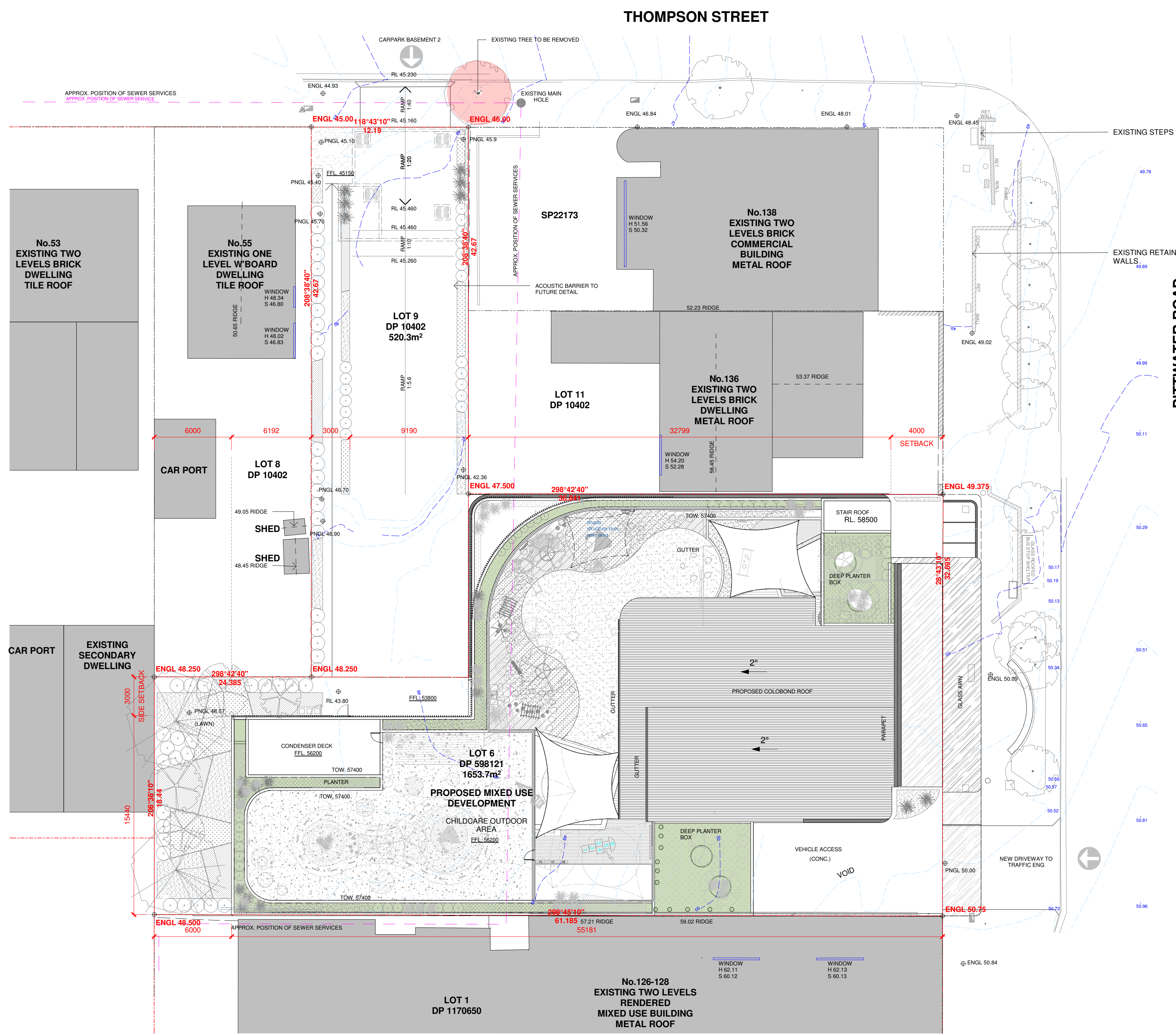
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@ A1 03/07/2023

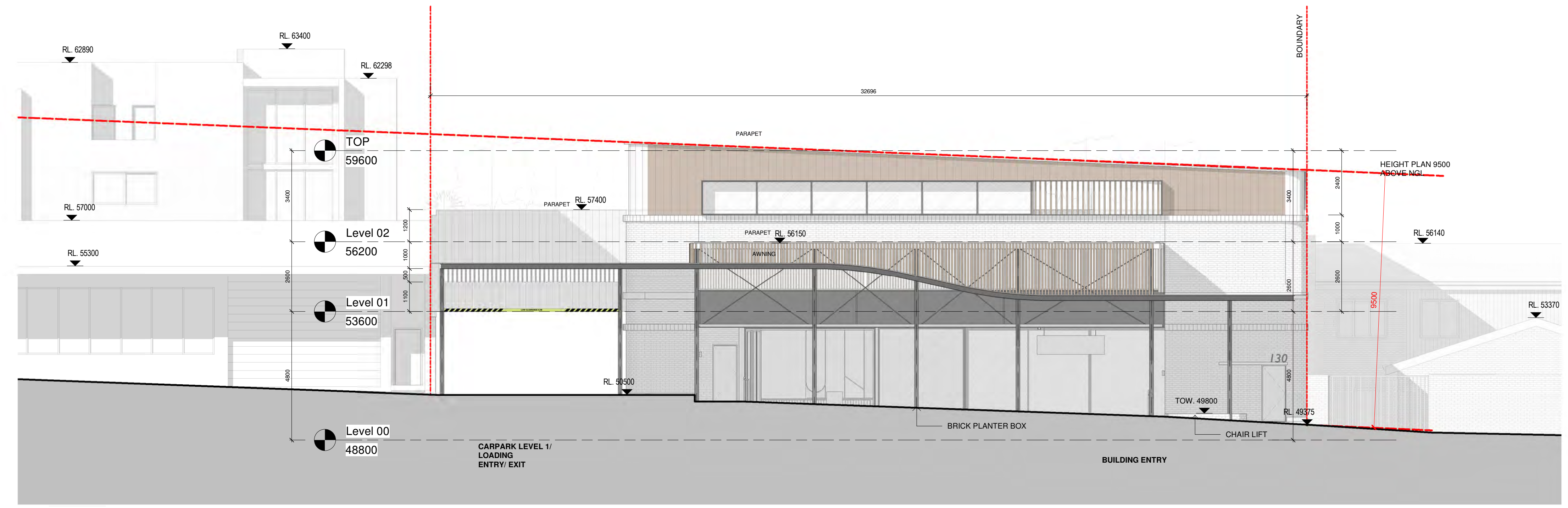
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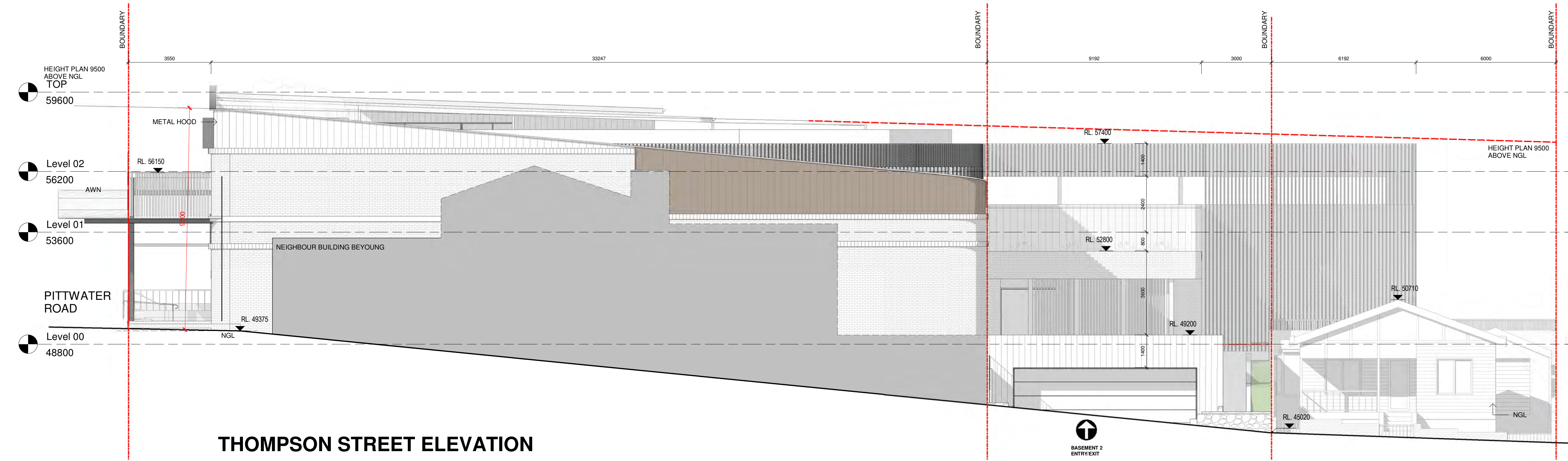
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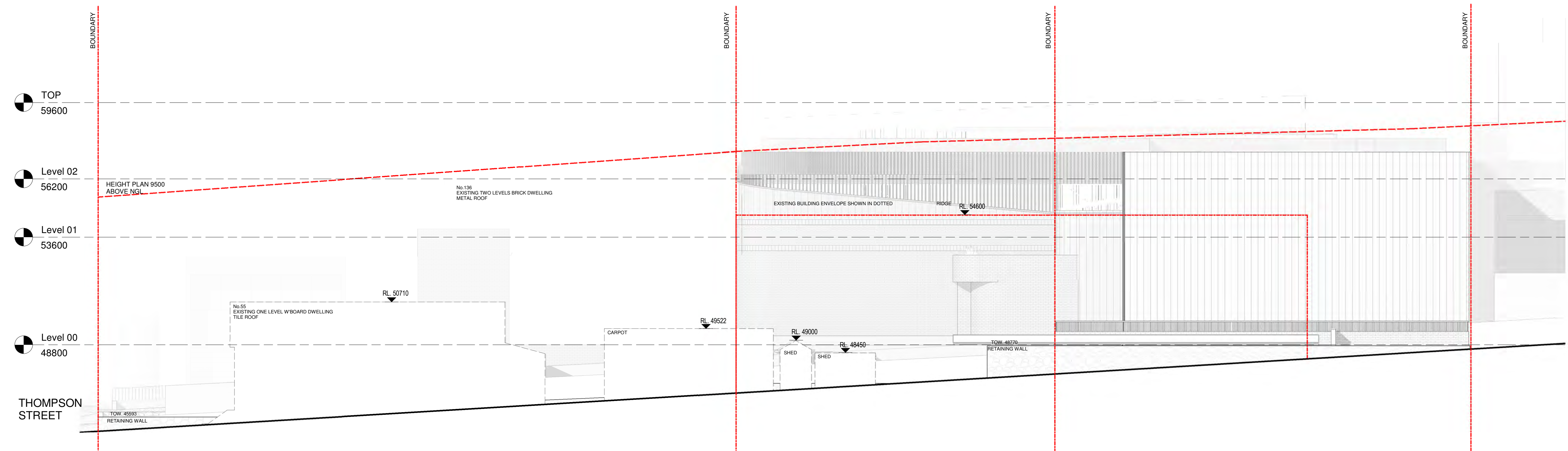
SITE PLAN



PITTWATER ROAD ELEVATION



THOMPSON STREET ELEVATION

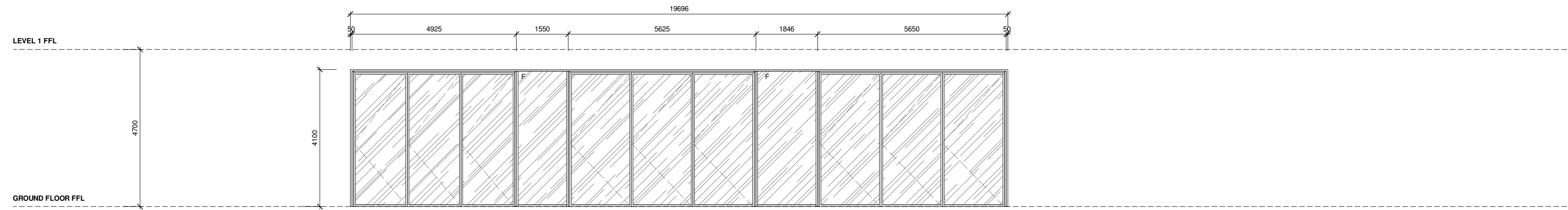


REAR ELEVATION

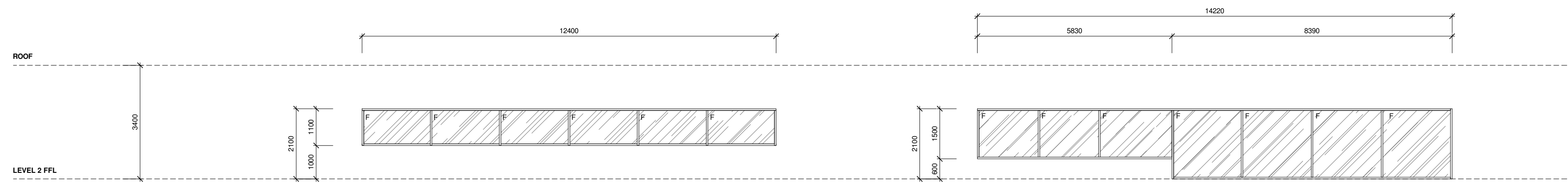
CLIENT
REVELOP
 PROJECT
PROPOSED MIXED USE DEVELOPMENT
 130 PITTWATER ROAD GLADESVILLE
 ARCHITECT
TESSERARCH
 LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060 E: info@tesseracth.com.au PH: 0488 22 1234
 DRAWING TITLE
NOTIFICATION PLAN
 NOTES

SCALE DATE
 03/07/2023
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7/12/2023 8:17:13 PM

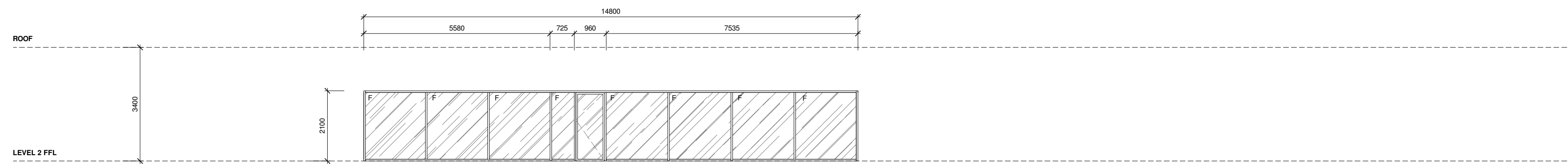


GW-01
 FOLDING DOOR WITH FIXED WINDOW
 QTY: x 1
 GLASS: CLEAR
 FRAME: ALUMINIUM



FW-01
 FIXED WINDOW
 QTY: x 1
 GLASS: CLEAR
 FRAME: ALUMINIUM

FW-02
 FIXED WINDOW
 QTY: x 1
 GLASS: CLEAR
 FRAME: ALUMINIUM



FW-03
 FIXED WINDOW WITH SWING DOOR
 QTY: x 1
 GLASS: CLEAR
 FRAME: ALUMINIUM

CLIENT: _____

REVELOP

PROJECT: _____

PROPOSED MIXED USE DEVELOPMENT

130 PITTWATER ROAD GLADESVILLE

ARCHITECT: _____

TESSERARCH

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DRAWING TITLE: _____

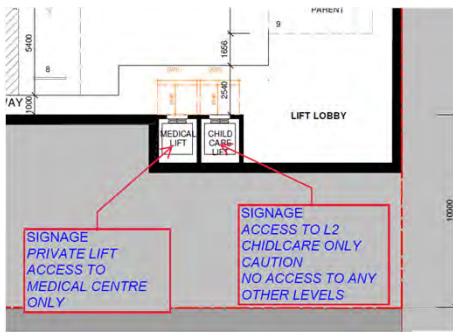
WINDOW SCHEDULE

NOTES: _____ NORTH: _____

SCALE: 1 : 100 DATE: 03/07/2023

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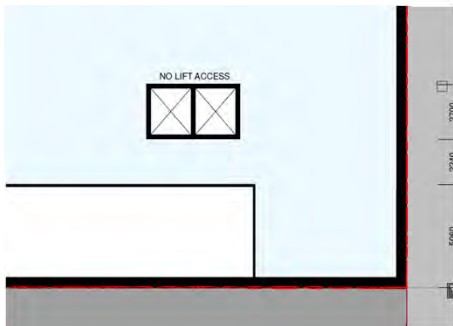
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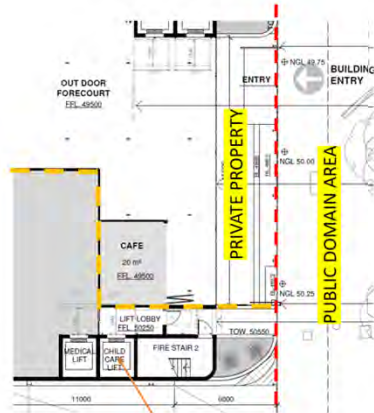
ACCESS FROM B2 PARKING



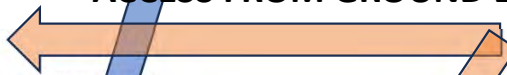
BASEMENT 2



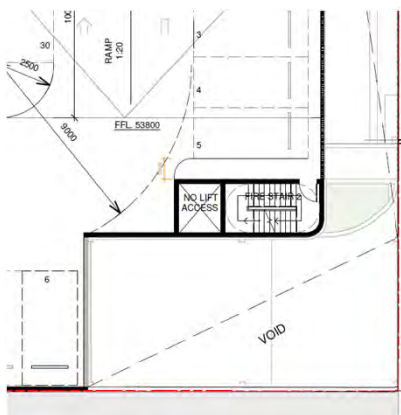
BASEMENT 1



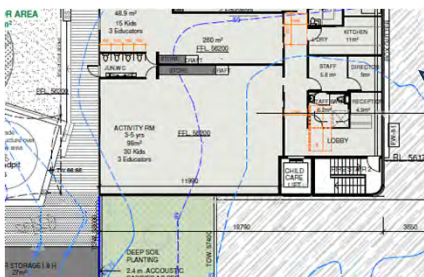
ACCESS FROM GROUND LOBBY



GROUND LEVEL

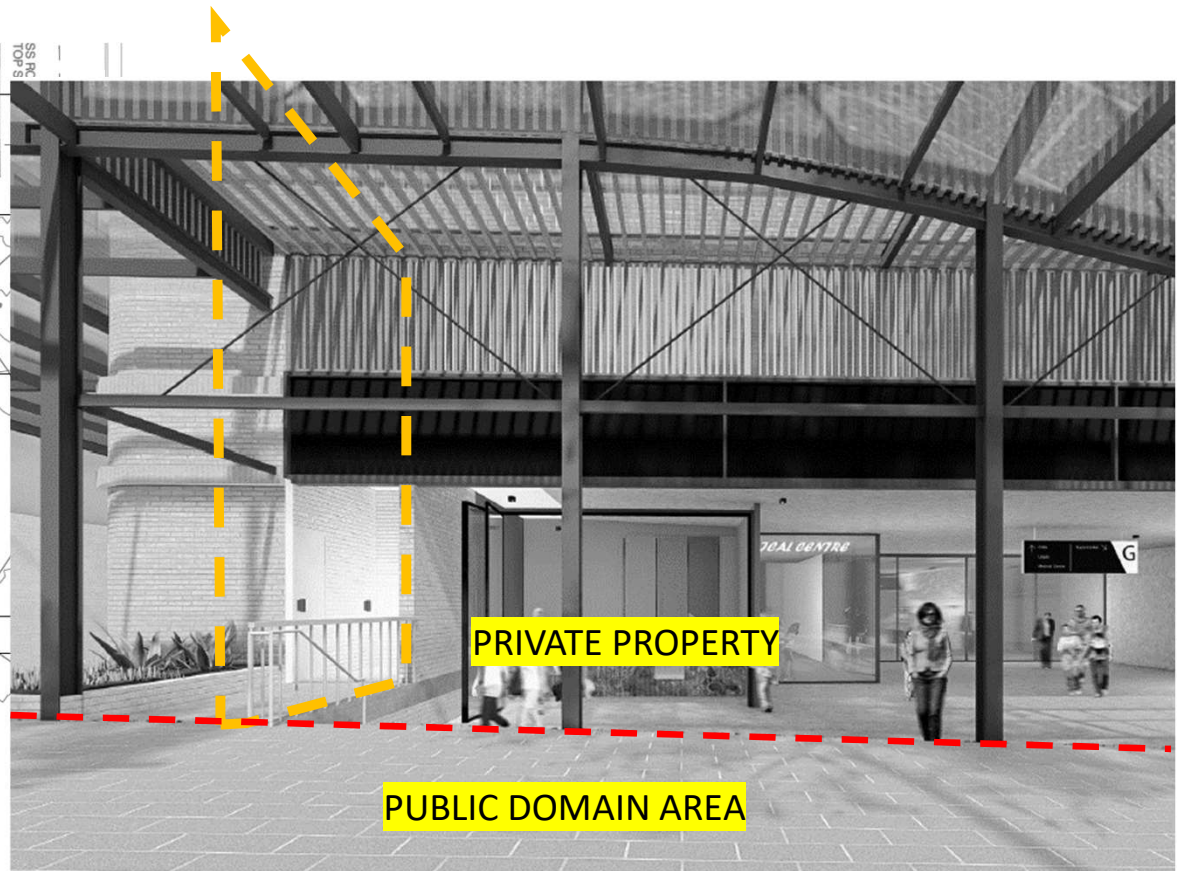
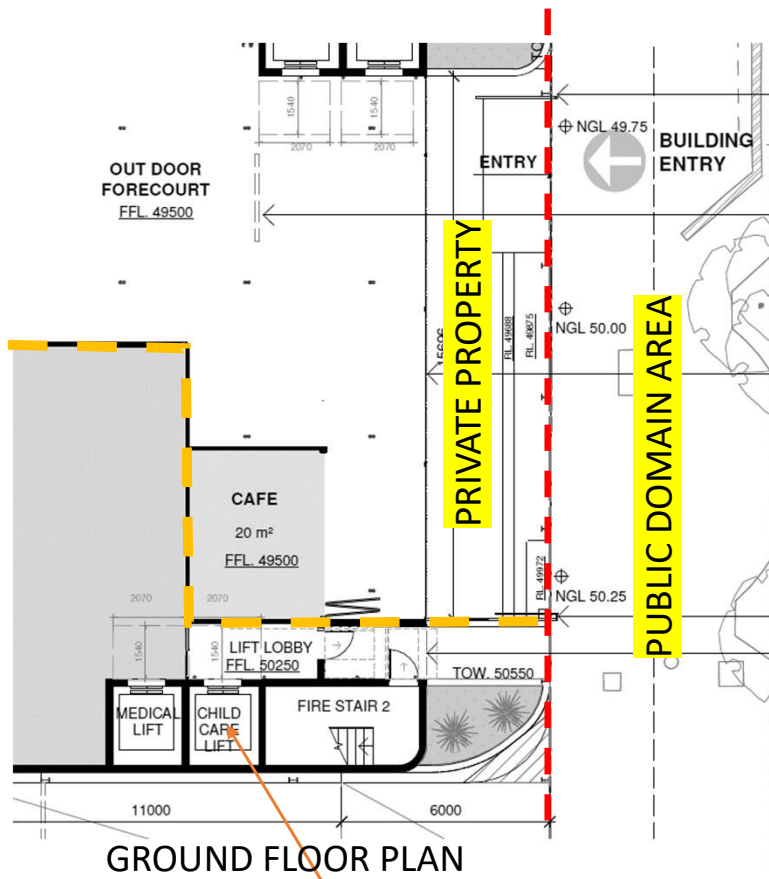


LEVEL 1



LEVEL 2

LIFT ACCESS PHYSICAL RESTRICTION



RESTRICTION OF USERS ACROSS ZONING WITHIN BOUNDARY

- LEGEND:**
- DP Down Pipe
 - FW Floor Waste
 - SA Smoke Alarm
 - MV Mechanical Ventilation
 - TOP Top Of Parapet
 - TOW Top Of Wall
 - TOK Top Of Kerb
 - FFL Finish Floor Level
 - FCL Finish Ceiling Level
 - FSL Finish Slab Level
 - RL Reduced Level
 - ENGL Existing Natural Ground
 - ENGL Proposed Natural Ground
 - ST Storage
 - Ens Ensuite
 - LD Linear Drain
 - HWS Hot Water System
 - ACC AC Condenser
 - LIN Linen
 - BM Bench Mark
 - MB Mail Box
 - V.C Vehicle Crossing
 - TP Telstra Pit
 - F.C.L Folding Clothes Line
 - Sh Shower
 - HC Hose Cock
 - GPO General Purpose Outlet
 - POP Pull Out Pantry
 - WM Washing Machine
 - Dr Dryer
 - Ch Chute

Existing tree

- WALL LIGHT
- RECESSED LED DOWNLIGHT
- RECESSED LED STRIP LIGHT

NOTE:
This Drawing is indicative only. All contractors shall assume responsibility for Australian Standards, BCA and NCC code compliance. None of the Employees of TesserArch are registered architects, engineers, or land surveyors.

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ISSUE	DATE	DESCRIPTION
A	11/08/2020	ISSUED FOR PRE-DA
B	13/01/2021	ISSUED FOR PRE-DA
C	19/01/2021	ISSUED FOR DA
D	27/02/2023	ISSUED FOR REVIEW
E	09/03/2023	ISSUED FOR REVIEW
F	09/06/2023	ISSUED FOR REVIEW
G	15/06/2023	ISSUED FOR REVIEW
H	20/06/2023	ISSUED FOR REVIEW
I	03/07/2023	ISSUED FOR REVIEW
J	12/07/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

REVELOP

PROJECT: _____

PROPOSED MIXED USE DEVELOPMENT

130 PITWATER ROAD GLADESVILLE

ARCHITECT: _____

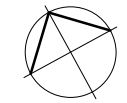
TESSERARCH

LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060 E: info@tesseractarch.com.au PH: 0488 22 1234

DRAWING TITLE: _____

FLOOR PLAN - GROUND FLOOR

NOTES: _____ NORTH



SCALE: _____ DATE: _____

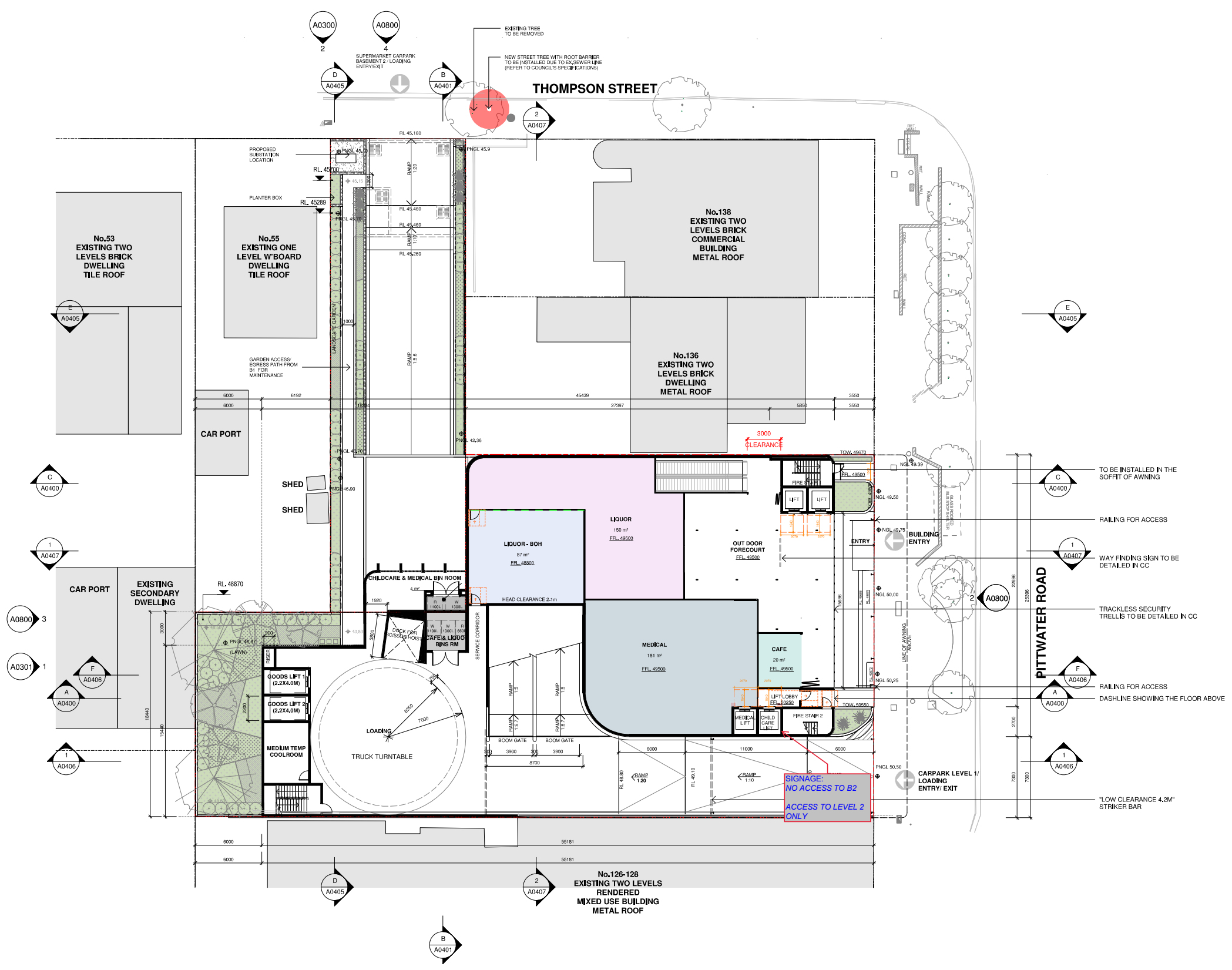
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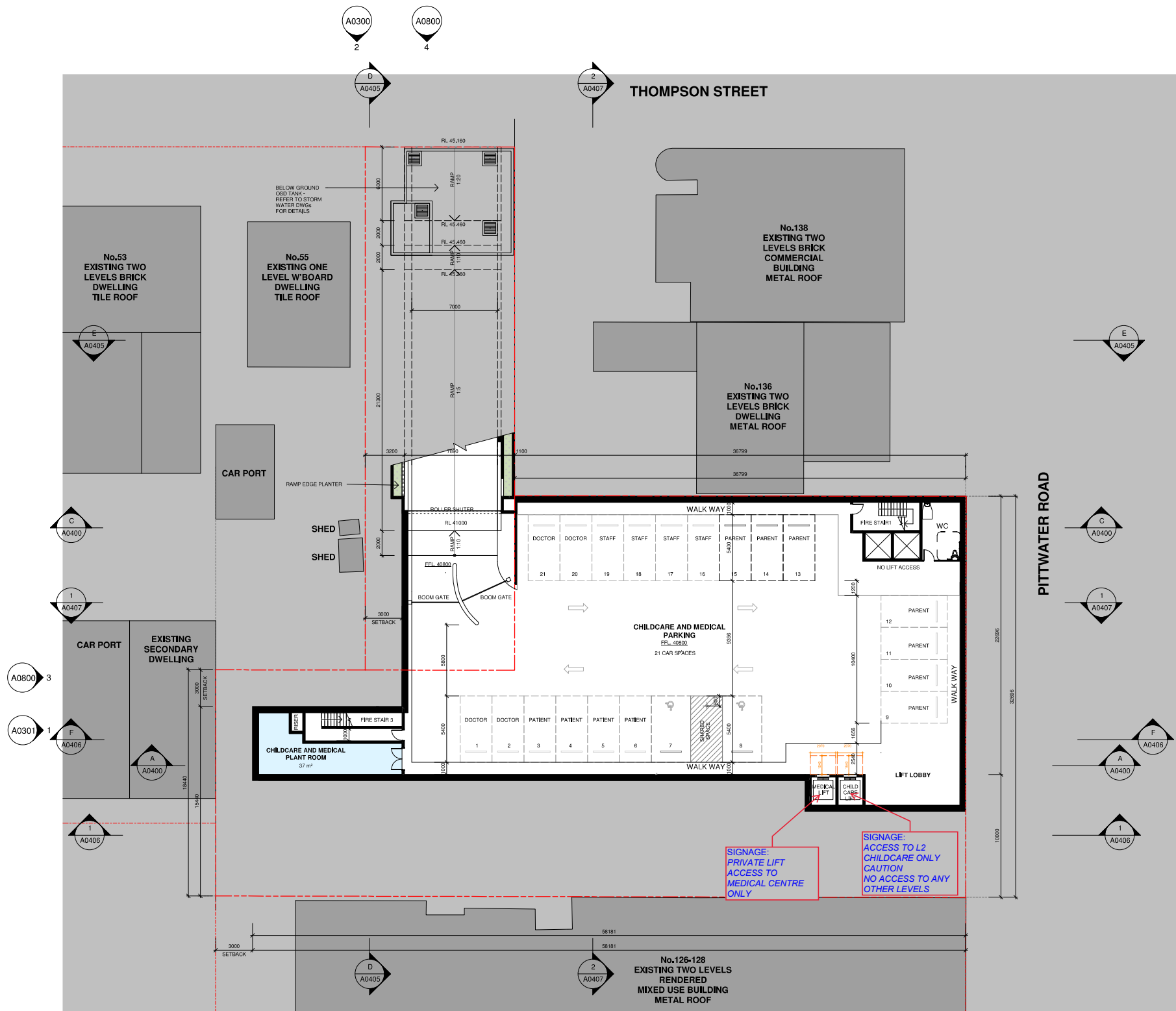
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DZ SS 200417 A0203 J

CAD FILE: _____

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CARPARK CALCULATION

DESCRIPTION	RATE	REQUIRED
MEDICAL	1 SPACE / DOCTOR	4
	1 SPACE / 2 STAFF	2
	1 SPACE / 4 PATIENTS	4
CHILDCARE CENTRE	1 SPACE/ 8 CHILDREN	6,6
	1 SPACE/ 2 STAFF	4
TOTAL:		20.6 SPACES

PROVIDED **21 SPACES**
(EXCL. 2 ACCESSIBLE SPACE)

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STATUS: _____

CLIENT: _____

REVELOP

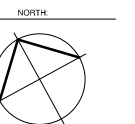
PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH

LEVEL 14 / 124 WALKER STREET E: info@tesserarch.com.au
NORTH SYDNEY NSW 2060 PH: 0488 22 1234

DRAWING TITLE:
FLOOR PLAN - BASEMENT 2

NOTES: _____



SCALE: 1 : 200 DATE: 03/07/2023

DRAWN BY: DZ CHECKED BY: SS PROJECT NO: 200417 DRAWING NO: A0200 ISSUE: G



Clause 4.6 Variation

FLOOR SPACE RATIO

130 PITTWATER ROAD & 57
THOMPSON STREET,
GLADESVILLE

13 JULY 2023



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CLAUSE 4.6 DEPARTURE

BACKGROUND TO FSR STANDARD

This Clause 4.6 variation has been prepared in support of a development application for the construction of a mixed use development at 130 Pittwater Road, Gladesville.

The proposed development exceeds the maximum permitted FSR control of 0.8:1 to 130 Pittwater Road & 0.5:1 to 57 Thompson Street that applies under the Ryde Local Environmental Plan 2014.

An extract of the relevant FSR map is provided below that identifies the site and the relevant FSR provisions.



Figure 1: FSR Map Extract

It is noted that:

- The R2 land parcel has a maximum permitted FSR of 0.5:1
- The E1 land parcel has a maximum permitted FSR of 0.8:1

EXISTING WOOLWORTHS DEVELOPMENT AND EXISTING FSR BREACH

The existing Woolworths Operation adopts the following existing trading areas- but importantly the total gross floor area associated with the Woolworths is 1450.75sqm. This is reflected on the area calculations below.

It is noted that the permitted GFA is 1322.96sqm and therefore the Woolworths already exceeds the 0.8:1 FSR by 127.79sqm and results in a variation of 9.6% to the FSR standard.

Existing Area - Ratio		
Name	Area	Ratio
Trading	656.30 m ²	45%
Non-Trade	794.45 m ²	55%
Total	1450.75 m ²	

Existing Area - Non Trade		
Department	Area	Ratio
Admin-Misc	61.10 m ²	8%
Chilled	31.58 m ²	4%
Deli	47.32 m ²	6%
Frozen Food	17.51 m ²	2%
Grocery	194.08 m ²	24%
Liquor	34.50 m ²	4%
Misc	252.57 m ²	32%
Office	109.24 m ²	14%
Produce	46.55 m ²	6%
Grand total	794.45 m ²	

ADJOINING DEVELOPMENT TO THE SOUTH AND BREACH OF THE STANDARD

An important contextual consideration is that the development located to the immediate south (126-128 Pittwater Road, Gladesville) of the site was granted consent with a breach of the FSR standard. It is noted that consent was granted by way of a Section 34 agreement in the matter of Latrade (Australia) Pty Limited v Council of the City of Ryde 2022 NSW LEC 1281. This was granted consent on 14 July 2022.

A Clause 4.6 variation request was upheld in that matter with relevant extracts below. Importantly an FSR of 1.092:1 was granted consent- being a breach of approximately 35%. This is relevant because the site sits to the immediate south of this site and a finding was made that an FSR breach, largely generated by basement GFA, was supportable under Clause 4.6- which is comparable to this scheme and the breach.

- 20 The proposed FSR of 1.092:1 represents an increase of 0.027:1 to the existing approved FSR evident on the site today (1.065:1). This in turn represents a total variation of 0.292:1 from the applicable 0.80:1 FSR development standard set out at cl 4.4 of the RLEP. The proposed net additional gross floor area equates to 58sqm.
- 21 The parties agree that a significant portion of the existing FSR exceedance is attributable to surplus basement parking beyond the Respondent's maximum parking requirements (451sqm). The proposed additional retail floor space of 139sqm has been assessed as generating demand for 6 car spaces, which therefore has the effect of reducing surplus car parking in the basement. This offsets the increased retail gross floor area at ground level, and results in the proposed net increase of 58sqm.
- 22

The proposed additions will not be discernible from public vantage points along Pittwater Road. The proposed additions are set back 13.43m from the site's Gannet Street frontage and set back 3.36m from the western site boundary. Augmented landscape design includes supplementary planting within the front setback to Gannet Street and within the western site boundary setback to mitigate against amenity impacts with the immediate neighbouring properties.

- 23 The proposed additions will partially enclose an existing raised open terrace, currently utilised by staff. The proposal incorporates measures to mitigate against visual and acoustic privacy impacts by acoustically attenuating an existing car park exhaust, by installing fixed louvres to reduce possible light spill, and through the introduction of comprehensive landscape design treatments along the site boundary. The form and scale of the additions have been refined to maintain acceptable levels of solar access to neighbouring dwellings and their private open space.
- 24 Consequently, the parties agree, and I am satisfied, the Applicant's cl 4.6 written request adequately justifies the proposed variation to the FSR development standard.

VARIATION TO THE STANDARD ASSOCIATED WITH THE DEVELOPMENT

As set out above the site is subject to a split FSR standard and the relevant sites contain the following permitted maximum gross floor area:

- 57 Thompson Street, Gladesville: 0.5:1
- 130 Pittwater Road, Gladesville: 0.8:1

The table contained further in this request sets out the permitted GFA, proposed GFA, and the variation to the standard.

It is noted that the method of calculation follows contained in this Clause 4.6 accords with the Councils methodology for calculation. It is noted that the applicant is not of the view that storage and loading within the basement should be included in the calculation as it is excluded under the definition of GFA that states at (e) *that excludes any basement storage, loading areas and garbage and services*. However, in the interest of abundant caution, this Clause 4.6 is prepared with the inclusion of this area as requested by Council.

It is important to understand the location of the GFA, noting that:

- Basement GFA which includes the supermarket and associated loading and storage at E1- being 1365m² which is 65.5% of the GFA.
- Above ground GFA being 718m² which is 34.5% of the GFA.

The table below reflects the arrangement of GFA across the site, consistent with the Council methodology for calculation of FSR.

Address	Site Area	GFA Permitted	GFA Proposed	Difference	FSR
57 Thompson Street	520.3m ²	0.5:1 260.15 m ²	12m ²	- 248.15m ²	0.023:1
130 Pittwater Road	1653.7m ²	0.8:1 1322.96m ²	2071m ² 1365m ² basement 718m ² above ground	+748.04 m ²	1.25:1
Total	2163.3m ²	1574.55m ²	2083m ²	+499.89m ²	

From the above table it can be clearly seen that:

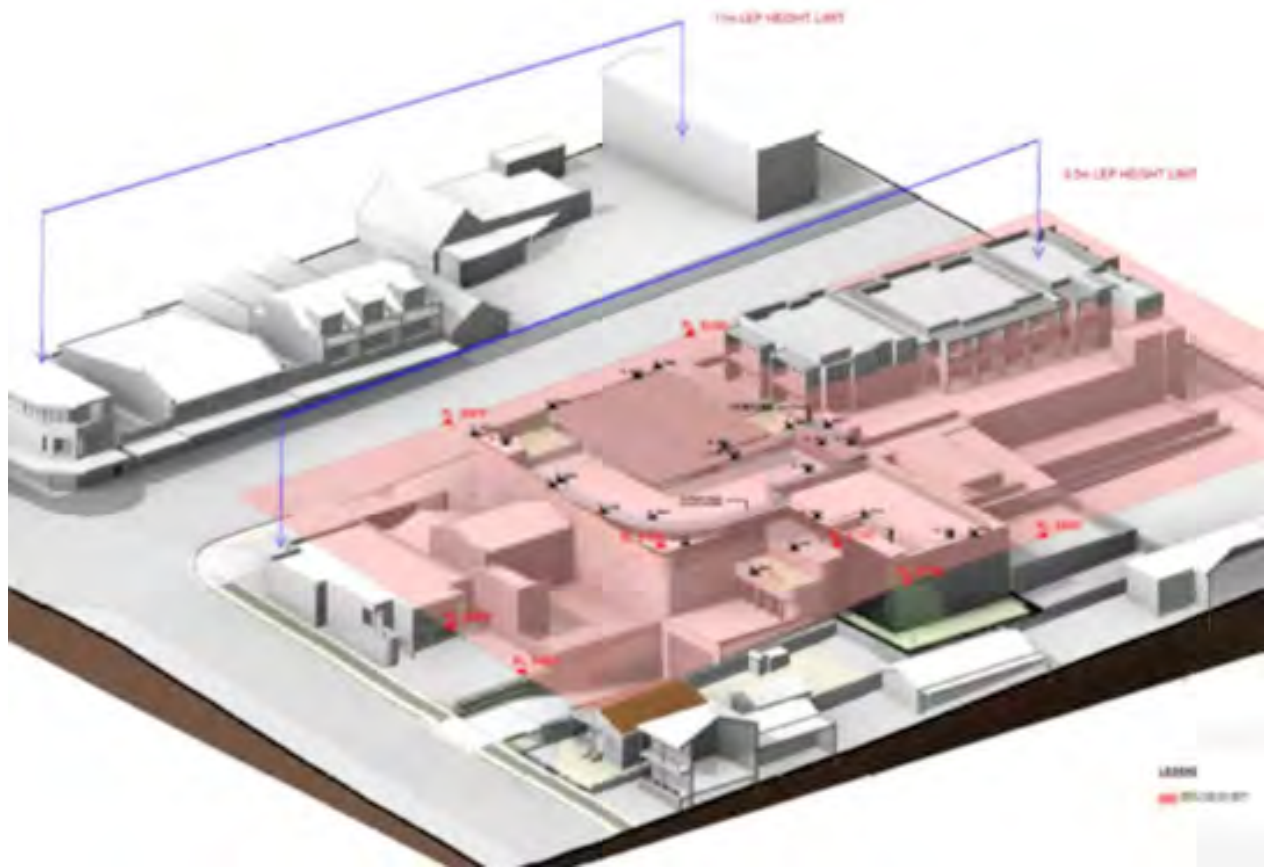
- The portion of the site at 130 Pittwater Road exceeds the standard when calculating the individual FSR on the site by 56.5%.
- The departure arises from the GFA located in the basement.

Therefore, the FSR is non-compliant but the extent of development proposed is consistent with the contemplated built form and massing when considering the GFA that can be perceived in association with the building.

Hence the departure arises from basement GFA that is not perceived from the public domain and adjoining properties and has no impact on bulk and scale- which is a key driver of the FSR development standard.

The intensity of the use arising from the proposed GFA must also be considered and in that regard the traffic impacts are considered to be acceptable as set out in the McLaren Traffic report. In addition the amenity impacts of noise and other privacy impacts are avoided due to the containment of the use below ground.

It is relevant to note that the portion of the site zoned R2 proposes an FSR less than that permitted. Further as illustrated in the below 3D massing diagram the proposed bulk aligns with the recent development along Pittwater Road, in particular the adjoining site at 126-128 Pittwater Road.



RELEVANT CASE LAW

There are a number of recent Land and Environment Court cases including *Four 2 Five v Ashfield* and *Micaul Holdings Pty Ltd v Randwick City Council* and *Moskovich v Waverley Council*, as well as *Zhang v Council of the City of Ryde*. In addition a judgement in *Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118* confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact is a way of demonstrating consistency with the objectives of a development standard. Therefore this must be considered when evaluating the merit of the FSR departure.

Further a decision in *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245* has adopted further consideration of this matter, requiring that a consent authority must be satisfied that:

- The written request addresses the relevant matters at Clause 4.6 (3) and demonstrates compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds; and
- The consent authority must consider that there are planning grounds to warrant the departure in their own mind and there is an obligation to give reasons in arriving at a decision.

Accordingly, the key tests or requirements arising from the above judgements is that:

- The consent authority be satisfied the proposed development will be in the public interest because it is “consistent with” the objectives of the development standard and zone is not a requirement to “achieve” those objectives. It is a requirement that the development be compatible with the objectives, rather than having to ‘achieve’ the objectives.
- Establishing that ‘compliance with the standard is unreasonable or unnecessary in the circumstances of the case’ does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe “test” 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in *Wehbe v Pittwater*.
- There are planning grounds to warrant the departure, and these planning grounds are clearly articulated as reasons in arriving at a decision.
- The proposal is required to be in ‘the public interest’.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the maximum FSR control and on that basis that compliance is unreasonable or unnecessary;

- Demonstrating consistency with the E1 zoning;
- Establishing compliance is unreasonable and unnecessary;
- Demonstrating there are sufficient environmental planning grounds to justify varying the standard; and
- Satisfying the relevant provisions of Clause 4.6.

ADDRESS OF CLAUSE 4.6 PROVISIONS

Clause 4.6 of the Ryde Local Environmental Plan 2014 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

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

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

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

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

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

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

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

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

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

Clause 4.6 does not restrain the consent authority's discretion as to the numerical extent of the departure from the development standard. Each of the relevant provisions of Clause 4.6 are addressed in turn below.

CLAUSE 4.6(3)(A) - COMPLIANCE UNREASONABLE AND UNNECESSARY

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as:

The underlying objectives of the control are satisfied, known as the first way in the decision of *Wehbe v Pittwater Council* (2007) 156 LGERA 446;

Underlying Objectives are Satisfied

The proposal, despite the numerical non-compliance identified, is consistent with the objectives of Cl. 4.4 – Floor Space Ratio of the Ryde LEP 2014.

The objectives of the 'FSR' development standard are stated as:

(1) The objectives of this clause are as follows:

(a) to provide effective control over the bulk of future development,

(b) to allow appropriate levels of development for specific areas,

(c) in relation to land identified as a Centre on the Centres Map—to consolidate development and encourage sustainable development patterns around key public transport infrastructure.

Each objective is considered below.

- Objective (a):
- The extent of 'above ground' FSR is less than the permissible FSR and the non-compliance arises from the inclusion of GFA within the basement. Hence the perceived bulk and scale is only from the area above the ground floor which is dramatically less than the maximum FSR permitted- i.e. only half of the permitted GFA can be seen from the public domain and surrounding properties. Therefore the bulk of the development is entirely in line with what is contemplated for the site and the area of non-compliance has no impact on the bulk of the development.

- The proposed development exhibits a suitable bulk and scale on the site despite the numerical departure. This is clearly observed through the 3d Massing extract provided that shows the development sits comfortably in the site context exhibits less bulk than the adjoining development and the overall height of the development is consistent with the height standard. Further the lack of development on the R2 portion means that the bulk on that portion of the site is appropriate in terms of mitigating potential impacts to the adjoining dwelling to the west.
- Objective (b):
- The extent of development across the sites is appropriate, notwithstanding the numerical departure. This is because the development is compliant with the maximum permitted GFA in the areas above ground and the area of the breach is derived through a combination of the supermarket and the rear storage and loading areas associated with the supermarket.
- When taking out the basement GFA, the extent of GFA would actually be compliant across the 2 sites at the areas at or above the ground floor- noting 0.5:1 is provided 'above ground'. The level of development achieved on the site is appropriate for the area given the compliant levels of GFA achieved 'above ground'.
- The intensity of the use arising from the proposed GFA must also be considered in relation to this objective and in that regard the traffic impacts are considered to be acceptable as set out in the McLaren Traffic report. In addition the amenity impacts of noise and other privacy impacts are avoided due to the containment of the use below ground.
- The size and extent of the existing supermarket is relevant, noting this scheme effectively replaces that supermarket and is of a suitable scale- being a neighbourhood supermarket which the LEP expressly permits in this zone- as compared to a full line supermarket which would be prohibited at a greater scale than that proposed. Accordingly the size and intensity, despite the FSR breach, fits within the desired intensity of development on the site and intended for the site.
- The trade area of 950m² is larger than the existing trade area of 656m². Hence this proposal not significantly increasing trade area however the increase is driven by demand for a larger product selection to meet the needs of local shoppers- whilst still being below the 1000m² maximum size contemplated for a neighbourhood centre in this zone. This therefore has no impact on the desired retail hierarchy and hence the FSR breach does not detract from consistency with this objective.

- Objective (c): The development site is not mapped on the Centres Map and hence the objective is not relevant.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances.

CLAUSE 4.6(3)(B) - SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, being grounds that are specific to the site.

Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the FSR development standard.

The below points demonstrate suitable environmental planning grounds exist to justify contravening the FSR development standard and further demonstrates that the FSR departure does not give rise to any environmental impacts, and therefore the proposal is an appropriate design response for the subject site:

- A fundamental planning and design consideration for the site is the part R2 and part E1 zoning and the desire to concentrate the development on the E1 portion of the site which means that the extent of built form is concentrated on 130 Pittwater Road. This is in order to limit impacts to the R2 adjoining land but more fundamentally to contain the development on the most useable portion of the site and the most suitable portion of the site given the nature of the use.
- It is noted that the non-compliance is attributable to gross floor area within the basement, such that there is no impact from that floor space on the perceived bulk of the development. If calculating the GFA on those areas 'above ground' the extent of GFA is 0.5:1.
- Therefore the FSR departure is a means of adopting a suitable design response on the land having regard to the area of the site that can most suitably accommodate the built form (E1 portion) and it avoids placing the building in proximity to the R2 land and enables maximum separation along the common boundary.

- The additional GFA in the basement is storage and loading areas as well as the supermarket- all of which are suitable uses of the areas 'below ground' in association with the proposal. The intensity of the use arising from the proposed GFA must also be considered in relation to this objective and in that regard the traffic impacts are considered to be acceptable as set out in the McLaren Traffic report. In addition the amenity impacts of noise and other privacy impacts are avoided due to the containment of the use below ground. The size and extent of the existing supermarket is relevant, noting this scheme effectively replaces that supermarket and is of a suitable scale- being a neighbourhood supermarket which the LEP expressly permits in this zone- as compared to a full line supermarket which would be prohibited.
- Because the distribution of additional GFA is within the basement the built form outcome is one intended for the site and presents an efficient use of land and a suitable design response for the site given the context and interface with the R2 land by concentrating the development on the E1 zoned parcel and containing the area of the additional GFA below ground. The site attributes lend themselves to this approach with GFA being below ground when noting:
 - The dual site frontage;
 - The topographical fall of the land towards the rear that lends itself to the supermarket below ground and the parking in a sleeved podium above.
 - The benefits of containing the additional GFA below ground to minimise and limit amenity impacts and concentrating the GFA on the E1 zoned parcel to provide the most appropriate contextual response for the site.
- The location of the additional GFA has no adverse amenity impacts on adjoining properties in terms of visual privacy, visual bulk, overshadowing, view loss, or the like.
- This design approach and breach of the FSR associated within the basement area enables a suitable design outcome on the site and is consistent with the following Objects of the Environmental Planning and Assessment Act 1979:
 - (c) to promote the orderly and economic use and development of land,*
 - (g) to promote good design and amenity of the built environment,*
- The departure to the FSR standard also does not generate any adverse amenity impacts to adjoining properties with regard to visual privacy or overshadowing given the lot orientation and careful design of the development.

Therefore, the current proposal is a suitable outcome from an environmental planning perspective and demonstrates that there is merit in varying the FSR control to achieve a suitable design response on the site which demonstrates sufficient environmental planning grounds to support the departure to the FSR standard.

The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control. To require strict compliance would result in an underdevelopment of the land that would be a poor outcome having regard to the location and context of the site.

CLAUSE 4.6(4) ZONE OBJECTIVES & THE PUBLIC INTEREST

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3).

As addressed the proposed development is in the public interest as it remains consistent with the objectives of the FSR control.

In addition, the proposal is consistent with the objectives of the E1 zone:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To encourage employment opportunities in accessible locations.*

Consistency with the objectives is evident as –

- The proposal contributes to the range of small-scale retail, business and community uses to serve the needs of people who live or work in the surrounding neighbourhood noting the proposed neighbourhood supermarket (as distinct from a full line supermarket which is not permitted on the site) child care and medical uses all contribute to these desired uses in the E1 zone .
- The neighbourhood supermarket is of a size consistent with the maximum size set out in the LEP contemplated on the site- being a neighbourhood supermarket and not a full line supermarket (which is strictly prohibited in the E1 zone). This means that it is of an appropriate scale in the E1 zone and is of a scale that will not detract from other retailers but support those other retailers and to serve the needs of people who live and work in the surrounding neighbourhood.
- The proposal will encourage employment opportunities in the locality noting it is an accessible location and is serviced by bus routes on Pittwater Road.

The proposal is consistent with the zone objectives as ensures that the commercial nature of the zone is retained and there is not a significant change to the character of the locality given the site already contains a supermarket.

In addition, the proposal complements and enhances the local streetscape by virtue of the careful siting of the development.

It is understood that the concurrence of the Director-General can be assumed in the current circumstances.

CLAUSE 4.6(5)

As addressed, it is understood the concurrence of the Director-General may be assumed in this circumstance pursuant to Planning Circular PS20-002, however the following points are made in relation to this clause:

- a) The contravention of the FSR control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal and consistency of the development with the standard across the entirety of the site area.
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal as the proposal is consistent with the underlying objectives of the control.

Strict compliance with the prescriptive FSR requirement is unreasonable and unnecessary in the context of the proposal and its unique circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties.

CONCLUSION

Strict compliance with the prescriptive FSR requirement is unreasonable and unnecessary in the context of the proposal and its circumstances.

The proposed development is in the public interest because it is consistent with the objectives of the FSR development standard (CI 4.4) and the objectives of the E1 zone

The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality, which will be characterised by residential development of comparable height and character. The proposal promotes the economic use and development of the land consistent with its zone and purpose.

The variation is well founded and demonstrates the relevant matters set out under Clause 4.6 having regard to the provisions of Clause 4.6 and recent case law and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council and the planning panel support the development proposal.



Clause 4.6 Variation

BUILDING HEIGHT

130 PITTWATER ROAD,
GLADESVILLE

13 JULY 2023



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CLAUSE 4.6 DEPARTURE

BACKGROUND TO THE DEPARTURE

This Clause 4.6 variation has been prepared in support of a development application for the construction of a mixed use development at 130 Pittwater Road, Gladesville.

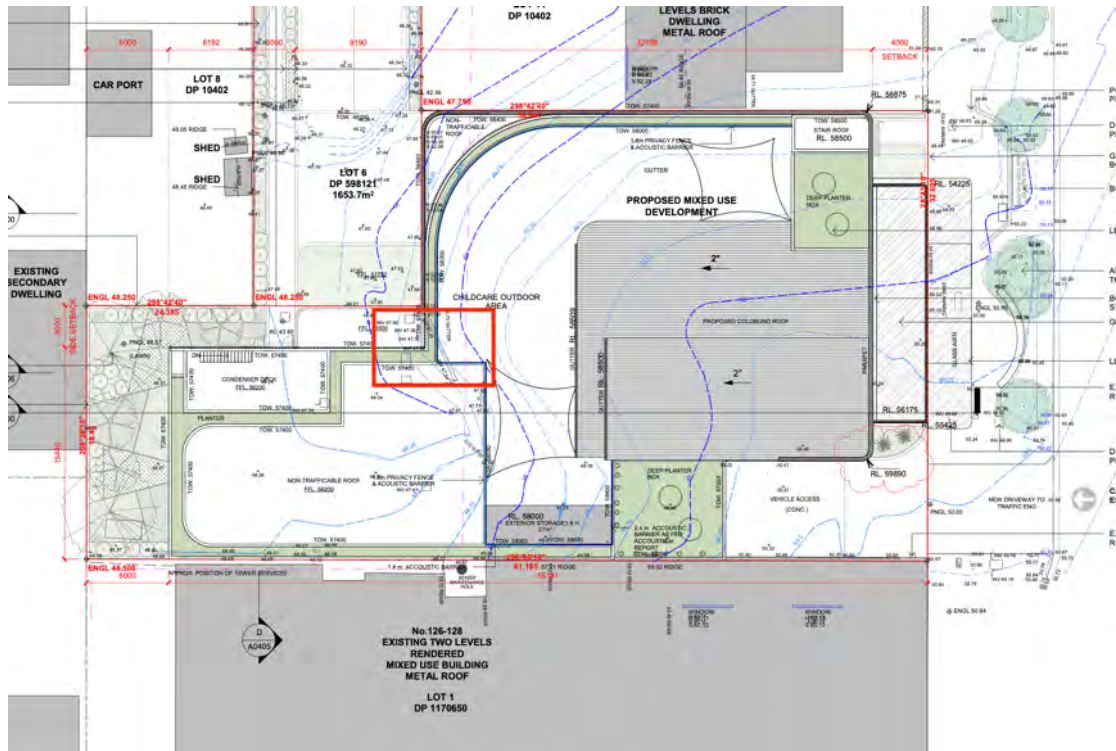
It is noted that this Clause 4.6 accords with the calculations of the City of Ryde Council LPP Report for the meeting to be held 13 April 2023.

The proposed development exceeds the maximum permitted HEIGHT control of 9.5m that applies under the Ryde Local Environmental Plan 2014. The contravention to the development standard comprises 750mm or a 7.89% variation.

This arises owing to the historical finished levels on the site- where the rear of the site has been excavated with the existing loading dock and a 'catch drain' running across the front of the garage roller door to prevent water ingress. There are also associated drainage pits to this area. Therefore this is an excavated part of the site that forms an isolated 'depression' in the land relative to the natural topography of the site. This is best understood on the photograph below with the area identified in red.

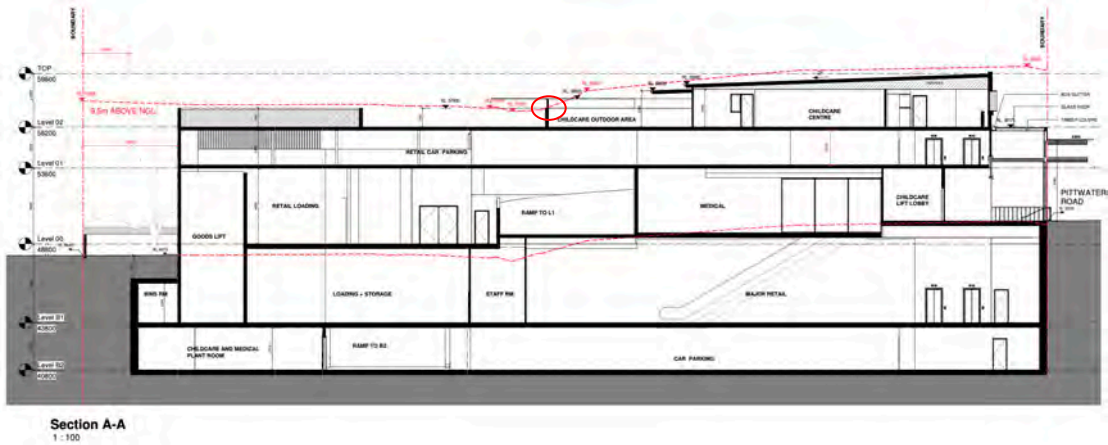


In plan view this relates to this part of the site shown in red on the image below noting the heavy blue contour lines are the natural site contours and it can be seen that the excavated area sits below these natural contours of the site and reflects the 'dip' in the ground level.



The area of non-compliance is limited to the acoustic barriers and part of the parapet element to the upper level roof form which is reflected on the section extract

Figure 4: Section of Height Breach



The area of departure of this development is localised to the existing loading dock area and is largely an 'anomaly' on the land.

The area of non-compliance can be attributed to the prior excavation of the Site within the footprint of the existing building, which distorts the height of buildings development standard plane when compared to the topography of the land.

In accordance with the Court's findings in *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1582 [at 74], this can be properly considered as an environmental planning ground within the meaning of Cl 4.6. Hence a Clause 4.6 variation is required to permit the departure.

NUMERICAL VARIATION TO THE STANDARD

Clause 4.3 of Ryde Local Environmental Plan 2014 stipulates a maximum building height of 9.5m.

'building height' or **'height of building'** is defined in the *Ryde Local Environmental Plan 2014* as:

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

'ground level (existing)' means the *existing level of a site at any point.*

The existing ground level in this area is RL47.38 and RL47.75. The corresponding top of the acoustic screens and walls above these points are RL57.4 and RL58 respectively. This results in a vertical distance of 10.02m and 10.25m respectively, therefore contravening the building height standard to this part of the site.

The maximum point contravention is 750mm or 7.89%.

RELEVANT CASE LAW

There are a number of recent Land and Environment Court cases including *Four 2 Five v Ashfield* and *Micaul Holdings Pty Ltd v Randwick City Council* and *Moskovich v Waverley Council*, as well as *Zhang v Council of the City of Ryde*.

In addition a recent judgement in *Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118* confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact is a way of demonstrating consistency with the objectives of a development standard. Therefore this must be considered when evaluating the merit of the building height departure.

Further a decision in *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245* has adopted further consideration of this matter which requires that a consent authority must be satisfied that:

- The written request addresses the relevant matters at Clause 4.6 (3) and demonstrates compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds; and
- The consent authority must consider that there are planning grants to warrant the departure in their own mind and there is an obligation to give reasons in arriving at a decision.

The key tests or requirements arising from the above judgements is that:

- The consent authority be satisfied the proposed development will be in the public interest because it is “consistent with” the objectives of the development standard and zone is not a requirement to “achieve” those objectives. It is a requirement that the development be compatible with the objectives, rather than having to ‘achieve’ the objectives.
- Establishing that ‘compliance with the standard is unreasonable or unnecessary in the circumstances of the case’ does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe “test” 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in *Wehbe v Pittwater*- including that ‘*the development standard has been virtually abandoned or destroyed by the Councils own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable*’
- The proposal is required to be in ‘the public interest’.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the maximum building height control and on that basis that compliance is unreasonable or unnecessary;
- Demonstrating consistency with the E1 zoning;
- Demonstrating there are sufficient environmental planning grounds to vary the standard; and
- Satisfying the relevant provisions of Clause 4.6.

ADDRESS OF CLAUSE 4.6 PROVISIONS

Clause 4.6 of the Ryde Local Environmental Plan 2014 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

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

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

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

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

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

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

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

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

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

Clause 4.6 does not restrain the consent authority's discretion as to the numerical extent of the departure from the development standard. Each of the relevant provisions of Clause 4.6 are addressed in turn below.

CLAUSE 4.6(3)(A) - COMPLIANCE UNREASONABLE AND UNNECESSARY

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved.

Underlying Objectives are Satisfied

In *Wehbe v Pittwater* it was set out that compliance can be considered unreasonable or unnecessary where:

- (i) *The objectives of the standard are achieved notwithstanding non-compliance with the standard*

It is considered that this approach can be followed in this instance. The objectives of the building height development standard are stated as:

- (1) *The objectives of this clause are as follows:*

- (a) *to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,*
- (b) *to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,*
- (c) *to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,*
- (d) *to minimise the impact of development on the amenity of surrounding properties*
- (e) *to emphasis road frontage along road corridors.*

The proposal remains consistent with the objectives based on the following:

- In relation to objective (a) the non-compliance to the acoustic barrier element located at the rear of the building has no bearing with the proportionality and character of nearby development and particularly so given it is largely a technical breach owing to the prior excavation of this part of the site- and hence the area of non-compliance has no bearing on the consistency of the proposal with objective a). This is particularly the case because the location of the breach is in a location that will not be perceived at the street frontage given its location at the rear of the site.
- In relation to objective (b) the overshadowing impacts from this area of non-compliance are no greater than the overshadowing of the compliant scheme given the area of non-compliance is located relatively centrally located on the site. The development as proposed is compatible with the desired future character of the area having regard to the planning controls and the observed from of development to the south that also adopts a 3 storey mixed use

proposal. The development does improve the appearance of the area and the area of the height breach does not detract from the achievement of objective (b). This again is particularly the case because the location of the breach is in a location that will not be perceived at the street frontage given its location at the rear of the site and the nature of the breach is such that it will not be perceived from adjoining properties.

- In relation to objective (c) the area of the breach to the acoustic screen does not detract from consistency with objective (c) in that the height breach facilitates the necessary acoustic screen for the child care centre noting that child care placements are in demand in the area and the height breach facilitates the necessary components of the child care.
- In relation to objective (d) due to the minor nature of the variation, it will not have any adverse amenity impacts. In this regard it is noted:
 - The variation will be visually unnoticeable and will have no adverse impact on the physical bulk, height or scale of the development given the location of the breach and the nature of it relating to an anomaly on the land and to an acoustic screen element rather than an integral part of the building form.
 - The variation will not lead to a reduction in solar penetration on site or to adjoining properties nor will it lead to sunlight loss or overshadowing.
 - The proposed variation will not lead to view loss or interrupt views to and from the site.
 - The proposed variation will not lead to a reduction in privacy of neighbouring properties and the breach enables a suitable screen that also mitigates privacy impacts.
 - The proposed variation ensures that the necessary acoustic attenuation measures are achieved from children playing the outdoor play area and a lowering of the barrier height would compromise the required acoustic attenuation for the child care centre.
- In relation to objective (e) the road frontage of the proposal is retained and the breach to the height control has no bearing on this objective being satisfied.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances.

CLAUSE 4.6(3)(B) - SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, being grounds that are specific to the site. Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the development standard.

We note that the below points demonstrate suitable environmental planning grounds exist to justify contravening the height development standard:

- The area of non-compliance can be attributed to the prior excavation of the Site within the footprint of the existing building, which distorts the height of buildings development standard plane when compared to the topography of the land. In accordance with the Court's findings in *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1582 [at 74], this can be properly considered as an environmental planning ground within the meaning of Cl 4.6
- The minor nature of the encroachment is negligible and as such will not generate unacceptable adverse impacts to surrounding properties or as viewed from the public domain as set out in *Eather v Randwick* [2021] NSWLEC 1075.
- The natural topography of the land is such that when using extrapolated levels on what the 'natural' ground level would be then this area would be much higher than the current loading dock entry area- and hence when using extrapolated levels the proposal would be fully below the 9.5m height limit. Hence when comparing to surrounding properties the development still sits at a height that is contemplated by the 9.5m height limit- and this height is much lower than the adjoining development that is a full storey above the 9.5m height limit so contextually this means that the height sits comfortably across the site.
- The variation to the height control does not result in unacceptable overshadowing and privacy impacts to the adjoining residential properties.
- The proposed variation ensures that the necessary acoustic attenuation measures are achieved from children playing the outdoor play area- and a lowering of the barrier height would compromise the required acoustic attenuation for the child care centre.

Therefore, the current proposal is a suitable outcome from an environmental planning perspective and demonstrates that there is merit in varying the height control to achieve a better design response on the site notably by providing suitable acoustic barriers to the child care component to mitigate acoustic impacts and that this area relates to a 'dip' in the natural topography of the land that if strictly complied with would result in a poor outcome through an artificial lowering of part of the building that would split the slab of the building and create significant design issues with the retail parking level- for no planning benefit.

This breach owing to the 'dip' in the site enables a better design outcome on the site and is consistent with the following Objects of the Environmental Planning and Assessment Act 1979:

- (c) to promote the orderly and economic use and development of land,*
- (g) to promote good design and amenity of the built environment,*

The minor breach to the height standard also does not generate any adverse amenity impacts to adjoining properties with regard to visual privacy or overshadowing given the lot orientation and careful design of the development.

Therefore, the current proposal is a preferred outcome from an environmental planning perspective and demonstrates that there is merit in varying the height control on the site which demonstrates sufficient environmental planning grounds to support the departure.

CLAUSE 4.6(4) ZONE OBJECTIVES & THE PUBLIC INTEREST

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3).

As addressed the proposed development is in the public interest as it remains consistent with the objectives of the height control.

In addition, the proposal is consistent with the objectives of the E1 zone:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To encourage employment opportunities in accessible locations.*

Consistency with the objectives is evident as –

- The proposal contributes to the range of small-scale retail, business and community uses to serve the needs of people who live or work in the surrounding neighbourhood noting the supermarket, child care and medical uses all contribute to these desired uses in the E1 zone.
- The proposal will encourage employment opportunities in the locality noting it is an accessible location and is serviced by bus routes on Pittwater Road.

The proposal is consistent with the zone objectives as ensures that the commercial nature of the zone is retained and there is not a significant change to the character of the locality given the site already contains a supermarket.

In addition, the proposal complements and enhances the local streetscape by virtue of the careful siting of the development.

It is understood that the concurrence of the Director-General can be assumed in the current circumstances.

CLAUSE 4.6(5)

As addressed, it is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal and consistency of the development with the standard across the entirety of the site area.
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal as the proposal is consistent with the underlying objectives of the control.

Strict compliance with the prescriptive height requirement is unreasonable and unnecessary in the context of the proposal and its unique circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties.

CONCLUSION

Strict compliance with the prescriptive height requirement is unreasonable and unnecessary in the context of the proposal and its circumstances.

The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality, which will be characterised by residential development of comparable height and character. The proposal promotes the economic use and development of the land consistent with its zone and purpose.

The variation is well founded and demonstrates the relevant matters set out under Clause 4.6 having regard to the provisions of Clause 4.6 and recent case law and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council and the planning panel support the development proposal.

Date of Determination	13 April 2023
Panel Members	Alison McCabe (Chair) Graham Brown (Independent Expert) Jennifer Bautovich (Independent Expert) Rob Senior (Community Representative)
Apologies	NIL
Declarations of Interest	NIL

Public meeting held remotely via teleconference on 13 April 2023 opened at 5:00pm and closed at 6:00pm. Papers circulated electronically on 6 April 2023.

MATTER DETERMINED

LDA2022/0023

Address: 130 Pittwater Road & 57 Thompson Street, Gladesville

Proposal: Demolition of existing structures and construction of part 2, part 3 storey mixed use development comprising parking within basement 2, retail premises and loading docks within basement 1, a cafe, a medical centre and a liquor store on ground floor, parking at level 1 and a childcare facility within level 2 and lot consolidation.

The following people addressed the meeting:

1. Georgie & Cam Johnson (submitters)
 2. Edward Douglas Graham - known as Doug – (submitter)
- On behalf of applicant:
 - Anthony El-Hazouri (Director - Revelop)
 - Emily Han (Senior Development Manager - Revelop)
 - Adam Byrnes (Town Planner - Think Planners)
 - Sam Semaan (Architect - Tesserarch)
 - Daniel Walker (Traffic Consultant - McLaren Traffic Engineer)

PANEL CONSIDERATIONS AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7, and the material presented at meetings and briefings listed at item 8 in Schedule 1.

DEVELOPMENT APPLICATION

The Panel determined to **refuse** the development application as described in Schedule 1, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel was concerned that the application sought to use land zoned R2 Low Density Residential to gain access to the B1 carpark that was designated as the carpark for the medical centre and the childcare centre; these uses being permissible uses in the R2 Low Density Residential zone as well as permissible in the B1 Neighbourhood Centre zone. The medical centre and the childcare centre are physically located in the B1 Neighbourhood Centre zone.

The Panel strongly held the view that the integrity of the R2 Low Density Residential zone and the B1 Neighbourhood Centre zone should be maintained and that the question of permissibility, principally the use of the R2 Low Density Residential zone, should not be questioned. The Panel did not consider that the use of conditions or requirements for Plans of Management provided sufficient certainty when the fundamental issue was about permissibility.

The Panel was not satisfied that the application plans or the measures suggested by the applicants' representatives at the Panel meeting provided adequate certainty that the R2 Low Density Residential zoned land would not or could not be used for other uses in the proposed development that are prohibited in the R2 Low Density Residential zone and as such the application must be refused.

The Panel also considered that the following aspects of the development were unsatisfactory:

1. The cl 4.6 written requests does not provide adequate reasons why the height and floor space ratio development standards should be varied.
2. The distribution of car parking spaces between the two separate car parking areas does not reflect the potential uses that the carparks are designed to service.
3. The above ground car park is a poor design solution with the potential for adverse amenity impacts on nearby residential properties.
4. The street setbacks of the building are a poor design solution given the commercial nature of the site and the context.

The Panel determined to **refuse** the application for the following reasons:

1. The proposed development must be refused as parts of the proposed mixed use development is prohibited in the R2 Low Density Residential zone of Ryde Local Environmental Plan 2014.
2. The proposed development must be refused as the cl 4.6 written requests do not provide adequate reasons why the Height of Buildings development standard in cl 4.3(2) and the Floor Space Ratio development standard in in cl 4.4(2) of Ryde Local Environmental Plan 2014 should be varied.
3. The proposed development should be refused as the design does not adequately address the potential impact on nearby residential properties or the commercial location or reinforce the commercial interface with the street as appropriate to the zone.
4. The configuration of the development results in an above ground carpark uncharacteristic of the area, a disproportionate allocation of carparking between uses and an inefficient use of the carpark. Carpark allocation between the basements and lack of connectivity results in a shortfall of car parking for the shop uses.

5. The building has not been designed to segregate all functions of the different uses resulting in a prohibited form of development.
6. The ongoing use and function of the site requires an unreasonable reliance on strict compliance with a Plan of Management to satisfy ongoing permissibility. Non-compliance would result in a development not being permitted.
7. The streetscape presentation of the building and the setback from the street frontage is not compatible with the form of development in the local neighbourhood centre.
8. The potential impacts to traffic flow and potential for queuing arising from the implementation of boom gates and intercom system to restrict access to the basement carpark have not been addressed.


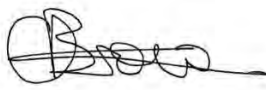


CONDITIONS

Not applicable.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report. No new issues were raised during the public meeting.

PANEL MEMBERS	
Alison McCabe (Chair)	
Graham Brown	
Jennifer Bautovich	
Rob Senior	

SCHEDULE 1

1	DA No.	LDA2022/0023
2	Proposal	Demolition of existing structures and construction of part 2, part 3 storey mixed use development comprising parking within basement 2, retail premises and loading docks within basement 1, a cafe, a medical centre and a liquor store on ground floor, parking at level 1 and a child care facility within level 2 and lot consolidation.
3	Street Address	130 Pittwater Road & 57 Thompson Street Gladesville
4	Applicant / Owner	The Trustee for Gladesville WW Investment Trust / Gladesville WW Pty Ltd
5	Reason for referral to RLPP	<p>Contentious development – (b) in any other case – is the subject of 10 or more unique submissions by way of objection - <i>Schedule 1, Part 2 of Local Planning Panels Direction</i>; and</p> <p>Departure from development standards – contravention of the floor space ratio development standard by more than 10% - <i>Schedule 1, Part 3 of Local Planning Panels Direction</i></p>
6	Relevant mandatory considerations	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP) ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 ○ Ryde Local Environmental Plan 2014 • Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2022 • Ryde Development Control Plan • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000: Australian Standard AS 2601—2001: The Demolition of Structures</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	Material considered by the Panel	<ul style="list-style-type: none"> • Council assessment report • Clause 4.6 variation requests for clauses 4.3(2) Height of Buildings and 4.4(3) Floor Space Ratio • Written submissions during public exhibition: 14 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil

		<ul style="list-style-type: none"> ○ In objection - Georgie & Cam Johnson, Edward Douglas Graham ○ Council assessment officer - Nil <ul style="list-style-type: none"> ○ On behalf of the applicant - Anthony El-Hazouri, Emily Han, Adam Byrnes, Sam Semaan, Daniel Walker
8	Meetings, briefings and site inspections by the Panel	<ul style="list-style-type: none"> • Site inspection: At the discretion of Panel members due to COVID-19 restrictions • Briefing: 13 April 2023 Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Graham Brown, Jennifer Bautovich, Rob Senior ○ <u>Council assessment staff</u>: Sandra Bailey, Sohail Faridy, Emily Lu, Myra Malek • Papers were circulated electronically on 13 April 2023
9	Council Recommendation	Approval
10	Draft Conditions	Not Applicable

**City of Ryde
Local Planning Panel Report**

DA Number	LDA2022/0023
Site Address & Ward	130 Pittwater Road & 57 Thompson Street, Gladesville Lot 6 in Deposited Plan 598121 Lot 9 in Deposited Plan 10402
Zoning	B1 Neighbourhood Centre and R2 Low Density Residential
Proposal	Demolition of existing structures and construction of part 2, part 3 storey mixed use development comprising parking within basement 2, retail premises and loading docks within basement 1, a cafe, a medical centre and a liquor store on ground floor, parking at level 1 and a child care facility within level 2 and lot consolidation.
Lodgement Date	24 January 2022
Property Owner	Gladesville WW Pty Ltd
Applicant	The Trustee For Gladesville WW Investment Trust
Report Author	Sonya Constantinou – Consultant Town Planner (CPS)
No. of Submission	Fourteen (14) submissions received
Cost of Works	\$ 8,625,000.00
Reason for LPP Referral	Contentious development – (b) in any other case – is the subject of 10 or more unique submissions by way of objection - <i>Schedule 1, Part 2 of Local Planning Panels Direction</i> ; and Departure from development standards – contravention of the floor space ratio development standard by more than 10% - <i>Schedule 1, Part 3 of Local Planning Panels Direction</i>
Recommendation	Approval
Attachments	Attachment 1: Compliance Tables Attachment 2: Plans submitted with LDA Attachment 3: Urban Design Review Panel notes Attachment 4: Draft Conditions of Consent

1.0 Executive Summary

The subject development application (DA No. LDA2022/0023) was lodged on 24 January 2022 and seeks consent for demolition of existing structures and construction of a mixed use development. The development comprises demolition of existing structures and construction of part 2, part 3 storey mixed use development comprising parking within basement 2, retail premises and loading docks within basement 1, a cafe, a medical centre and a liquor store on ground floor, parking at level 1 and a child care facility within level 2 and lot consolidation at 130 Pittwater Road and 57 Thompson Street, Gladesville.

In accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act), Section 9.1 – Directions by the Minister, this application is reported to the Ryde Local Planning Panel (LPP) for determination as it proposes a departure from a development standard in excess of 10%, and is contentious development, having received greater than ten (10) submissions.

The application was advertised in accordance with the provisions of the Ryde Development Control Plan 2014 (RDCP 2014), and fourteen (14) submissions were received, ten (10) of which objected to the proposed development. The application was renotified from 14 December 2022 to 23 January 2023, following submission of amended plans and an additional four (4) submissions were received.

A request for information (RFI) was issued to the applicant seeking the following matters identified in Council's preliminary assessment be addressed:

- The applicant was provided with the Urban Design Review Panel's (UDRP) comments in relation to the proposed development, and requested to respond with design amendments. Key design changes requested by the UDRP related to improved streetscape presentation and integration of the development with the public domain.
- The neighbourhood supermarket exceeded the maximum 1,000m² gross floor area (GFA) development standard per clause 5.4(7AA) of the *Ryde Local Environmental Plan 2014* (RLEP 2014). Per clause 4.6(8) of the RLEP 2014, clause 5.4 of the RLEP 2014 is excluded from the application of clause 4.6, meaning no variation to this development standard is possible.
- The floor space ratio for development on land zoned B1 Neighbourhood Centre contravened clause 4.4 of the RLEP 2014. While a clause 4.6 written request had been submitted by the applicant, Council's GFA assessment was significantly greater than that of the applicant.
- The development contravened the building height development standard under clause 4.3 of the RLEP 2014. No clause 4.6 written request justifying the contravention had been submitted.
- The applicant's calculation of unencumbered floor space for the child care centre was incorrect, meaning the child care centre could only accommodate 49 children, not the 53 proposed.
- Several facilities within the child care centre were inadequate having regard to the relevant guidelines.
- Impacts on significant vegetation were inadequately documented.
- A detailed site contamination investigation was required for Council's assessment.

A meeting was held with the applicant on 6 June 2022 to discuss the matters raised within the RFI. On 11 July 2022, the applicant submitted amended plans and documentation. The amended plans and documentation addressed some of the issues raised in Council's RFI, however, other matters remained outstanding. Outstanding matters included:

- the provision of accurate gross floor area calculation plans,
- building height contravention and the absence of a clause 4.6 written request,
- contravention of the maximum gross floor area for a neighbourhood supermarket,
- the clause 4.6 provided for the floor space ratio contravention was unsatisfactory.

The applicant was provided several opportunities to amend the DA, with further plan amendments submitted on 29 November and again on 6 December 2022. Further documentation from the applicant has also been received on 25 January 2023, 8 February 2023, 6 March 2023, and 12 March 2023.

Outstanding issues with the proposed development are now considered to have been satisfactorily resolved, subject to consent conditions.

Having regard to the matters for consideration under Section 4.15 of the EP&A Act, it is recommended Development Application No. LDA2022/0023 be approved.

2.0 The Site & Locality

The site is identified by title as Lot 6 in DP 598121 and Lot 9 in DP 10402 and has a street address of 130 Pittwater Road and 57 Thompson Street, Gladesville. The site is irregular in shape with a primary frontage of 32.695 metres to Pittwater Road and a secondary frontage of 12.19 metres to Thompson Street. The site has a total area of 2,161.5m² (refer to **Figure 1** and **Figure 2**).

The site bounds six (6) neighbouring properties, which include a mix of residential and commercial development. This is attributed to the site's split zoning, with 130 Pittwater Road zoned B1 Neighbourhood Centre and 57 Thompson Street zoned R2 Low Density Residential under *Ryde Local Environmental Plan 2014* (RLEP 2014). The site boundaries are as follows:

- Southern side boundary adjoining 126-128 Pittwater Road is 61.185 metres.
- Western boundary adjoining 53 Thompson Street and 2A Gannet Street is 25.44 metres.
- Western boundary adjoining 55 Thompson Street is 42.672 metres.
- Northern boundary adjoining 55 Thompson Street is 24.385 metres.
- Northern boundary adjoining 136 Pittwater Road is 36.841 metres.
- Eastern boundary adjoining 136 and 138 Pittwater Road is 42.672 metres.



Figure 1: Cadastral map of the subject site (identified by the red border) and surrounding locality.
Source: <https://maps.six.nsw.gov.au>



Figure 2: Aerial photo of the subject site (identified by the red border) and adjoining land.
Source: Nearmap dated 12 September 2022.

The site is located on the western side of Pittwater Road, approximately 30m south from the intersection of Pittwater Road and Thompson Street, Gladesville. The site is located between the 44 to 50 metre AHD contour, exhibiting a cross fall of 5.76 metres (RL 50.67 to RL 44.91) to the northwest.

The allotment at 130 Pittwater Road is currently occupied by a single storey Woolworths supermarket (532m²) and BWS liquor premises (124m²). Vehicular access to the site is provided via a driveway crossover at Pittwater Road located along the southern boundary (**Figure 3** Figure 1 and **Figure 4**). Beyond the building is concrete hardstand which provides a loading dock and at-grade carparking. An electrical substation is located on the northwest corner of the carpark.

The allotment at 57 Thompson Street is currently occupied by a two-storey dwelling house. Other site improvements include paved areas, inground swimming pool, cubby house and landscaping within the front and rear setbacks (**Figure 5**).

The subject site is not affected by any significant environmental hazards or affectations (e.g. flooding, bushfire, or areas of ecological sensitivity, etc.). The subject site does not contain a heritage item, nor is it within a heritage conservation area.



Figure 3: 130 Pittwater Road as viewed from Pittwater Road looking west towards the site.
Source: CPS – Site Inspection, 16 January 2023.



Figure 4: 130 Pittwater Road as viewed from the public domain looking northwest towards the site.
Source: CPS – Site Inspection, 16 January 2023.



Figure 5: 57 Thompson Street as viewed from Thompson Street looking south towards the site.
Source: CPS – Site Inspection, 16 January 2023.

The development located along Pittwater Road is within the Pittwater Road Neighbourhood Centre which consists of small-scale commercial, retail and business tenancies, as well as a range of community uses. To the west of Pittwater Road, the land is subject to the provisions of RLEP 2014, whereas the land to the east of Pittwater Road is subject to the provisions of *Hunters Hill Local Environmental Plan 2012* (refer to **Figure 6**).



Figure 6: Pittwater Road Neighbourhood Centre, as viewed from the subject site looking east. This corridor is zoned B1 under *Hunters Hill Local Environmental Plan 2012*.
Source: CPS – Site Inspection, 16 January 2023.

Adjoining and surrounding development consists of the following:

- 126 – 128 Pittwater Road: This site adjoins the southern side boundary of the subject site. Development on this site consists of a shop top housing development with a Harris Farm supermarket and café located at the ground floor, and two residential levels above (refer to **Figure 7**).
- 53A Thompson Street: This site is a battle-axe allotment which adjoins the western side boundary of the subject site. This site consists of a dwelling house which is accessed via an access handle from Thompson Street.
- 55 Thompson Street: This site adjoins both the northern and western boundary of the subject site. This site consists of a single storey dwelling house with detached structures within the rear yard (refer to **Figure 8**).
- 136 Pittwater Road: This site adjoins the northern and eastern side boundary of the subject site. Development on this site contains a two-storey building used for antique furniture sales (refer to **Figure 10** and **Figure 11**).
- 138 Pittwater Road: This site adjoins the eastern side boundary of the subject site. Development on this site contains a two-storey building occupied by a medical centre and business premises for picture framing. At-grade parking is provided to the rear of the site (refer to **Figure 10** and **Figure 11**).



Figure 7: 126-128 Pittwater Road shop top housing development.
Source: CPS – Site Inspection, 16 January 2023.



Figure 8: Dwelling house at 55 Thompson Street. Source: CPS – Site Inspection, 16 January 2023.



Figure 9: Streetscape as viewed from Thompson St, looking south towards site. From left to right: 57-53 Thompson St.
Source: CPS – Site Inspection, 16 January 2023.



Figure 10: 136 Pittwater Road located within the centre of the image. To the right of frame is 138 Pittwater Road.
Source: CPS – Site Inspection, 16 January 2023.



Figure 11: 136 and 138 Pittwater Road. Source: CPS – Site Inspection, 16 January 2023.



Figure 12: 142 Pittwater Rd, located on corner of Pittwater Rd and Thompson St within B1 zone under RLEP 2014.
Source: CPS – Site Inspection, 16 January 2023.

3.0 The Proposal

LDA2022/0023 seeks consent for lot consolidation and demolition of existing structures to facilitate the construction of a mix use development, comprising a part three (3), part two (2) storey building above two (2) basement levels.

The mixed use development comprises of a shop (major retail) within Basement Level 1, a café, medical centre and a shop (liquor store) on the ground floor, parking for the retail components at the first floor, and a centre-based child care facility at Level 2.

Shop is a permissible land use in B1 Neighbourhood Centre zone and it is defined under RLEP 2014 as under:

***shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.*

Clause 5.4 of RLEP 2014 has no restrictions on the size of a shop unlike neighbourhood shop which cannot be more than 200m² or neighbourhood supermarket which cannot be more than 1000m². The proposal includes two shops and the one located at Basement Level 1 is referred by the applicant as 'major retail'. It is Council's understanding that the existing Woolworths, currently operating from the subject site will be occupying the shop at the Basement Level 1 and the terms shop, supermarket and major retail has been used interchangeably throughout the report to reflect 'shop'.

Details of the proposal are as follows:

Shop Premises:

The development proposes a total of two (2) shops, including a shop at Basement Level 1 for the purpose of a major retail (refer to **Figure 13**), and a shop at the ground floor for the purpose of a liquor store (refer to **Figure 14**).

Major Retail:

- The major retail will have a total floor area of 1,475m², which will comprise of 950m² for trading floor area and 423m² for back of house areas for loading and storage.
- Pursuant to the applicant's Noise Impact Assessment prepared by Benbow Environmental, the major retail is proposed to operate from 6am – midnight Monday to Sunday.
- The trading area of the major retail will also accommodate staff amenities including a staff room, and bathrooms.
- Access to the major retail for customers will be provided via escalators and lifts. The escalators can be accessed at the ground floor outdoor forecourt. Whilst the two (2) lifts are located at the north of the building and can be accessed from the ground floor outdoor forecourt and car parking areas at Basement Level 2 and Level 1.
- Vehicular access to the major retail is provided via the existing vehicular crossover at Pittwater Road.
- Truck deliveries will be provided at the ground floor loading area and transported to the major retail via two (2) separate goods lifts.

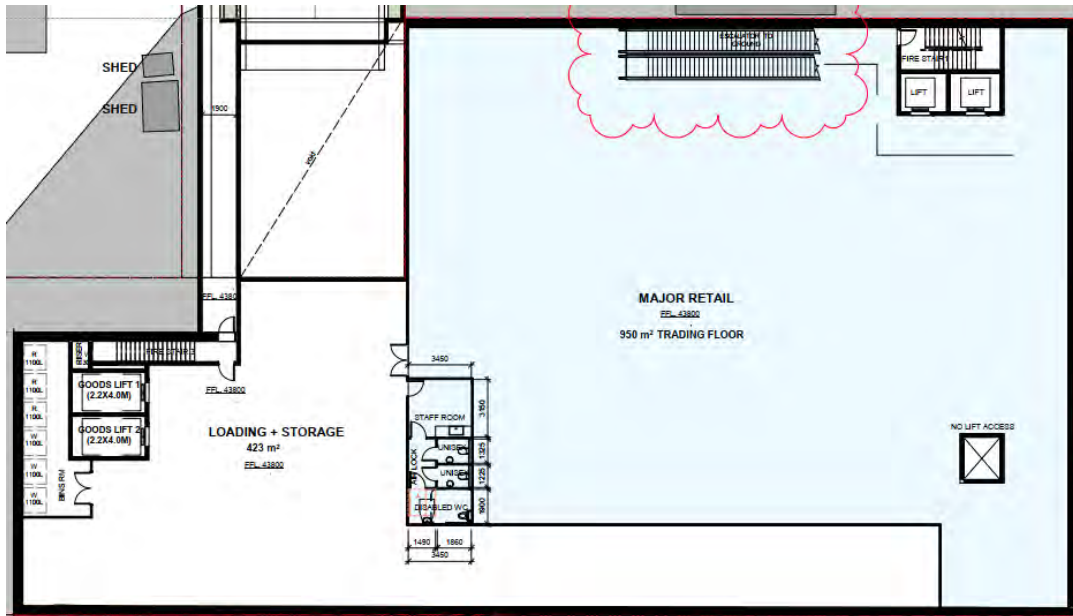


Figure 13: Basement Level 1, Major Retail floor plan.

Source: Floor Plan – Basement 1, Drawing No. A0202 prepared by TesserArch dated 09/03/23.

Liquor Premises:

- The liquor store will have a total area of 150m².
- Pursuant to the applicant’s Noise Impact Assessment, the liquor store is proposed to operate from 6am – 10pm (Monday to Sunday).
- Approximately 6m of the store frontage will be visible from the Pittwater Road frontage, and will be accessible via the ground floor outdoor forecourt.
- Waste from the shop will be located within a separate storage area, accessible via a separate hallway.

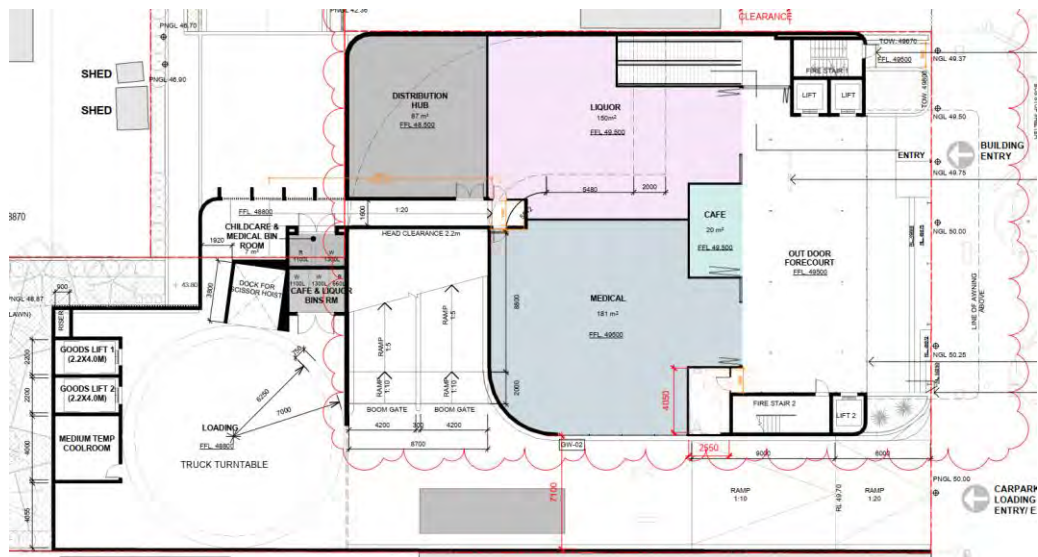


Figure 14: Ground Floor Plan

Source: Floor Plan – Ground Floor, Drawing No. A0203 prepared by TesserArch dated 09/03/23.

Food and Drink Premises:

The development proposes a café on the ground floor with an area of 20m² (refer to **Figure 14**). The café will be accessible via the ground floor outdoor forecourt and will have a 5.8m frontage to Pittwater Road.

Pursuant to the applicant's Noise Impact Assessment the major retail is proposed to operate from 6am – midnight (Monday to Sunday).

Waste from the café will be provided within a separate storage room shared with the liquor store.

Medical Centre:

The development seeks approval for the use of a medical centre on the ground floor with an area of 181m² (refer to **Figure 14**).

The application does not provide hours of operation for the medical centre.

Whilst the application does not seek consent for the fit-out of the premises, the area of this premises and subsequent traffic and parking modelling has been calculated on 4 doctors and 4 staff members.

Vehicular access to the medical centre car park is provided via a new two-way vehicular access crossing and driveway at Thompson Street. Dedicated parking for the medical centre will be provided within Basement Level 2. Direct access from the car parking basement to the medical centre will be provided via lift access only. Patients attending the medical centre via alternative means can access the site via the main entrance at Pittwater Road.

Waste and recycling storage for the medical centre is located at the ground floor within a separate waste store room shared with the centre-based child care facility.

Centre-Based Child Care Facility:

The centre will be located at Level 2 of the building and seeks to provide capacity for 53 children, with the following age groups:

- 0 – 2 years: 8 children
- 2 – 3 years: 15 children
- 3 – 6 years: 30 children.

The facility will be run by 8 staff with the operating hours proposed to be 7am to 7pm Monday – Friday (excluding public holidays).

The centre will provide three (3) activity rooms; Room 1 is for children aged 0 – 2 years, Room 2 is for children aged 2 – 3 years and Room 3 is for children aged 3 – 5 years. The centre will also include a cot and nappy room accessible from Room 1.

The centre will also provide a reception area, staff room, directors office, staff bathroom and a dedicated kitchen with laundry amenities.

The centre provides 411m² of unencumbered outdoor play area (refer to **Figure 15**).

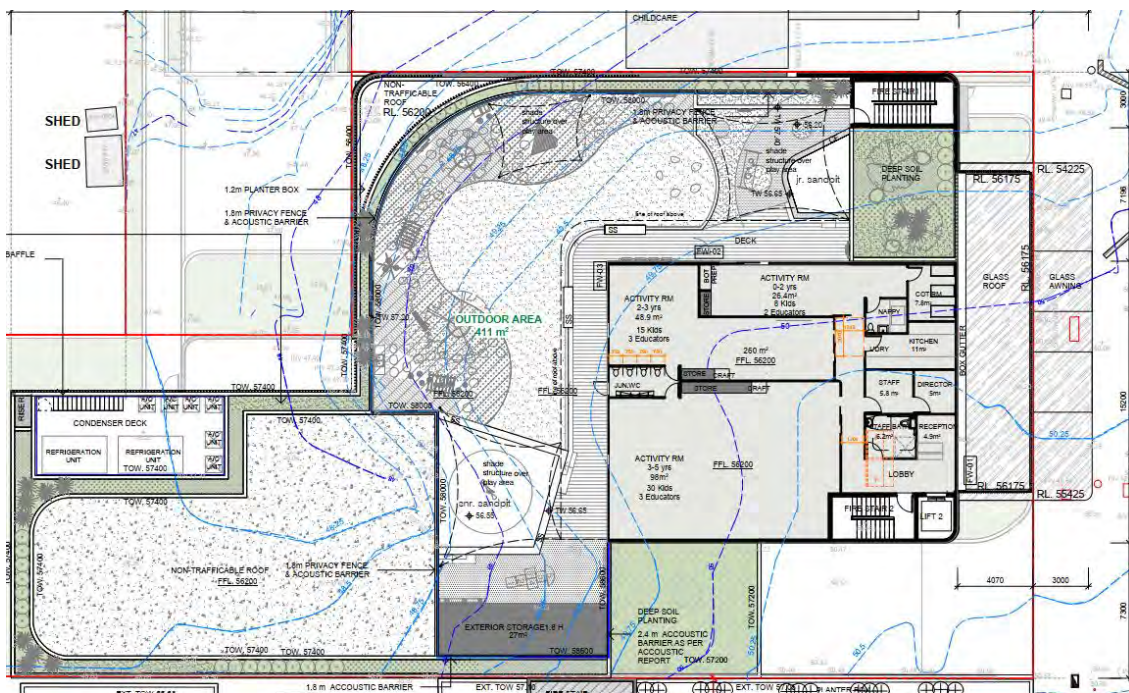


Figure 15: Level 2 floor plan, illustrating the proposed Centre-Based Child Care Facility layout.
Source: Floor Plan – Level 2, Drawing No. A0205 prepared by TesserArch dated 23/01/23.

Acoustic barriers at a height of 1.8m and 2.4m are to be provided as detailed within **Figure 16** below.

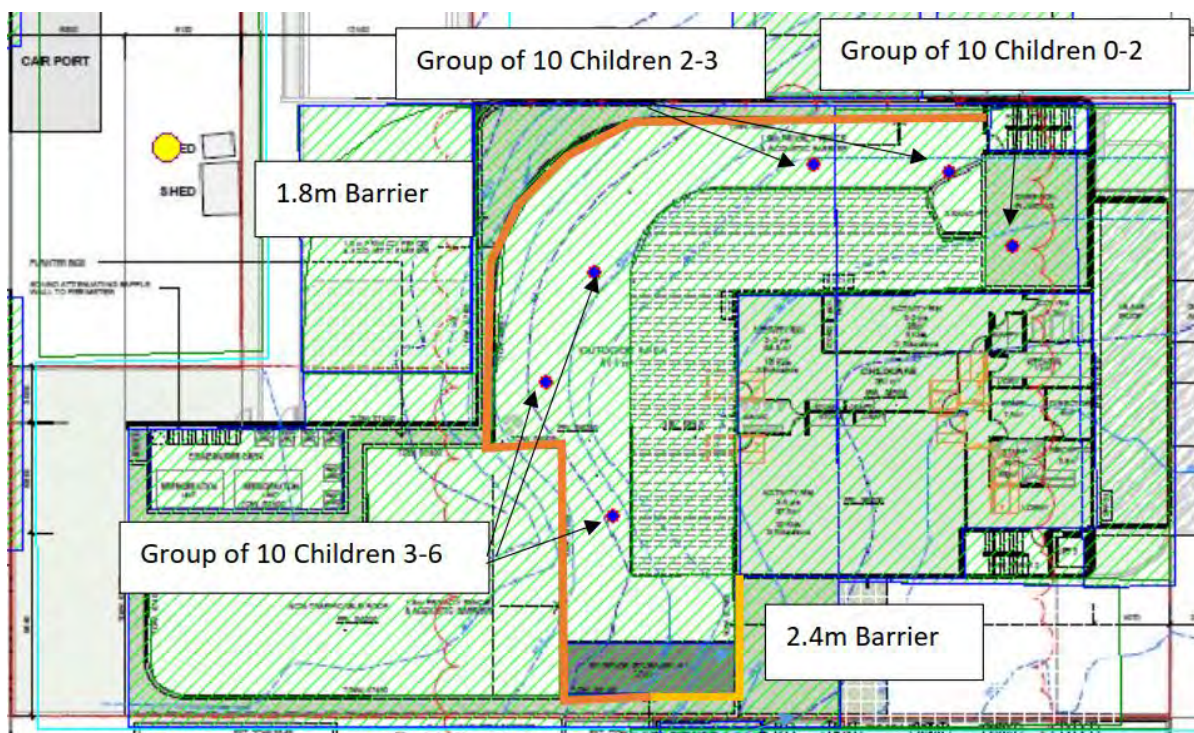


Figure 16: Outdoor acoustic barrier locations.
Source: Noise Impact Assessment prepared by Benbow Environmental dated 23 November 2022.

Dedicated car parking for the centre will be provided at Basement Level 2, accessible from Thompson Street. Seven (7) drop off and pick up spaces will be provided within this area for parents, along with four (4) dedicated staff parking spaces.

Forecourt

The development includes an outdoor forecourt at the ground floor fronting Pittwater Road. This area has a dimension of 12m x 17.4m, occupying an area of 223m².

The outdoor forecourt provides access to the uses at the ground floor, including the medical centre, café and liquor store, as well as access to the major retail and centre-based child care centre on the lower and upper levels of the building respectively.



Figure 17: Photomontage of the proposed development as viewed from Pittwater Road.
Source: 3D Visualisation, Drawing No. A0700 prepared by TesserArch dated 23/01/23.

Vehicular Access and Parking

The development will provide two separate vehicular access points into two separate parking areas. The existing vehicular crossover at Pittwater Road will be retained and enlarged to allow for truck deliveries to be provided at the ground floor loading area and transported to major retail via two (2) goods lifts. The ground floor loading area will also allow for waste collection from the site. The Pittwater Road crossover will also provide access to the first-floor car park, where 32 dedicated car parking spaces for the commercial components of the development are included.

The second vehicular access is via a new two-way vehicular crossover and driveway at Thompson Street. This will provide dedicated car parking for the medical centre and child care centre within Basement Level 2. A total of 39 car parking spaces will be provided within the basement, 11 car parking spaces will be allocated to the child care centre and 27 spaces for the medical centre.

Access between the two separate car parking levels cannot be achieved from within the site.

4.0 Background

5 November 2020	An Urban Design Review Panel & Prelodgment Advice meeting was held with Council staff and the applicant.
24 January 2022	The development application (DA) was lodged.
17 February 2022 – 10 March 2022	<p>The DA was notified to owners of surrounding properties. In response to this notification, ten (10) submissions objecting to the development were received. The objectors raised the following concerns with the proposal:</p> <ul style="list-style-type: none"> - Impacts from construction works including noise, vibration and dust - Concerns regarding the driveway and car parking access at 57 Thompson Street, including the proximity of the vehicular entry to the intersection of Thompson Street and Pittwater Road. Calls for restrictions on the car park opening hours were also made. - The location of the air conditioner vents and condenser deck facing Thompson Street may result in acoustic and visual impacts to adjoining residential properties. - Insufficient staff parking to service the development and traffic flows on the local area. - Impacts of the development on the paperbark tree near 57 Thompson Street. - Concerns regarding abandoned shopping trolleys. - Acoustic impacts from the child care centre use. - Emissions from the development and impacts on the air quality within the local area. - Impacts of truck movements on the local road network. - Impacts of the development on the safety of children, bicycle traffic, and elderly people. <p>The other 4 submissions were in support of the proposed development.</p>
24 February 2022	The application went before the Ryde Urban Design Review Panel (UDRP). The UDRP recommended that the comments provided within the minutes be taken on board and the design of the development be revised. This is discussed in further detail within section 10 of this Report.
22 April 2022	<p>Following a preliminary assessment, a request for further information was forwarded to the applicant raising the following issues:</p> <p><i>Ryde Local Environmental Plan 2014</i></p> <p><i>Neighbourhood Supermarket</i></p> <ul style="list-style-type: none"> • The Statement of Environmental Effects (SEE) submitted with the DA refers to the proposal including a neighbourhood supermarket. While a neighbourhood supermarket is a land

	<p>use permitted with consent under the site's B1 zone, subclause 7AA of clause 5.4 of RLEP 2014 provides the gross floor area (GFA) of a neighbourhood supermarket must not exceed 1,000m².</p> <ul style="list-style-type: none"> • Council's assessment calculated the GFA of the proposed neighbourhood supermarket to be approximately 1,400m². • Pursuant to clause 4.6(8) of RLEP 2014, variations to development standards under clause 5.4 of RLEP 2014 are not allowed. <p><u>Gross Floor Area</u></p> <ul style="list-style-type: none"> • Council assessed the GFA of the building within the B1 zone to be approximately 2,370m², resulting in an FSR of 1.43:1. This represents a 43.3% variation to the development standard. • GFA Calculation diagrams submitted with the DA, excluded the following areas: <ul style="list-style-type: none"> ○ The back of house area for the neighbourhood supermarket had been incorrectly excluded from the applicant's GFA calculation. Reference is made to part (c) of the GFA definition which indicates any shop in a basement is to be included in the GFA calculation. ○ The Outdoor Forecourt was not outdoors. This space had a ceiling above, and was enclosed by walls greater than 1.4m (measured above the floor (RL48.8)), except for a small opening at the entry to Pittwater Road. Accordingly, the Outdoor Forecourt had been incorrectly excluded from the applicant's GFA calculation. ○ All vertical circulation (i.e. lifts, stairs and escalators) had been excluded from the applicant's GFA calculation, this is incorrect as a number of vertical circulation spaces throughout the building are not common. Reference is made to part (d) of the GFA definition which only excludes common vertical circulation. ○ Select storage and waste areas shown on the applicant's GFA calculation are not located within the basement, as defined within the Dictionary of RLEP 2014. Accordingly, these storage areas have been incorrectly excluded from the GFA calculation when having regard to part (e) of GFA definition. <p><u>Building Height</u></p> <ul style="list-style-type: none"> • The section plans provided depict a contravention of the 9.5m building height development standard under clause 4.3 of RLEP 2014. • The Noise Impact Assessment submitted with the DA recommends a 2.4m high barrier be erected along the southern and exposed eastern boundary of the outdoor play
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	<p>area. This barrier has not been depicted on the plans. The provision of this barrier would result in a further contravention of the building height development standard.</p> <ul style="list-style-type: none"> • The minutes from the UDRP have recommended that the proposed ground level be raised to RL49.75. This will increase the overall building height by 1m. • No clause 4.6 was submitted. <p><i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i></p> <p><u><i>Unencumbered Indoor Space</i></u></p> <ul style="list-style-type: none"> • Regulation 107 of <i>the Education and Care Services National Regulations</i> requires that every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space. • Based upon the unencumbered indoor space available, the development could only accommodate a maximum of 49 children. • The proposal seeks consent for 53 children. It was requested that the application, along with all relevant DA documentation, be amended to achieve compliance with Regulation 107. <p><u><i>Indoor and outdoor storage</i></u></p> <ul style="list-style-type: none"> • The architectural plans did not identify any outdoor storage for the child care facility as required by Part 4.1 Indoor space requirements of the Child Care Planning Guideline (Guideline). • Additional indoor storage was also requested to achieve compliance Part 4.1 of the Guideline. <p><u><i>Toilet and hygiene facilities</i></u></p> <ul style="list-style-type: none"> • The submitted plans did not provide windows into bathrooms and cubicles to allow supervision by staff in accordance with Section 4.3, Regulation 109 of the Education and Care Services National Regulations. • The applicant was requested to provide details of windows to toilets facilities in order to demonstrate compliance. <p><u><i>Child Care Planning Guideline Assessment</i></u></p> <ul style="list-style-type: none"> • The SEE provided with the application provided an assessment with regard to the Child Care Planning Guidelines gazetted on the 1st of September 2017. However, at the time the application was lodged the Child Care
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	<p>Planning Guidelines gazetted on 1 October 2021 was applicable. The SEE was requested to be updated.</p> <p><u>Plan of Management</u></p> <ul style="list-style-type: none"> • The Plan of Management and Noise Management prepared by Young Academics Early Learning Centre provides emergency procedures, although an emergency evacuation plan was not included as required by Regulation 97 and 168 of the Education and Care Services National Regulations. <p><u>Education and Care Services National Regulations</u></p> <ul style="list-style-type: none"> • The centre will employ 8 staff members, which meets the minimum educator ratios calculated on a “per room” basis. The number of staff for the centre has not however, accounted for any managerial, cooking or support staff that may also be required. It was requested that an accurate and revised staff number be provided. <p><u>Ryde Development Control Plan 2014</u></p> <p><u>Child Care Centre Design</u></p> <ul style="list-style-type: none"> • The proposal did not comply with Section 6.2.2 of Part 3.2 of RDCP 2014 which prescribes the following design aims for outdoor play spaces: <ul style="list-style-type: none"> ○ 30% natural planting area (excluding turf) ○ 30% turfed area, ○ 40% hard surfaces (sand, paving, timber platforms). <p>Amended plans were requested demonstrating compliance with the outdoor play space ratios.</p> <p><u>Arboricultural Impacts</u></p> <ul style="list-style-type: none"> • An arboricultural impact assessment report, with a tree protection plan, was requested to determine the impacts upon vegetation within Thompson Street and neighbouring sites. <p><u>Environmental Health</u></p> <ul style="list-style-type: none"> • A Detailed Site Investigation that clearly states the land is, or can be made, suitable for the proposed uses, in particular the childcare centre was requested along with a Remedial Action Plan where any remediation is proposed. • A Site Audit Statement was also requested if there was any doubt in the clarity of the conclusion in the suitability of the land for the proposed use.
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	<ul style="list-style-type: none"> • Clarification that the waste collections will be made from within the loading dock area, and sufficient height and space around the turntable in the loading dock will be provided for collections to take place. <p>It was requested that the additional information be provided by 8 June 2022.</p>
6 June 2022	A teams meeting was held with the applicant to discuss the RFI.
11 July 2022	<p>The applicant provided amended information for assessment. The information provided failed to address all matters within the RFI letter. The following remained outstanding:</p> <ul style="list-style-type: none"> - the provision of accurate gross floor area calculation plans, - building height contravention and the absence of a clause 4.6 written request, - contravention of the maximum gross floor area for a neighbourhood supermarket - the clause 4.6 provided for the floor space ratio contravention was unsatisfactory.
14 September 2022	Transport for NSW (TfNSW) reviewed the amended documentation provided by the applicant and granted concurrence to the proposed driveway on Pittwater Road subject to conditions.
29 November 2022	The applicant provided further additional information to address the RFI dated 22 April 2022. This information was still insufficient per the comments provided on 11 July 2022.
6 December 2022	<p>The applicant provided further additional information to respond to the RFI dated 22 April 2022. This documentation included an amended clause 4.6 written request to support the FSR contravention, amended SEE to appropriately define the proposed uses within the development, and amended plans.</p> <p>The plans provided still failed to comply with Regulation 107 of the Education and Care Services National Regulations which requires a minimum of 3.25m² of unencumbered indoor space per child.</p> <p>The development still breached the 9.5m building height provided by clause 4.3 of RLEP. No clause 4.6 was provided.</p> <p>The plans still had not responded to matters raised by the UDRP regarding the development's interface with the public domain.</p>

<p>14 December 2022 – 23 January 2023</p>	<p>The amended documentation was notified in accordance with the Ryde Community Participation Plan. In response to this notification of the DA, four (4) submissions objecting to the development were received. The concerns raised included:</p> <ul style="list-style-type: none"> - Construction impacts including noise, vibration and dust - The driveway and car parking access at 57 Thompson Street. Including the proximity of the entry to the intersection of Thompson Street and Pittwater Road, and the necessity to restrict the hours of the car park entry. - The location of air conditioner vents and the condenser deck facing Thompson Street may result in acoustic and visual impacts to adjoining residential properties. - Acoustic impacts from the child care centre use. - Emissions from the development and impacts on the air quality within the local area. - Impacts of truck movements on the local road network.
<p>23 January 2023</p>	<p>The applicant was requested to reduce the number of children within the centre to comply with Regulation 107 of the Education and Care Services National Regulations.</p>
<p>25 January 2023</p>	<p>The applicant provided amended plans demonstrating compliance with Regulation 107 of the Education and Care Services National Regulations.</p> <p>The number of children sought for the centre-based child care facility was not reduced.</p>
<p>31 January 2023</p>	<p>The applicant was requested to provide further information in regards to the building height of the development.</p> <p>The information received from the applicant highlighted that the development still contravened the building height standard.</p>
<p>1 February 2023</p>	<p>The applicant was requested to provide a clause 4.6 written request to justify the building height contravention.</p>
<p>8 February 2023</p>	<p>A clause 4.6 written request in support of the contravened building height standard was provided.</p>
<p>9 February 2023</p>	<p>Council's Urban Designer provides comments in relation to the applicant's amended plans for the proposed development. The comments indicate the forecourt and public domain interface will require a redesign, which will have a flow-on effect on the configuration of other elements on the ground floor and potentially other levels.</p>
<p>12 March 2023</p>	<p>The applicant provided additional information to address the comments received from Council's Urban Designer in the form of amended architectural plans. In addition, the applicant also submitted amended clause 4.6 written requests to properly</p>

	<p>identify the proposed development's variation to the building height and floor space ratio development standards.</p> <p>The amended plans were not required to be re-notified due to insignificant additional impacts.</p>
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5.0 Planning Assessment

5.1 Environmental Planning Instruments

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) requires consent authority to consider whether the site is contaminated, and if so whether it is suitable for the proposed development purpose.

A Stage 1 Preliminary Site Investigation was submitted with the DA and outlined that a number of potential areas of environmental concern were identified. This is attributed to the historical use of the site for hardware and fuel merchants and a service station. The report concluded that a Detailed Site Investigation is to be carried out. A Detailed Site Investigation was therefore requested from the applicant as part of the first RFI issued on 22 April 2022.

A Detailed Site Investigation was prepared by Geotechnical Consultants Australia to address the RFI. The findings of the report concluded that the potential for significant contamination of soil to be low. The Report recommended that a Hazardous Materials Survey should be undertaken on all onsite buildings and structures prior to demolition. This is recommended to be required prior to demolition works by way of a condition to be imposed on any consent granted.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP)

The objective of Part 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP) is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.

An Arboricultural Impact Assessment was provided to accompany the DA and recommends the retention of three (3) trees on adjoining neighbouring allotments, and twelve (12) street trees along the bounding street verges. The assessment also recommends the removal of fourteen (14) trees located within the subject site, and one (1) street tree along the Thompson Street verge.

The proposed tree removal has generally been supported by Council's consultant landscape architect and arborist, except for one (1) additional tree that is to be retained. Further details are contained within section 10 of this report.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Chapter 2, Subdivision 2, Section 2.48 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (TI SEPP) is to be considered in the assessment of the DA as the development will be carried out within 5m of an exposed overhead electricity power line.

The site plan prepared by TesserArch dated 11 August 2021 illustrates that the power pole located in front of the Pittwater Road frontage will be relocated as part of the DA. The costs associated with the relocation of the power pole is therefore the responsibility of the applicant.

As per Subclause 2 of Section 2.48 of the TI SEPP, the DA was referred to Ausgrid for comment. Ausgrid have provided conditions to be included within the consent.

Chapter 2, Division 17, Section 2.119 of the TI SEPP applies to the development as the site has a frontage to a classified road.

The DA seeks to enlarge an existing driveway crossover at Pittwater Road. This will allow vehicular entry and exit to the site, to access the retail components of the development, which are land uses only permitted within the B1 zone. Separate vehicular access arrangements are provided for the medical centre and child care centre via Thompson Street.

As outlined earlier, the DA was referred to TfNSW who have indicated the continued access from the classified road will not be adversely affected by the development. TfNSW note that the traffic generation has suitably been distributed between two separate entry and exit points to the site.

Accordingly, the development proposed for the site is appropriately located when considering the zoning and the current use of the site for a major retail and liquor store.

The DA has been referred to Council's Development Engineer and City Works traffic engineer who have both confirmed that the continued use of the access arrangement from Pittwater Road is acceptable. When considering the additional traffic generated by the proposed development, the referral response indicates the development is not expected to alter the existing level of service within the surrounding public road network, despite some increases in delays and vehicle queue lengths. Further, vehicles exiting from the site onto Pittwater Road are restricted to left turns only, as there is a traffic island separating the north and southbound lanes of Pittwater Road.

The assessment has concluded that the proposal can therefore satisfy section 2.119 of the TI SEPP.

In addition to the above, the development includes a shop with a GFA greater than 500m² with access to a classified road and is therefore traffic generating development per Schedule 3 of the TI SEPP. Referral to TfNSW for concurrence was undertaken.

Concurrence was granted from TfNSW on 14 September 2022, to allow the driveway extension to Pittwater Road, subject to conditions.

Chapter 3 Educational establishments and child care facilities

The Development Application was lodged on 24 January 2022. The *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Education

SEPP) was repealed on 1 March 2022 upon commencement of TI SEPP. Pursuant to clause 1(1) of Schedule 9 (Savings and transitional provisions) of the TI SEPP, as the DA was lodged prior to its commencement, the provisions within Chapter 3 (Educational establishments and child care facilities) of the TI SEPP do not apply to the DA.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Clause 23 of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (Education SEPP) provides that:

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.

The *Child Care Planning Guideline* (herein simply referred to as 'the Guideline') establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based childcare facilities in NSW.

A detailed assessment of the proposal against provisions of the Guidelines is illustrated in the compliance table held in **Attachment 2**. One non-compliance with the Guidelines has been identified and is discussed below.

4.4 Ventilation and natural light

Regulation 110 requires that centres are well ventilated, through a mixture of natural cross ventilation and air conditioning. The development does not include operable windows to allow for natural cross ventilation. Natural ventilation could only partially occur if the doors to the activity rooms were to be open however, given the limited number of doors and configuration of the rooms, this would allow for only limited cross ventilation.

Despite this non-compliance, the proposal is however considered reasonable as the site has a primary street frontage to Pittwater Road and has boundaries with several residential receivers. Therefore, reliance on mechanical ventilation for the centre-based child care facility is considered acceptable given the potential acoustic impacts to adjoining sensitive receivers, and impacts of road noise intrusion to the centre.

Ryde Local Environmental Plan 2014

Clause 2.3 - Zone Objectives and Land Use Table

The subject site is zoned part B1 Neighbourhood Centre (130 Pittwater Road) and part R2 Low Density Residential (57 Thompson Street) under the provisions of RLEP 2014 – refer to **Figure 18** below.

The proposal seeks consent for a mixed-use development. The following land uses that make up the mixed use development are permitted with consent within the B1 zone:

- *shops* (major retail and liquor store)

- food and drink premises (café)
- centre-based child care facility, and
- medical centre

Development within the R2 zoned land will consist of a two-way driveway that provides access to the *medical centre* and *centre-based child care facility* car park provided at Basement Level 2. The bin room for these uses will also be provided at the ground floor of the development, located within the R2 site portion of the site. Both the *medical centre* and *centre-based child care facility* are permitted with consent within the R2 zone and therefore, the driveway access to these uses is permissible within the zone.

The parking provided at Basement Level 2 and Level 1 for to the mixed-use development are permissible within the B1 zone. Access to the commercial car park provided on Level 1 is only accessible via the entrance provided on Pittwater Road. The parking provided for the commercial components of the development are wholly located within the B1 zone. Access to the *centre-based child care facility* and *medical centre* car park at Basement Level 2 can only be accessed from the Thompson Street crossover.

As such, the configuration of land uses on the site has been carefully arranged to ensure land use permissibility within the respective zones.

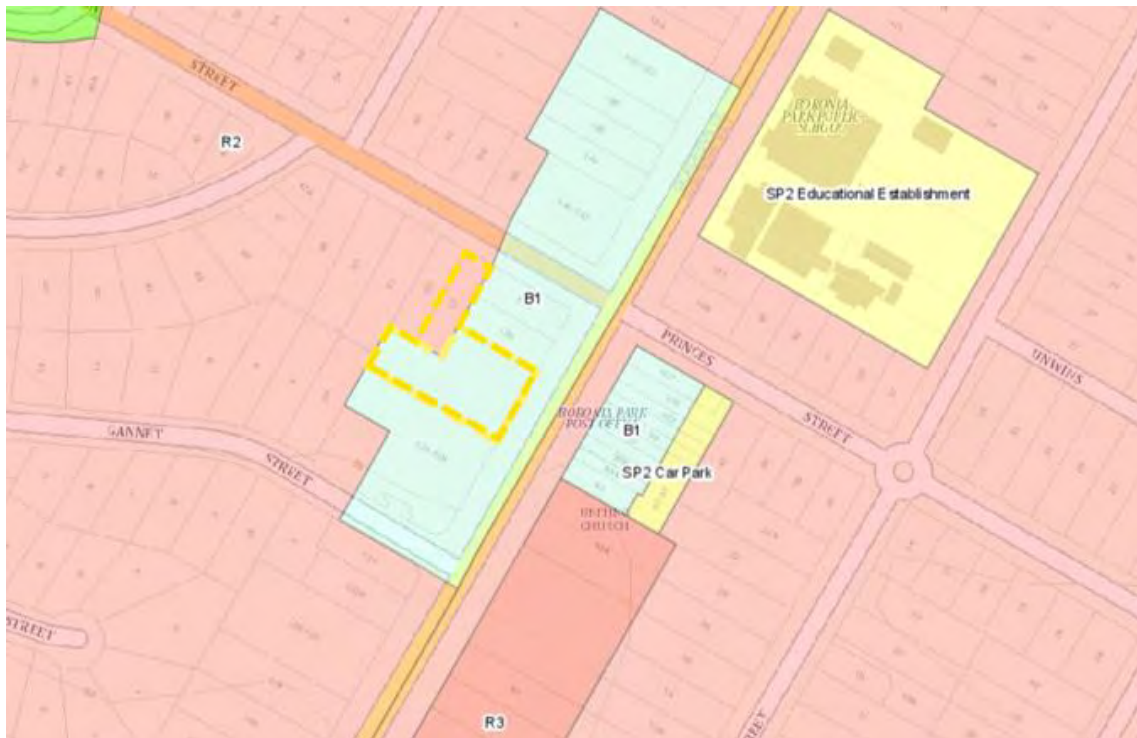


Figure 18: RLEP 2014 Zoning map. Subject Site located within B1 & R2 zone, identified by yellow hatched outline. Source: <https://www.planningportal.nsw.gov.au/spatialviewer>

Objectives of the B1 – Neighbourhood Centre zone:

The objectives of the B1 zone are as follows:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To encourage employment opportunities in accessible locations.*

With regard to the above, the proposed development provides a range of retail uses being the café, major retail and liquor store that services the surrounding neighbourhood. The centre-based child care facility and medical centre also provide key services to people who live or work in the surrounding neighbourhood, therefore the first objective would be satisfied.

The proposed development would also satisfy the second objective of the control, in that it would provide numerous employment opportunities within the Neighbourhood Centre, which is an accessible location.

Objectives of the R2 – Low Density Residential zone:

The objectives of the R2 zone are as follows:

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

The development of the R2 zoned land includes driveway access to parking for the medical centre and the centre-based child care facility, along with a substation and landscaping at the site’s boundaries. The redevelopment of this portion of land enables the mixed-use development to provide facilities and services to meet the day to day needs of residents and satisfies the second objective.

The first and third objectives of the R2 zone are not relevant to the proposed development.

RLEP 2014 Clauses

The following table is an overview of the key standards contained within RLEP 2014, and how the development performs against these:

Clause	Proposal	Complies
4.3(2) Height of Buildings		
9.5m	<p>The applicant’s clause 4.6 written request has identified the building height to be 10.55m.</p> <p>The assessment has found that the maximum building height is 10.25m calculated at RL 47.75 to RL 58. The contravention to the development standard is 750mm or 7.89%.</p> <p>A clause 4.6 written request prepared by Think Planners has been provided and is discussed in more detail below.</p>	No

4.4(2) Floor Space Ratio		
<p>B1 zone: 0.8:1 (1,314.4m²)</p> <p>R2 zone: 0.5:1 (259.25m²)</p>	<p>The applicant's clause 4.6 written request has identified the floor space ratio (FSR) of the development to be:</p> <p>B1 zone: 1.41:1 R2 zone: 0.023:1</p> <p>However, the assessment has found that the FSR of the development is:</p> <p>B1 zone: 1.48:1 R2 zone 0.023:1</p> <p>The assessed contravention of the development standard is 48.2%.</p> <p>Refer to discussion below.</p>	<p>No</p>
4.6 Exceptions to development standards		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p>	<p>The written Clause 4.6 variations are discussed below.</p>	<p>Provided</p>
5.4(7AA) Controls relating to miscellaneous permissible uses		
<p>Neighbourhood supermarkets are permitted within the B1 zone but, the gross floor area must not exceed 1,000m².</p>	<p>The original proposal sought approval for neighbourhood supermarket which had a gross floor area greater than 1,000m². No clause 4.6 written request can be provided to contravene clause 5.4.</p> <p>The amended documentation submitted on 6 December 2022 redefined the use of the supermarket form 'neighbourhood supermarket' to 'shop' therefore (both of which are permitted land uses in the zone). Compliance with subclause 7AA does not apply to 'shops'.</p>	<p>N/A</p>

5.10 Heritage Conservation		
<p>The objectives of this Clause are as follows:</p> <ul style="list-style-type: none"> - To conserve the environmental heritage of Ryde. - To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views 	<p>The subject site does not contain a heritage item, and is not located within a heritage conservation area.</p> <p>It is acknowledged that local heritage item no. 93 located at 120 Pittwater Road is within 100m of the subject site. Given the considerable separation distance, and significant development between the subject site and the heritage item, the proposal will not significantly impact the item.</p>	<p>Yes</p>
6.2 Earthworks		
<p>The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p>The development seeks to provide two basement levels upon the site and a ramped driveway access at Thompson Street. These works result in significant earthworks.</p> <p>Council's Development Engineer has undertaken an assessment of the proposal and not raised any concerns relation to impacts on waterways, drinking water catchments or environmentally sensitive areas.</p> <p>An Aboriginal Heritage Information Management System (AHIMS) search has been undertaken for the site and identified that there are no recorded Aboriginal sites or places on the land. As such, it is unlikely any relics would be disturbed.</p> <p>Standard conditions can be implemented to ensure the development does not unduly impact on adjoining properties.</p>	<p>Yes</p>

Clause 4.3 Height of Buildings

Clause 4.3(2) of RLEP 2014 provides that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Height of Buildings Map - Sheet HOB_010 provides a maximum building height of 9.5m for the subject site.

The Dictionary within RLEP 2014 provides definitions for *building height* and *ground level existing* to determine how to calculate the maximum building height of a development. The definitions are reproduced below:

*The **building height (or height of building)** means—*

- (a) in relation to the height of a building in metres—the **vertical distance from ground level (existing) to the highest point of the building**, or*
(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Ground level (existing) means the existing level of a site at any point.

In October 2021 the NSW Land and Environment Court’s decision in *Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582* deals with the issue of calculating building height on a site occupied by an existing building that has resulted in ground excavation.

At paragraph 73, the Court said that:

- *the existing level of the site at a point beneath the existing building is the level of the land at that point; and*
- *the ‘ground level (existing)’ within the footprint of the existing building is the existing excavated ground level on the site.*

When applied to the subject site, the existing ground level would be RL 47.38 and RL 47.75 respectively at the locations highlighted within the photograph provided at **Figure 19**. The top of the acoustic screens and walls above these points are RL 57.4 and RL 58 respectively. This results in a vertical distance of 10.02m and 10.25m respectively, therefore contravening the building height standard (refer **Figure 20**).

The contravention to the development standard is 750mm or 7.89%.



Figure 19: Location of depression identified in red & exhibits an existing ground level ranging from RL 47.38 to RL 47.79.
 Source: CPS – Site Inspection, 16 January 2023

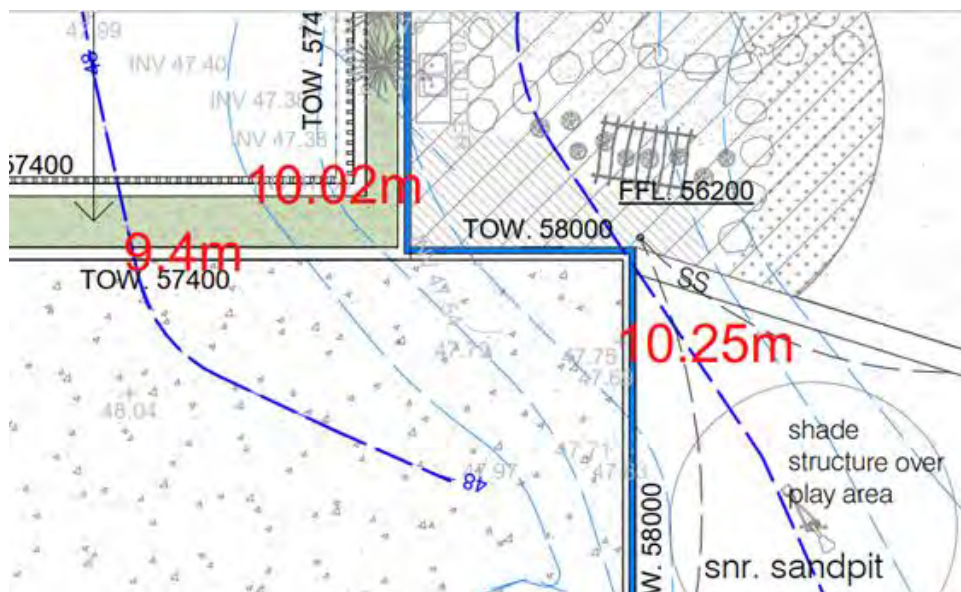


Figure 20: Location of the contravention of the building height standard and the maximum building heights shown in red.
Source: Floor Plan Level 2, TesserArch dated 23 January 2023.

The applicant’s written request subtracts the concrete slab thickness from the surveyed spot level to establish the existing ground level. This interpretation is incorrect, as the building height measurement is to be taken from the ground level that is ‘existing’ (per the definition provided above), not a presumed pre-existing ground level that may have been modified in the past. As such, the applicant’s written request highlights a greater variation to the standard than the assessment undertaken by Council.

Notwithstanding the contravention to the standard, the development is capable of achieving the objectives of the clause which is discussed in further detail below.

Clause 4.4 Floor Space Ratio

Clause 4.4(2) of RLEP 2014 provides that the maximum floor space ratio (FSR) for a building on any land is not to exceed the FSR shown for the land on the Floor Space Ratio Map.

Pursuant to clause 4.4 of RLEP 2014, an FSR development standard of 0.8:1 applies to the portion of the site zoned B1, which would permit a gross floor area (GFA) of 1,314.4m². A FSR development standard of 0.5:1 applies to the portion of the site zoned R2 and would permit a GFA of 259.25m².

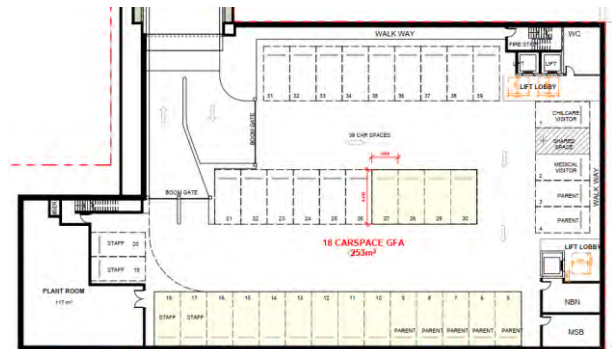

As outlined within the Background section of this report, the matter of the proposal’s non-compliant FSR was raised in the RFI issued to the applicant in April 2022. The RFI provided that the submitted GFA calculation plans had inappropriately excluded the back of house area of the major retail, storage and waste areas within the building, the outdoor forecourt and vertical circulation. Council had assessed the GFA of the building within the B1 zone to be approximately 2,370m², resulting in an FSR of 1.43:1. Representing a 43.3% variation to the development standard.

The amended documentation provided to Council on 12 March 2023 included a revised clause 4.6 written request, amended architectural plans, and amended SEE to identify the proposed contravention to development standard under clause 4.4.

The written request prepared by Think Planners has identified the contravention to the standard as an FSR of 1.41:1 for land within the B1 zone and an FSR of 0.023:1 for land within the R2 zone.

The assessment has found that the FSR of the development is 1.48:1 within the B1 zone and 0.023:1 within the R2 zone. A breakdown of the GFA per level has been provided within the table below. Diagrams detailing the difference between applicant and Council GFA calculation is included below also.

Site	GFA allocation per level
130 Pittwater Road FSR: 0.8:1 Site Area: 1,643m ²	Basement Level 2 – 253m ²
	Basement Level 1 – 1,378m ²
	Ground Floor – 512m ²
	Level 1 – parking to meet consent authority
	Level 2 – 292m ²
	Total GFA = 2,435 (1,643) Total FSR = 1.48:1 / contravention of 48.2%
57 Thompson Street FSR: 0.5:1 Site Area: 518.5m ²	Ground Floor – 12m ²

GFA calculation diagram by Applicant <i>*GFA highlighted in yellow</i>	GFA calculation diagram by Council <i>*GFA highlighted in purple</i>
Basement Level 2	
	
Council agrees with the applicants GFA calculation for this floor.	
Basement Level 1	
	
<p>The points of difference between the two GFA calculations pertain to the escalators for the major retail tenancy, which is used exclusively for the major retail and is not common property for other land uses in the building.</p> <p>Waste storage areas in the basement have been excluded from the Council GFA calculation. It is also noted that the void for the lift has been excluded from the plan calculation despite the colouring above.</p>	

Several key Land and Environment Court (NSW LEC) cases have refined the way variations to development standards are required to be approached. The key findings and directions of each of these matters are outlined in the following discussion.

The decision of Justice Lloyd in *Winten v North Sydney Council* established the basis on which the former Department of Planning and Infrastructure's Guidelines for varying development standards was formulated.

These principles for assessment and determination of applications to vary development standards are relevant and include:

- Is the planning control in question a development standard?
- What is the underlying object or purpose of the standard?
- Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?
- Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?
- Is a development which complies with the development standard unreasonable or unnecessary in the circumstances of the case?; and
- Is the objection well founded?

The decision of Justice Preston in *Wehbe V Pittwater [2007] NSW LEC 827* expanded on the above and established the five-part test to determine whether compliance with a development standard is unreasonable or unnecessary considering the following questions:

- Would the proposal, despite numerical non-compliance be consistent with the relevant environmental or planning objectives?
- Is the underlying objective or purpose of the standard not relevant to the development thereby making compliance with any such development standard unnecessary?
- Would the underlying objective or purpose be defeated or thwarted were compliance required, making compliance with any such development standard unreasonable?
- Has Council by its own actions, abandoned or destroyed the development standard, by granting consent that depart from the standard, making compliance with the development standard by others both unnecessary and unreasonable?
- Is the "zoning of particular land" unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable and unnecessary as it applied to that land? Consequently compliance with that development standard is unnecessary and unreasonable.

In the matter of *Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC*, it was found that an application under clause 4.6 to vary a development standard must go beyond the five (5) part test of *Wehbe V Pittwater [2007] NSW LEC 827* and demonstrate the following:

- Compliance with the particular requirements of Clause 4.6, with particular regard to the provisions of subclauses (3) and (4) of the LEP; and
- That there are sufficient environment planning grounds, particular to the circumstances of the proposed development (as opposed to general planning grounds that may apply to any similar development occurring on the site or within its vicinity);

- That maintenance of the development standard is unreasonable and unnecessary on the basis of planning merit that goes beyond the consideration of consistency with the objectives of the development standard and/or the land use zone in which the site occurs.

The applicant has submitted a written request to vary the FSR and height of building standards. An assessment of the relevant provisions of clause 4.6 with regard to the written requests provided below.

Clause 4.3 Height of Buildings

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The applicant's clause 4.6 written request relies upon the common ways to demonstrate compliance with a development standard is unreasonable or unnecessary in accordance with *Wehbe v Pittwater Council (2007)*. The written request argues the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

The objectives of the height of buildings standard are set out in Clause 4.3 as follows:

- (a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,*
- (b) to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,*
- (c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,*
- (d) to minimise the impact of development on the amenity of surrounding properties,*
- (e) to emphasise road frontages along road corridors.*

The justification in the applicant's written request and Assessment Officer's comments are below:

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

Written Request: *In relation to objective (a) the non-compliance to the acoustic barrier element located at the rear of the building has no bearing with the proportionality and character of nearby development and particularly so given it is largely a technical breach owing to the prior excavation of this part of the site- and hence the area of non-compliance has no bearing on the consistency of the proposal with objective a);*

Assessment Officer's Comments: The proposed mixed-use building presents three (3) storeys to Pittwater Road. The adjoining development to the south of the site comprises of a shop top housing development with three (3) storeys and is well above the 9.5m building height plane. As such, the proposed development will be proportionate to, and in keeping with the character of the local area.

Furthermore, when viewed from the primary street frontage the building elements comply with the 9.5m height standard. The contravening acoustic fences are located to the rear, and as such are not visible from the street frontages.

For these reasons, it is agreed that the objective is satisfied.

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

Written Request: *In relation to objective (b) the overshadowing impacts from this area of noncompliance are no greater than the overshadowing of the compliant scheme given the area of non-compliances is located relatively centrally located on the site. The development as proposes is compatible with the desired future character of the area having regard to the planning controls and the observed from of development to the south that also adopts a 3 storey mixed use proposal. The development does improve the appearance of the area and the area of the height breach does not detract from the achievement of objective (b).*

Assessment Officer's Comments: The shadow diagrams and view from the sun diagram provided within the architectural plans demonstrate that the development will not result in undue overshadowing of adjoining sites. It is agreed the contravening acoustic screens are centrally located within the building, and as such will not contribute to the building's shadow.

As outlined above, the development is generally compatible with the appearance of the area. Further it is also considered the appearance of the area will be improved by the development given it will replace an ageing structure with a modern building form.

Objective (b) is satisfied.

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

Written Request: *In relation to objective (c) the proposal ensures that the commercial precinct is provided with a contemporary commercial development that will complement the existing commercial character of the shopping precinct whilst child aligning with the principles of urban consolidation that will ensure the efficient use of community infrastructure by providing higher density commercial development along a key road network. The area of the breach to the acoustic screen does not detract from consistency with objective (c).*

Assessment Officer's Comments: The written request's response to this objective is poorly worded, nonetheless it is agreed that the area of the breach to the acoustic screen does not detract from consistency with objective (c).

It is also agreed that the development is to occur within an existing commercial area along a key road network. In this respect, it can be seen the proposal makes use of key public transport operating along this road network, such as the existing bus stops at Princess Street and Pittwater Road.

Separately, the development includes the consolidation of Lot 6 in DP 598121 and Lot 9 in DP 10402, which forms an orderly development site at the intersection of Pittwater Road and Thompson Street from a land use compatibility perspective.

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

Written Request: *In relation to objective (d) due to the minor nature of the variation, it will not have any adverse amenity impacts. In this regard it is noted:*

- *The variation will be visually unnoticeable and will have no adverse impact on the physical bulk, height or scale of the development given the location of the breach and the nature of it relating to an anomaly on the land and to an acoustic screen element rather than an integral part of the building form.*
- *The variation will not lead to a reduction in solar penetration on site or to adjoining properties nor will it lead to sunlight loss or overshadowing.*
- *The proposed variation will not lead to view loss or interrupt views to and from the site.*
- *The proposed variation will not lead to a reduction in privacy of neighbouring properties.*

Assessment Officer's Comments: The building height contravention is confined to the acoustic fence provided for the outdoor play area and the boundary wall of the building demonstrated within **Figure 20**.

It is agreed that the contravention will not impact on the amenity of surrounding properties for the reasons outlined in the written request.

The development satisfies objective (d).

(e) to emphasise road frontages along road corridors.

Written Request: *In relation to objective (e) the road frontage of the proposal is retained and the breach to the height control has no bearing on this objective being satisfied.*

Assessment Officers Comments: The development addresses the primary street frontage of Pittwater Road. The contravention to the building height is not visible from the Pittwater Road frontage. The development satisfies objective (e).

The written request has demonstrated that the objectives of the development standard under clause 4.3(1) are achieved despite the contravention. The proposal satisfies clause 4.6(3)(a) and 4.6(4)(a)(i) of the RLEP 2014.

Environmental planning grounds to justify contravening the development standard

The submitted request provides the following in response to the environmental planning grounds for the variation.

- *The area of non-compliance can be attributed to the prior excavation of the Site within the footprint of the existing building, which distorts the height of buildings development standard plane when compared to the topography of the land. In accordance with the Court's findings in Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582 [at 74], this can be properly considered as an environmental planning ground within the meaning of Cl 4.6*

- *The minor nature of the encroachment is negligible and as such will not generate unacceptable adverse impacts to surrounding properties or as viewed from the public domain.*
- *The natural topography of the land is such that when using extrapolated levels on what the 'natural' ground level would be then this area would be much higher than the current loading dock entry area- and hence when using extrapolated levels the proposal would be fully below the 9.5m height limit. Hence when comparing to surrounding properties the development still sits at a height that is contemplated by the 9.5m height limit- and this height is much lower than the adjoining development that is a full storey above the 9.5m height limit so contextually this means that the height sits comfortably across the site.*
- *The variation to the height control does not result in unacceptable overshadowing and privacy impacts to the adjoining residential properties.*

Therefore, the current proposal is a suitable outcome from an environmental planning perspective and demonstrates that there is merit in varying the height control to achieve a better design response on the site notably by providing suitable acoustic barriers to the child care component and that this area relates to a 'dip' in the natural topography of the land that if strictly complied with would result in a poor outcome through an artificial lowering of part of the building that would split the slab of the building and create significant design issues with the retail parking level- for no planning benefit.

This breach owing to the 'dip' in the site enables a better design outcome on the site and is consistent with the following Objects of the Environmental Planning and Assessment Act 1979:

(c) to promote the orderly and economic use and development of land,

(g) to promote good design and amenity of the built environment,

The minor breach to the height standard also does not generate any adverse amenity impacts to adjoining properties with regard to visual privacy or overshadowing given the lot orientation and careful design of the development.

Therefore, the current proposal is a preferred outcome from an environmental planning perspective and demonstrates that there is merit in varying the height control to achieve a better design response on the site which demonstrates sufficient environmental planning grounds to support the departure.

Assessment Officer's Comments: The land at 130 Pittwater Road has a depression. However, the depression is not an anomaly when looking at the topography of the local area. The Survey Plan demonstrates that the land falls from the southeast corner of the site towards Thompson Street in north west. Therefore, it is reasonable the 'depression' is attribute of the site which needs to be taken into consideration when establishing the existing ground level for the site.

Nevertheless, the contravention of the building height standard is only 750mm, the extent of which occurs over a very small area of the building. Given the location of the contravention to the central rear portion of the building, the variance is not visible from the public domain, and does not result in impacts to adjoining property.

Further, the acoustic barriers ensure the acoustic amenity of neighbouring residential properties are retained, and as such can be seen as a positive addition to the building.

The written request has satisfactorily established there are sufficient environmental planning grounds to justify contravening the standard in accordance with clause 4.6(3)(b) and 4.6(4)(a)(i).

Public interest – Development consistent with the zone objectives and objectives of the development standard

Clause 4.6 (4)(a)(ii) requires that the consent authority is satisfied that the development is in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone.

As detailed in the discussion of whether compliance with the standard is unreasonable or unnecessary, Council is satisfied that the development is consistent with the objectives of the development standard under clause 4.3(1).

The development must also be consistent with the objectives of the zone. As already discussed in this report, the development is consistent with the B1 Neighbourhood Centre zone objectives.

Therefore, the proposal is considered to be in the public interest. The development has demonstrated consistency with clause 4.6(4)(a)(ii).

Matters required to be taken into consideration by the Planning Secretary before granting the concurrence

Circular PS18-003 issued 21 February 2018 informed Council that it may assume the Planning Secretary's concurrence for exceptions to development standards.

Conclusion

The applicant has adequately addressed why compliance with the development standard is unreasonable or unnecessary under clause 4.6(3)(a) of RLEP 2014. The non-compliance with the height of buildings standard can be supported in the circumstance of the case, as there are sufficient environmental planning grounds for contravening the development standard. The contravention of the building height standard is limited to 750mm for a small portion of the building, and does not alter the bulk and scale of the development as viewed from Pittwater Road. The proposal is consistent with the objectives of the development standard and the zone.

An assessment of the relevant provisions of clause 4.6 against clause 4.4 'floor space ratio' is as follows:

Clause 4.4 Floor Space Ratio

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The written request relies upon the common ways to demonstrate compliance with a development standard is unreasonable or unnecessary in accordance with *Wehbe v Pittwater Council (2007)*. The written request relies upon the objectives of the standard being achieved notwithstanding the non-compliance with the standard.

The objectives of the floor space ratio standard are set out in Clause 4.4 as follows:

- (a) to provide effective control over the bulk of future development,*
- (b) to allow appropriate levels of development for specific areas,*
- (c) in relation to land identified as a Centre on the Centres Map—to consolidate development and encourage sustainable development patterns around key public transport infrastructure.*

The justification in the applicant's request and Assessment Officer's comments are below:

4.4(a) to provide effective control over the bulk of future development

Written Request: *The extent of 'above ground' FSR is 0.43:1 and the extent of 'basement' FSR is 0.98:1. Hence the perceived bulk and scale is only from the area above the ground floor which is dramatically less than the maximum FSR permitted- i.e. only half of the permitted GFA can be seen from the public domain and surrounding properties. Therefore, the bulk of the development is entirely in line with what is contemplated for the site and the area of non-compliance has no impact on the bulk of the development.*

The proposed development exhibits a suitable bulk and scale on the site despite the numerical departure. This is clearly observed through the 3d Massing extract provided below that shows the development sits comfortably in the site context exhibits less bulk than the adjoining development and the overall height of the development is consistent with the height standard. Further the lack of development on the R2 portion means that the bulk on that portion of the site is appropriate in terms of mitigating potential impacts to the adjoining dwelling to the west.

Assessment Officer's Comments: The written request identifies the above ground FSR of the development to be 0.43:1, or a GFA of 720m². As outlined earlier in this Report, Council's assessment has found that the above ground GFA of the development is 828m², or approximately 0.50:1. However, these numerical figures are somewhat misleading, as the development is considerably bulkier than the FSR would anticipate. For example, Level 1 of the building is entirely excluded from the GFA calculation as it contains car parking to meet the requirements of the consent authority.

It is agreed with the applicant that a better representation of the building's bulk can be observed from the 3D massing extract contained on page 9 of the written request (**see Figure 21 below**).

This 3D massing diagram demonstrates the proposal's height and bulk aligns with more recent development along Pittwater Road, namely that adjoining the site at 126-128 Pittwater Road.

However, the bulk of the development at 126-128 Pittwater Road is confined to the Pittwater Road frontage, whereas the proposed development extends further west toward the Thompson Street residential zoned land.

That being said, the development proposed on 57 Thompson Street is limited to a basement driveway ramp, and minimal above ground structures. In this respect, it is agreed with the applicant that the lack of development of the R2 portion helps transition the perceived bulk and scale, and assists in minimising amenity impacts to the adjoining residential properties. Objective 4.4(a) is satisfied as the applicant has demonstrated the development will be compatible with the bulk of future development in the local area.

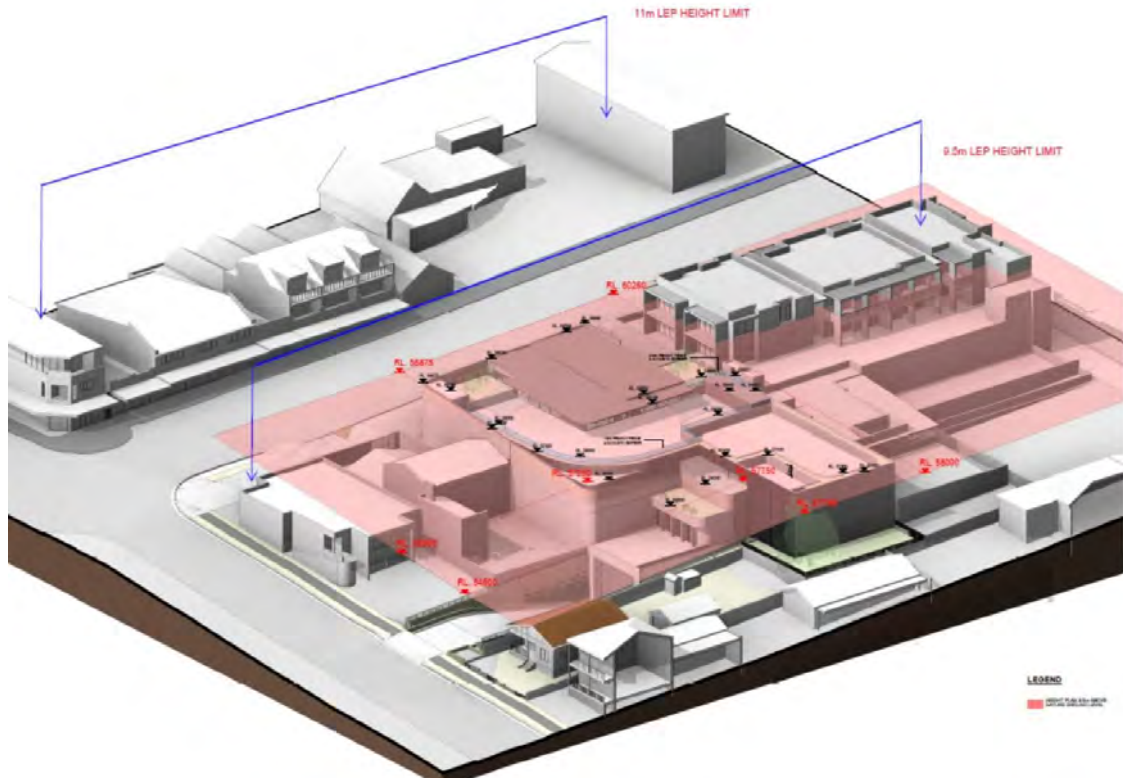


Figure 21: 3D massing diagram contained in the clause 4.6 written request for FSR contravention.

4.4(b) to allow appropriate levels of development for specific areas

The extent of development across the sites is appropriate, notwithstanding the numerical departure. This is because the development is compliant with the maximum permitted GFA in the areas above ground and the area of the breach is derived through a combination of the supermarket and the rear storage and loading areas associated with the supermarket.

When taking out the storage and loading areas from this part of the development in the basement the extent of GFA would actually be compliant across the 2 sites. The level of development achieved on the site is appropriate for the area noting consistency with the overall permitted GFA across the two (2) sites when excluding the storage and loading areas.

Assessment Officers Comment: The site is not identified as being within a specific site area on the Floor Space Ratio Map. Nonetheless, in the response to objective (a) it was demonstrated that the proposal includes an appropriate level of development for the site when considering the context of the local area.

4.4(c) in relation to land identified as a Centre on the Centres Map—to consolidate development and encourage sustainable development patterns around key public transport infrastructure.

The development site is not mapped on the Centres Map and hence the objective is not relevant.

Assessment Officer’s Comments: It is agreed this objective is not relevant as the site is not land identified as forming part of a Centre on the Centres Map within RLEP 2014.

The written request has demonstrated that the objectives of the development standard for clause 4.4(1) are achieved, therefore the contravention of clause 4.4 is not unreasonable or unnecessary in the circumstances of the case and clause 4.6(3)(a) and 4.6(4)(a)(i) is satisfied.

Environmental planning grounds to justify contravening the development standard

The submitted request provides the following in response to addressing what the environmental planning grounds are for the variation.

- *A fundamental planning and design consideration for the site is the part R2 and part B1 zoning and the desire to concentrate the development on the B1 portion of the site which means that the extent of built form is concentrated on 130 Pittwater Road. This is in order to limit impacts to the R2 adjoining land but more fundamentally to contain the development on the most useable portion of the site and the most suitable portion of the site given the nature of the use.*
- *It is noted that there is in 1626m² of gross floor area within the basement, such that there is no impact from that floor space on the perceived bulk of the development. If calculating the GFA on those areas 'above ground' the extent of GFA is only 720m² or 0.43:1- which is half the maximum permitted.*
- *Therefore, the FSR departure is a means of adopting a suitable design response on the land having regard to the area of the site that can most suitably accommodate the built form (B1 portion) and it avoids placing the building in proximity to the R2 land and enables maximum separation along the common boundary.*
- *The additional GFA in the basement is storage and loading areas as well as the supermarket- all of which are suitable uses of the areas 'below ground' in association with the proposal.*
- *Because the distribution of GFA is within the basement the built form outcome is one intended for the site and presents an efficient use of land and a suitable design response for the site given the context and interface with the R2 land.*
- *The location of the additional GFA has no adverse amenity impacts on adjoining properties in terms of visual privacy, visual bulk, overshadowing, view loss, or the like.*
- *This design approach and breach of the FSR associated within the basement area enables a suitable design outcome on the site and is consistent with the following Objects of the Environmental Planning and Assessment Act 1979:
(c)to promote the orderly and economic use and development of land,
(g)to promote good design and amenity of the built environment,*
- *The technical departure to the FSR standard also does not generate any adverse amenity impacts to adjoining properties with regard to visual privacy or overshadowing given the lot orientation and careful design of the development.*

Therefore, the current proposal is a preferred outcome from an environmental planning perspective and demonstrates that there is merit in varying the FSR control to achieve a better design response on the site which demonstrates sufficient environmental planning grounds to support the departure.

The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control. To require strict compliance would result

in an underdevelopment of the land that would be a poor outcome having regard to the location and context of the site.

Assessment Officer's Comments: The written request has provided several reasons to demonstrate that there are sufficient environmental planning grounds to justify contravening the standard. These are generally agreed with for the following reasons:

- Concentrating development on the B1 portion of the site has limited the impact of commercial development on the adjoining residential zoned land.
- More than half of the GFA for the development is located within basement, meaning the bulk and scale of the development is reduced.
- The resultant built form outcome is compatible with existing development in the local area, including the relatively recent development at 126-128 Pittwater Road.

The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) of clause 4.6.

Public interest – Development consistent with the zone objectives and objectives of the development standard

Clause 4.6 (4)(a)(ii) requires that the consent authority is satisfied that the development is in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone.

As detailed earlier in this Report, the development is consistent with the objectives of the standard.

The development must also be consistent with the objectives of the zone. As already discussed in this Report, the development is consistent with the B1 Neighbourhood Centre zone objectives.

On balance, the impacts associated with the additional GFA does not result in unreasonable impacts on the neighbourhood centre and the adjoining R2 zone. Therefore, the proposal is considered to be in the public interest. The development has demonstrated consistency with Clause 4.6(4)(a)(ii).

Matters required to be taken into consideration by the Planning Secretary before granting the concurrence

Circular PS18-003 issued 21 February 2018 informed Council that it may assume the Planning Secretary's concurrence for exceptions to development standards.

Conclusion

The applicant has adequately addressed why compliance with the development standard is unreasonable or unnecessary under Clause 4.6(3)(a) of RLEP 2014. The non-compliance with the FSR can be supported in the circumstance of the case, as there are sufficient environmental planning grounds for contravening the development standard. The proposal is consistent with the objectives of the development standard and the zone.

Accordingly, development consent may be granted to the proposal, despite the contravention of the FSR development standard.

5.2 Draft Environmental Planning Instruments

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2022

On 30 November 2022 the *Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2022 (Amending Order)* was made with immediate commencement. The Amending Order makes changes to support implementation roll out including amending the date of the repeal of the business and industrial zones to 26 April 2023.

Part of the site is zoned B1 Neighbourhood Centre and the Amending Order will see part of the land be zoned E1 Local Centre. The objectives of this zone are as follows:

- *To provide a range of retail, business and community uses that serve the needs of people who live, work or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To encourage employment opportunities in accessible locations.*

Within the zone, the following development is permitted with consent:

*Amusement centres, Boarding houses, Building identification signs, Business identification signs, **Centre-based child care facilities**, **Commercial premises**, Community facilities, Entertainment facilities, Function centres, Home businesses, Home industries, Hotel or motel accommodation, Information and education facilities, Local distribution premises, **Medical centres**, Oyster aquaculture, Places of public worship, Public administration buildings, Recreation areas, Recreation facilities (indoor), Respite day care centres, Roads, Self-storage units, Service stations, Shop top housing, Tank-based aquaculture, Veterinary hospitals, Any other development not specified in item 2 or 4*

The proposed development remains consistent with the objectives of the E1 zone and is permitted with consent in the zone.

5.3 Ryde Development Control Plan 2014 (RDCP 2014)

The proposal is subject to the provisions of the following parts of RDCP 2014:

- Part 3.2: Child Care Centres
- Part 7.2: Waste Minimisation and Management
- Part 8.2: Stormwater & Floodplain Management
- Part 8.3: Driveways
- Part 9.2: Access for People with Disabilities
- Part 9.3: Parking Controls

Clause 26(1) of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* indicates that a provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, number of children) does not apply to development for the purpose of a centre-based child care facility:

- a) *Operational or management plans or arrangements (including hours of operation),*
- b) *Demonstrated need or demand for child care services,*
- c) *Proximity of facility to other early education and care facilities,*
- d) *Any matter relating to development for the purpose of a centre-based child care facility contained in:*
 - (i) *The design principles set out in Part 2 of the Child Care Planning Guideline, or*
 - (ii) *The matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that guideline (other than those concerning building height, side and rear setbacks or car parking rates).*

A detailed assessment of the proposal against the Ryde Development Control Plan 2014 (RDCP 2014), Part 3.2 Child Care Centres is illustrated in the compliance table held in Attachment 1. Taking into consideration the above provisions of clause 26(1) of the Education SEPP, there are no relevant non-compliances identified in the compliance tables.

Part 7.2: Waste Minimisation and Management

A Site Waste Minimisation and Management Plan was submitted in accordance with Part 7.2 of the RDCP 2014. As part of the assessment of the proposal, the DA was referred to Council's City Works Waste officer. In their referral response, no objection to the proposed development is raised. Standard consent conditions regarding waste management will be included in the event the DA is approved.

Part 9.3: Parking Controls

Part 9.3 of RDCP 2014 outlines the minimum car parking controls for new development. The proposal's number of parking spaces provided for each land use with respect to the RDCP 2014 controls is outlined below.

Retail Premises – Level 1

Type	Area	RDCP 2014 parking rate for retail premises	Parking Req	Parking Req (Rounded)
Major Retail	950 (1430m ² GFA)	1 space per 25m ²	38.00	38
Liquor	150	1 space per 25m ²	6.00	6
Café	21	1 space per 25m ²	0.84	1

Total required = 45

Total provided = 32, which results in a shortfall of 13 retail spaces

Child care centre – Basement Level 2

	No.	RDCP 2014 rate for child care centres (parking space/ unit)	Parking Spaces Required	Parking Required (Rounded)
Children	53	1 space / 8 children	6.625	7
Staff	8	1 space / 2 employees	4	4

Total required = 11
Total provided = 11

Medical centre – Basement Level 2

	Quantity	RDCP 2014 parking rate	Parking Required
Doctors	4	1 per doctor	4
Staff	4	1 per 2 staff	2
Patients	(4)	1 per patient space per doctor	4

Total required = 10
Total provided = 10

As identified in the tables above, Basement Level 2 will provide car parking for the medical centre and the child care centre. This basement has a total of 39 car parking spaces. Both these uses however, only require a minimum of 21 car parking spaces. The Basement Level 2 car park accordingly has a surplus of 18 car parking spaces.

Car parking for the commercial components of the development will be located at Level 1 of the building. The RDCP 2014 prescribes a minimum rate of 1 space per 25m² for retail premises and restaurants (i.e., cafés) within business zones. The commercial components of the development would require a minimum of 45 car parking spaces to achieve compliance. However, only 32 car parking spaces has been provided at Level 1, which results in a shortfall of 13 car parking spaces for the retail premises.

The RDCP 2014 does not provide maximum parking rates for the land uses in the proposed development. Additionally, the RDCP 2014 includes no provisions for parking credits or acknowledgement of historical non-compliances.

Nonetheless, as outlined within Section 10 of this Report by Council's Senior Development Engineer, the existing parking non-compliance for the major retail and retail premises on the site is a salient aspect and should be taken into account when assessing the merits of the proposal.

The existing non-compliance with the retail premises car parking on the site has been assessed at 15 spaces. This is based on the GFA of the current retail premises being

approximately 656m², the current parking provision of 12 spaces on site, and applying the 1 space per 25m² car parking control.

As mentioned above, the proposed shortfall is 13 car parking spaces, meaning the proposed development reduces the historical parking shortfall by 2 spaces.

Council's Senior Development Engineer also notes the development presents a high likelihood for mixed trips. That is, a proportion of patients / parents attending the child care centre and medical centre on the site can equally access the retail use at the same time (e.g., a parent collecting children may also purchase groceries at the same time).

Having regard to the discussion above, the car parking shortfall associated with the retail premises is justifiable in the circumstances.

Further discussion on proposal's parking arrangements and compliance with the RDCP 2014 is contained within the Senior Development Engineer, City Works Traffic and TfNSW referral responses in Section 10 of this Report. It is noted, all referral responses support the proposed development from a traffic and parking perspective, subject to conditions.

5.4 Planning Agreements or Draft Planning Agreements

No planning agreements or draft planning agreements are relevant to this development.

5.5 Section 7.11 Development Contributions Plan 2007 (Amendment 2010)

From 1 July 2020, the City of Ryde Fixed Rate Levy (Section 7.12) Development Contributions Plan 2020 (Fixed Rate Plan) applies to non-residential development outside of the Macquarie Park precinct that propose an increase in GFA. The Fixed Rate Plan imposes a 1% levy on the construction value of all non-residential development consents for developments over a \$350,000 construction value threshold.

The cost of works of the proposal is \$8,625,000.00. The required contributions have been calculated as follows: \$93,927.83

5.6 Any matters prescribed by the regulations

Should development consent be granted, a condition of consent will be included outlining that the existing buildings on site must be demolished in accordance with *Australian Standard AS 2601—2001: The Demolition of Structures*.

6.0 The Likely Impacts of the Development

The likely impacts of the development have been considered within this report and the assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment in general due to the nature of the

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

7.0 Suitability of the site for the development

The site is not affected by any significant restrictions (e.g., flooding, acid sulphate soils, areas of environmental sensitivity, etc.). The assessment contained within this Report demonstrates the site is inherently suitable for the proposed development.

8.0 The Public Interest

The City of Ryde Urban Design Review Panel (UDRP) is a panel of independent professionals who assess applications on their urban design merits and good design principles. Accordingly, it is in the public interest that development proposals adhere to the recommendations of the UDRP.

As outlined earlier, and covered in detail at Section 10 of the Report, the subject DA was presented to the UDRP in early 2022. Several matters requiring design amendments were raised.

Council's Urban Designer has provided comments in relation to the applicant's latest set of amended plans. The Urban Designer indicates the forecourt and public domain interface will require a redesign, which will have a flow-on effect on the configuration of other elements on the ground floor and potentially other levels. These changes were made by the applicant on 12 March 2023.

The development has appropriately responded to the UDRP's comments, as such approval of the proposal is in the public interest.

9.0 Submissions

The application was first advertised in accordance with the provisions of RDCP 2014 on 17 February 2022 to 10 March 2022 and fourteen (14) submissions were received. Some of the submissions were in favour of the development however many of the submissions objected to the proposed development.

The application was renotified on 14 December 2022 – 23 January 2023 and four (4) submissions were received.

The objections raised in the submissions are outlined below, followed by a comment from the assessing planner:

- **Traffic and parking impacts:**
 - Concerns regarding the driveway and car parking access at 57 Thompson Street. Including the proximity of the entry to the intersection of Thompson Street and Pittwater Road, and the necessity to restrict the hours of the car park entry.
 - Insufficient staff parking to service the development and traffic flows on the local area.
 - Impacts of truck movements on the local road network.
 - Child safety due to the increased traffic flows at Thompson Street.
 - Restriction of vehicles using Thompson Street due to acoustic and traffic impacts to residential locality.

- Additional traffic overflow of staff using residential streets due to insufficient parking for staff on site.
- Shopping trolley technology to ensure no trolleys are outside of the centre.
- The 39 basement spaces are nominated as childcare and visitor parking however, this has direct access to the major retail via dual elevator shafts. It seems inconsistent with the plan that the use will be predominantly major retail and as such will have intensive use of the parking spaces into a residential area.
- Splitting the parking between two separate road entrances will result in increased traffic congestion.
- Car parking provided isn't sufficient to service the proposed development.
- Location of Thompson Street driveway on intersection traffic flows and bus route operations.
- Driveway should not be provided on Pittwater Road
- Car parking entry/exit for the child care and medical centre should be restricted to 7am – 7pm.

Assessment Officer's Comment – In regard to the submissions raising concerns about the driveway provided at Pittwater Road, TfNSW has provided concurrence and outlined that this arrangement is acceptable. Additionally, both Council's Senior Development Engineer and Council's City Works Traffic Engineer have supported this arrangement, noting that a driveway crossover is currently provided at Pittwater Road to service the existing retail development on the site.

The submissions have raised concern about the location of the driveway at Thompson Street, and its proximity to the intersection at Pittwater Road. Again, this has been reviewed by Council's City Works Traffic Engineer, who has confirmed that this arrangement is acceptable.

Regarding the parking provided on site, both Council's Senior Development Engineer and Council's City Works Traffic Engineer has outlined that this arrangement is sufficient to service the proposed development. The location of two separate driveways also reduces the number of vehicles entering/exiting the site at one point, hence, reducing the demand on the road network.

To ensure the driveway provided at Thompson Street does not result in any undue impacts to the residential properties, it has been requested that a Traffic Management Plan be prepared for Basement Level 2 as a condition of consent. This will mean that access to the Thompson Street basement will only operate during the hours of operation for the child care centre and the medical centre, and not service the retail premises within the development.

Further discussion on how these submissions have been addressed is provided within Section 10 of this Report within the referral comments provided by TfNSW, Council's Senior Development Engineer and Council's City Works Traffic Engineer.

• **Impact of development on residential zoned land and residential dwellings:**

- The setback of the landscaped area provided for Thompson Street is inadequate for a commercial driveway within a residential zone.
- Loss of mature street trees at Thompson Street including the paperback tree near 57 Thompson Street.

- Location of rubbish bins and air conditioners will result in acoustic and outdoor impacts for adjoining residential properties at 55 Thompson Street.
- The significant excavation of the land directly adjacent to property at 126-128 Pittwater Road, Gladesville. A Geotech report confirming the method of construction and dilapidation reports plus methodology to understand how the construction plans to support the existing building given the deep excavation with zero setback.
- The development should provide a greater activation to Pittwater Road
- No information of lighting strategies.
- Noise, vibration and dust disruption from construction impacts
- Overshadowing impacts on residential properties

Assessment Officer's Comment – Having regard to the concerns raised about the proximity of the development to residential properties, the amended proposal provides a 3m side setback to the western boundary of 55 Thompson Street. This setback includes an accessible pathway with a width of 1.3m and landscaping either side of the pathway. A 650mm landscape strip has also been provided along the eastern boundary of 57 Thompson Street.

The submissions have raised concern about the retention of significant vegetation, as the development seeks to remove a *Melaleuca quinquenervia* (paperbark tree). The applicant has outlined that removal of this tree is to provide sight lines to the driveway entrance at 57 Thompson Street. The referral undertaken by Council's consultant arborist has recommended that the tree to remain. A condition of consent for its retention has been included.

A dilapidation report will be required as a condition of consent to ensure there are no undue impacts to neighbouring properties.

A lighting strategy for the development will be conditioned within the notice of determination in the event of an approval.

The Noise Impact Assessment accompanying the DA has outlined that the construction noise and the ongoing operation of the development will not result in undue acoustic impacts, subject to the development satisfying the operational controls provided at section 6.4 of the report. The operational controls will be included as conditions of consent in the event of an approval.

The development will not result in significant overshadowing impacts on residential properties. The shadow diagram and view from the sun diagram provided with the DA illustrate that the neighbouring properties will retain a minimum of 2 hours of solar access to private open space areas and principle living areas at mid-winter.

Based on the above, the development is capable of mitigating impacts on the adjoining residential land.

Child care:

- Noise impacts from the childcare centre to nearby residential properties
- Provision of appropriate boundary fences for acoustic amenity of residential neighbours
- Location of outdoor play space next to residential receivers

Assessment Officer's Comment – The Noise Impact Assessment has recommended the provision of an acoustic barrier around the outdoor play area of the child care centre, ranging from 1.8m to 2.4m high. The outdoor play area has been setback 25m from the residential receivers at the western boundary, and 4m from the southern boundary. As such, the potential noise impacts from the centre can be suitably mitigated.

Impacts associated with the construction and ongoing operations of the development:

- Impacts from construction works including noise, vibration and dust.
- The location of air conditioner vents and condenser deck facing Thompson Street may result in acoustic and visual impacts to adjoining residential properties.
- Acoustic impacts from the child care centre use.
- Emissions from the development and impacts on the air quality within the local area.

Assessment Officer's Comment – As mentioned above, the Noise Impact Assessment prepared to accompany the DA has outlined that the construction noise and the ongoing operation of the development will not result in undue acoustic impacts, subject to the development satisfying the operational controls provided at section 6.4 of the report. The operational controls will be included as conditions of consent in the event of an approval.

The Air Quality Report submitted with the DA has outlined that the subject site is a suitable location for the proposed development. In this respect, it is not anticipated that emissions from the development will impact on the local area.

10.0 Referrals

10.1 External referrals:

Transport for NSW

As part of the assessment of the DA, the application was referred to TfNSW. On the 3 March 2022 a referral response was received from TfNSW indicating the proposed vehicular access from Pittwater Road was not supported. TfNSW indicated that access arrangements for the entire development would have to be provided via Thomson Street.

Given the land at 57 Thompson Street is zoned R2, a land use permissibility issue arose given the Thompson Street vehicular access would service the commercial components of the development which were prohibited in the R2 zone.

The applicant provided additional information to TfNSW and undertook separate discussions with TfNSW to resolve the matter.

On 14 September 2022 TfNSW granted concurrence to the proposed development and permitted the driveway extension to Pittwater Road in order to service the commercial premises within the development, subject to conditions.

These conditions have been included in the draft consent should the DA be approved.

10.2 Internal referrals:

Ryde Urban Design Review Panel

As part of the DA assessment, the proposal went before the Ryde Urban Design Review Panel (UDRP) on 24 February 2022.

The issues raised by the UDRP are outlined below, followed by the Assessment Officer's comments on how the applicant's amended plans have responded. A copy of the complete meeting minutes is provided at **Attachment 3**.

Following the UDRP discussion below is the referral comments received by Council's Urban Designer on 9 February 2023. Council's Urban Designer has assessed the applicant's amended plans in response to the UDRP's assessment and recommendations.

Council's Urban Designer raised outstanding matters with the proposal that necessitated further plan amendments by the applicant that were submitted on 12 March 2023.

Building Design Response

The ground floor and entry forecourt is situated below the adjacent ground level on the street at the building entry. This results in stairs at the retail entry and necessitates the use of a chair lift. The building will be a destination in the centre with a shopping centre, bottle shop, medical centre and childcare centre and should be easily accessed for people of all abilities/mobilities without using a chair lift, including but not limited to wheelchair users and mums with prams. To match the adjacent ground level the proposed building ground level should be raised to RL49.75. This will lift the overall building height by 1m.

An additional lift has been added for access to the childcare.

The architect aspires to a design that supports everyday routine and contribute to their experience of the town centre. To achieve this aim, the ground level and interface with the street should be refined to better respond to different uses. As mentioned above, providing equitable access for everyone is fundamental. Beyond access, it is not clear what the intended use of the 'outdoor forecourt' is or if it is intended to be used for seating, gathering, café seating. It appears to be a lobby for movement between tenancies, lifts, car park and street.

It is not clear how the 'outdoor forecourt' will be secured. The Panel is concerned for the perceived safety and security issues that come with such a forecourt space out of normal

operations hours. This is really an internal space and should have weather protection and a door.

Extending the awning across the front of the building street edge would increase weather protection and pedestrian amenity along the street.

The detail design of screens to the car park levels should ensure that light spill from headlights is filtered to minimise visual impact on surrounding residents. On the northern façade, the addition of the layered screens and blades with partial opening to enable natural

ventilation to the car park reinforce the architectural expression along Pittwater Road and are supported in principle. The western façade closest to the R2 zone warrants similar design consideration.

Assessment Officer's Comment: The applicant has responded to the UDRP's request in their amended plans by raising the FFL for the outdoor forecourt to RL 49500. This now provides a seamless transition between the public domain of Pittwater Road and the development.

The change in FFL has also allowed the chair lift to be deleted that was previously not supported by the UDRP.

Despite the UDRP's recommendation, the awning to the Pittwater Road frontage has not been extended across the frontage of the building to increase weather protection and pedestrian amenity along the street.

The amended plans received on 12 March 2023 include the following amendments:

- Relocation of the travelator from the eastern aspect of the outdoor forecourt to the northern portion of the ground floor. The relocation of the travelator ensures the access arrangement is not a focal point of the Pittwater Road frontage and allows for better activation and engagement of the primary road frontage.
- The raised planter along the Pittwater Road street frontage has been removed.
- Provision of a floor to ceiling safety grill located within the forecourt area to increase safety and security to the development outside of operating hours.

The western façade of the development that is adjacent to the R2 zone still presents a 9m high blank wall to the neighbouring properties. The recommendations of the UDRP remain outstanding in that this façade has not introduced material changes (like the northern façade) to add visual interest and reduce the building's perceived visual mass.

Parking Arrangements

Car parking remains split between basement 2, accessed from Thompson Street, and level 1, accessed from Pittwater Road. This arrangement is a product of the limited site area and location of the supermarket which prevents ramp connections between parking levels. While some rationalisation of car parking allocation has been proposed to reduce patron confusion, both levels still include retail parking spaces and are not connected. A driver would be required to circulate outside the building, on the wider street network, to travel from one level of parking to another, for example if there were no spaces available on the first car park

level visited. The design and supporting justification needs to demonstrate that the quantum of parking and its allocation to uses can be supported by the site and provide a legible user interface without negative impacts on the street traffic.

Assessment Officer's Comment: Boom gates are included at the entry of the child care centre and medical centre car park, thus preventing customers of the commercial premises from parking in this basement. In the event of an approval, the following consent condition has been recommended by Council's Development Engineer to ensure car park access across the two basements does not occur.

Access to Basement Level 2 Parking.

The roller shutter at the base of the driveway ramp descending the basement level 2 parking area must remain open for all hours of operation of the medical centre and child care centre. Additionally, the restricted parking system on this level must offer unrestricted parking (in terms of time and money) for the hours of operation of the medical centre and child care centre. Parking in Basement Level 2 for all other land uses on site is not permitted.

(Reason: To ensure car parking in Basement Level 2 is only used by the medical centre and child care centre.)

Despite the imposition of the above condition, no information has been provided to demonstrate how car parking within the Basement Level 2 will be managed. As such, the following condition is recommended to ensure car parking within Basement Level 2 will be satisfactorily managed.

Parking Management Plan – Basement Level 2

A Parking Management Plan for Basement Level 2 is to be prepared by a suitably qualified traffic and parking engineer. This Parking Management Plan is to be submitted to the Executive Manager City Development at the City of Ryde Council for assessment and approval. The Parking Management Plan is to address:

- *Access control to the respective child care centre and medical centre car parking spaces.*
- *The hours of operation of the boom gates to the child care centre & medical centre.*
- *The operational arrangements for the roller shutter with respect to securing the basement outside of operating hours for the child care centre and medical centre.*
- *Wayfinding and signposting are required for each car parking basement to help visitors avoid entering the incorrect car park.*
- *Marking of parking spaces for the child care centre and medical centre to avoid visitors parking in incorrectly allocated spaces.*
- *Signposting prohibiting parking within Basement Level 2 for customers and staff associated with the supermarket, shops, and café.*

(Reason: To ensure orderly use of the car parking in Basement Level 2, and also ensure Basement Level 2 is only used by the medical centre and child care centre.)

Urban Design

In addition to the application going before the URDP, the amended application was referred to Council's Urban Designer.

Comments from Councils Urban Designer received on 9 February 2023 are provided below:

Built form

The retail parking has been fully allocated to Level 1 while parking for childcare and medical centres is provided separately on Basement Level 2. It helps reduce confusion for visitors. In addition to that, signage is to be displayed at each vehicle access point to help visitors with wayfinding and avoid entering car park incorrectly. It could be included as a condition of consent.

Assessing Office Comment: As outlined above, a consent condition has been included which requires the preparation of a Parking Management Plan to be submitted to Council for assessment and approval. The condition indicates signage is required to assist with visitors with wayfinding and avoiding entering the incorrect car park.

Density

The proposal has not yet demonstrated that the density of development is suitable to the site. Refer to 'Amenity' section below.

Sustainability

No information has been provided regarding sustainable design measures since the last revision. The Applicant is encouraged to consider the use of solar panels for renewable energy use.

Landscape

The development has limited opportunities to provide deep soil on the site given its proposed non-residential uses and local business centre context. It is important that the development maximises any opportunity to provide on-structure planting where possible. As pointed out by the UDRP, the north-facing roof terrace (adjacent to the bin room) on the Ground Floor level presents the opportunity to provide up to 90m² of additional on-structure planting. That will enhance the visual quality of the development and improve the outlook from No.136 Pittwater Road and No.55 Thompson Street. Maintenance access is to be provided to the roof terrace landscaping area. This can be a condition of consent.

The rooftop terrace at RL52.8 has not been provided with any access for maintenance. The Applicant is to clarify how access can be arranged for the ongoing maintenance of the roof terrace landscape.

Amenity

While raising the floor level of the forecourt and removing the chairlift are positive changes, the proposal requires further design amendments to improve its ground level interface with the street. I agree with the UDRP that the forecourt essentially functions as a lobby space for internal use rather than serving as an extended part of the public domain. The raised planter along the street frontage and the location of the escalator further reinforce the perceived barrier between private and public domains.

It is recommended that the proposal be amended to:

- 1. Enclose the forecourt and provide a glass door to increase safety and security; it however will further increase the proposal's GFA in an already non-compliant scheme, alternatively*
- 2. Redesign the forecourt to function and present as an extended part of the public domain by:*
 - o Reconsidering the street boundary treatment – to maximise visual and physical permeability to the shopfronts across the Pittwater Road frontage*
 - o Realigning and relocating the escalator to be perpendicular to the frontage*
 - o Relocating and internalising private lifts and the toilet for increased security*
 - o Providing street furniture and fixtures such as seating, lighting and bike racks*
 - o Eliminating any concealment space*

As recommended by the UDRP, the awning is to be extended across the entire building frontage facing Pittwater Road. This can be a condition of consent.

Safety

As a semi-private domain, the forecourt does not provide sufficient security to the three private lifts, the escalator and the toilet adjoining the liquor store, increasing the chance of vandalism on private properties and potentially impacting the public domain.

There is an alcove near the liquor store and the toilet, creating an opportunity for concealment, which is a public safety concern outside business hours at night time.

Design amendments are recommended above under 'Amenity'.

Aesthetics

Western façade closest to the R2 zone presents a 9m high blank wall to the neighbouring properties. As raised by the UDRP, the western façade is to introduce some material changes (similar to the northern façade) to add visual interest and reduce its perceived visual mass. This can be a condition of consent.

Based upon the comments above, a redesign of the forecourt and public domain interface was required. The applicant provided amended plans on 12 March 2023, to address the concerns raised by Council's Urban Designer. The changes included the following:

- Relocation of the travelator from the eastern aspect of the outdoor forecourt to the northern portion of the ground floor. The relocation of the travelator ensures the access arrangement is not a focal point of the Pittwater Road frontage and allows for better activation and engagement of the primary road frontage.
- The accessible bathroom has been relocated from the northern aspect of the ground floor to the southern aspect of the floorplate to ensure there is no concealment opportunities and the bathroom will be visible from the public domain.
- The raised planter along the Pittwater Road street frontage has been removed.
- Provision of a floor to ceiling safety grill is located within the forecourt area to increase safety and security to the development outside of operating hours.

The amendments made by the applicant has now satisfied Council's Urban Design comments. The balance of the Urban Designer's comments that can be satisfied by condition have been included in the draft consent in the event the DA is recommended for approval. These conditions include:

Pittwater Road Awning. *The awning on the Pittwater Road Elevation is to be extended across the entire building frontage facing Pittwater Road. Plans demonstrating compliance with this condition are to be submitted to the Executive Manager City Development at the City of Ryde Council for assessment and approval.*

Reason: To increase weather protection and pedestrian amenity along the street.

Western Facade. *The western façade of the development closest to the neighbouring R2 Low Density Residential zoned land currently presents as a 9m high blank wall to the neighbouring properties. Amended plans are to be prepared which introduce some material changes (similar to the northern façade) to add visual interest and reduce the perceived visual mass of this western wall. Plans demonstrating compliance with this condition are to be submitted to the Executive Manager City Development at the City of Ryde Council for assessment and approval.*

Reason: To add visual interest and reduced the perceived visual mass of the development's western façade presenting to the adjacent R2 Low Density Residential zone.

Landscape Architect and Arborist

As part of the assessment of the application, the proposal was referred to Council's consultant arborist and landscape architect. Concerns were raised which related to the following matters:

- Inadequate landscape treatment area extents (natural planting, turfed areas, hard surfaces);
- Inadequate sandpit sizing;
- No inclusion of outdoor storage areas, and;
- Insufficient representation of intended landscape treatments to the entirety of the site.

The amended landscape plans (Revision C, dated 16th November 2022) have now addressed the concerns raised above. With respect to landscape and arboricultural matters the proposal is now considered satisfactory, subject to recommended conditions.

One of these conditions includes the retention of a *Melaleuca quinquenervia* (Paperbark) identified as Tree 13 on the Arboricultural Impact Assessment prepared by the Tree Guardian. Retention of this tree was also raised as a matter of concern within the submissions received for the application.

Development Engineer

As part of the DA assessment, the proposal was referred to Council's Senior Development Engineer for comment. In their referral response issued on 17 May 2022, the Senior Development Engineer raised no objections to the proposed development, subject to additional comments from TfNSW.

The referral included a detailed assessment of the vehicle access and parking arrangement for the site and a breakdown of the car parking requirement for each use. This is reproduced below.

Retail

Type	Area	Required Parking Rate	Parking Req	Parking Req (Rounded)
Major Retail	950 (1430m ² GFA)	25	38.00	38
Liquor	150	25	6.00	6
Café	21	25	0.84	1

The SEE has made reference that the retail use is intended for supermarket.

The given floor area provided in the applicants Traffic report has noted only 950m² of "trading floor area" for the major retail component, yet the plans indicate 1430m² of GFA. There is no such provision in the DCP for this however it would be accepted that non-trading floor area (such as administration offices, material storage areas) would not be contributory to parking demand. Further to this, the RMS "Guide to Traffic Generating Developments" provides a comparable rate for supermarkets but has based on the "Gross Leasable Floor Area" which is to exclude storage areas, etc. As such, the floor area is appropriate.

The retail component of the development is determined to warrant 45 spaces yet the development provides 32 spaces (all of Level 1) and is thereby short by 13 spaces.

Child care

	No.	Rate* (parking space/ unit)	Parking Spaces Required	Parking Req (Rounded)
Children	53	1 space / 8 children	6.625	7
Staff	8	1 space / 2 employees	4	4
TOTAL				11

The development has allocated 4 staff and 8 parent spaces (incl. 1 disabled space). This satisfies the minimum parking requirements for this use.

Medical Centre

The SEE has stated the fit out and exact staff numbers are to be addressed in a future detailed DA however the Traffic Report has provided the following figures;

	Quantity	Required Parking Rate	Parking Req
Doctors	4	1 per doctor	4
Staff	4	1 per 2 staff	2
Patients	(4)	1 per patient space per doctor	4

From the 39 spaces in basement level 1 and less those allocated for the childcare component, the development provides 27 available spaces for the medical centre which is a considerable level of surplus (17 spaces) to the minimum requirements.

Parking Summary

The provided Traffic Report has made a comparison to the current and proposed use of the site (currently a shopping centre and liquor store) and the parking capacity. The consultant has presented a case which considers the current parking shortfall as a "credit". Whilst there is some merit to this analysis, there is no allowances for this in the Parking DCP for a scale of development being proposed (essentially a new commercial development, not alterations & additions).

The parking allocation presents a quandary as the development provides a net surplus of parking however the allocation of this parking between the two levels presents one level with an undersupply (13 parking spaces) whilst the alternate level presenting a surplus (17 spaces). Due to the traffic generation applications, the reallocation of the parking levels are unlikely to be supported by the Council's Traffic section. Noting that a proportion of the retail parking would accommodate retail staff parking demand, it is advised that a portion of the surplus medical centre parking be allocated for retail staff (say 10 spaces) and this would therefore reduce the parking shortfall to no more than 3 spaces. This could be accepted, also noting the site currently operates with a parking shortfall of 12 spaces as presented in the applicants Traffic report.

In terms of vehicle access and parking area design, the following matters are noted;

- The vehicle entry from Thompson Street will have the security door at the base of the ramp and this will not be visible from the roadway. It would be prudent to have signage at the road entry notifying the public of when the carpark is opened / closed to prevent vehicles reversing up the ramp.

- *The base of the internal ramp to Level 1 at the Pittwater Road entry should have line marking to delineate the path of vehicles at the curve. This can be addressed by condition.*
- *A vehicle approaching the crest of the ramp to descend is likely going to need to enter the opposing lane so as to have sufficient turning radius. The only way this could be resolved is to remove the adjoin space (No. 32) so as to provide a splay on the inner path. Considering the vehicle speeds are low in this location and there is good sight distance, it is admissible the situation presents very low risk of conflicting flow actually occurring and the configuration can be accepted.*
- *The location of spaces 17 and 18 are not ideal however it is still viable vehicles would be able to enter in a single forward movement and exit in a forward manner.*

Following receipt of the applicant's amended plans, the revised proposal was again referred to Council's Senior Development Engineer. A response was received on 31 January 2023. The amended application was supported by the Development Engineer subject to conditions. Two of the recommended conditions included operational requirements for the basement car parking, which are reproduced as follows:

26. Parking Allocation. *Both the owner and occupier of the development must provide and maintain the parking allocation as follows;*

Level 1

- *Minimum of 32 parking spaces for retail customers*

Basement Level 2

- *10 parking spaces for retail staff*
- *Minimum of 7 parking spaces (pickup-drop-off) for childcare parents*
- *4 parking spaces for childcare centre staff*
- *4 parking spaces for Medical Centre Doctors*
- *2 parking spaces for Medical Centre staff*
- *Minimum of 4 parking spaces for Medical Centre patients*

(Reason: To ensure the development maintains the approved capacity and allocation of parking spaces on the site.)

27. Access to Basement Level 2 Parking. *The security gate at the base of the driveway ramp descending the basement level 2 parking area must remain open for all hours of operation of all services on the site. Additionally, the restricted parking system on this level must offer unrestricted parking (in terms of time and money) for all customers / patients / parents / patrons attending the establishment throughout the hours of operation.*

(Reason: To ensure that customers of the development have unrestricted access to the allocated parking on site).

These operational conditions would result in the retail use of the proposal relying upon the surplus parking provided for the child care centre and the medical centre located within Basement Level 2, which can only be accessed at Thompson Street.

This arrangement raises a land use permissibility concern as reliance upon the access arrangement within the R2 zone for commercial purposes, it was requested the necessity for these conditions be revisited by the Senior Development Engineer.

Additional comments were received from Council's Senior Development Engineer on 9 February 2023, that the parking arrangements provided for the development is satisfactory based on the following comments:

- *Section 3.2 of the applicants Traffic Report has undertaken an analysis of the current use of the site and the provision of parking, noting the present configuration provides a parking shortfall of 16 parking spaces. The development reduces this shortfall to 13 spaces, when considering retail use along however provides a surplus of 17 spaces for the other use. Whilst the DCP does not have provisions to consider of parking "credits" for new development, this is a salient aspect and would be taken into account should the merits of the application be considered.*
- *The development presents a high likelihood for mixed trips. That is, a proportion of patients / parents attending those uses on the site can equally access the retail use at the same time (e.g. a parent collecting children may also purchase groceries at the same time).*

These comments were also to be supported by the following update to draft condition number 26:

26. Access to Basement Level 2 Parking.

The security gate at the base of the driveway ramp descending the basement level 2 parking area must remain open for all hours of operation of the medical centre and child care centre. Additionally, the restricted parking system on this level must offer unrestricted parking (in terms of time and money) for the hours of operation of the medical centre and child care centre. Parking in Basement Level 2 for all other land uses on site is not permitted.

(Reason: To ensure parking in Basement Level 2 is only used by the medical centre and child care centre.)

Having regard to the above, the parking arrangements of the development is satisfactory.

City Works

The application has been referred to Council's City Works department which includes Traffic, Drainage, Public Domain & Waste. The comments from each department are summarised below.

Traffic

The development site currently accommodates an existing Woolworths with a GFA of 532m² GFA and a BWS liquor shop with a GFA of 124m². Based on the trip generation rates established within Transport for NSW's (TfNSW) Guide to Traffic Generating Developments (GTGD) and its Technical Direction (TDT 2013/04a), the current retail land uses on site is estimated to generate up to 44 AM and 88 PM peak hour vehicle movements to and from the site.

The proposed mixed-use development comprising a new 950m² supermarket, 150m² of specialty retail, a 180m² medical centre and a 53 place childcare centre is estimated to have

a weekday peak hour trip generation of 140 AM and 208 PM peak hour vehicle trips based on the trip generation rates specified within GTGD, and its Technical Direction (TDT 2013/04a). The proposed development is therefore anticipated to introduce an additional 96 AM and 120 PM peak hour vehicle movements on the surrounding public road network.

The original traffic report and supplementary letter prepared by McLaren Traffic Engineering have identified the following:

- The surrounding public road network comprising Pittwater Road, Thompson Street and Ryde Road in the immediate vicinity of the site currently operates with a good/acceptable level of service during weekday peak periods.*
- The additional traffic generated by the proposed development is not expected to alter the existing level of service within the surrounding public road network, despite some increases in delays and vehicle queue lengths.*

It is also noted that TfNSW has raised no objections to the proposed development in their letter to Council dated 14 September 2022 (TfNSW's reference: SYD22/00156/02).

City Works Transport therefore has no objection to the approval of this application subject to conditions.

Public Domain

The public domain officer first provided comments for the application on 11 May 2022. As part of the assessment, additional information was requested from the applicant. This included a Public Domain Access Report to outline if the development can achieve compliance with the Disability Discrimination Act, particularly in regards to access to the bus stop. It was also requested that a Public Domain Concept Plan be provided showing the extent of the proposed civil works within the public domain, including considering the following aspects:

- Optimisation of pedestrian flow along the frontage and any required changes to the current public domain layout, incorporating any recommendations raised within the public domain access report as required above.*
- Landscaping arrangement considerations to adequately delineate / separate pedestrian areas from the loading dock driveway.*
- Changes to the current layout, or additional installations required to achieve compliance with the Disability Discrimination Act, in accordance with abovementioned access report.*
- Demonstrate that the existing bus shelter on the frontage meets the equivalent standards of Council's new standard bus shelter (Bus shelter specifications available). In the case that the existing shelter does not meet the requirements, it will need to be upgraded.*
- Proposed removal / replacement of any street trees on the Pittwater Road frontage to accommodate changes to the footway.*
- Provision of street furniture in accordance with the Public Domain Technical Manual – Chapter 8.*
- Show extents of the half road width pavement reconstruction as per Section 8.5 / Clause 1.1.4, of the City of Ryde Development Control Plan 2014.*

- *Show details of civil works associated with the new driveway on Thompson Street, including any proposed street tree removal and replacement to facilitate adequate sight lines.*

The applicant's amended plans and documentation was provided to Public Domain officer for assessment. Their comments received on 13 December 2022 raise no objection to the proposed development subject to conditions.

Both the City Works Waste and Drainage officer did not raise any issues with the application subject to conditions.

Environmental Health Officer

The proposal was referred to Council's Environmental Health Officer for comment. Within the first referral response, the officer requested that additional information be provided which included the preparation of a Detailed Site Investigation. This information was provided to Council as part of the applicant's additional information response.

In their updated referral response issued on 20 March 2023, no objections to the proposed development were raised, subject to conditions.

11.0 Conclusion

After consideration of the development against Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the relevant statutory and policy provisions, the proposal in its current form is suitable for the site and is in the public interest. The reasons for the decision are as follows:

1. The proposal is consistent with the objectives for the B1 Neighbourhood Centre zone and the R2 Low Density Residential zone.
2. The proposal complies with the statutory provisions set out in the *Environmental Planning and Assessment Act 1979*.
3. The impacts of the proposal will not result in undue environmental impact to adjoining properties and the surrounding environment.
4. The proposal has been supported by satisfactory written requests which demonstrate compliance with the development standards under Clause 4.3 Building Heights and Clause 4.4 Floor Space Ratio is unreasonable and unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify contravening the development standards.
5. The proposal is not contrary to the public interest.
6. The submissions received in response to this DA have been considered & addressed in this report. None of the issues raised warrant the refusal of the subject DA.

12.0 Recommendation

Pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979*, the following is recommended:

- (a) That the Ryde Local Planning Panel accepts the written requests to vary the height of buildings development standard (Clauses 4.3(2)) and the floor space ratio development standard (Clause 4.4(2)). The written requests have adequately addressed the matters in sub clause (3) and will be in the public interest, as the development achieves consistency with the objectives of the development standard in Clause 4.3 and Clause 4.4 and the objectives of the B1 Neighbourhood Centre Zone and R2 Low Density Residential zone of *Ryde Local Environmental Plan 2014*.
- (b) That the Ryde Local Planning Panel, as the consent authority, grant consent to development application LDA2022/0023 for demolition of existing structures and construction of 2 and 3 storey mixed use development comprising retail premises within the basement, a cafe, a medical centre and a liquor store on ground floor, with a child care facility within level 2 at 130 Pittwater Road and 57 Thompson Street, Gladesville, subject to the draft conditions contained in **Attachment 4**.

ATTACHMENTS

- 1 Compliance Tables
- 2 Architectural Plans - subject to copyright provision
- 3 Urban Design Review Panel notes
- 4 Draft Conditions of Consent

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State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Relevant clauses	Compliance with standard/provision	Compliance
Part 3 Early education and care facilities – specific development controls		
22 Centre-based child care—concurrence of Regulatory Authority required for certain development	Concurrence is not required for the proposal as the development achieves compliance with the regulations.	Yes
23 Centre-based child care—matters for consideration by consent authorities	Refer to assessment below.	-
24. Centre-based child care facility in Zone IN1 or IN2 – additional matters for consideration by consent authorities.	The subject site is located within an R2 Low Density Residential zone and B1 Neighbourhood Centre zone.	N/A
24A. Centre-based child care facility—floor space ratio	The floor area of the centre-based child care facility is generally located within the B1 zone which has a FSR of 0.8:1.	N/A
25. Centre-based child care—non-discretionary development standards	<p>Assessment of the clause is as follows:</p> <p>(a) Noted</p> <p>(b)</p> <p>(i.) Indoor space is provided within 3 separate rooms. The activity room for 0 – 2 years will have an area of 26.4m² for 8 children, activity room for 2 – 3 years will have an area of 49m² for 15 children and activity room for 3 – 5 years will have an area of 97.5m² for 30 children. All rooms will meet the minimum 3.25m² per child, complying with regulation 107.</p> <p>(ii.) 411m² of outdoor unencumbered space is provided for 53 children, which is 7.7m² per child.</p> <p>(c) Noted</p> <p>(d) Noted. Heritage provisions do not apply.</p>	<p>Yes</p> <p>Yes</p>

Relevant clauses	Compliance with standard/provision	Compliance
Part 3 Early education and care facilities – specific development controls		
26. Centre-based child care—development control plans	See below	

Child Care Planning Guideline August 2017

Guideline	Compliance with standard/provision
Part 2 Design Quality Principles	
<p>Principle 1. Context Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood. Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.</p>	<p>The proposed development responds to the context of the area by providing a key service to the locality. The site is also within 100m of Boronia Park Public School and the colocation of educational establishments is encouraged.</p> <p>The centre is serviced by a frequent bus service available in front of the site at Pittwater Road and at Princess Street. Adequate parking will also be provided within the basement car park to service the site.</p>
<p>Principle 2. Built Form Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area. Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook. Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.</p>	<p>The centre will be located on Level 2 of the proposed mixed use development. As viewed from Pittwater Road, the building elevation relating to the centre will provide a natural brown timber finish and include windows along the eastern building elevation. The outdoor play area will not be visible from the public domain. As viewed from the public domain the centre will seamlessly integrate with the modern built form.</p>

Guideline	Compliance with standard/provision
<p>Principle 3. Adaptive learning spaces Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out. Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.</p>	<p>The centre has been designed fit-for-purpose by providing adequate staff amenities including a staff room and bathroom. The centre provides three (3) separate activity rooms and the room designated for 0-2 year olds will also be provided with a separate cot and nappy change rooms. The activity rooms for children from 2 – 5 years have direct access to the outdoor play area.</p>
<p>Principle 4. Sustainability Combines positive environmental, social and economic outcomes. This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The proposed centre will rely on air conditioning to heat and cool the centre. Adequate solar access will be provided to the internal and external plan areas.</p>
<p>Principle 5. Landscape Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p>	<p>The centre is located within the B1 zone and the outdoor play area will be located on the roof. Refer to Council's Landscape Architect referral response, which outlines that the landscape area is sufficient.</p>
<p>Principle 6. Amenity Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff. Good amenity combines appropriate and efficient</p>	<p>The centre will achieve adequate amenity and service a range of age groups.</p>

Guideline	Compliance with standard/provision
<p>indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility. Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.</p>	
<p>Principle 7 - Safety Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.</p> <p>Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).</p>	<p>The centre is located on Level 2 of the mixed use building therefore passive surveillance to Pittwater Road is not considered necessary in the circumstance, as ground floor activation is provided for the development.</p> <p>Deep soil planning areas are provided at the periphery of the outdoor unencumbered play space and will not impact upon views from the indoor play area to outdoor play area for supervision purposes.</p>
<p>Part 3 Matters for Consideration</p>	
<p>3.1 Site Selection and Location</p>	
<p>C1. For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> The acoustic and privacy impacts of the proposed development on the residential properties 	<p>The centre has been designed with consideration of neighbouring residential properties. The indoor play areas are to be contained within the building with blank walls to its side elevations to minimise acoustic and privacy impacts.</p> <p>An 'L' shaped awning is provided for the outdoor play area along the whole eastern boundary and will wrap around to the southern boundary.</p> <p>A Noise Impact Assessment has been submitted with the proposed development application by Benbow Environmental, dated 23 November 2022. The assessment has recommended a 2.4m barrier is to be erected along the exposed eastern boundary and southern boundary with a 1.8m barrier to be erected along the remaining outdoor play area combined with an Operational Management Plan which is to manage outdoor play times and the number of children accessing outdoor area at any one time. These measures will minimise noise impacts</p>

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • The setbacks and siting of buildings within the residential context • Visual amenity impacts (e.g. additional building bulk and overshadowing, local character). • Traffic and parking impacts of the proposal on residential amenity. <p>For proposed developments in commercial and industrial zones, consider:</p> <ul style="list-style-type: none"> • Potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions • The potential impact of the facility on the viability of existing commercial or industrial uses. 	<p>associated with the centre to neighbouring properties.</p> <p>The southern building elevation will be setback 7.3m from the boundary which adjoins a shop top housing development.</p> <p>The built form of the development will not result in unreasonable overshadowing of residential properties.</p> <p>A Traffic and Parking Impact Assessment and subsequent letter has been submitted with the proposed development application by McLaren Traffic Engineering and Road Safety Consultants. Council's traffic engineer has reviewed this report and have not raised any concern in regard to the parking provided for the child care centre.</p> <p>The proposal is located within a B1 zone a top a mixed use building. Parking for the centre will be contained within the Basement Level 2 and provide direct access to Level 2. The centre has been designed with consideration of the wellbeing of children, staff and visitors. Air and noise pollution has also been considered and is considered satisfactory.</p> <p>The centre will not impact upon the viability of the existing commercial uses within the zone. The redevelopment of the site will include commercial uses upon the site. The mix of uses upon the site contributes to the viability of the local centre.</p>
<p>C2 When selecting a site, ensure that:</p> <ul style="list-style-type: none"> • The location and surrounding uses are compatible with the proposed development or use • The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards 	<p>The subject site is appropriate for a centre of the proposed size.</p> <p>The site is not known to be affected by flooding, land slip, bushfire or coastal hazards.</p>

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed. • The characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> ○ size of street frontage, lot configuration, dimensions and overall size ○ number of shared boundaries with residential properties • The development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas • Where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use • There are suitable drop off and pick up areas, and off and on street parking • The type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use • The site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities • It is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	<p>A Detailed Site Investigation was carried out by Geotechnical Consultants Australia dated 23 May 2022 and has confirmed that there are no potential environmental contaminants on the land.</p> <p>The site is irregular in configuration and has a primary street frontage to Pittwater Road and a secondary frontage to Thompson Street. The site dimensions and configuration are suitable for the proposed scale of development.</p> <p>N/A</p> <p>N/A</p> <p>Sufficient parking is provided for the centre within Basement Level 2.</p> <p>The adjoining roads are appropriate for the use; considering access is only provided via a local road.</p> <p>Access to the centre is not provided via Pittwater Road.</p> <p>The site is not in proximity of an incompatible social activity listed.</p>
<p>C3 A child care facility should be located:</p> <ul style="list-style-type: none"> • Near compatible social uses such as schools and other educational 	<p>The proposed development is located within proximity to the following:</p> <ul style="list-style-type: none"> • 100m from Boronia Public School

Guideline	Compliance with standard/provision
<p>establishments, parks and other public open space, community facilities, places of public worship</p> <ul style="list-style-type: none"> • Near or within employment areas, town centres, business centres, shops • With access to public transport including rail, buses, ferries in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<ul style="list-style-type: none"> • 200m from Halcyon Park • 550m from Westminster Park • 550m from Monash Park <p>The subject site is located within the neighbourhood centre. Regular bus services are provided at Pittwater Road and Thompson Street. The development includes a mixed-use building within a medical centre and shops.</p>
<p>C4 A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> • Proximity to: <ul style="list-style-type: none"> – Heavy or hazardous industry, waste transfer depots or landfill sites – LPG tanks or service stations – water cooling and water warming systems – odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses. – extractive industries, intensive agriculture, agricultural spraying activities • Any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site. 	<p>The proposed development is located within an established neighbourhood centre which adjoins a low-density residential area and as such, staff visitors and children will not be exposed to any heavy or hazardous industries, or service stations.</p> <p>If demolition works were undertaken in accordance with relevant standards, children should not be foreseeably exposed to hazardous materials. The application has been accompanied with Noise Impacts Assessment, which has been reviewed by Council's EHO; no issues have been raised subject to conditions.</p>
3.2 Local Character, streetscape and the public domain interface	
<p>C5 The proposed development should:</p> <ul style="list-style-type: none"> • Contribute to the local area by being designed in character with the locality and existing streetscape • Build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place • Reflect the predominant form of surrounding land uses, particularly in low density residential areas • Recognise predominant streetscape qualities, such as building form, scale, materials and colours 	<p>Refer to assessment of Design Quality Principles.</p>

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • Include design and architectural treatments that respond to and integrate with the existing streetscape and local character • Use landscaping to positively contribute to the streetscape and neighbouring amenity • Integrate car parking into the building and site landscaping design in residential areas. • In R2 Low Density Residential zones, limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residence, except when good design solutions can be achieved. 	<p>N/A. The centre is located within the B1 zone, with the exception of access to the centre which is located within the R2 zone.</p>
<p>C6 Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> • Fencing to ensure safety for children entering and leaving the facility • Windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community • Integrating existing and proposed landscaping with fencing. 	<p>Access to the centre is provided via one lift and a fire stair only which is located within the lobby of the centre. Children will not be able to leave the facility without supervision or a guardian.</p> <p>The centre provides windows to Pittwater Road however these windows relate to rooms for administrative purposes. Nevertheless, action of the street is provided at the ground level of the development.</p> <p>There is no existing landscaping on site.</p>
<p>C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	<p>Access to the centre is only available via one lift which can be accessed at Basement Level 2 and the Ground Floor. Basement Level 2 provides designated parking for the centre which is accessed from Thompson Street only.</p>
<p>C8 Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p>	<p>Not located in such a location.</p>

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • Clearly defined street access, pedestrian paths and building entries • Low fences and planting which delineate communal/ private open space from adjoining public open space • Minimal use of blank walls and high fences. 	
<p>C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>The centre is located on Level 2 of the building and does not include front fences.</p> <p>As noted in the LEP assessment, the subject site is not identified as a heritage item or within a heritage conservation area. The site is also of significant distance from the closest heritage item.</p>
<p>C10 High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary</p>	<p>Pittwater Road is a classified road. The building has been designed to provide administrative areas facing Pittwater Road rather than indoor and outdoor unencumbered areas.</p>
3.3 Building orientation, envelope and design	
<p>C11 Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> • Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> ○ facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties ○ placing play equipment away from common boundaries with residential properties ○ locating outdoor play areas away from residential dwellings and other sensitive uses • Optimise solar access to internal and external play areas • Avoid overshadowing of adjoining residential properties 	<p>The proposal has been accompanied by a Noise Impact Assessment which illustrates acoustic impacts to neighbour neighbours can be managed through acoustic barriers.</p> <p>The proposal allows for adequate solar access to all play areas.</p> <p>The provided view from the sun diagrams indicate the proposed development allows for adequate solar access to be provided to neighbouring dwellings.</p>

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • Minimise cut and fill • Ensure buildings along the street frontage define the street by facing it • Ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>N/A.</p> <p>The mixed-use building provides a modern frontage to Pittwater Road and defines the streetscape.</p> <p>The acoustic walls on the first floor outdoor play space allow for protection from wind; shade sails are provided for solar protection.</p>
<p>C12 The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • Building height should be consistent with other buildings in the locality • Building height should respond to the scale and character of the street • Setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • Setbacks should provide adequate access for building maintenance • Setbacks to the street should be consistent with the existing character. 	<p>The maximum building height of the proposed development is 10.25m.</p> <p>The proposed centre-based childcare facility is located at Level 2 of the building and has adequate setbacks to residential receivers.</p> <p>The building height is consistent with development within the B1 zone.</p>
<p>C13 Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.</p> <p>On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p>	<p>Pittwater Road is a classified road.</p> <p>The site is located within the B1 zone and a setback to the primary frontage is not considered necessary or appropriate within the context of the site.</p>
<p>C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>The R2 zone will only be occupied by a driveway which provides access to the Basement car park.</p>
<p>C15</p>	

Guideline	Compliance with standard/provision
<p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • Located to allow ease of access, particularly for pedestrians. • Directly accessible from the street where possible • Directly visible from the street frontage • Easily monitored through natural or camera surveillance • Not accessed through an outdoor play area. • In a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>Only one secure access point is provided into the centre.</p> <p>The centre is accessible from the street and the carpark.</p> <p>The entry of the centre is not visible from the street frontage.</p> <p>The entry of the site can be easily monitored and conditioned to provide surveillance.</p> <p>The lift provides direct access to the lobby and reception area of the centre.</p> <p>The entry for the centre is defined and separate.</p>
<p>C16 Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • Providing accessibility to and within the building in accordance with all relevant legislation • Linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • Providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • Minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 	<p>The development is able to comply with relevant standards.</p> <p>The design of the proposed development only allows disabled access into the building via a lift.</p> <p>A continuous path of travel is provided throughout the building via the central core.</p> <p>No ramping proposed.</p>
<p>3.4 Landscaping</p>	
<p>C17 Appropriate planting should be provided along the boundary integrated with fencing.</p> <p>Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p>	<p>A landscape planter will be provided at the boundaries of the roof.</p> <p>This vegetation has not been included as outdoor play space.</p> <p>No existing landscaping is provided on site.</p>

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping 	
<p>C18 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • Taking into account streetscape, local character and context when siting car parking areas within the front setback. 	<p>Parking has not been integrated into the landscape design of the site.</p>
3.5 Visual and acoustic privacy	
<p>C19 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	<p>The site adjoins a shop top housing development and the northern elevation of the building provides two windows that look north towards the centre. The centre provides a blank wall to the residential windows and also includes deep soil planting. The outdoor play space has been designed to ensure there is no overlooking into the centre from residential windows.</p>
<p>C20 Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • Appropriate site and building layout • Suitably locating pathways, windows and doors • Permanent screening and landscape design. 	<p>The outdoor play space is located on the roof of the building and has been appropriately screened and is not visible from the public domain.</p>
<p>C21 Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • Appropriate site and building layout • Suitable location of pathways, windows and doors • Landscape design and screening. 	<p>The design of the indoor and outdoor play areas has minimised opportunities for direct overlooking.</p> <p>Landscape screening is adequate.</p>
<p>C22 A new development, or development that includes alterations to more than 50 per cent</p>	<p>The southern and western boundaries of the site adjoin residential uses. The</p>

Guideline	Compliance with standard/provision
<p>of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> • Provide an acoustic fence along any boundary where the adjoining property contains a residential use. (an acoustic fence is one that is a solid, gap free fence). • Ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	<p>proposal includes acoustic walls around the boundaries of the outdoor play area as detailed within the Noise Impact Assessment. The height of the acoustic walls ranges from 1.8m to 2.4m.</p> <p>Mechanical units will be provided with a sound attenuation baffle wall to perimeter.</p>
<p>C23 A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> • Identify an appropriate noise level for a child care facility located in residential and other zones • Determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • Determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	<p>The Noise Impact Assessment has been prepared by Benbow Environmental and covers the relevant items mentioned within C23.</p>
<p>3.6 Noise and Air Pollution</p>	
<p>C24 Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> • Creating physical separation between buildings and the noise source • Orienting the facility perpendicular to the noise source and where possible buffered by other uses • Using landscaping to reduce the perception of noise • Limiting the number and size of openings facing noise sources • Using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • Using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits 	<p>The proposal has been accompanied with a Noise Impact Assessment, which provides satisfactory acoustic solutions to noise issues.</p>

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> Locating cot rooms, sleeping areas and play areas away from external noise sources. 	
<p>C25 An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> on industrial zoned land where the ANEF contour is between 20 and 25 along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 on a major or busy road other land that is impacted by substantial external noise. 	<p>The site has a primary frontage to a classified road. The Noise Impact Assessment provides satisfactory acoustic solutions to mitigate noise levels given the sites location.</p>
<p>C26 Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>	<p>The centre has been designed to locate administrative uses of the centre towards Pittwater Road. Appropriate landscaping has been provided on the roof to reduce emissions.</p>
<p>C27 A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway incorporating ventilation design into the design of the facility 	<p>An Air Quality assessment report has been undertaken Benbow Environmental, dated November 2020 which concludes that the subject site is a suitable location and is within complaint levels of air quality criteria.</p>
<p>3.7 Hours of Operation</p>	

Guideline	Compliance with standard/provision
<p>C28 Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p>	<p>As per the submitted Statement of Environmental Effects and Plan of Management, the proposed hours of operation are 7am to 7:00pm Monday to Friday. No issues have been raised from Council's environmental health officer in relation to acoustic impacts from the proposal.</p>
<p>C29 Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>	<p>The hours of operation are compatible with the adjoining mixed use and residential zones.</p>
<p>3.8 Traffic, parking and pedestrian circulation</p>	
<p>C30. Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates: Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> • 1 space per 10 children • 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space. <p>In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children. <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> • the proposal is an adaptive re-use of a heritage item • the site is in a B8 Metropolitan Zone or other high-density business or residential zone • the site is in proximity to high frequency and well-connected public transport • the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks) • there is sufficient on street parking available at appropriate times within proximity of the site. 	<p>The submitted Statement of Environmental Effects indicates that the childcare facility will employ 8 staff members to care for 53 children.</p> <p>The site achieves the minimum car parking rate for the site and provides 11 spaces.</p> <p>Refer to Development Engineer's assessment.</p>

Guideline	Compliance with standard/provision
<p>C31 In commercial or industrial zones and mixed-use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.</p>	<p>Parking is provided within Basement Level 2.</p>
<p>C32 A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • The amenity of the surrounding area will not be affected • There will be no impacts on the safe operation of the surrounding road network. 	<p>A traffic report and subsequent letter has been submitted with the proposed development application by McLaren Traffic Engineering and Road Safety Consultants.</p>
<p>C33 Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> • A classified road • Roads which carry freight traffic or transport dangerous goods or hazardous materials. <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> • The prevailing traffic conditions • Pedestrian and vehicle safety including bicycle movements • The likely impact of the development on traffic. 	<p>The subject site fronts a classified road. Vehicle access will be provided at Thompson Street.</p>
<p>C34 Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	<p>The subject site is not located within a cul-de-sacs or narrow lane.</p>
<p>C35 The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • Separate pedestrian access from the car park to the facility • Defined pedestrian crossings included within large car parking areas 	<p>The car park areas include marked pedestrian ways to reduce conflict of visitors and cars.</p>

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • Separate pedestrian and vehicle entries from the street for parents, children and visitors • Pedestrian paths that enable two prams to pass each other • Delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities • In commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas • Vehicles can enter and leave the site in a forward direction. • Clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations. 	<p>Vehicle entry will be provided at Thompson Street and pedestrian entry is provided at Pittwater Road.</p> <p>The Basement Level 2 car parking is separate to the commercial parking located at the first floor. Truck access is only available via Pittwater Road.</p> <p>Vehicles can enter and leave the site in a forward direction.</p> <p>Clear sightlines will be maintained.</p>
<p>C36 Mixed use developments should include:</p> <ul style="list-style-type: none"> • Driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • Drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site • Parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. 	<p>Separate access is provided between the commercial uses and the centre based child care facility.</p> <p>Seven (7) spaces will be dedicated for parent drop off and pick up zones.</p> <p>Parking for the centre-based child care facility is grouped together within Basement Level 2 and direct access is also provided to the lift.</p>
<p>C37 Car parking design should:</p> <ul style="list-style-type: none"> • Include a child safe fence to separate car parking areas from the building entrance and play areas 	<p>Parking is located within the basement and is not located near the building entrance.</p>

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • Provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian standards • Include wheelchair and pram accessible parking. 	<p>Clearly marked accessible parking has been provided within the basement.</p> <p>Disabled parking has been provided.</p>
Part 4 Applying the National Regulations to development proposal	
<p>4.1 Indoor Space Requirements</p> <p>Regulation 107 Education and Care Services National Regulations Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.</p> <p>All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.</p> <p>Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications should indicate how these needs will be accommodated.</p> <p>Verandahs as indoor space For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space (refer to Figure 1).</p> <p>Storage It is recommended that a child care facility provide:</p> <ul style="list-style-type: none"> • A minimum of 0.3m³ per child of external storage space • A minimum of 0.2m³ per child of internal storage space. 	<p>The proposed centre-based child care facility provides three separate activity rooms for children. The activity room for 0 – 2 years will have an area of 26.4m² for 8 children, activity room for 2 – 3 years will have an area of 49m² for 15 children and activity room for 3 – 5 years will have an area of 97.5m² for 30 children. All rooms will meet the minimum 3.25m² per child, complying with regulation 107.</p> <p>All unencumbered indoor spaces within the proposed development are secure and allow for safe supervision.</p> <p>The submitted development application indicates that one (1) internal cot/sleeping room will be provided adjacent to the activity room for children aged between 0-2 years.</p> <p>The proposal provides a verandah however this is included within the calculation of outdoor unencumbered area.</p> <p>The proposed centre-based childcare centre provides 10.8m³ of internal storage space and 48.6m³ of outdoor space and is compliant.</p>

Guideline	Compliance with standard/provision
<p>4.2 Laundry and hygiene facilities</p> <p>Regulation 106 Education and Care Services National Regulations</p> <p>There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering.</p> <p>On site laundry</p> <p>On site laundry facilities should contain:</p> <ul style="list-style-type: none"> • A washer or washers capable of dealing with the heavy requirements of the facility • A dryer • Laundry sinks • Adequate storage for soiled items prior to cleaning • An on site laundry cannot be calculated as usable unencumbered play space for children (refer to figure 2) <p>External laundry service</p> <p>A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.</p>	<p>Laundry facilities have been included within the kitchen area and complies with Regulation 106 (Education and Care Services National Regulations).</p> <p>The proposed laundry is large enough to accommodate appliances and storage.</p> <p>Internal laundry facilities have been provided.</p>
<p>4.3 Toilet and hygiene facilities</p> <p>Regulation 109 Education and Care Services National Regulations</p> <p>A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children. Child care facilities must comply with the requirements for sanitary facilities that are contained in the National Construction Code.</p> <p>Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants (refer to Figure 3). Design considerations could include:</p> <ul style="list-style-type: none"> • Junior toilet pans, low level sinks and hand drying facilities for children 	<p>The toilet and nappy change facilities have been appropriately located for safe and convenient use with washing and drying facilities. Age appropriate toilets have been provided.</p> <p>Junior toilet pans, low level sinks and hand drying facilities have been included.</p> <p>Low level sinks and handwashing facilities have been included within the bathroom.</p>

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • A sink and handwashing facilities in all bathrooms for adults • Direct access from both activity rooms and outdoor play areas • Windows into bathrooms and cubicles without doors to allow supervision by staff • External windows in locations that prevent observation from neighbouring properties or from side boundaries 	<p>Sink and handwashing facilities provided in all bathrooms.</p> <p>Direct access from activity rooms provided. Toilet facilities are accessible via the indoor and outdoor play space.</p> <p>Windows have been provided to bathrooms and cubicles.</p> <p>Location of external windows prevents observation from neighbouring dwellings into the centre-based child care facility.</p>
<p>4.4 Ventilation and natural light Regulation 110 Education and Care Services National Regulations Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.</p> <p>Ventilation To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.</p> <p>Natural Light Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to:</p> <ul style="list-style-type: none"> • Providing windows facing different orientations 	<p>The building includes doors that would allow for natural ventilation. However, given the location of the site and neighbouring properties reliance on mechanical ventilation is considered acceptable.</p> <p>Adequate natural light is provided.</p> <p>2.7m floor to ceiling heights are provided for the indoor play spaces.</p>

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • Using skylights as appropriate • Ceiling heights. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest. 	
<p>4.5 Administrative Space</p> <p>Regulation 111 Education and Care Services National Regulations A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p>	<p>The proposal includes a reception area, staff room and directors' office which are considered sufficient for administrative purposes.</p>
<p>4.6 Nappy change facilities Regulation 112 Education and Care Services National Regulations Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.</p> <p>In circumstances where nappy change facilities must be provided, design considerations could include:</p> <ul style="list-style-type: none"> • Properly constructed nappy changing bench or benches • A bench type baby bath within one metre from the nappy change bench • The provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area • Positioning to enable supervision of the activity and play areas. 	<p>The proposed centre-based childcare facility provides nappy change facilities located off the activity room for 0-2 year olds.</p> <p>One (1) nappy changing bench has been provided.</p> <p>No baby bath has been included on the submitted plans.</p> <p>Sinks/washing facilities are provided within the nappy change areas.</p> <p>Positioned within the indoor play spaces to allow for supervision.</p>
<p>4.7 Premises designed to facilitate supervision</p> <p>Regulation 115 Education and Care Services National Regulations</p>	

Guideline	Compliance with standard/provision
<p>A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity. Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code.</p> <p>Design considerations should include:</p> <ul style="list-style-type: none"> • solid walls in children’s toilet cubicles (but no doors) to provide dignity whilst enabling supervision • locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties • avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children • avoiding multi-level rooms which compromise, or require additional staffing, to ensure proper supervision. If multilevel spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities. <p>4.8 Emergency and evacuation procedures Regulations 97 and 168 Education and Care Services National Regulations Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service 	<p>The proposed centre has been designed to allow for supervision of the children from within the indoor and outdoor play spaces. The toilets facilities are laid out in a manner that enables supervision where required.</p> <p>Partition walls have been provided between cubicles.</p> <p>The nappy change facility is located out of view of visitors and adjoining sites.</p> <p>The rooms generally contain designs that enable supervision of all areas from a single space.</p> <p>Multi-level rooms are not proposed.</p> <p>The Plan of Management provides an evacuation diagram.</p> <p>Three (3) separate evacuation diagrams have been prepared to adapt to potential emergencies.</p> <p>Basic instructions are provided on the concept evacuation floor plans.</p> <p>Emergency and evacuation floor plan has been submitted which also identifies risks associated with the emergency relevant to the service.</p>

Guideline	Compliance with standard/provision
<p>Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.</p> <p>Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:</p> <ul style="list-style-type: none"> • independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations • a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation. An emergency and evaluation plan should be submitted with a DA and should consider: • the mobility of children and how this is to be accommodated during an evacuation • the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings • how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios. 	<p>As mentioned above, the Plan of Management provides for multi escape routes through the centre-based child care facility. The assembly area would be located on Thompson Street.</p> <p>There is no information regarding the evacuation of children with mobility issues.</p>
<p>4.9 Outdoor Space requirements</p> <p>Regulation 108 Education and Care Services National Regulations An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.</p> <p>Verandahs as outdoor space Where a covered space such as a verandah is to be included in outdoor space it should:</p>	<p>The total nominated unencumbered outdoor space is 411m² which equates to 7.75m² of space per child.</p> <p>The outdoor deck that adjoins the indoor play area constitutes a verandah and can</p>

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • be open on at least one third of its perimeter • have a clear height of 2.1 metres • have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter • have adequate flooring and roofing • be designed to provide adequate protection from the elements. <p>Simulated outdoor environments should include: more access to natural light and ventilation than required for an internal space through large windows, glass doors and panels to enable views of trees, views of the sky and clouds and movement outside the facility:</p> <ul style="list-style-type: none"> • skylights to give a sense of the external climate • a combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment • sand pits and water play areas • dense indoor planting and green vegetated walls • climbing frames, walking and/or bike tracks • vegetable gardens and gardening tubs. 	<p>also be calculated as outdoor unencumber area.</p> <p>The proposal does not seek to provide simulated outdoor environments.</p>
<p>4.10 Natural Environment Regulation 113 Education and Care Services National Regulations The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p> <p>Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space. Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:</p> <ul style="list-style-type: none"> • are known to be poisonous, produce toxins or have toxic leaves or berries • have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches. 	<p>Proposal includes active play areas. Refer to the landscape referral for further details.</p>

Guideline	Compliance with standard/provision
<p>The outdoor space should be designed to:</p> <ul style="list-style-type: none"> • provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment • assist supervision and minimise opportunities for bullying and antisocial behaviour • enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction. 	
<p>4.11 Shade Regulation 114 Education and Care Services National Regulations The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p> <p>Solar access Outdoor play areas should:</p> <ul style="list-style-type: none"> • Have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required. • Adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area • Have evenly distributed shade structures over different activity spaces. <p>Natural Shade Planting for shade and solar access is enhanced by:</p> <ul style="list-style-type: none"> • placing appropriately scaled trees near the eastern and western elevations • providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter. <p>Built shade structures Built structures providing effective shade include:</p>	<p>Shade sails have been provided within the outdoor play space to protect children from the sun.</p> <p>The outdoor play area receives more than 2hrs solar access to at least 50% of the outdoor play space.</p> <p>Sufficient natural shade has been provided.</p> <p>The verandah and shade sails will provide permanent shade structures.</p>

Guideline	Compliance with standard/provision
<ul style="list-style-type: none"> • permanent structures (pergolas, sails and verandahs) • demountable shade (marquees and tents) • adjustable systems (awnings) • shade sails. 	
<p>4.12 Fencing Regulation 104 Education and Care Services National Regulations Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age. Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the National Construction Code.</p> <p>In general, fencing around outdoor spaces should:</p> <ul style="list-style-type: none"> • prevent children climbing over, under or through fences • prevent people outside the facility from gaining access by climbing over, under or through the fence • Design considerations for side and rear boundary fences could include: <ul style="list-style-type: none"> ○ being made from solid prefinished metal, timber or masonry ○ having a minimum height of 1.8 metres ○ having no rails or elements for climbing higher than 150mm from the ground. <p>Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines. Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems (refer to Figure 11).</p>	<p>The proposed fences on the site consist of a solid acoustic barrier which are not climbable with a minimum height of 1.8m.</p> <p>Fencing is located on the roof of the building and will not impact on sight lines.</p>

Guideline	Compliance with standard/provision
<p>4.13 Soil Assessment</p> <p>Regulation 25 Education and Care Services National Regulations Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval. With every service application one of the following is required:</p> <ul style="list-style-type: none"> • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 	<p>A Detailed Site Investigation (prepared by Geotechnical Consultants Australia, dated 23 May 2022) accompanies the application. It concludes that the site is unlikely to be contaminated, subject to recommendations contained within Section 15 of that document, which relate to demolition of structures, reuse/removal of soils and unexpected finds.</p>

PROJECT TITLE: PROPOSED MIXED USE DEVELOPMENT

PROJECT ADDRESS: 130 PITTWATER ROAD, GLADESVILLE, NSW 2111
57 THOMPSON STREET, GLADESVILLE, NSW 2111

LOT NUMBER: 6 **DP NUMBER:** DP 598121
9 **DP 10402**

DRAWING LIST

DRAWING #	DRAWING NAME	DATE	REVISION
A0001	URBAN CHARACTER	19/01/2021	B
A0002	SITE ANALYSIS	19/01/2021	B
A0003	DEMOLITION PLAN	19/01/2021	A
A0100	SITE PLAN	06/02/2023	E
A0200	FLOOR PLAN - BASEMENT 2	30/05/2022	D
A0202	FLOOR PLAN - BASEMENT 1	09/03/2023	E
A0203	FLOOR PLAN - GROUND FLOOR	09/03/2023	E
A0204	FLOOR PLAN - LEVEL 1	19/01/2021	C
A0205	FLOOR PLAN - LEVEL 2	23/01/2023	F
A0300	ELEVATIONS	09/03/2023	E
A0301	ELEVATION	19/01/2021	B
A0302	MATERIAL BOARD	19/01/2021	A
A0400	BUILDING SECTION	27/02/2023	E
A0401	BUILDING SECTION	30/05/2022	C
A0402	SITE AXONOMETRIC	06/02/2023	F
A0403	SITE AXONOMETRIC	09/03/2023	G
A0404	SURVEY PLAN OVERLAID	19/01/2021	C
A0405	BUILDING SECTIONS	23/01/2023	A
A0406	BUILDING SECTIONS	06/02/2023	A
A0500	GFA CALCULATION	09/03/2023	G
A0600	SHADOW DIAGRAMS	19/01/2021	C
A0601	SHADOW DIAGRAMS	19/01/2021	C
A0602	SHADOW DIAGRAMS	19/01/2021	C
A0603	SHADOW DIAGRAMS	19/01/2021	C
A0605	SOLAR STUDIES	09/03/2023	D
A0606	SOLAR STUDIES	09/03/2023	D
A0700	3D VISUALISATION	30/05/2022	D
A0701	3D VISUALISATION	30/05/2022	E
A0702	3D VISUALISATION	30/05/2022	E
A0705	3D VISUALISATION	09/03/2023	A
A0706	3D VISUALISATION	09/03/2023	A
A0707	3D VISUALISATION	09/03/2023	A
A0800	NOTIFICATION PLAN	19/01/2021	A
A0801	WINDOW SCHEDULE	19/01/2021	A



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ISSUE	DATE	DESCRIPTION
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RYDE LOCAL ENVIRONMENTAL PLAN 2014

130 PITTWATER ROAD:

SITE AREA: 1653.7m² (BY CALC) 1643m² (BY DP)
ZONING: B1: Neighbourhood Centre
PERMISSIBLE FSR: 0.8:1
PERMISSIBLE GFA: 1322.96 m²

TOTAL PERMISSIBLE GFA: 1583.11 m²

57 THOMPSON STREET:

SITE AREA: 520.3m² (BY CALC) 518.5m² (BY DP)
ZONING: R2: Low Density Residential
PERMISSIBLE FSR: 0.5:1
PERMISSIBLE GFA: 260.15 m²

PROPOSED BUILDING GROSS FLOOR AREA:

BASEMENT 2: 253m²
BASEMENT 1: 1373 m²
GROUND FLOOR: 460 m²
LEVEL 2: 260 m²

TOTAL: 2346m²
LANDSCAPE AREA: 519.4 m² = 24% OF LANDSCAPE AREA

DEEPSOIL AREA: 192 m² = 8% OF DEEP SOIL AREA

SITE COVERAGE: 1437.1 m² = 66%

	B1 NEIGHBOURHOOD CENTRE	R2 LOW DENSITY RESIDENTIAL
SITE AREA	1653.7 m ²	520.3 m ²
PERMISSIBLE GFA	1322.96 m ²	260.15 m ²
PERMISSIBLE FSR	0.8:1	0.5:1
PROPOSED GFA	2334 m ²	12 m ²
PROPOSED FSR	1.41:1	0.02:1
TOTAL GFA	2346 m ²	
TOTAL FSR	1.08:1	

CARPARK CALCULATION

DESCRIPTION	RATE	REQUIRED
SUPERMARKET	1 SPACE / 25m ²	38
RETAIL	1 SPACE / 25m ²	14.9
CHILDCARE CENTRE	1 SPACE/ 8 KIDS	6.6
	1 SPACE/ 2 STAFF	4
TOTAL:		63.9 SPACES

PROVIDED 71 SPACES

STATUS:

CLIENT:

REVELOP

PROJECT:

PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:

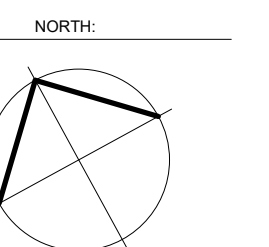
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URBAN CHARACTER

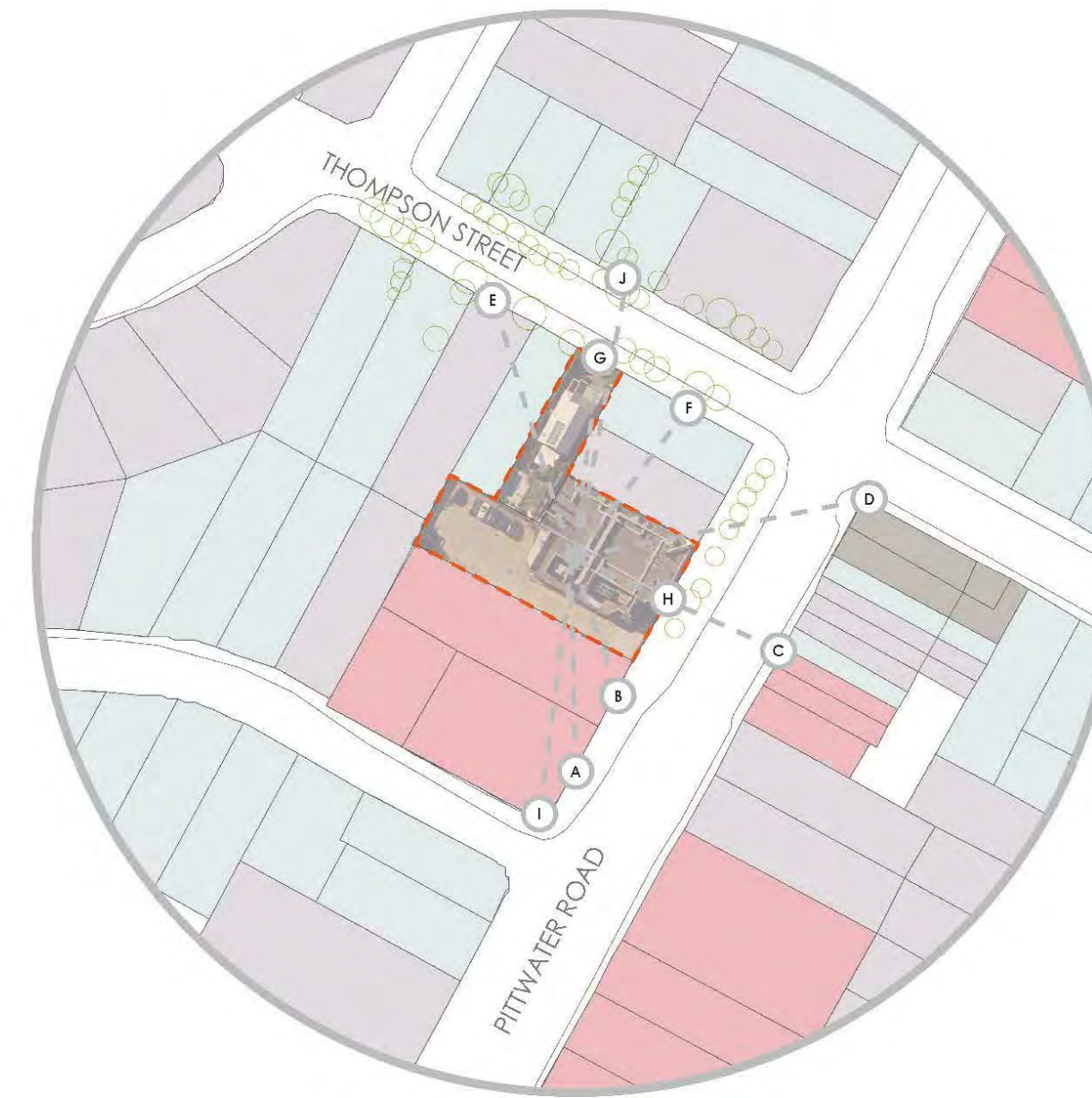
URBAN CHARACTER



URBAN CHARACTER KEY

- Site Boundary
- Trees

BUILDING HEIGHT AND MATERIALITY



BUILDING HEIGHT + MATERIALITY KEY

- Site Boundary
- Trees
- 1 Storey
- 2 Storey
- 3 Storey
- 5 Storey



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A	11/08/2020	ISSUED FOR PRE-DA
B	19/01/2021	ISSUED FOR DA

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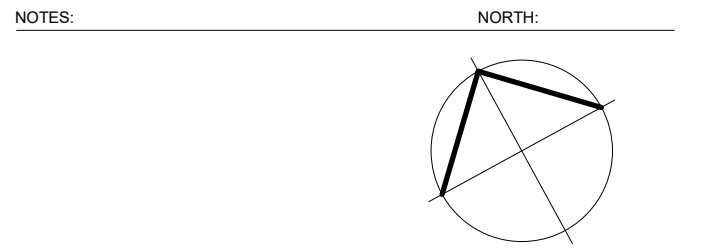
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PROJECT:
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130 PITWATER ROAD GLADESVILLE

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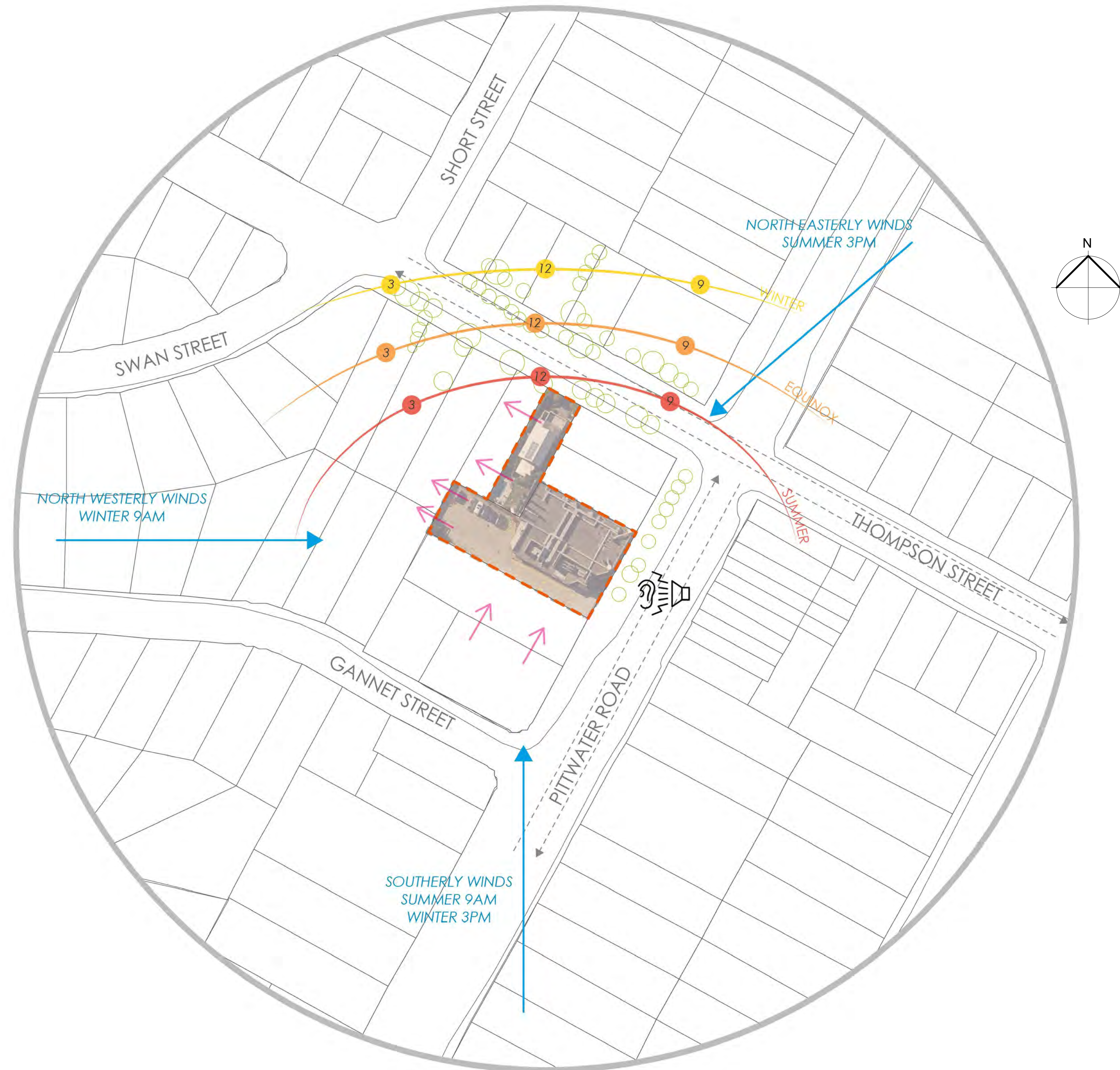
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SITE ANALYSIS



SITE ANALYSIS KEY

- Site Boundary
- Traffic Flow Direction
- Potential Overlooking
- Trees

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130 PITWATER ROAD GLADESVILLE

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SITE ANALYSIS

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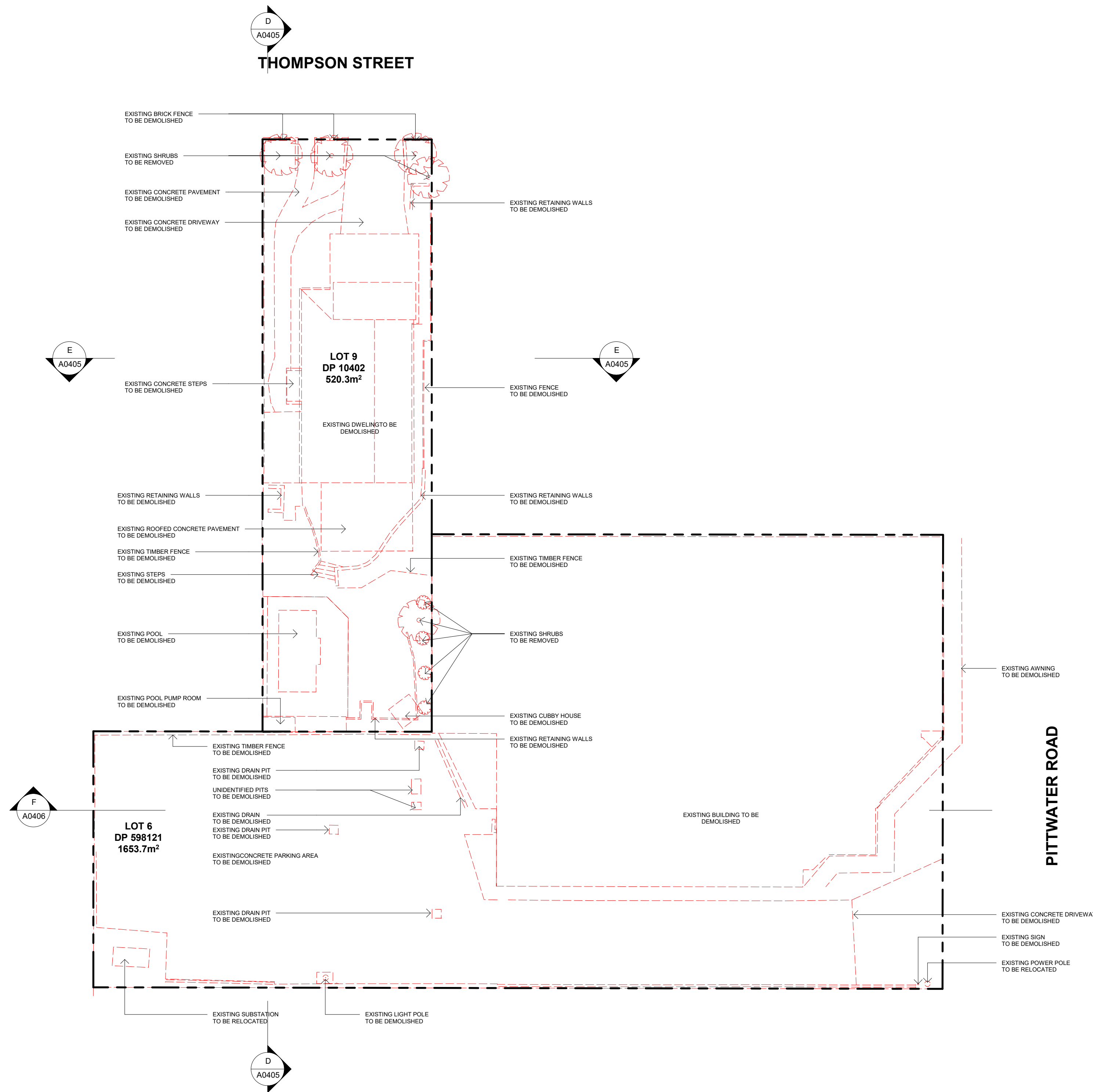
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1 DEMOLITION PLAN
1 : 200

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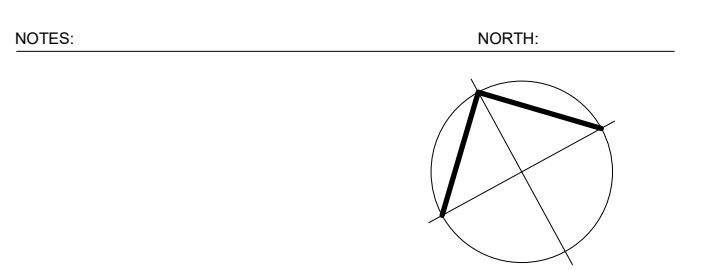
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PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

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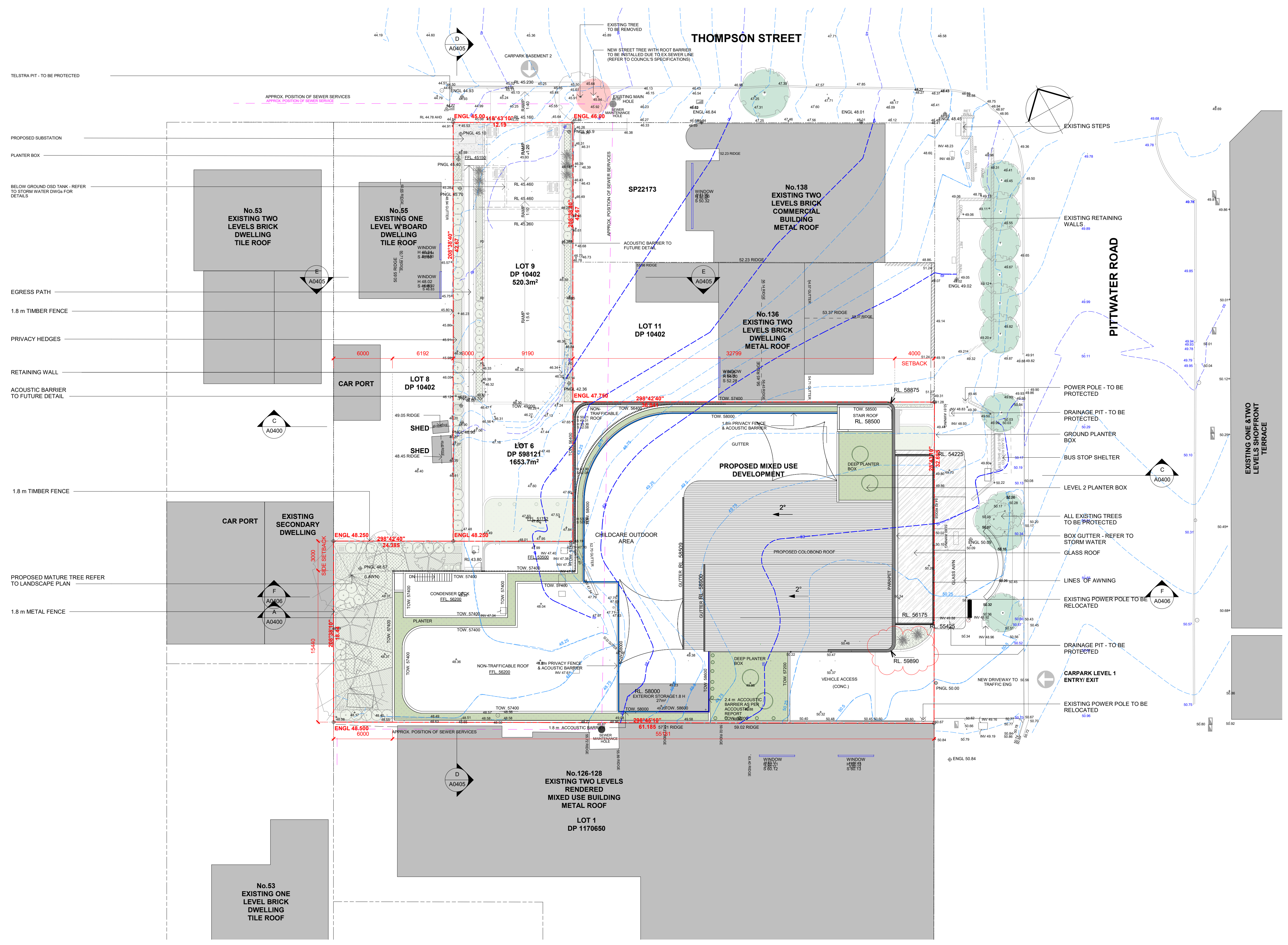
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DEMOLITION PLAN



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1 : 200	23/01/2023

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- LEGEND:**
- DP Down Pipe
 - FW Floor Waste
 - SA Smoke Alarm
 - MV Mechanical Ventilation
 - TOP Top Of Parapet
 - TOW Top Of Wall
 - TOK Top Of Kerb
 - FLL Finish Floor Level
 - FCL Finish Ceiling Level
 - FSL Finish Slab Level
 - RL Reduced Level
 - ENGL Existing Natural Ground
 - ENGL Proposed Natural Ground
 - ST Storage
 - Ens Ensuite
 - LD Linear Drain
 - HWS Hot Water System
 - ACC AC Condenser
 - LIN Linen
 - BM Bench Mark
 - MB Mail Box
 - V.C Vehicle Crossing
 - TP Telstra Pit
 - F.C.L Folding Clothes Line
 - Sh Shower
 - HC Hose Cock
 - GPO General Purpose Outlet
 - POP Pull Out Pantry
 - WM Washing Machine
 - D Dryer
 - Ch Chute

- Existing tree
- WALL LIGHT
- RECESSED LED DOWNLIGHT
- RECESSED LED STRIP LIGHT

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B	13/01/2021	ISSUED FOR PRE-DA
C	19/01/2021	ISSUED FOR DA
D	27/10/2022	ISSUED FOR REVIEW
E	06/02/2023	ISSUED FOR REVIEW

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REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
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SITE PLAN

1 SITE PLAN
1:200

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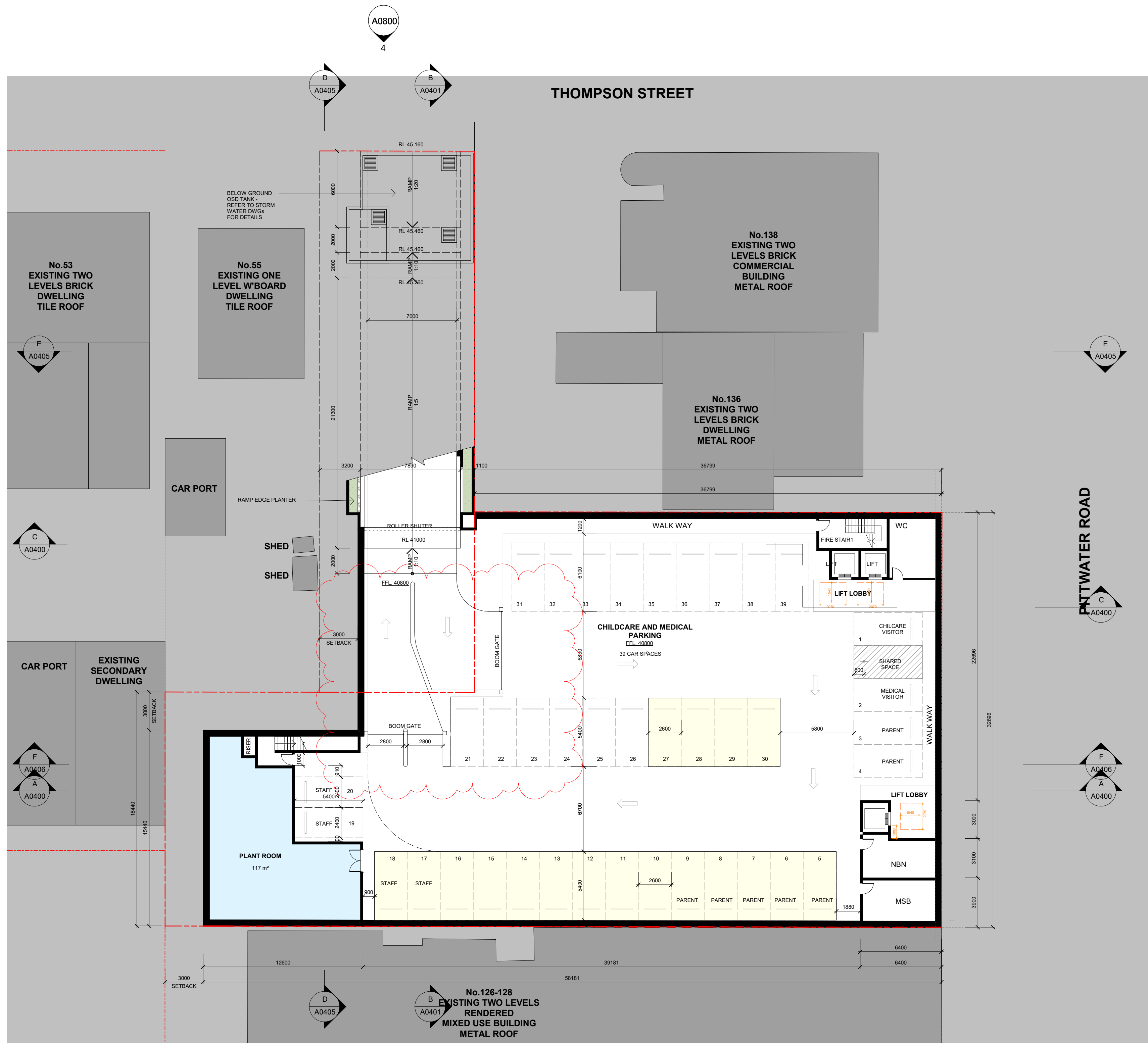
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C	19/01/2021	ISSUED FOR DA
D	30/05/2022	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

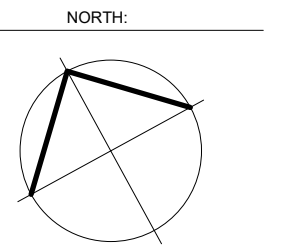
REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
 130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
 LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060 E: info@tesserarch.com.au PH: 0488 22 1234

DRAWING TITLE:
FLOOR PLAN - BASEMENT 2

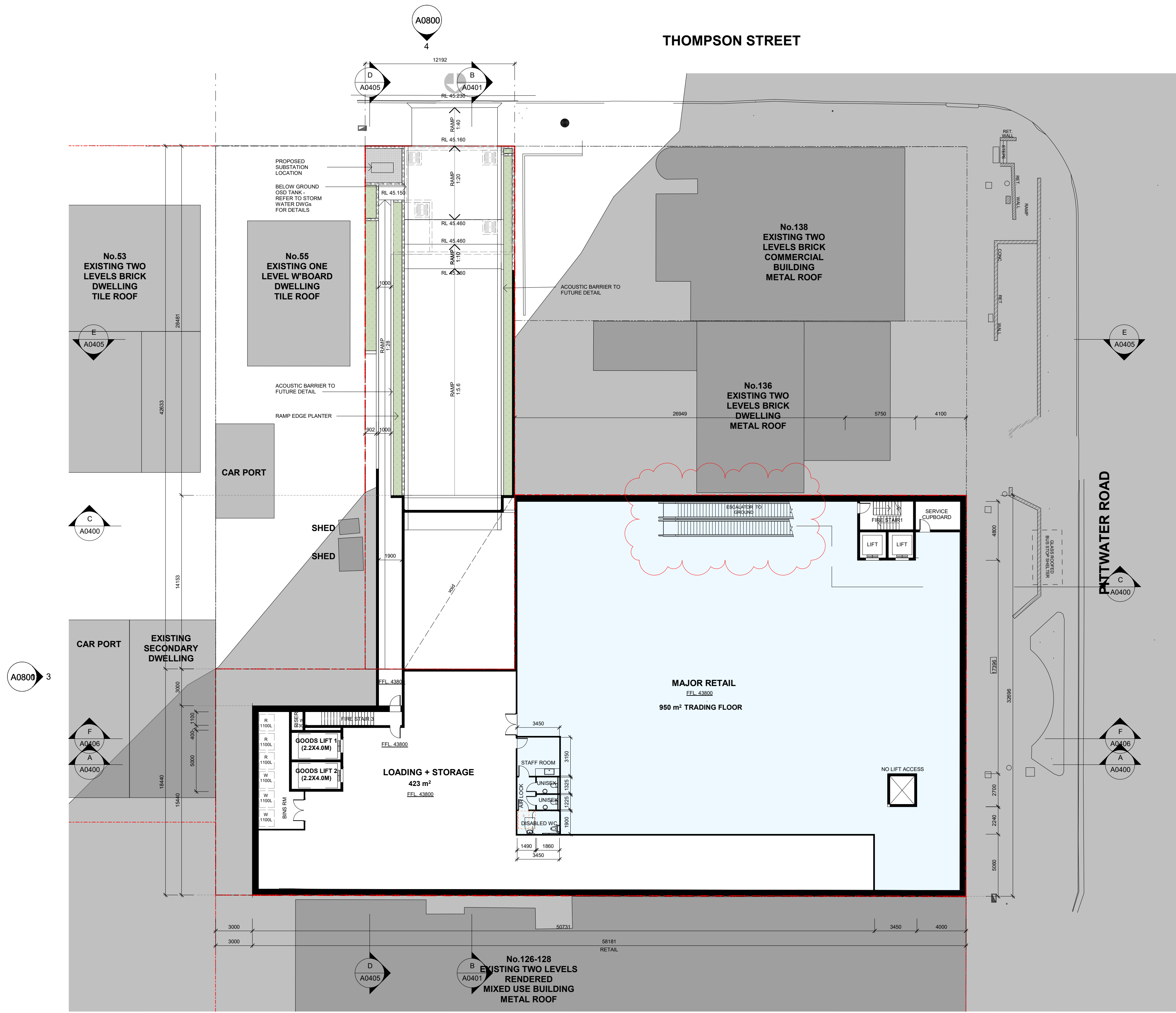
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DRAWN BY: TD CHECKED BY: SS PROJECT NO: 200417 DRAWING NO: A0200 ISSUE: D CAD FILE: _____

9/03/2023 2:29:49 PM



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E	09/03/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

REVELOP

PROJECT: _____

PROPOSED MIXED USE DEVELOPMENT

130 PITTWATER ROAD GLADESVILLE

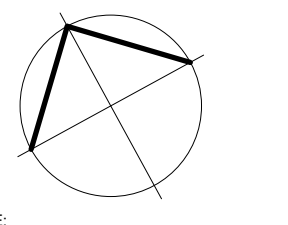
ARCHITECT: _____

TESSERARCH

LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060 E: info@tesserarch.com.au PH: 0488 22 1234

FLOOR PLAN - BASEMENT 1

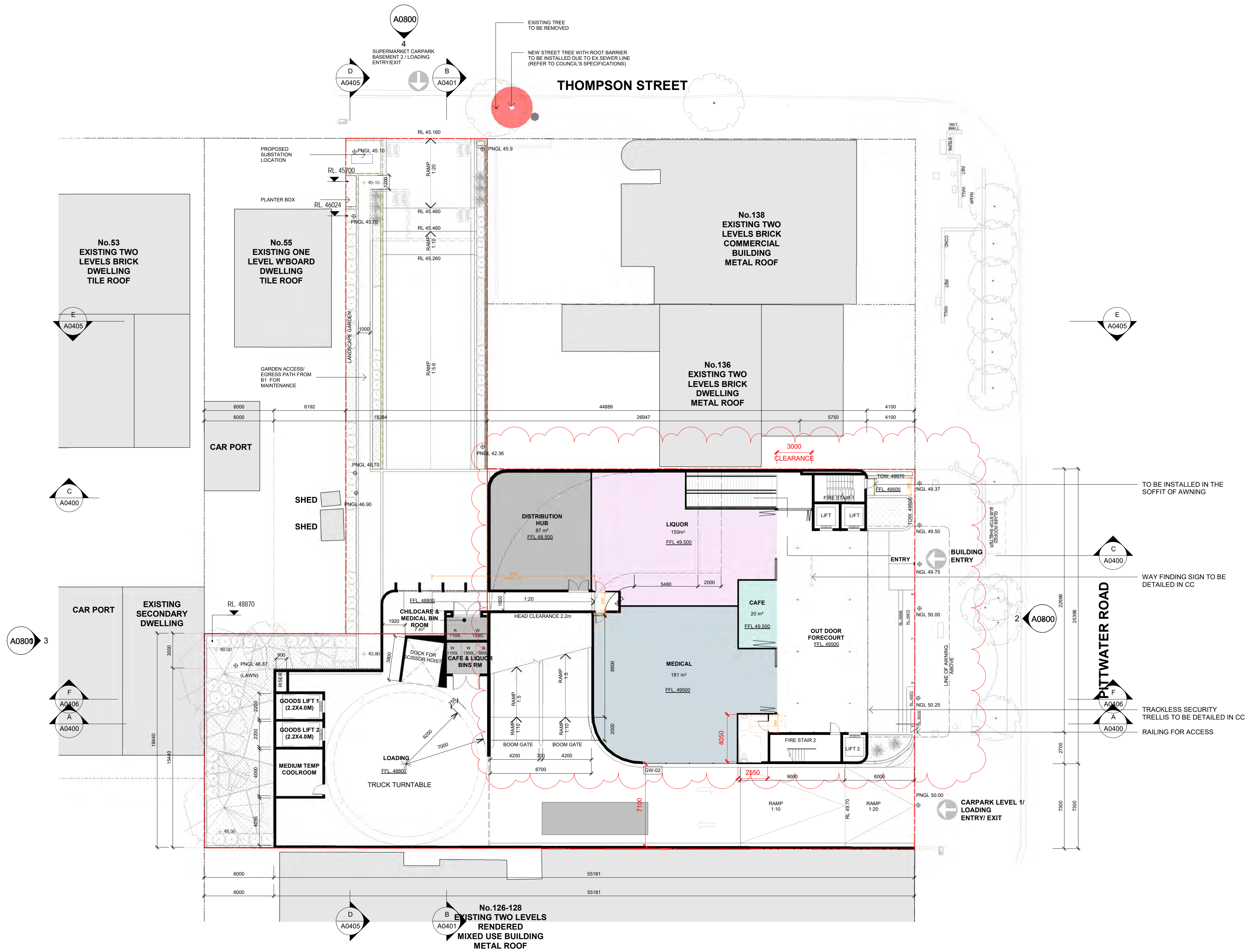
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SCALE: 1 : 200 @ A1 DATE: 23/01/2023

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TD	SS	200417	A0202	E

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- LEGEND:**
- DP Down Pipe
 - FW Floor Waste
 - SA Smoke Alarm
 - MV Mechanical Ventilation
 - TOP Top Of Parapet
 - TOW Top Of Wall
 - TOK Top Of Kerb
 - FFL Finish Floor Level
 - FCL Finish Ceiling Level
 - FSL Finish Slab Level
 - RL Reduced Level
 - ENGL Existing Natural Ground
 - ENGL Proposed Natural Ground
 - ST Storage
 - Ens Ensuite
 - LD Linear Drain
 - HWS Hot Water System
 - ACC AC Condenser
 - LIN Linen
 - BM Bench Mark
 - MB Mail Box
 - V.C Vehicle Crossing
 - TP Telstra Pit
 - F.C.L Folding Clothes Line
 - Sh Shower
 - HC Hose Cock
 - GPO General Purpose Outlet
 - POP Pull Out Pantry
 - WM Washing Machine
 - Dr Dryer
 - Ch Chute

- Existing tree
- WALL LIGHT
 - RECESSED LED DOWNLIGHT
 - RECESSED LED STRIP LIGHT

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STATUS: _____

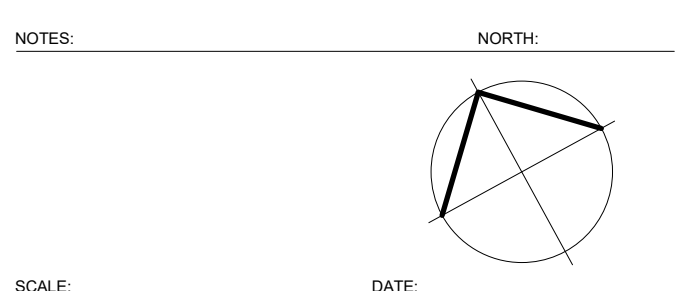
CLIENT: _____

REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
 130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
 LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
 E: info@tesserarch.com.au
 PH: 0488 22 1234

DRAWING TITLE: FLOOR PLAN - GROUND FLOOR



SCALE: _____ DATE: _____

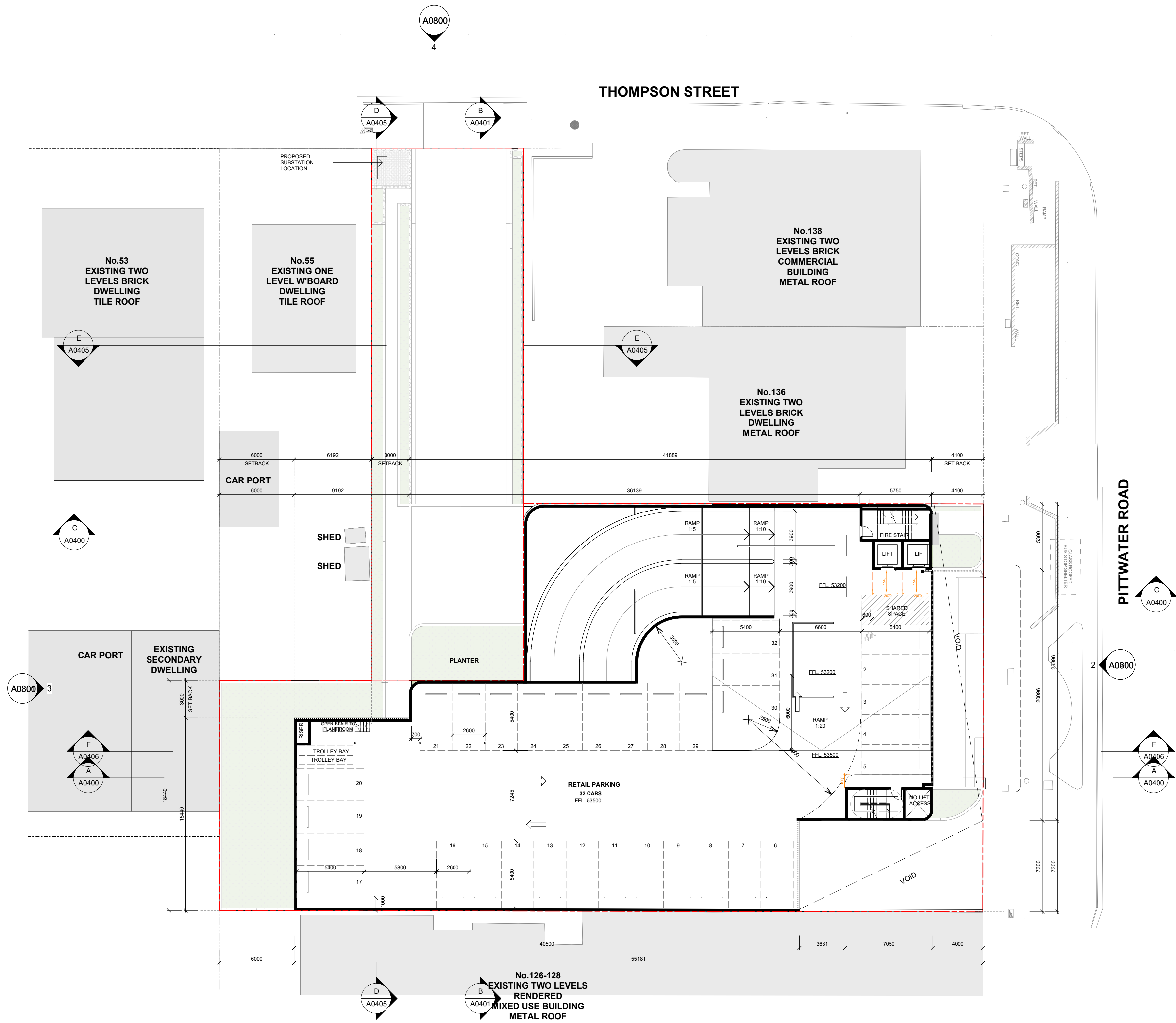
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TD SS 200417 **A0203 E**

CAD FILE: _____

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STATUS: _____

CLIENT: _____

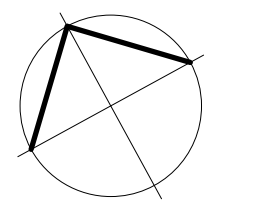
REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

DRAWING TITLE: FLOOR PLAN - LEVEL 1

NOTES: _____ NORTH: _____

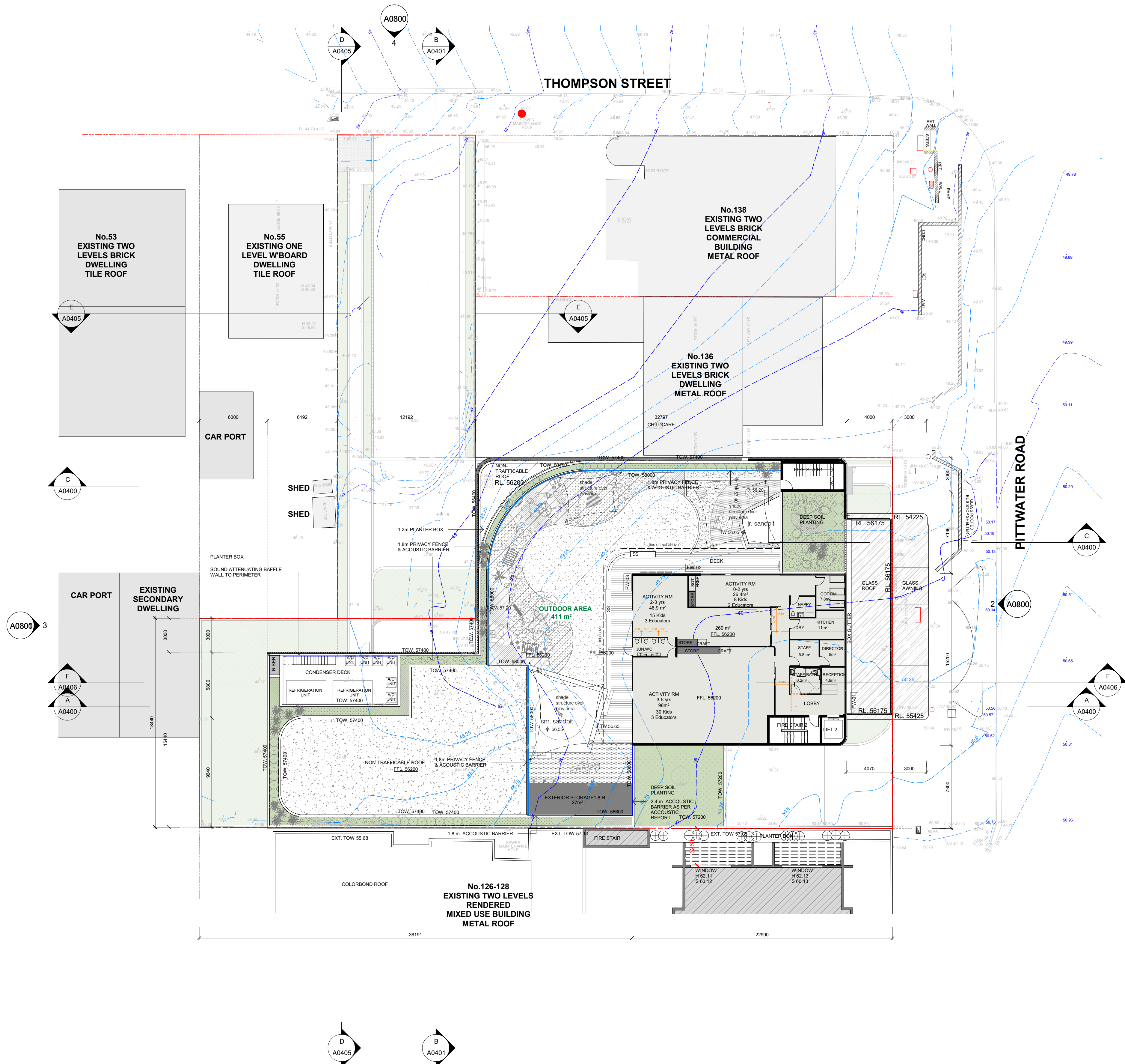


SCALE: 1 : 200 @ A1 DATE: 23/01/2023

DRAWN BY:	CHECKED BY:	PROJECT NO:	DRAWING NO:	ISSUE:
TD	SS	200417	A0204	C

GAD FILE: _____

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CHILD CARE CAR PARK CALCULATION

CAPACITY: 53 Kids
 STAFF : 3 + 3 + 2 = 8 Educators
 STAFF Carpark : 4 spaces (1/2staff)
 PARENTS Carpark: 6.6 Spaces (rate 1/8 kids)

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E	30/05/2022	ISSUED FOR REVIEW
F	23/01/2023	ISSUED FOR REVIEW

STATUS: _____
 CLIENT: _____

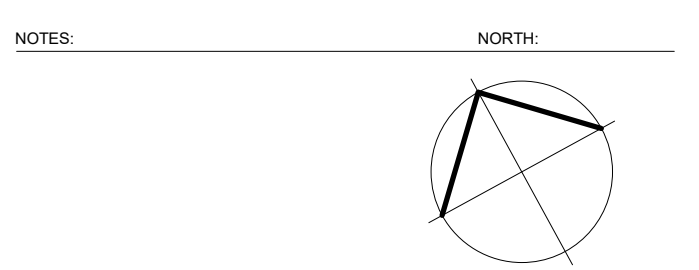
REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
 130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH

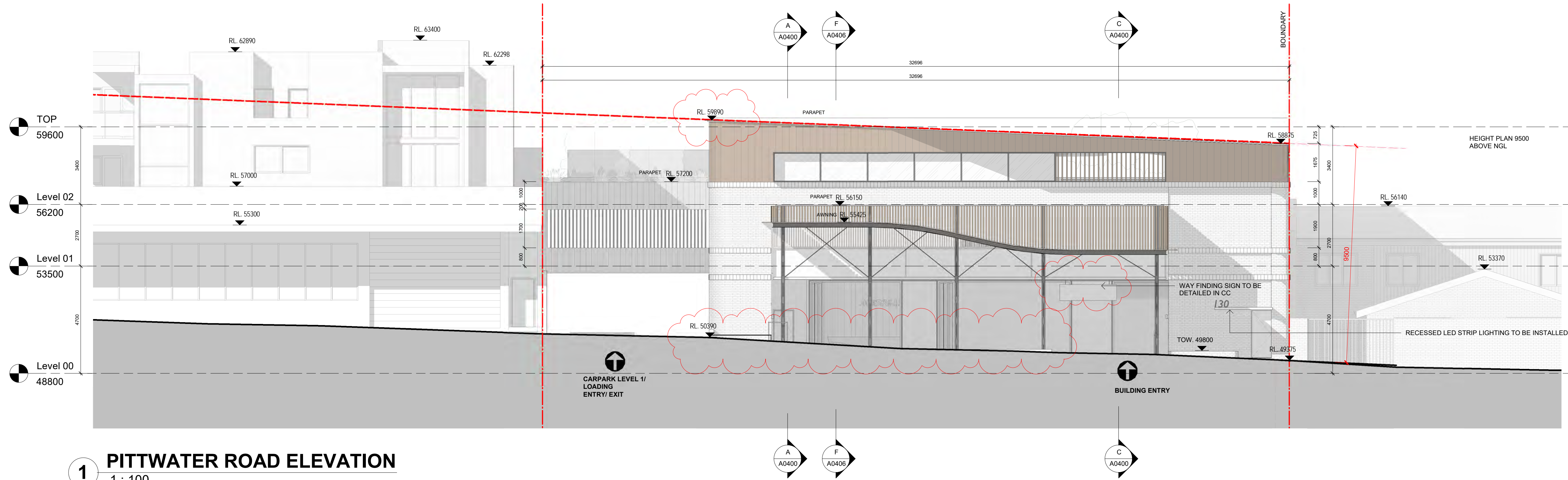
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060 E: info@tesserarch.com.au PH: 0488 22 1234

DRAWING TITLE:
FLOOR PLAN - LEVEL 2



SCALE: 1 : 200
 DATE: 23/01/2023
 DRAWN BY: SS
 CHECKED BY: SS
 PROJECT NO: 200417
 DRAWING NO: A0205
 ISSUE: F

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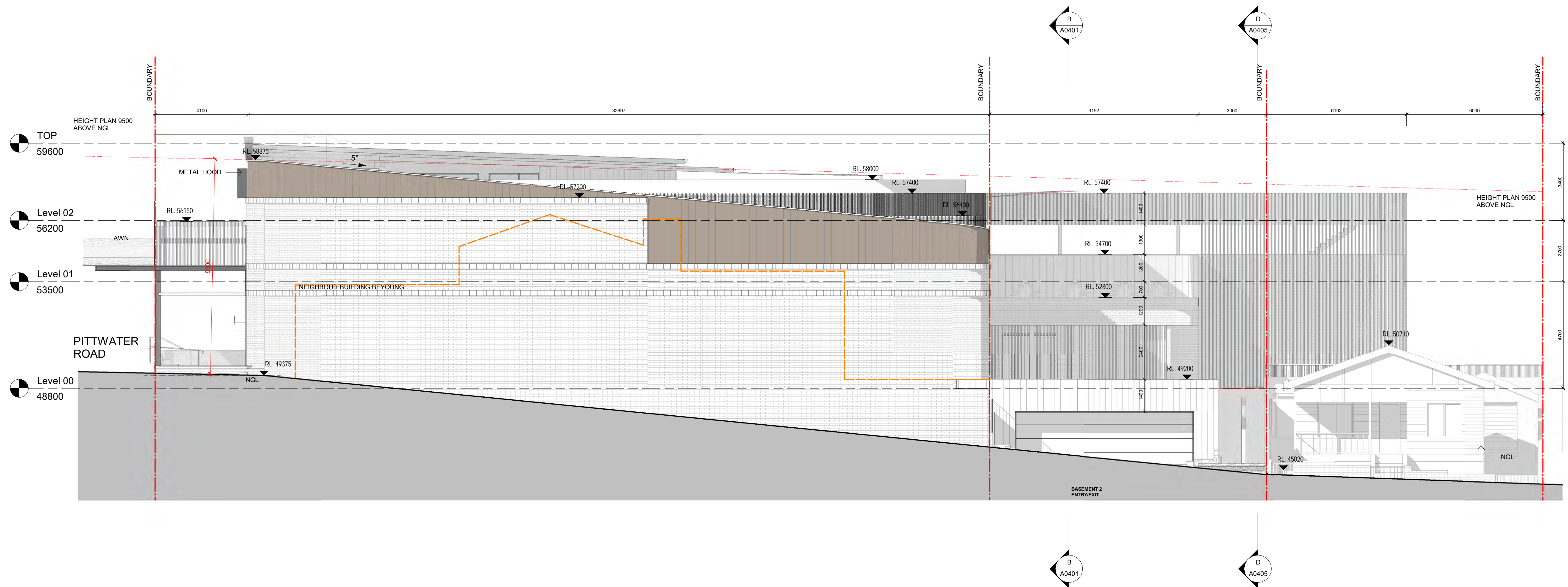


1 PITTWATER ROAD ELEVATION
1 : 100

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E	09/03/2023	ISSUED FOR REVIEW



2 THOMPSON STREET ELEVATION
1 : 100

STATUS:

CLIENT:

REVELOP

PROJECT:
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130 PITTWATER ROAD GLADESVILLE

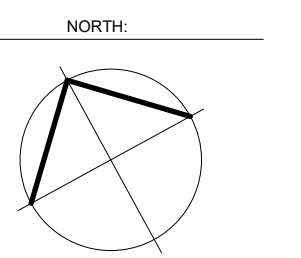
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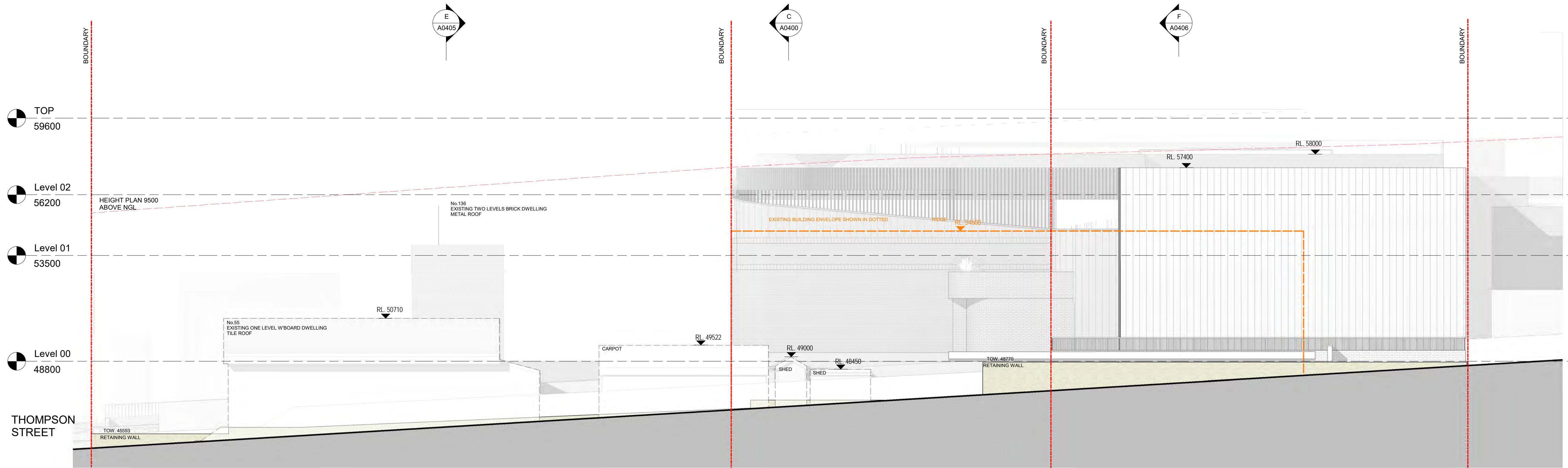
ELEVATIONS

NOTES:



SCALE: 1 : 100 DATE: 23/01/2023

DRAWN BY: TD CHECKED BY: SS PROJECT NO: 200417 DRAWING NO: A0300 ISSUE: E
CAD FILE:



1 REAR ELEVATION
1 : 100

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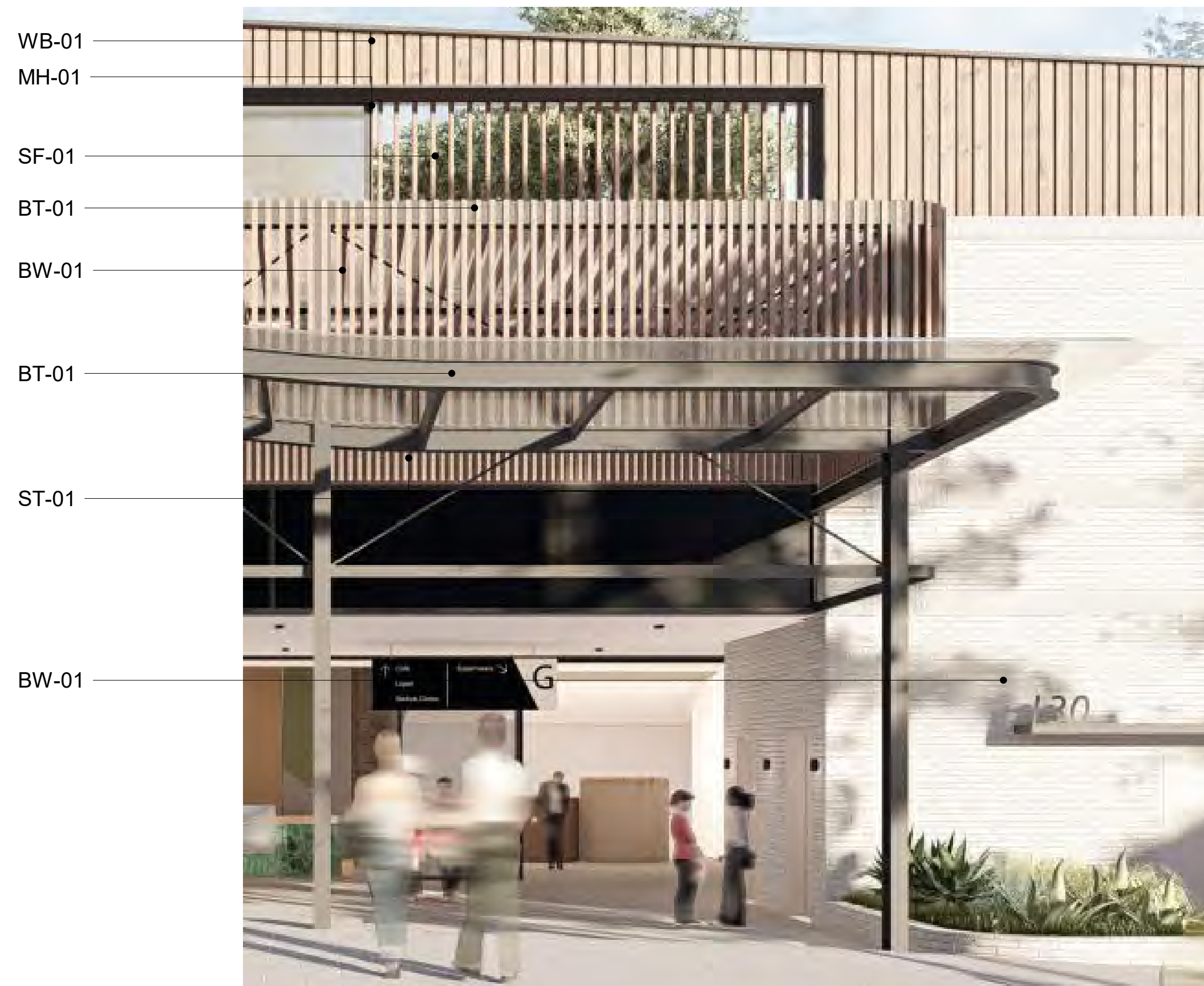
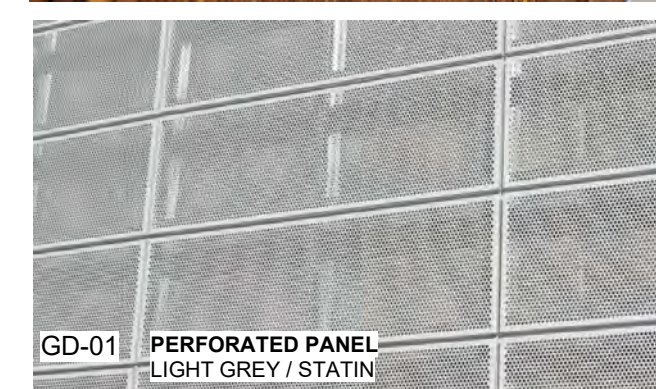
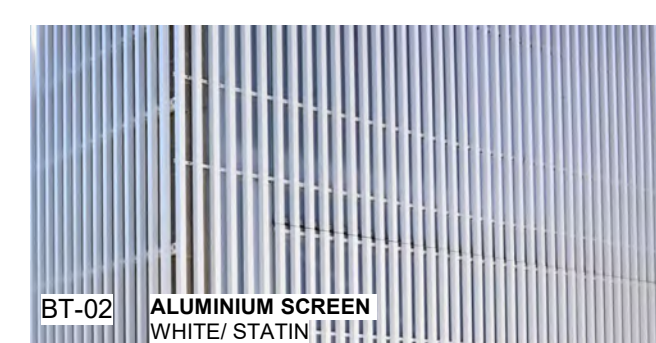
ARCHITECT:
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PH: 0488 22 1234

DRAWING TITLE:
ELEVATION

NOTES: _____ NORTH: _____

SCALE:	DATE:
1 : 100	@ A1 23/01/2023
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PROJECT NO: 200417	DRAWING NO: A0301
CAD FILE:	ISSUE: B

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REVELOP

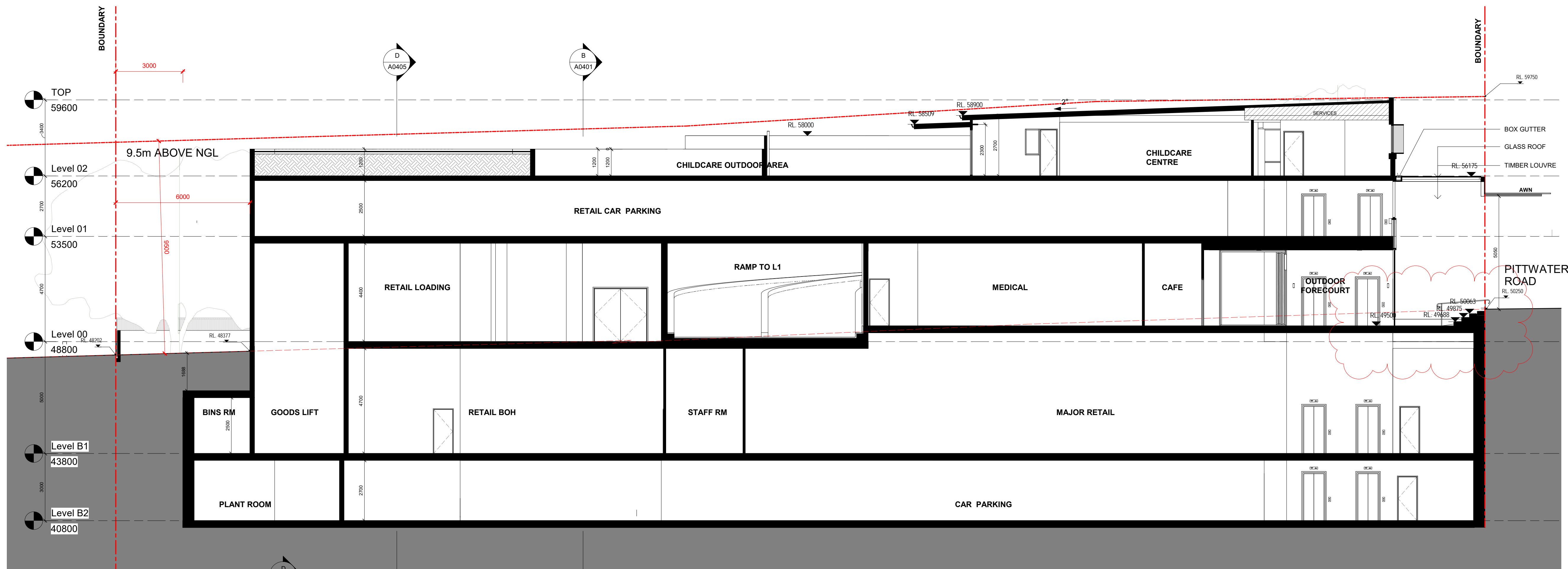
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ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

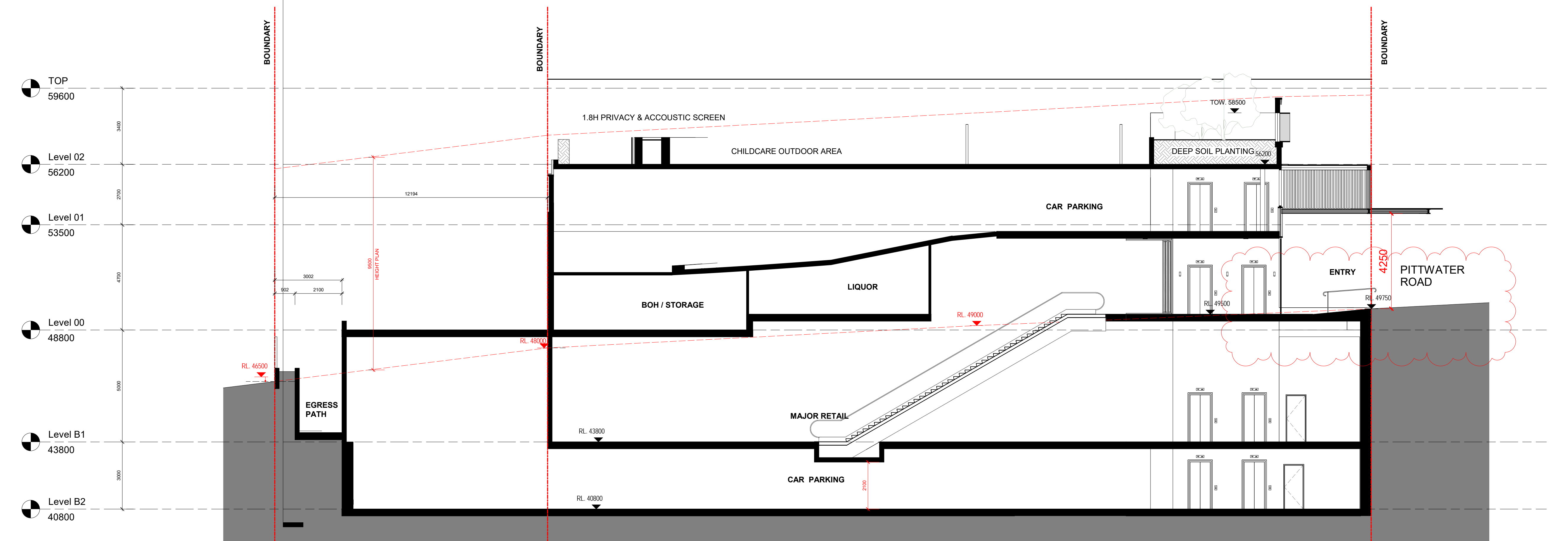
MATERIAL BOARD

NOTES: _____ NORTH: _____

SCALE:	DATE:
1 : 10	23/01/2023
DRAWN BY: TD	CHECKED BY: SS
PROJECT NO: 200417	DRAWING NO: A0302
ISSUE: A	
CAD FILE:	



Section A-A
1 : 100



Section C-C
1 : 100

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STATUS: _____

CLIENT: _____

REVELOP

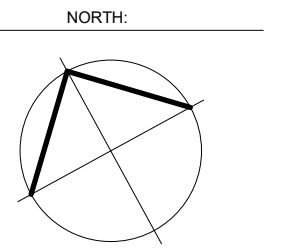
PROJECT:
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130 PITTWATER ROAD GLADESVILLE

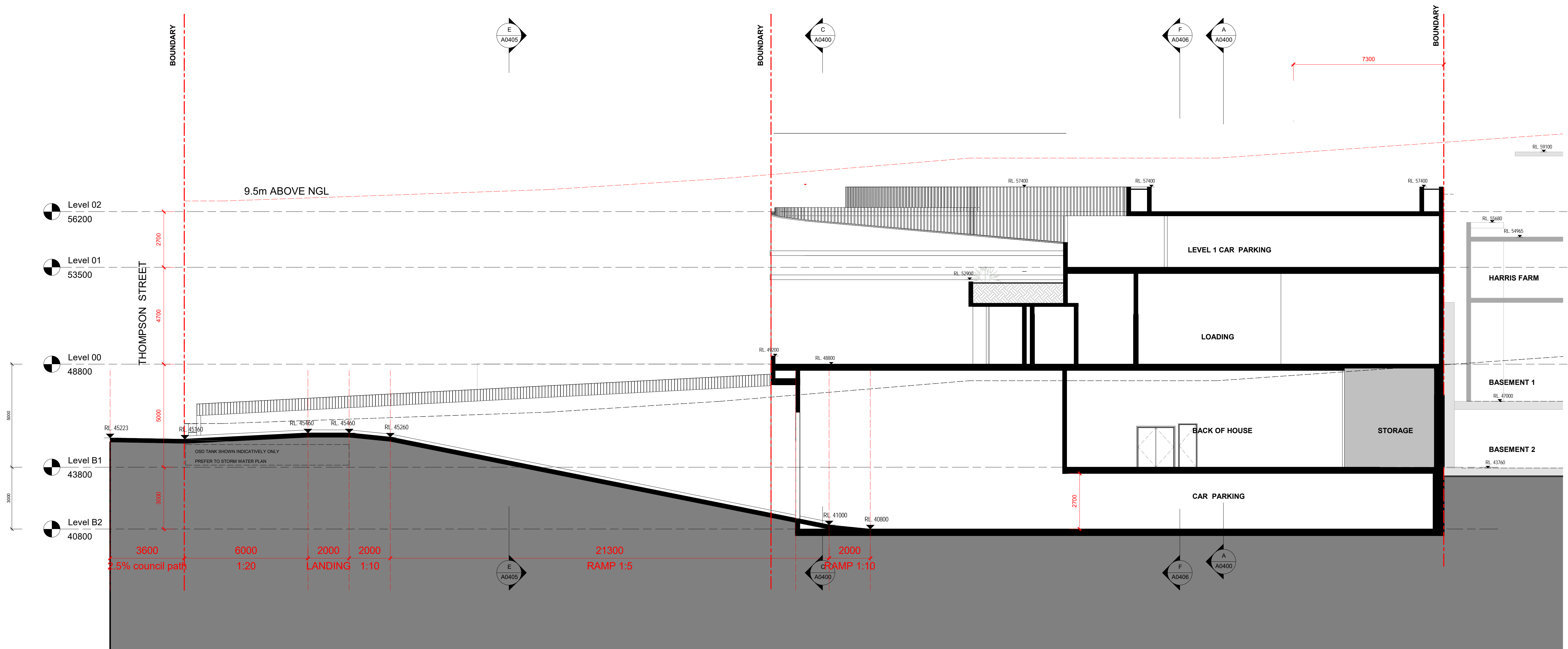
ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

DRAWING TITLE: BUILDING SECTION

NOTES: _____

SCALE:	DATE:
1 : 100	@ A1 23/01/2023
DRAWN BY: TD	CHECKED BY: SS
PROJECT NO: 200417	DRAWING NO: A0400
CAD FILE:	ISSUE: E





Section B-B
1 : 100

CLIENT: _____

REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

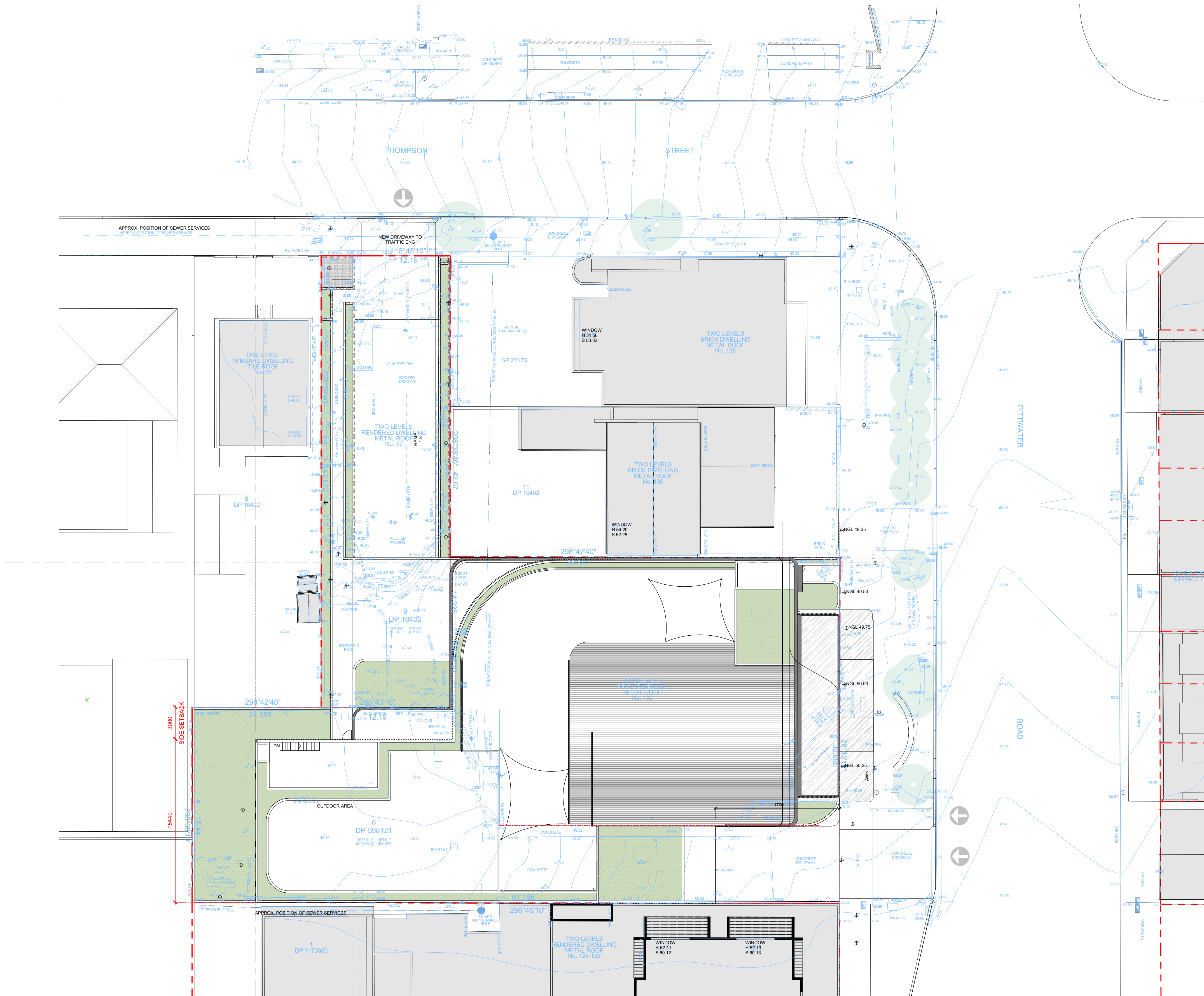
ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060 E: info@tesseracth.com.au PH: 0488 22 1234

DRAWING TITLE:
BUILDING SECTION

NOTES: _____ NORTH: _____

SCALE: 1 : 100 DATE: 23/01/2023
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DRAWING NO: A0401 ISSUE: C

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CLIENT: _____

REVELOP

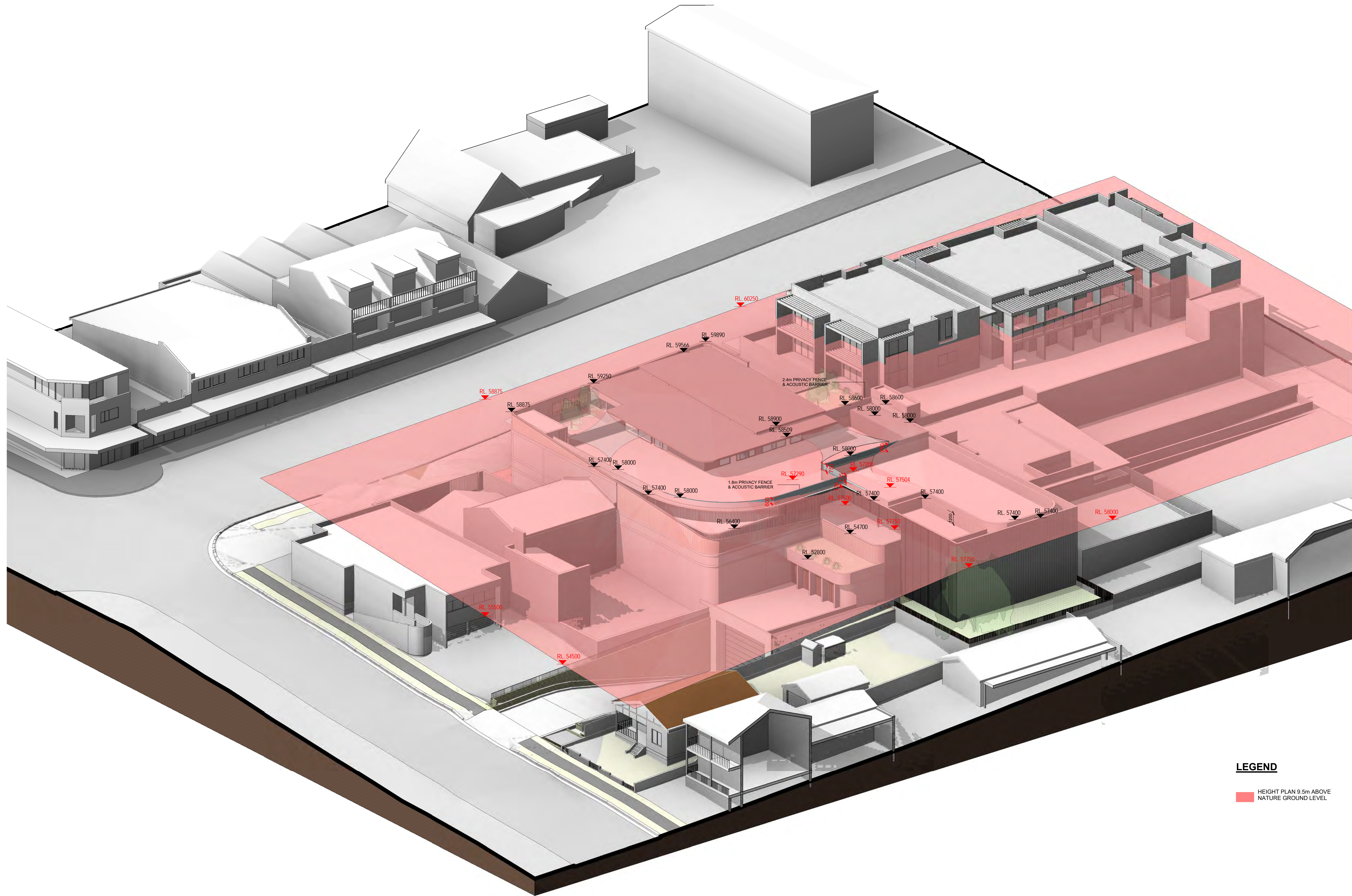
PROJECT:
PROPOSED MIXED USE DEVELOPMENT
 130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
 LEVEL 14 / 124 WALKER STREET E: info@tesserarch.com.au
 NORTH SYDNEY NSW 2060 PH: 0488 22 1234

DRAWING TITLE: SURVEY PLAN OVERLAID

NOTES: _____ NORTH: _____

SCALE:	DATE:
1 : 200	23/01/2023
DRAWN BY: TD	CHECKED BY: SS
PROJECT NO: 200417	DRAWING NO: A0404
ISSUE: C	



LEGEND

■ HEIGHT PLAN 9.5m ABOVE NATURE GROUND LEVEL

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ISSUE	DATE	DESCRIPTION
A	11/08/2020	ISSUED FOR PRE-DA
B	13/01/2021	ISSUED FOR PRE-DA
C	19/01/2021	ISSUED FOR DA
D	12/05/2022	ISSUED FOR REVIEW
E	30/05/2022	ISSUED FOR REVIEW
F	06/02/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

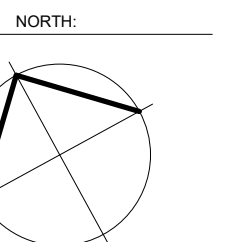
REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTSWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

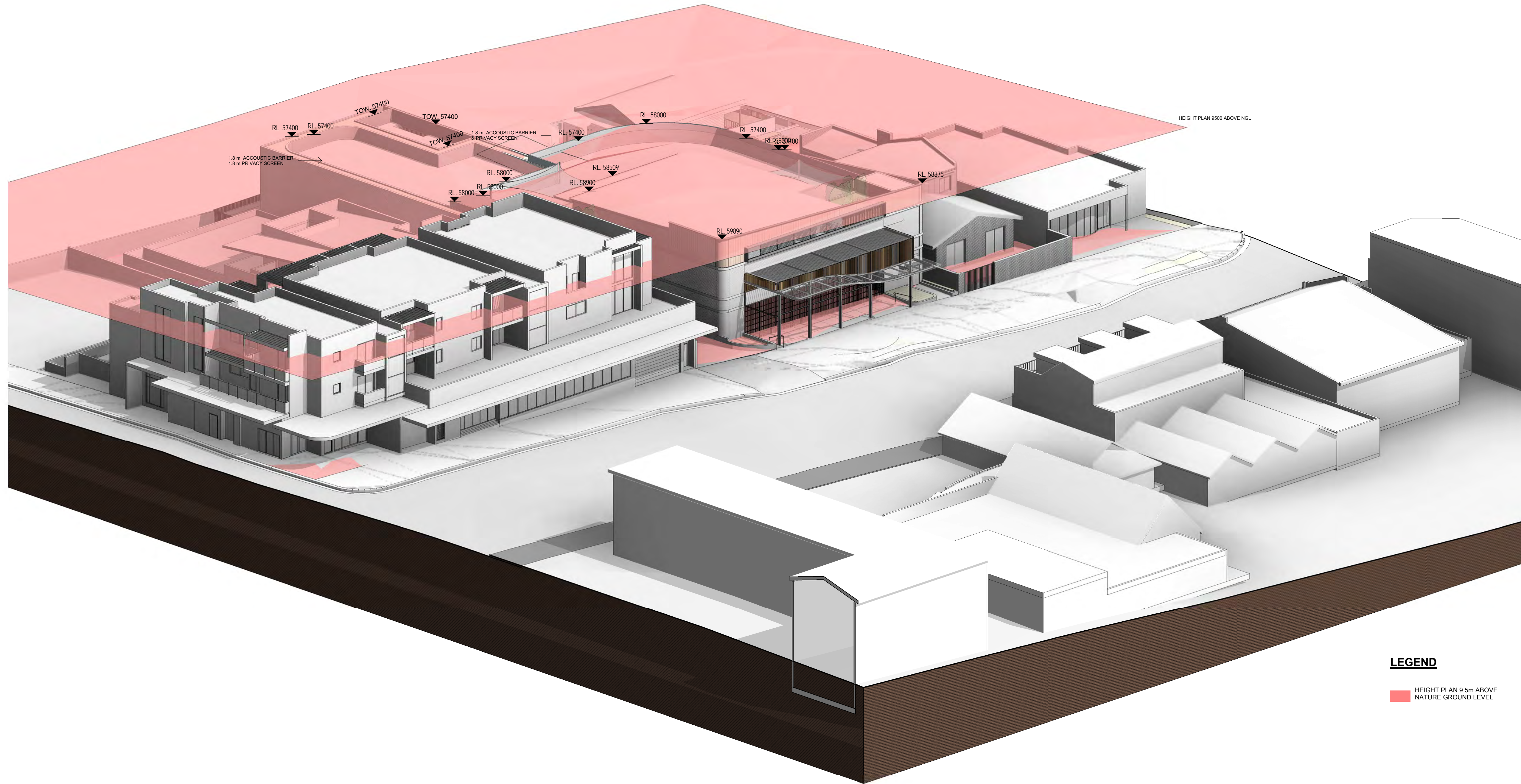
SITE AXONOMETRIC

NOTES: _____



SCALE: 1 : 1 @ A1 DATE: 23/01/2023

DRAWN BY: TD CHECKED BY: SS PROJECT NO: 200417 DRAWING NO: A0402 ISSUE: F
CAD FILE: _____



LEGEND

HEIGHT PLAN 9.5m ABOVE NATURE GROUND LEVEL

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D	12/05/2022	ISSUED FOR REVIEW
E	30/05/2022	ISSUED FOR REVIEW
F	27/02/2023	ISSUED FOR REVIEW
G	09/03/2023	ISSUED FOR REVIEW

STATUS:

CLIENT:

REVELOP

PROPOSED MIXED USE DEVELOPMENT

130 PITTWATER ROAD GLADESVILLE

ARCHITECT:

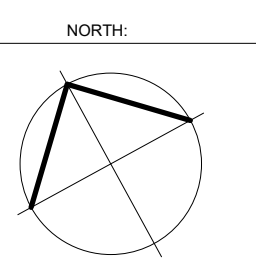
TESSERARCH

LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060 E: info@tesserarch.com.au PH: 0488 22 1234

DRAWING TITLE:

SITE AXONOMETRIC

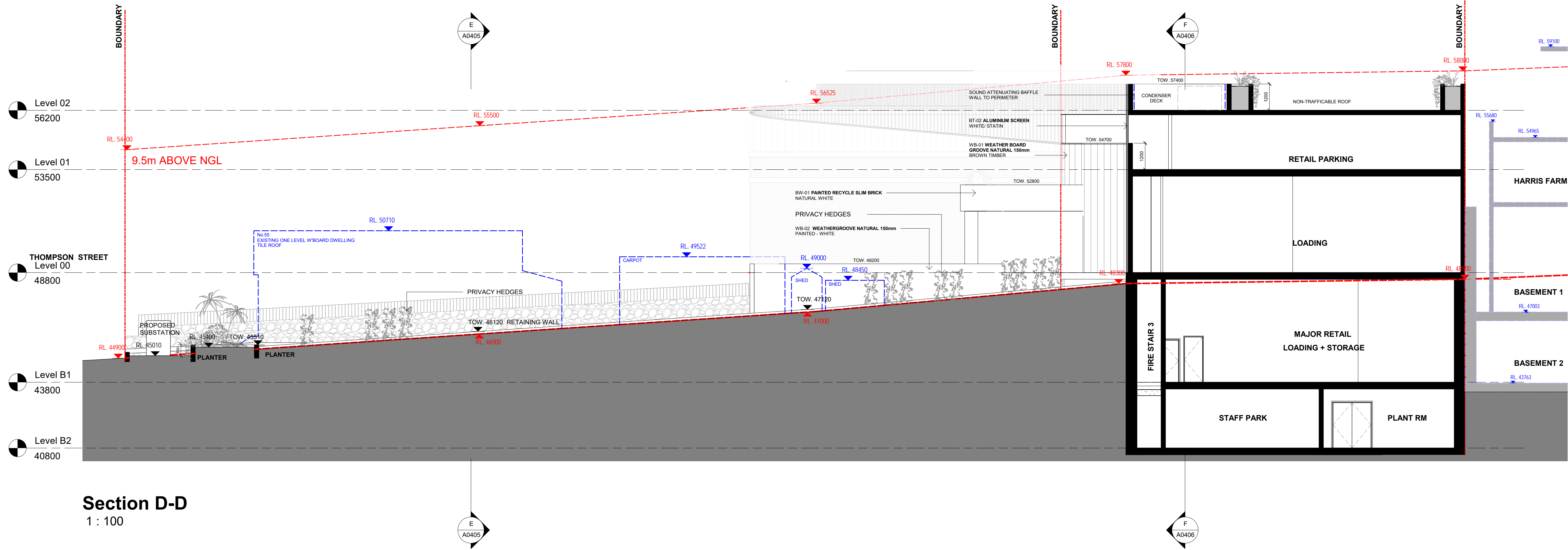
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SCALE: 1 : 1 @ A1 DATE: 23/01/2023

DRAWN BY: TD CHECKED BY: SS PROJECT NO: 200417 DRAWING NO: A0403 ISSUE: G

DATE: 9/03/2023 2:31:27 PM



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ISSUE	DATE	DESCRIPTION
A	23/01/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

REVELOP

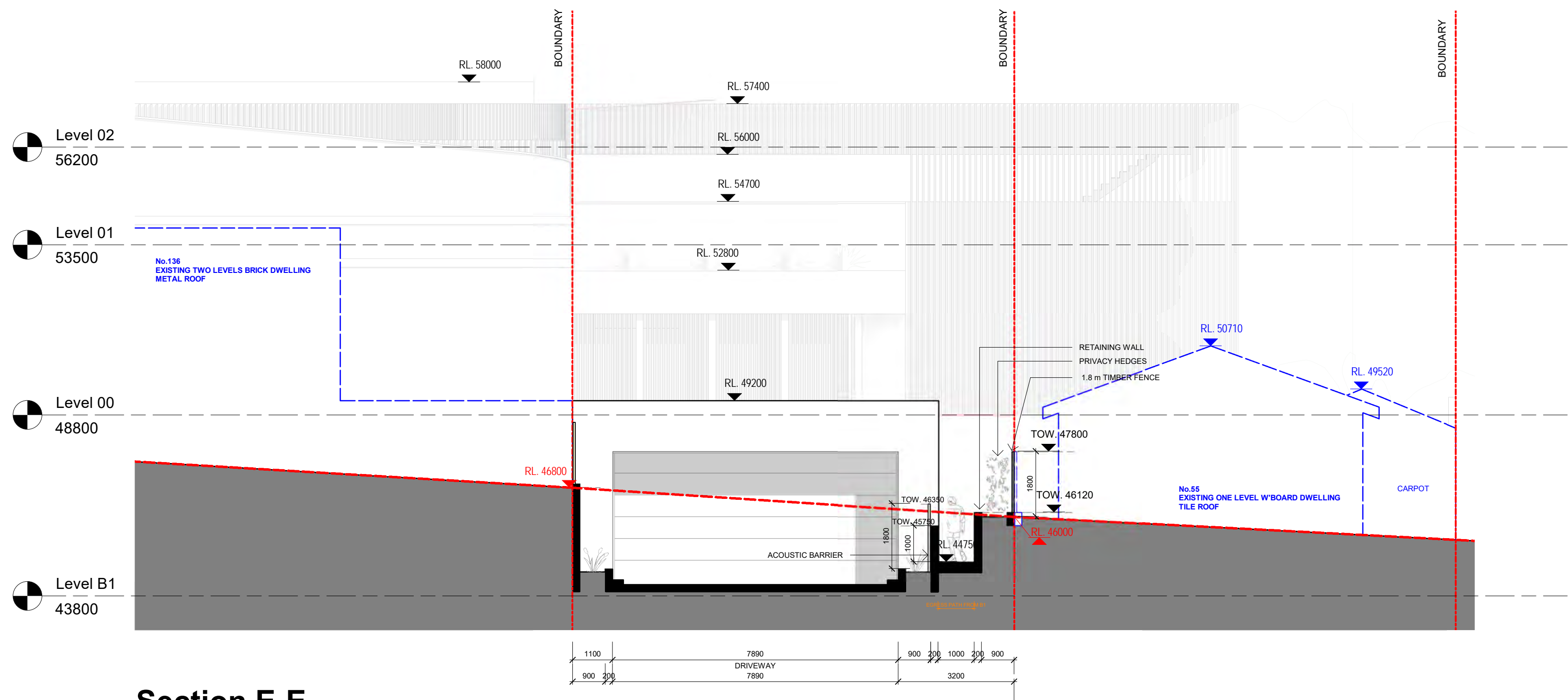
PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITWATER ROAD GLADESVILLE

TESSERARCH

LEVEL 14 / 124 WALKER STREET E: info@tesserarch.com.au
NORTH SYDNEY NSW 2060 PH: 0488 22 1234

BUILDING SECTIONS

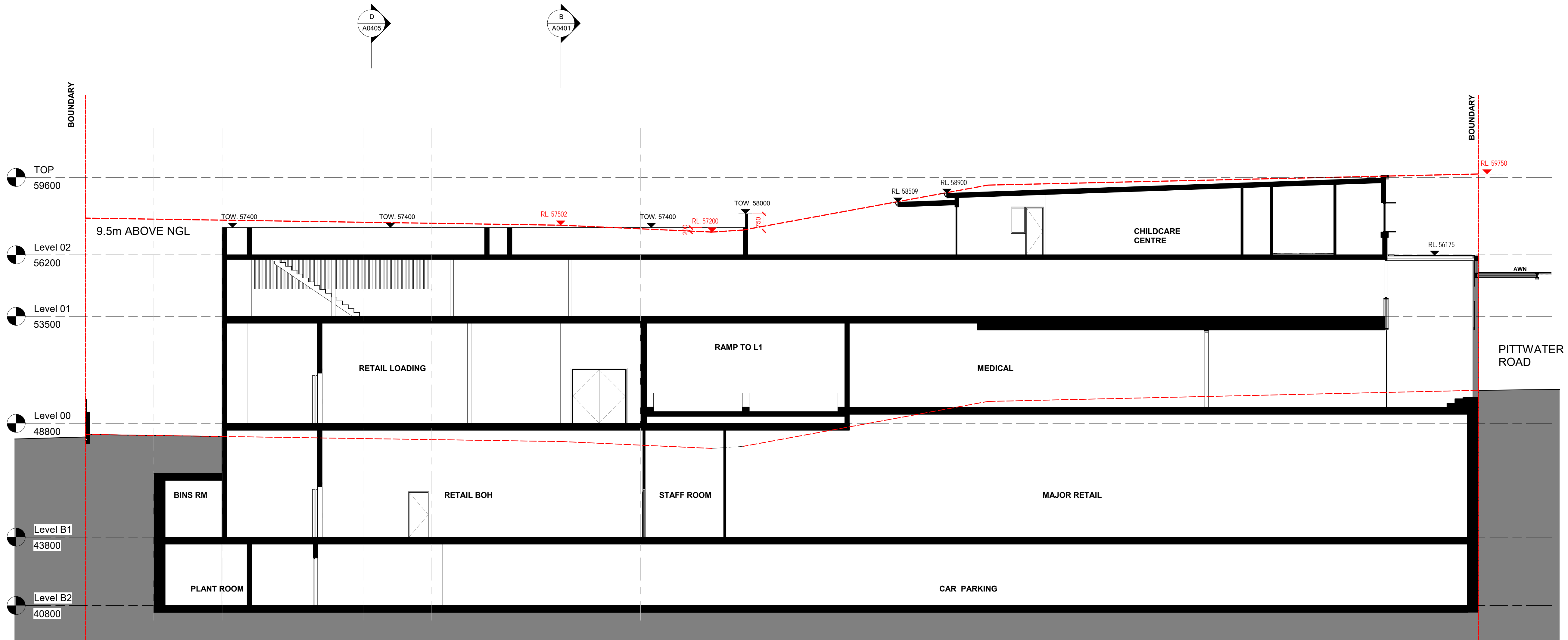
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SCALE: 1 : 100 @ A1 DATE: 23/01/2023

DRAWN BY:	CHECKED BY:	PROJECT NO:	DRAWING NO:	ISSUE:
TD	SS	200417	A0405	A

GAD FILE: _____



SECTION F-F
1 : 100

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ISSUE	DATE	DESCRIPTION
A	06/02/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

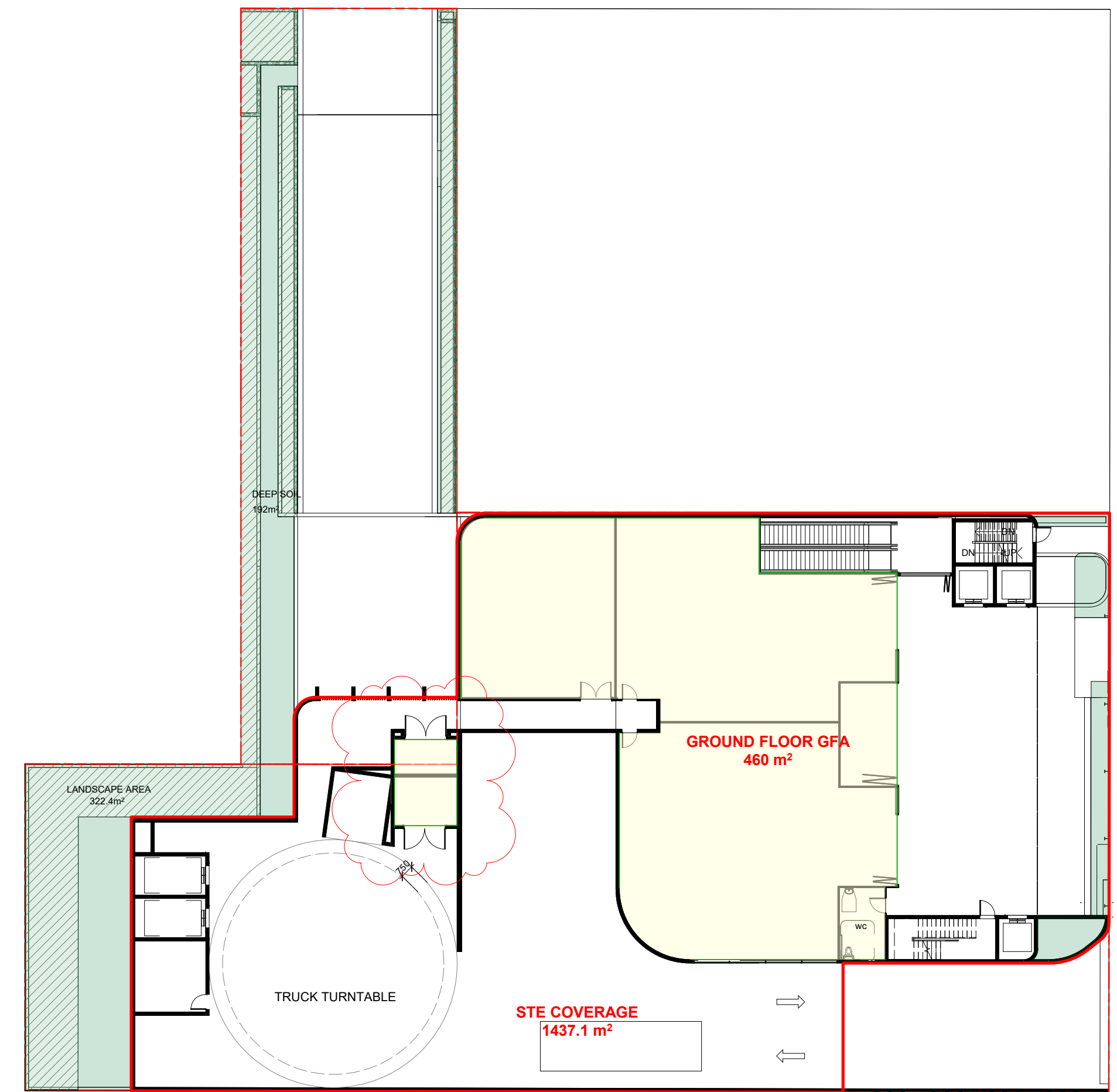
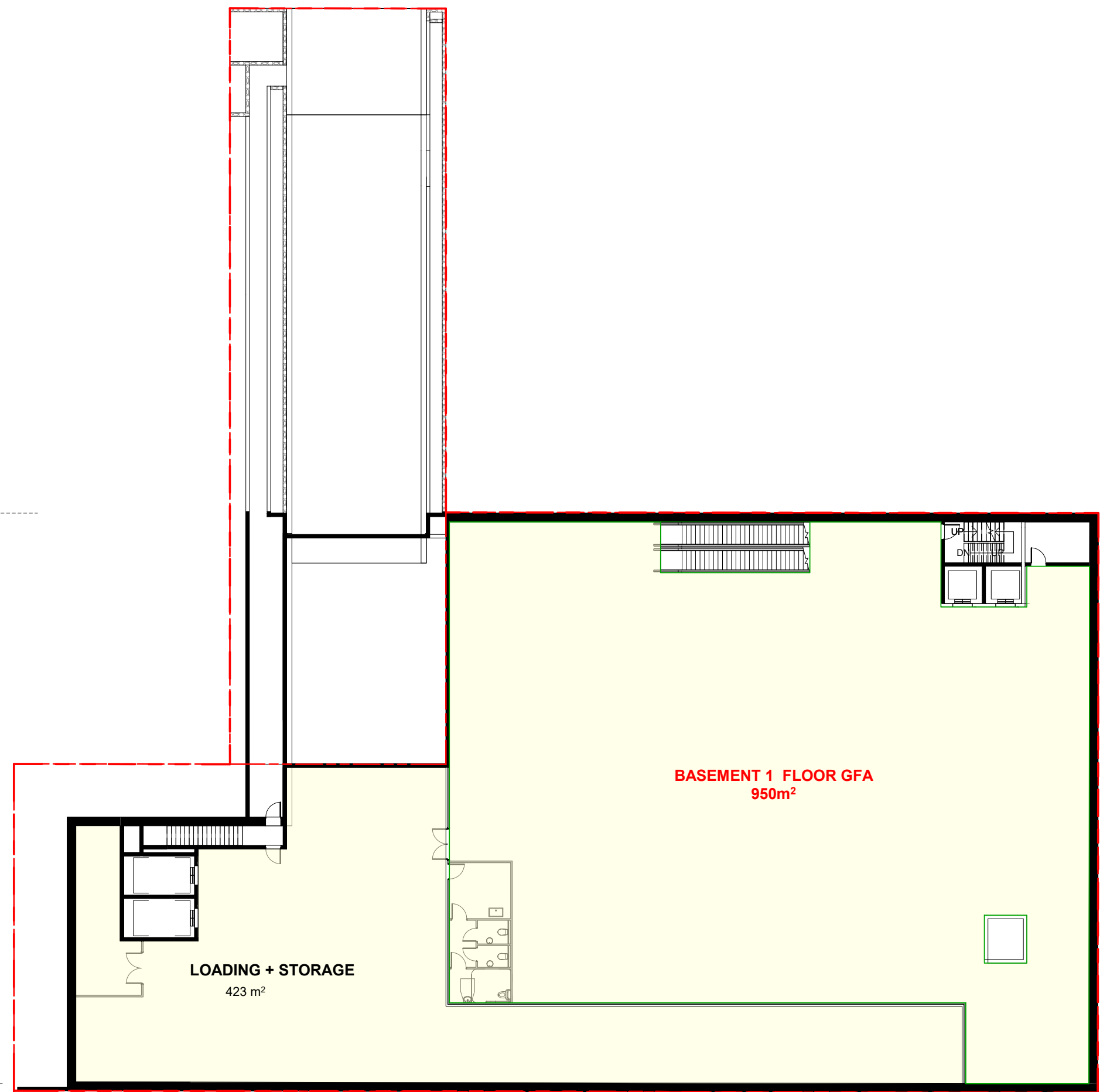
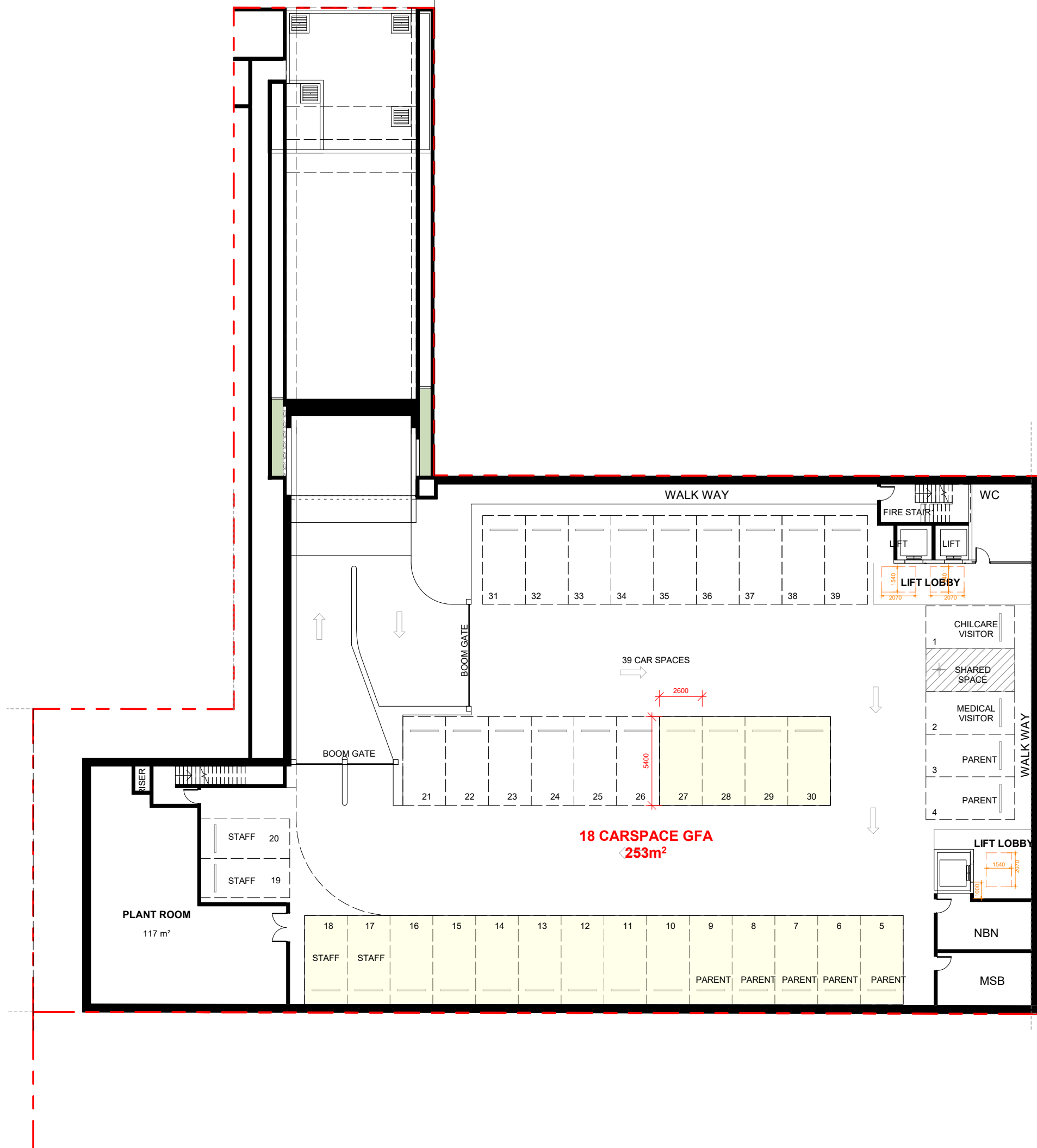
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NOTES: _____ NORTH: _____

SCALE: 1 : 100 DATE: 23/01/2023

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CAD FILE: _____



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RYDE LOCAL ENVIRONMENTAL PLAN 2014

130 PITTWATER ROAD:

SITE AREA: 1653.7m² (BY CALC) 1643m² (BY DP)
ZONING: B1: Neighbourhood Centre
PERMISSIBLE FSR: 0.8:1
PERMISSIBLE GFA: 1322.96 m²

57 THOMPSON STREET:

SITE AREA: 520.3m² (BY CALC) 518.5m² (BY DP)
ZONING: R2: Low Density Residential
PERMISSIBLE FSR: 0.5:1
PERMISSIBLE GFA: 260.15 m²

TOTAL PERMISSIBLE GFA : 1583.11 m²

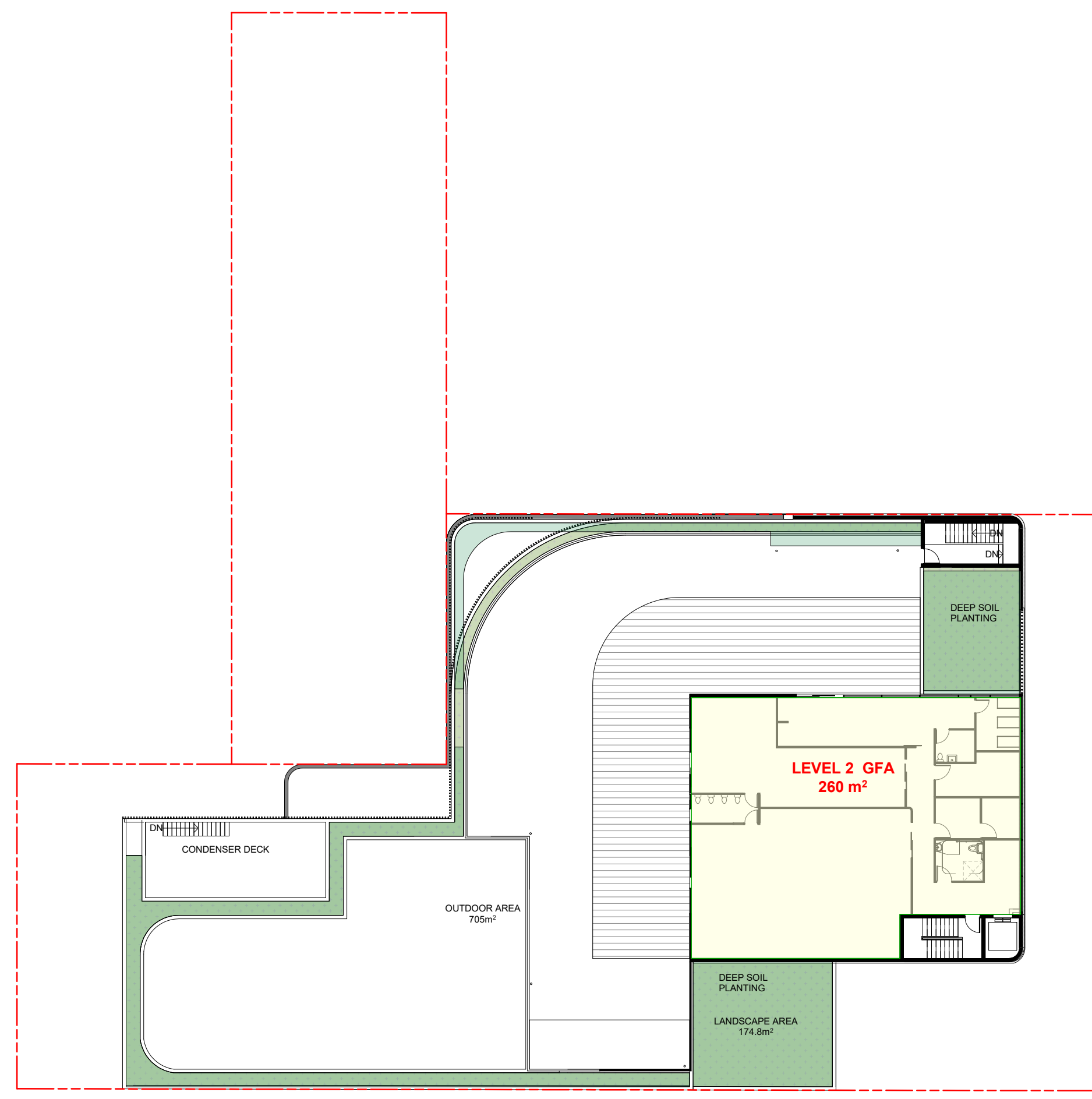
PROPOSED BUILDING GROSS FLOOR AREA:

BASEMENT 2: 253m²
 BASEMENT 1: 1373 m²
 GROUND FLOOR: 460 m²
 LEVEL 2: 260 m²
TOTAL: 2346m²

LANDSCAPE AREA: 519.4 m² = 24% OF LANDSCAPE AREA
DEEPSOIL AREA: 192 m² = 8% OF DEEP SOIL AREA
SITE COVERAGE: 1437.1 m² = 66%

BUILDING GROSS FLOOR AREA BY ZONING

	B1 NEIGHBOURHOOD CENTRE	R2 LOW DENSITY RESIDENTIAL
SITE AREA	1653.7 m ²	520.3 m ²
PERMISSIBLE GFA	1322.96 m ²	260.15 m ²
PERMISSIBLE FSR	0.8:1	0.5:1
PROPOSED GFA	2334 m ²	12 m ²
PROPOSED FSR	1.41:1	0.02:1
TOTAL GFA	2346 m ²	
TOTAL FSR	1.08:1	



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STATUS: _____

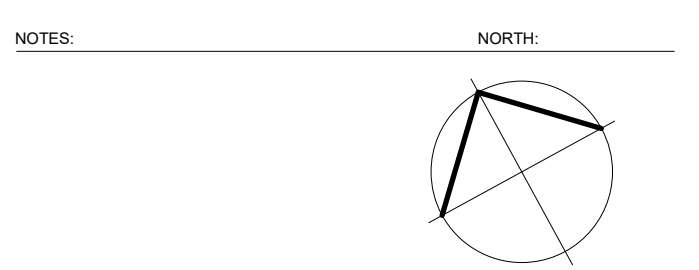
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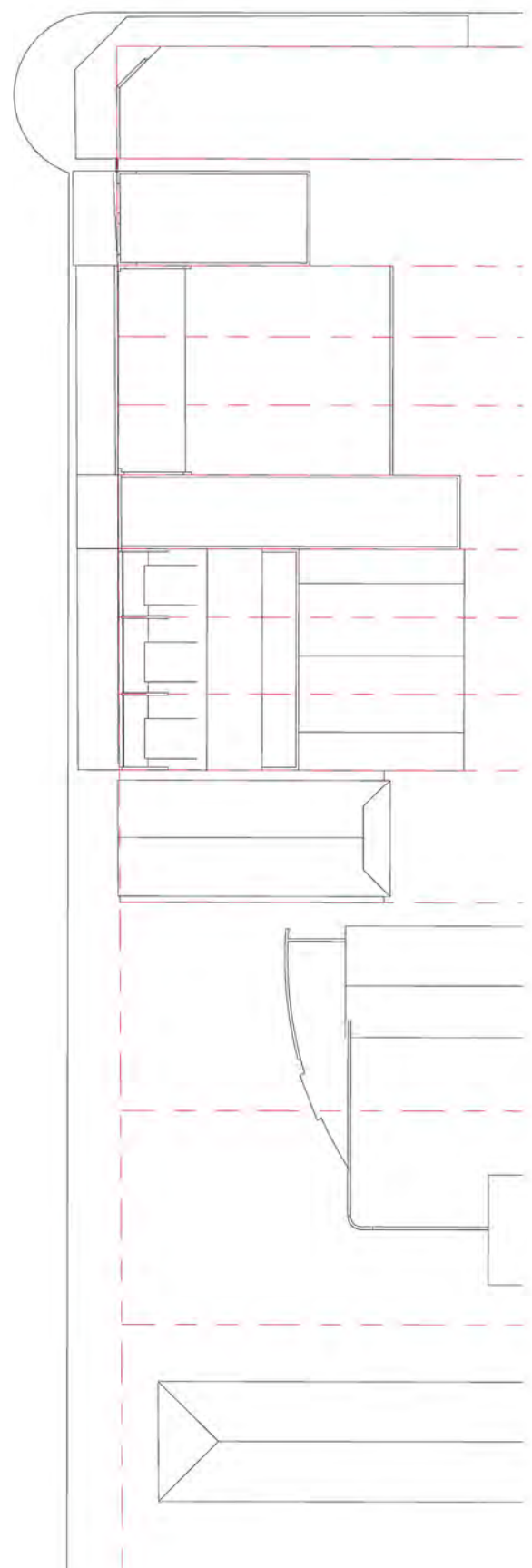
PROJECT:
PROPOSED MIXED USE DEVELOPMENT
 130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
 LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060 E: info@tesserarch.com.au PH: 0488 22 1234

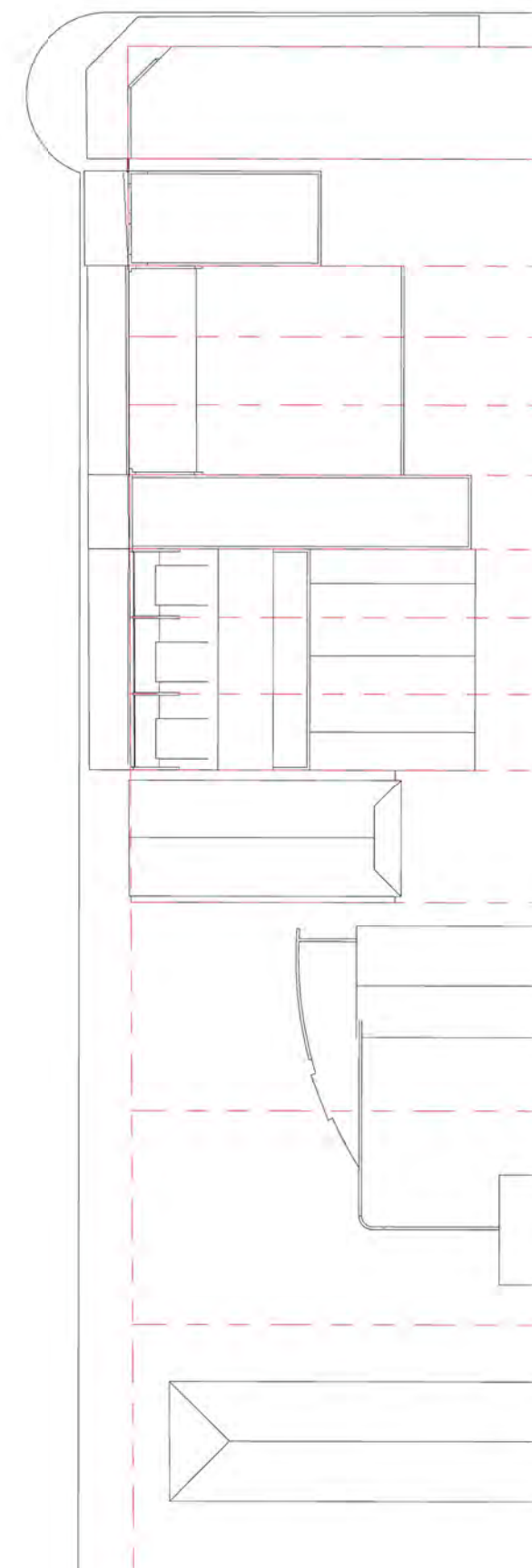
GFA CALCULATION



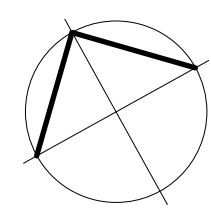
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 DRAWN BY: TD CHECKED BY: SS PROJECT NO: 200417 DRAWING NO: A0500 ISSUE: G
 CAD FILE: _____



1 SHADOW DIAGRAM - 21 JUNE - 9am
1 : 500



2 SHADOW DIAGRAM - 21 JUNE - 10am
1 : 500



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A	11/08/2020	ISSUED FOR PRE-DA
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C	19/01/2021	ISSUED FOR DA

STATUS: _____

CLIENT: _____

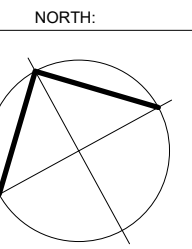
REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

DRAWING TITLE:
SHADOW DIAGRAMS

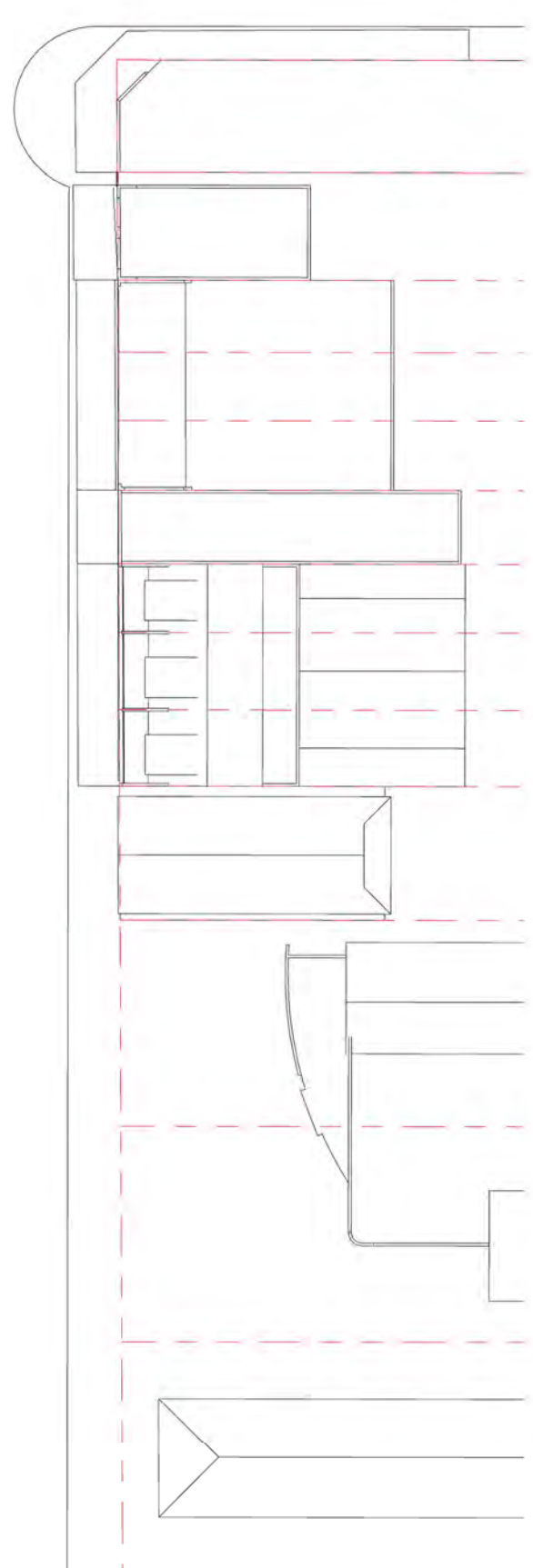
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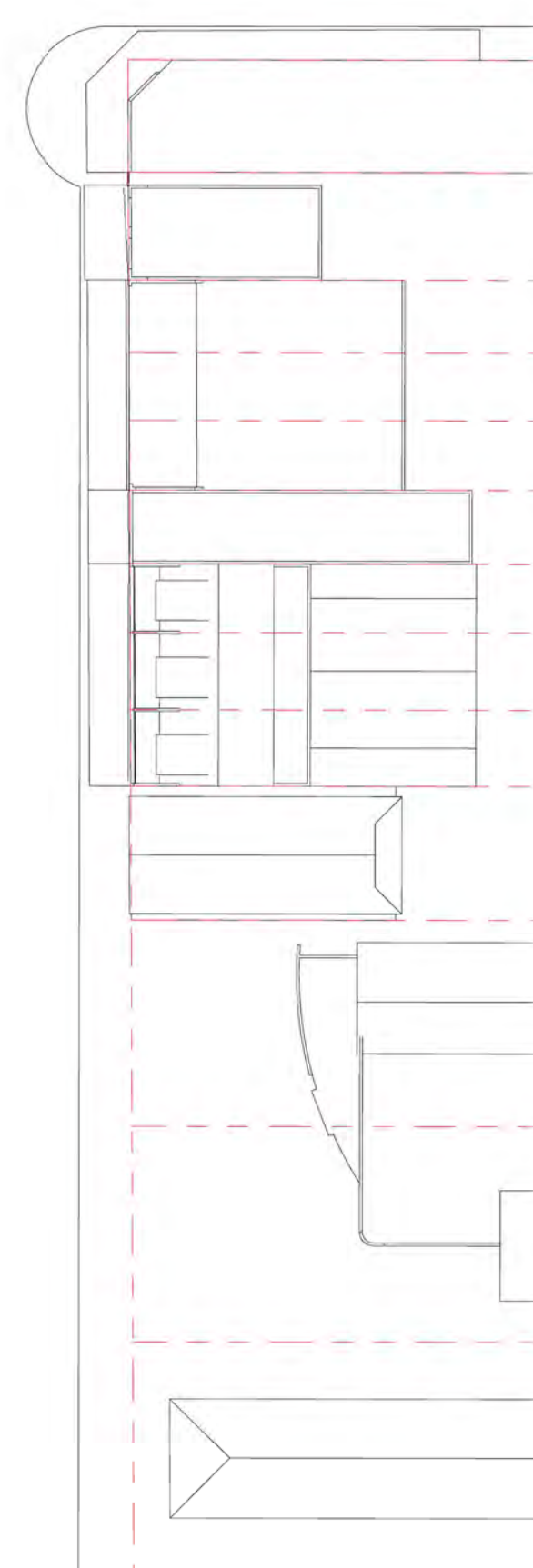
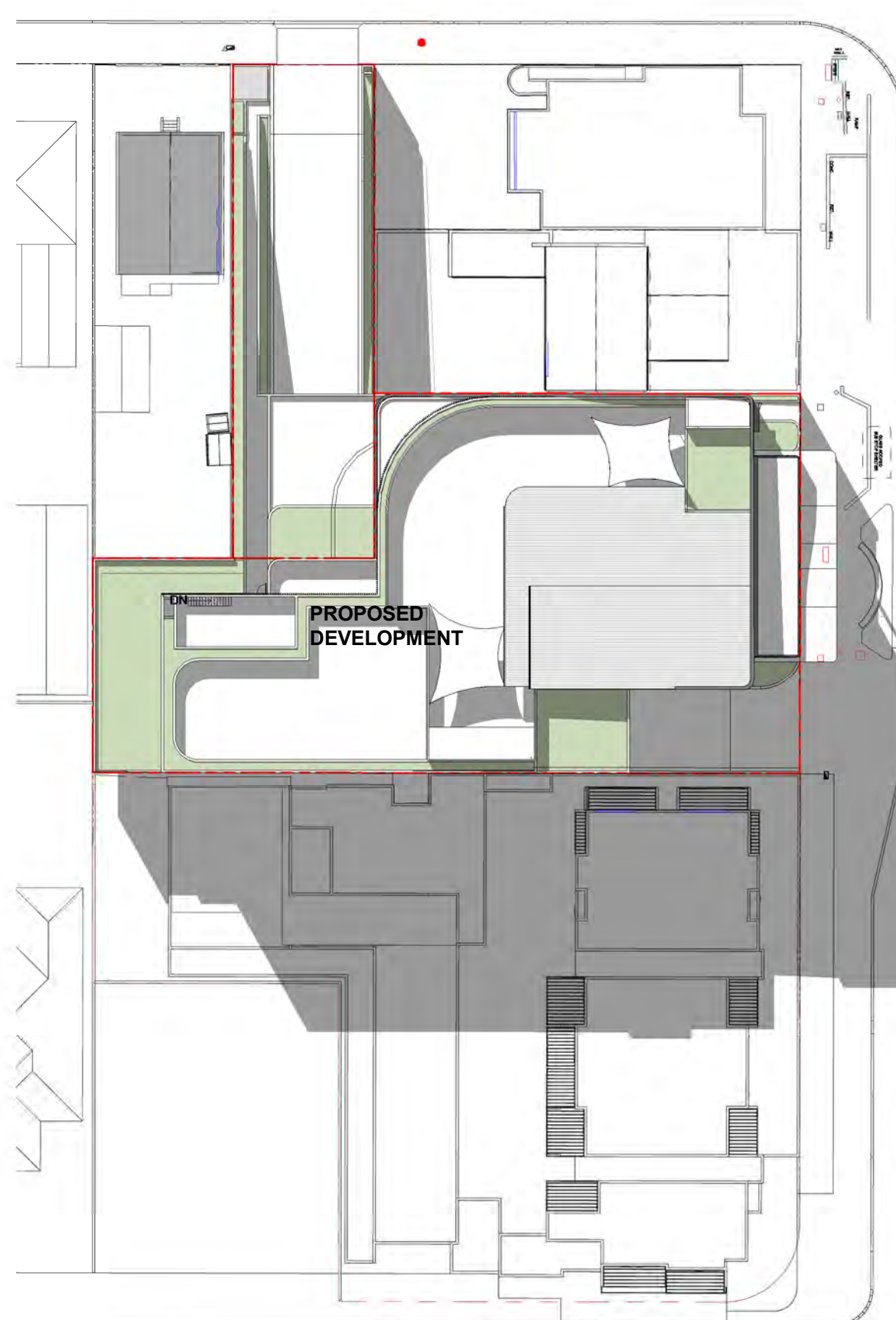
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GAD FILE: _____

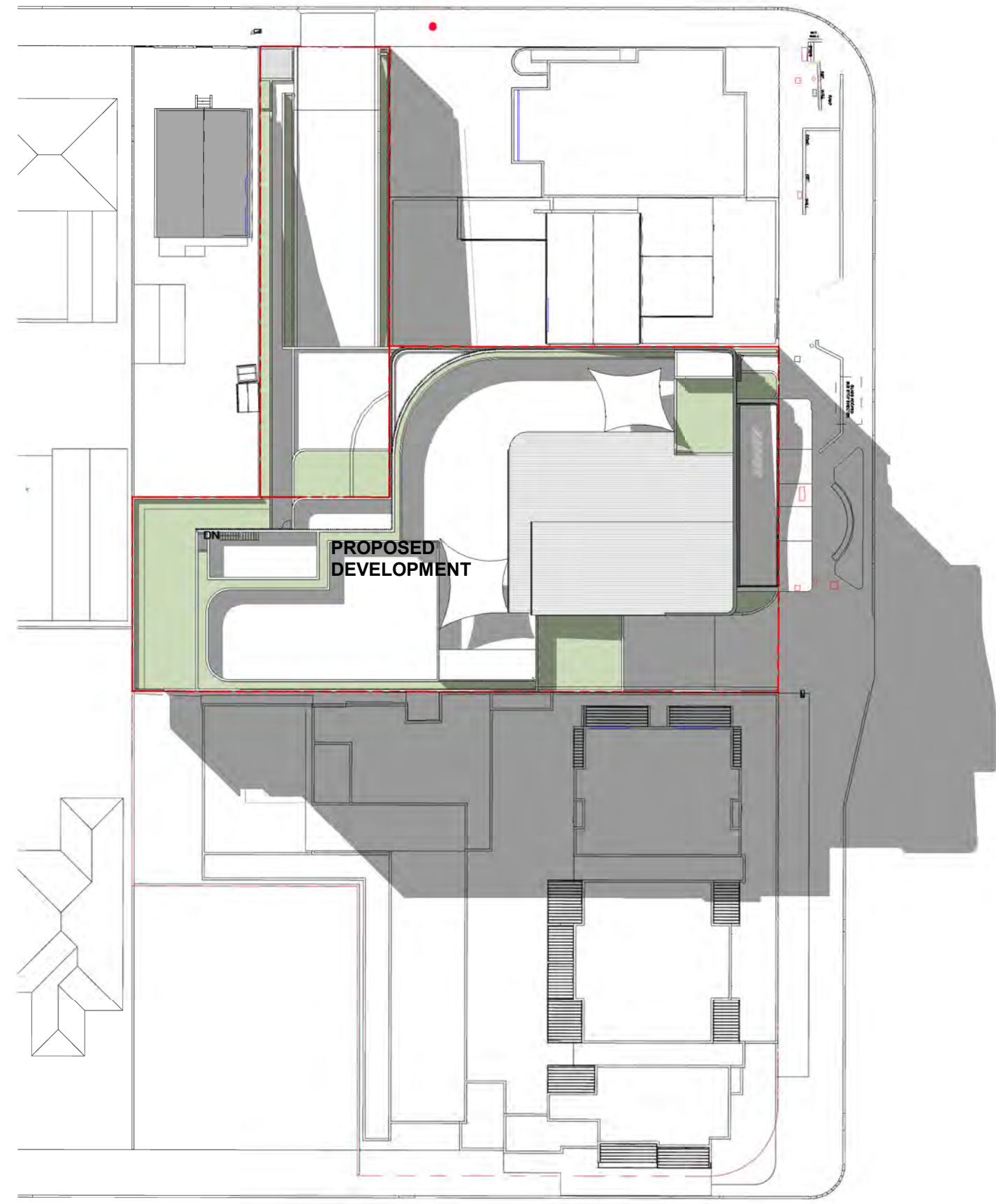


3 SHADOW DIAGRAM - 21 JUNE - 11am
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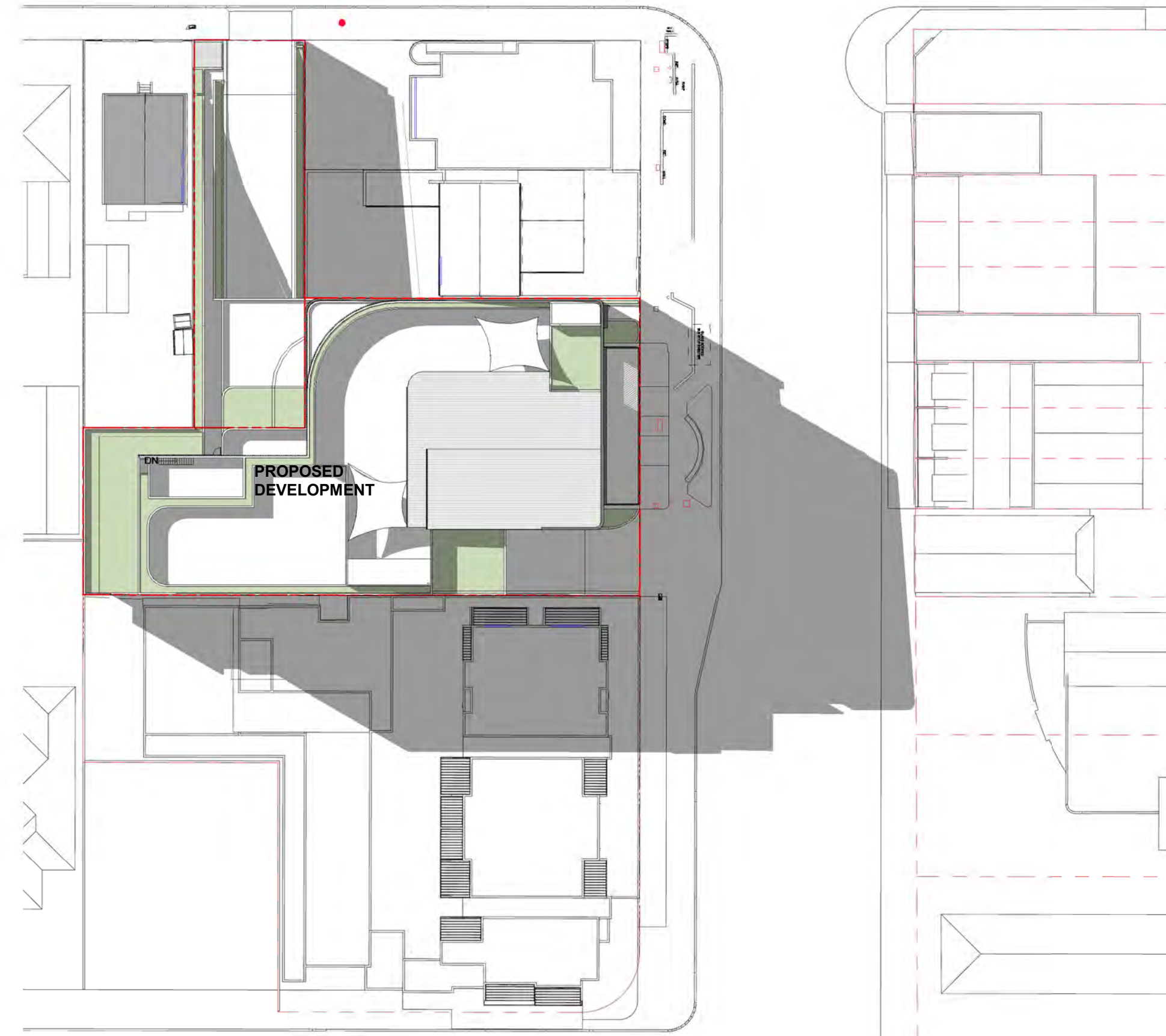


4 SHADOW DIAGRAM - 21 JUNE - 12pm
1 : 500

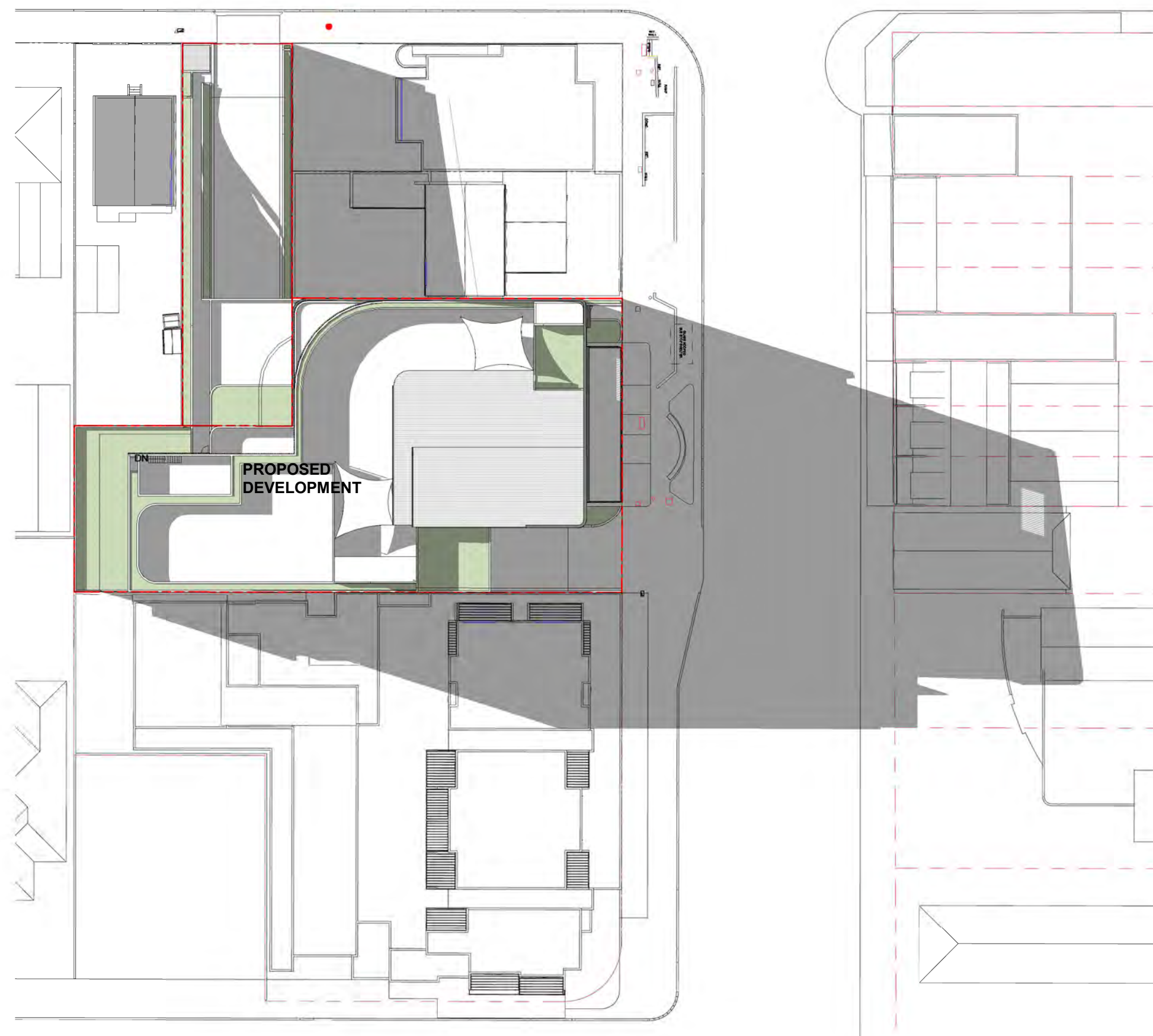
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1 SHADOW DIAGRAM - 21 JUNE - 13pm
1 : 500



2 SHADOW DIAGRAM - 21 JUNE - 14pm
1 : 500



3 SHADOW DIAGRAM - 21 JUNE - 15pm
1 : 500

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STATUS: _____

CLIENT: _____

REVELOP

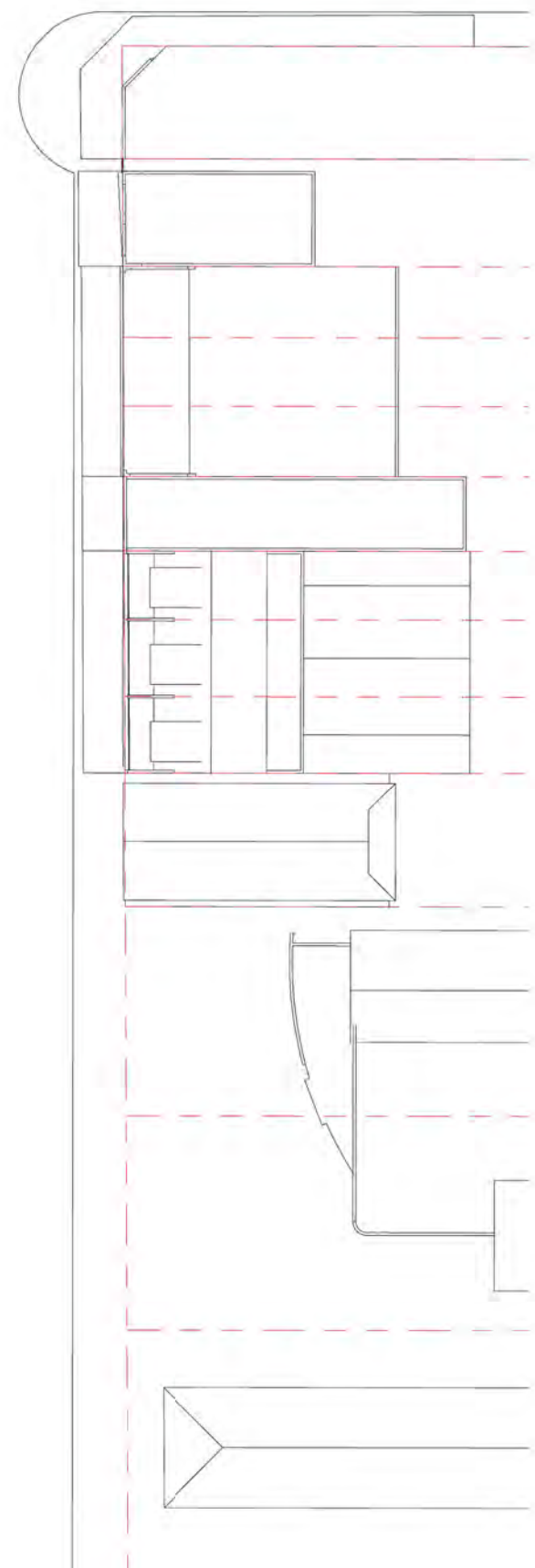
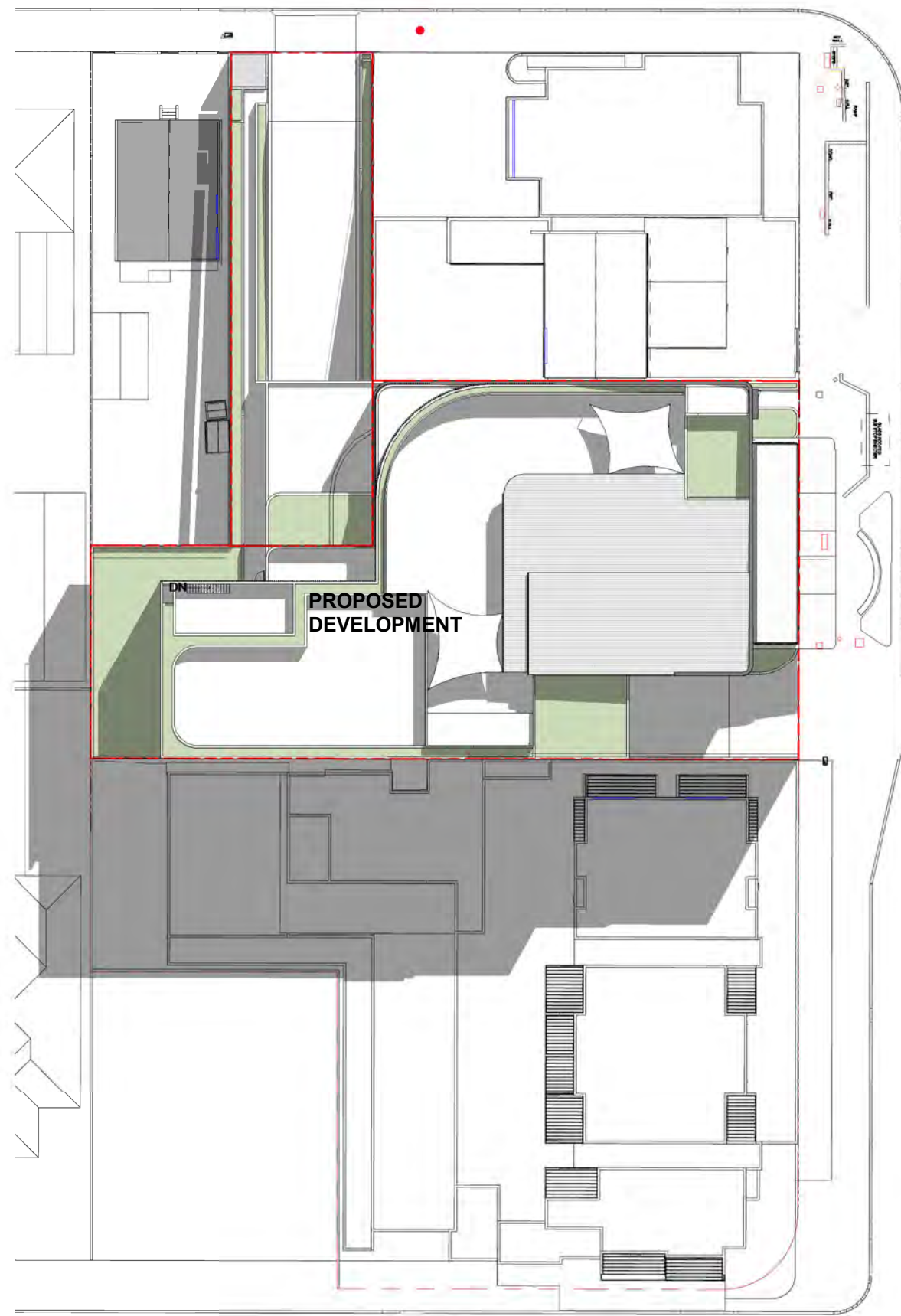
PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

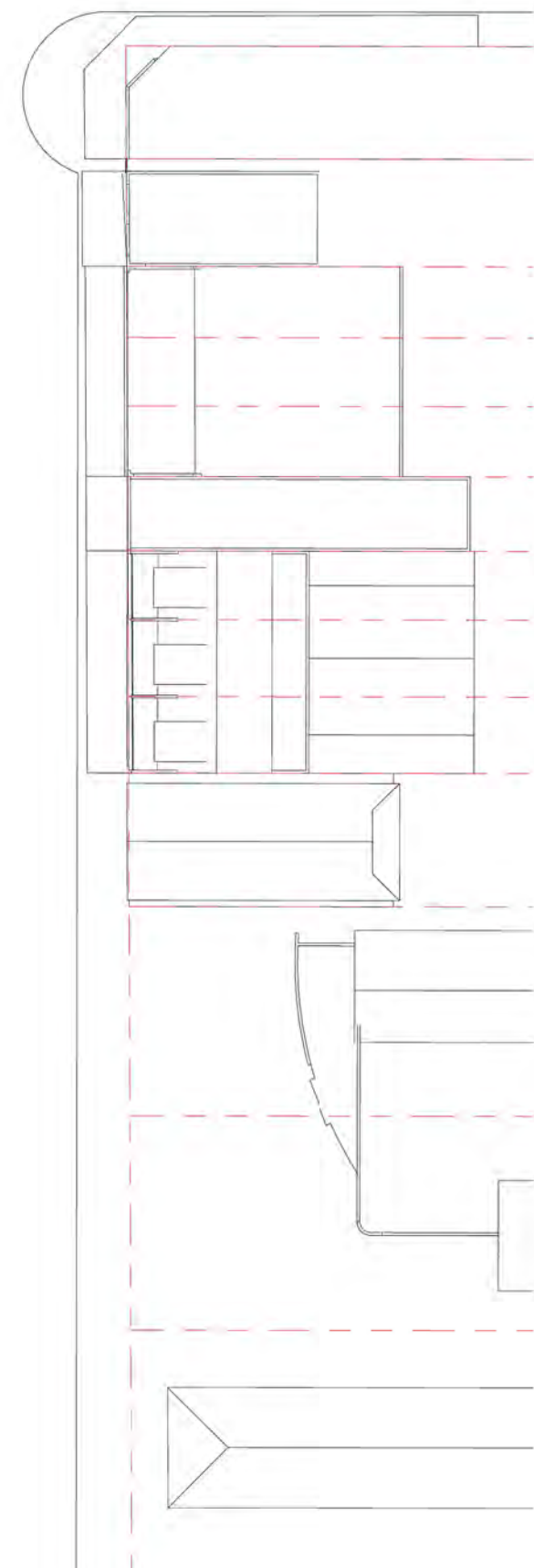
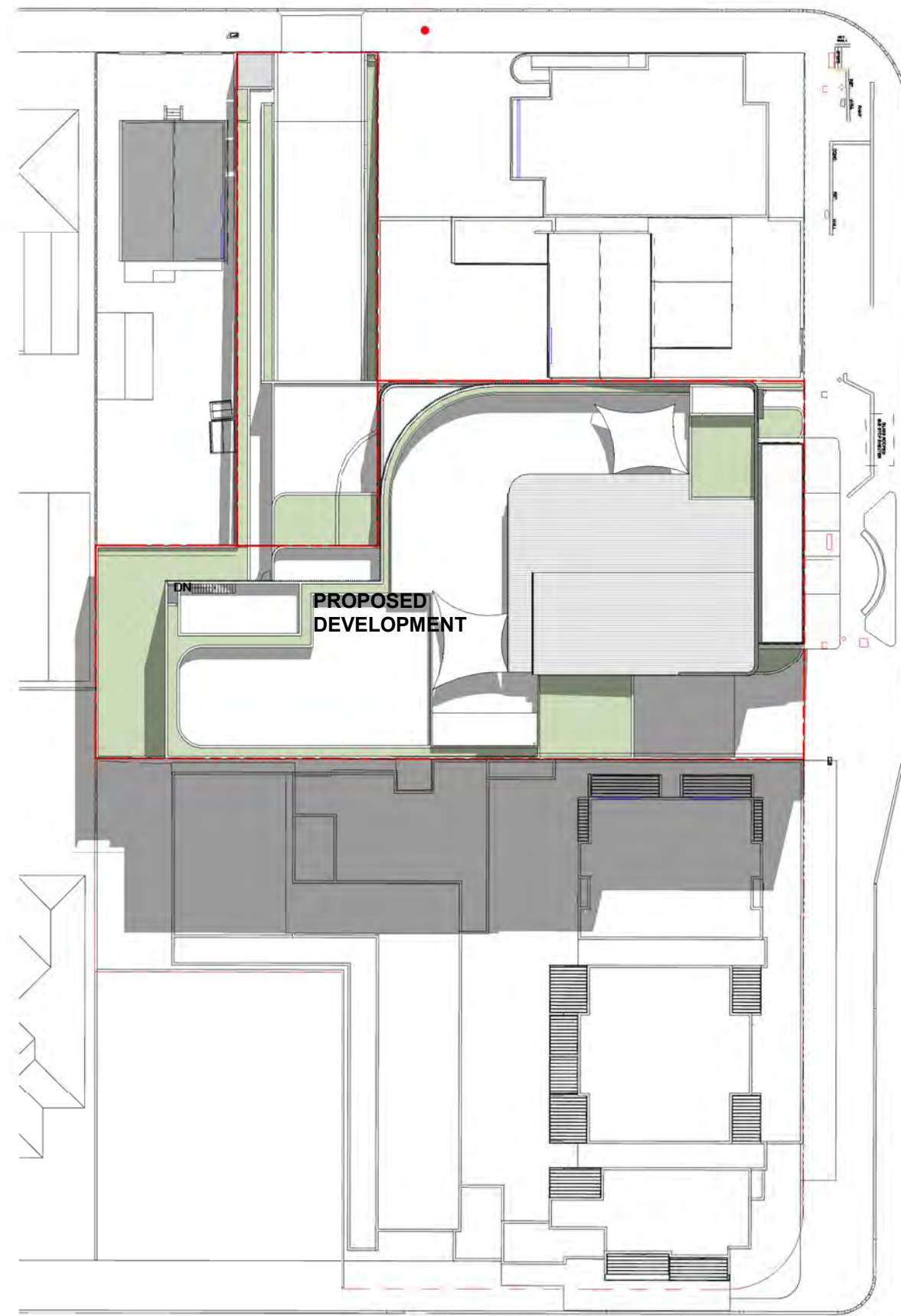
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SHADOW DIAGRAMS

NOTES: _____ NORTH: _____

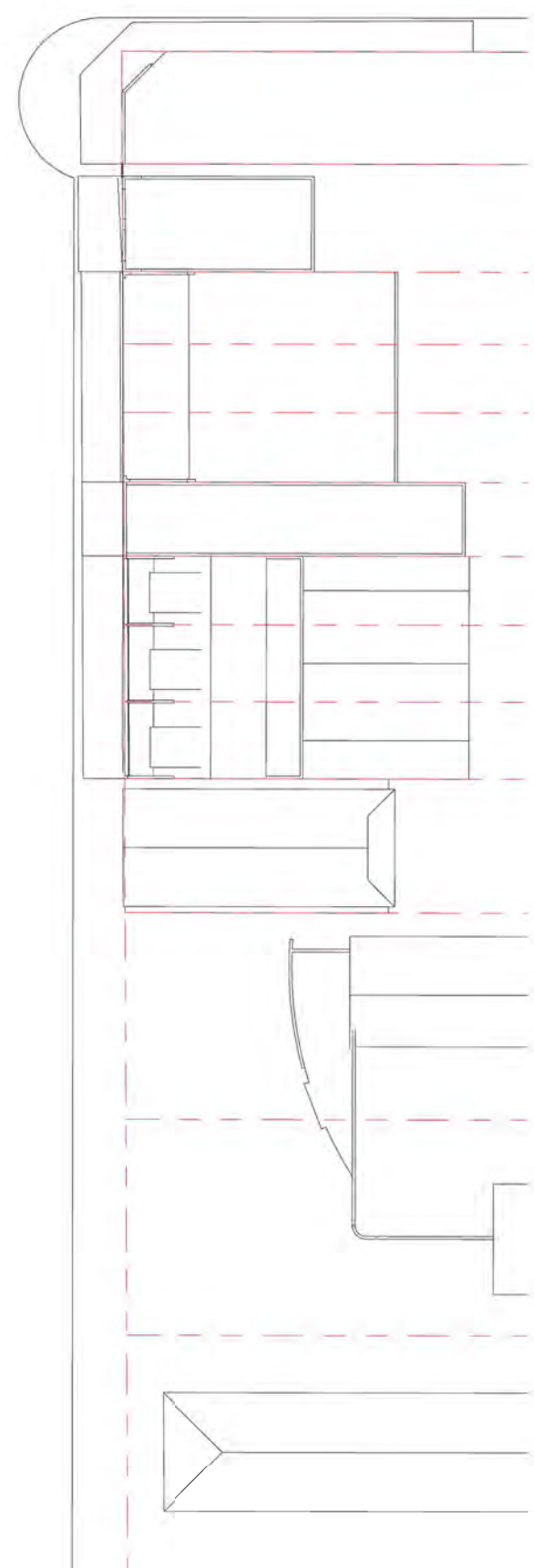
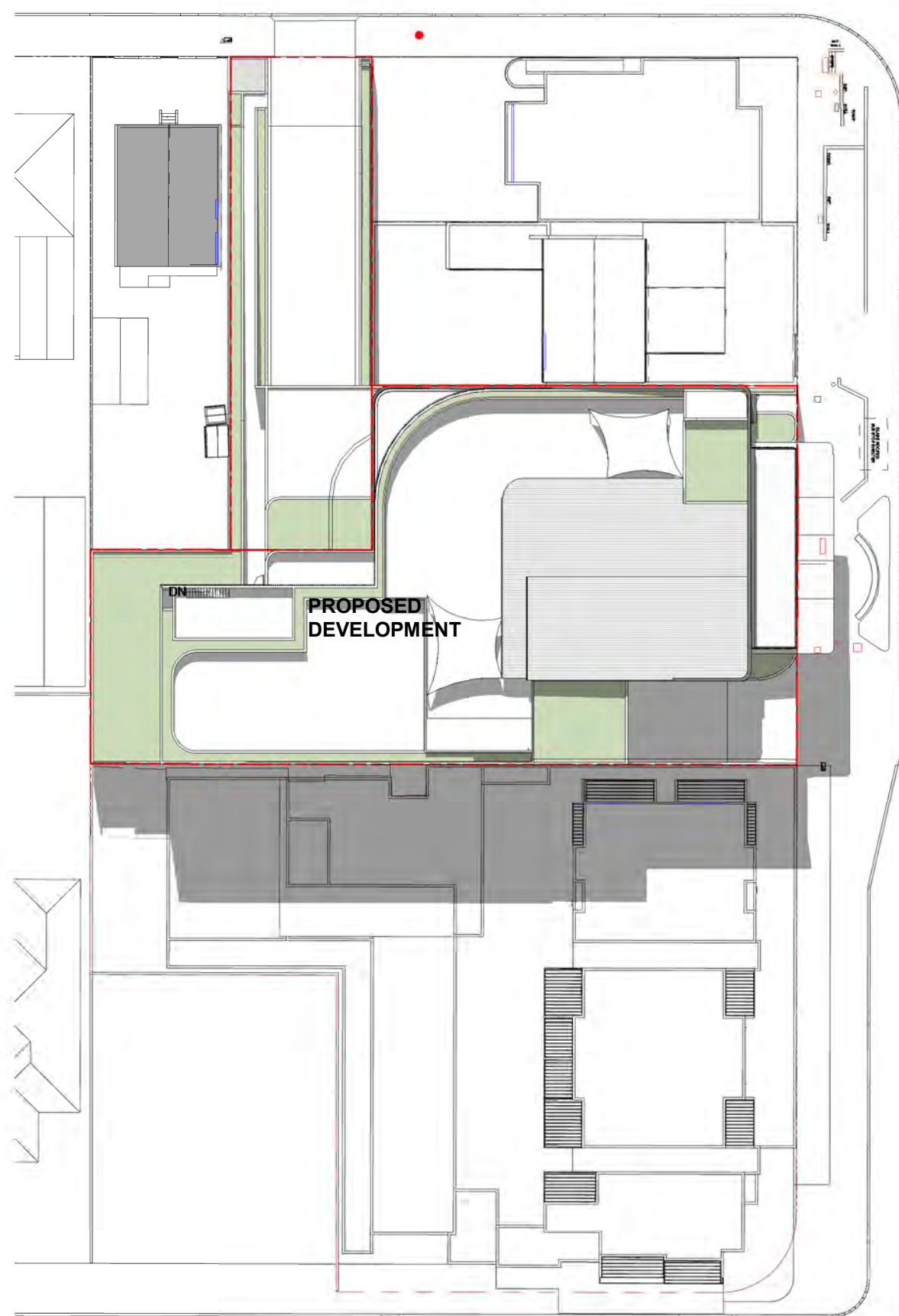
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PROJECT NO: 200417	DRAWING NO: A0601
ISSUE: C	



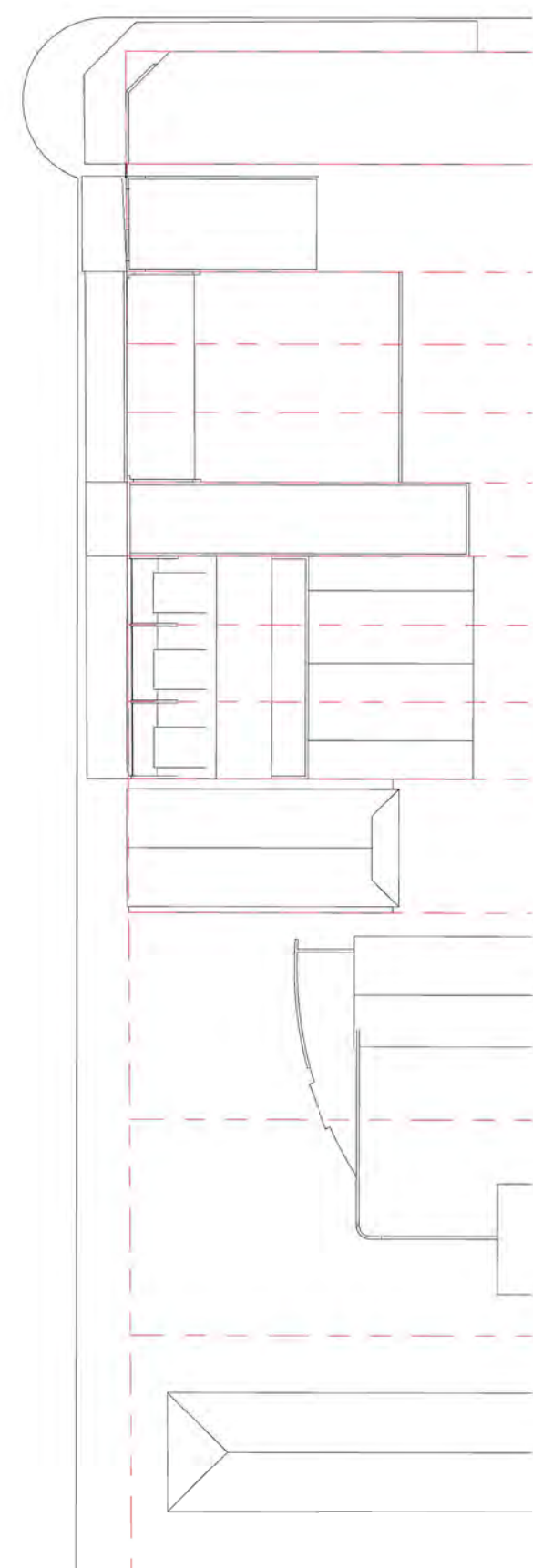
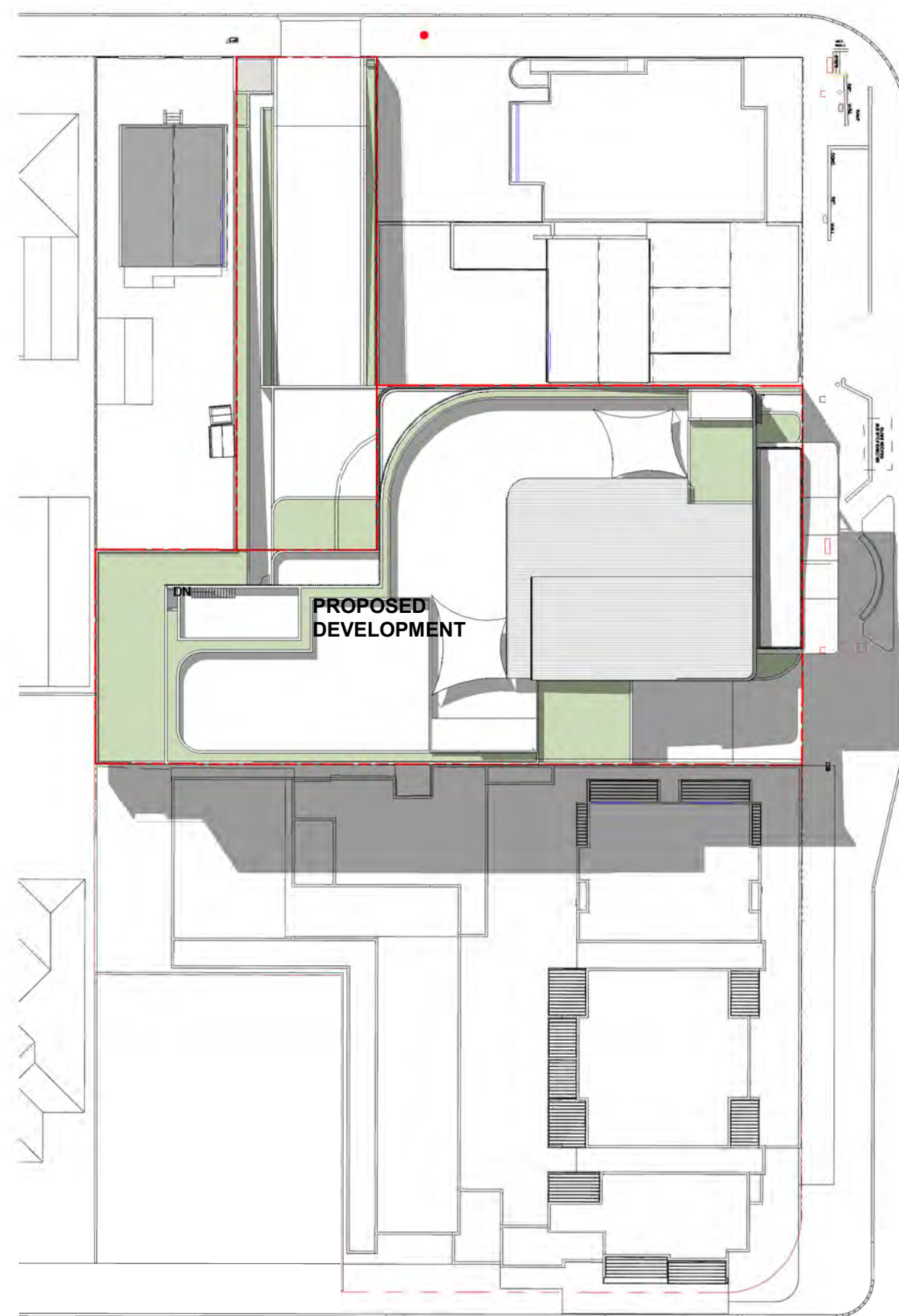
1 SHADOW DIAGRAM - 21 SEPTEMBER - 9am
1 : 500



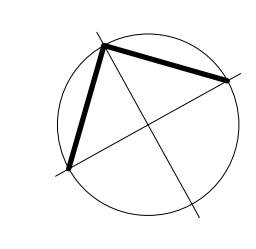
2 SHADOW DIAGRAM - 21 SEPTEMBER - 10am
1 : 500



3 SHADOW DIAGRAM - 21 SEPTEMBER - 11am
1 : 500



4 SHADOW DIAGRAM - 21 SEPTEMBER - 12pm
1 : 500



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STATUS: _____

CLIENT: _____

REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

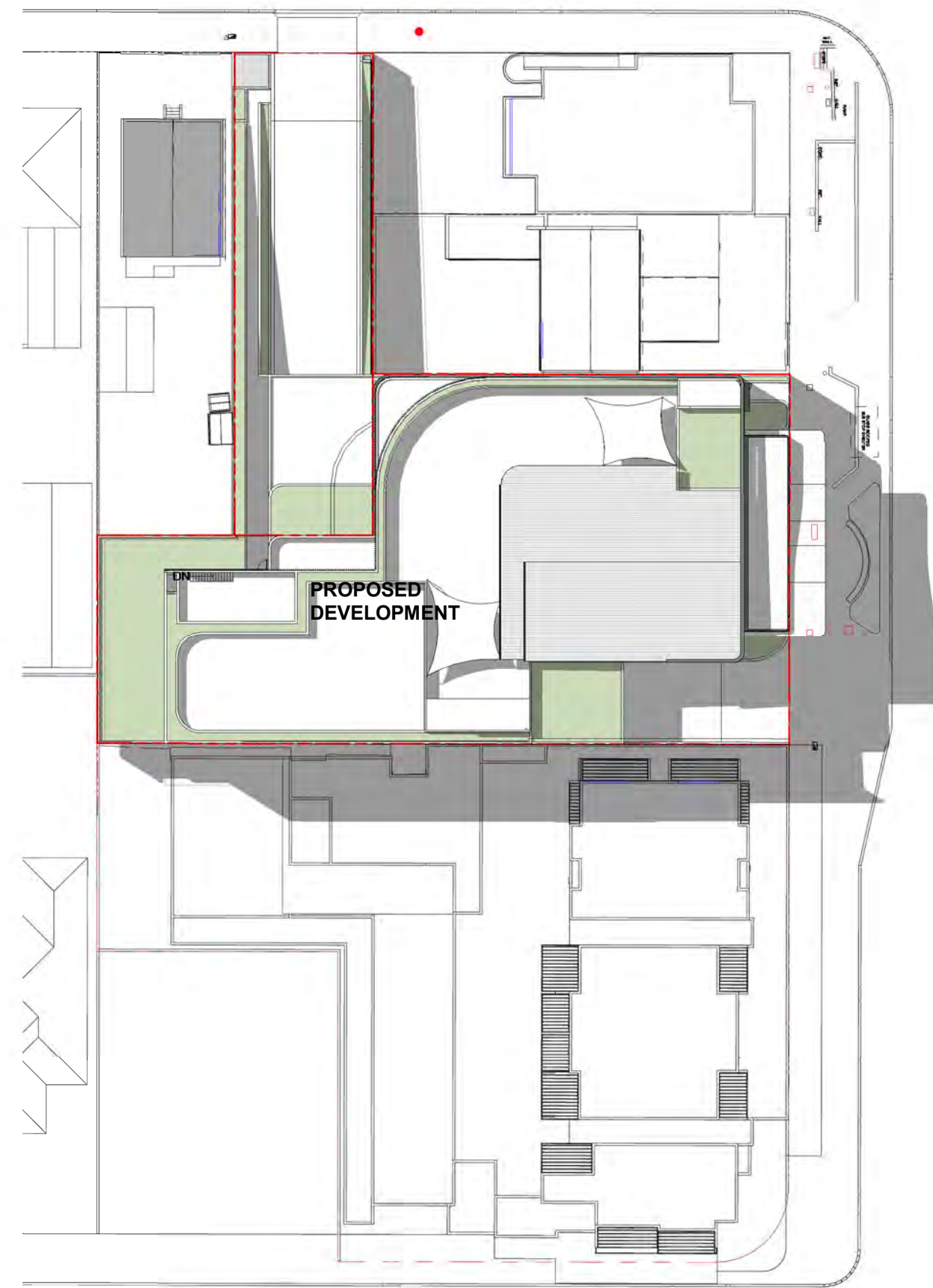
ARCHITECT:
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E: info@tesserarch.com.au
PH: 0488 22 1234

SHADOW DIAGRAMS

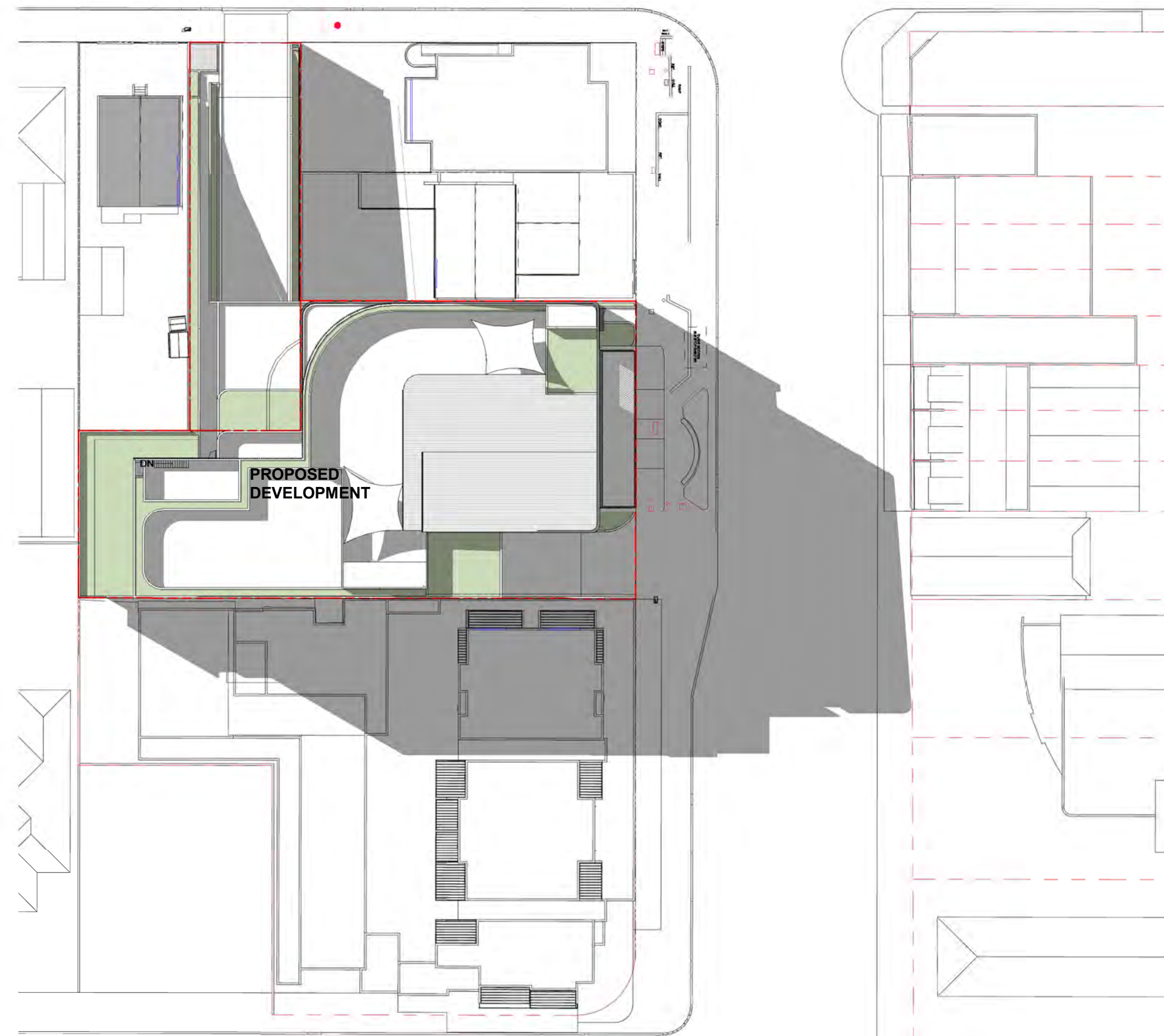
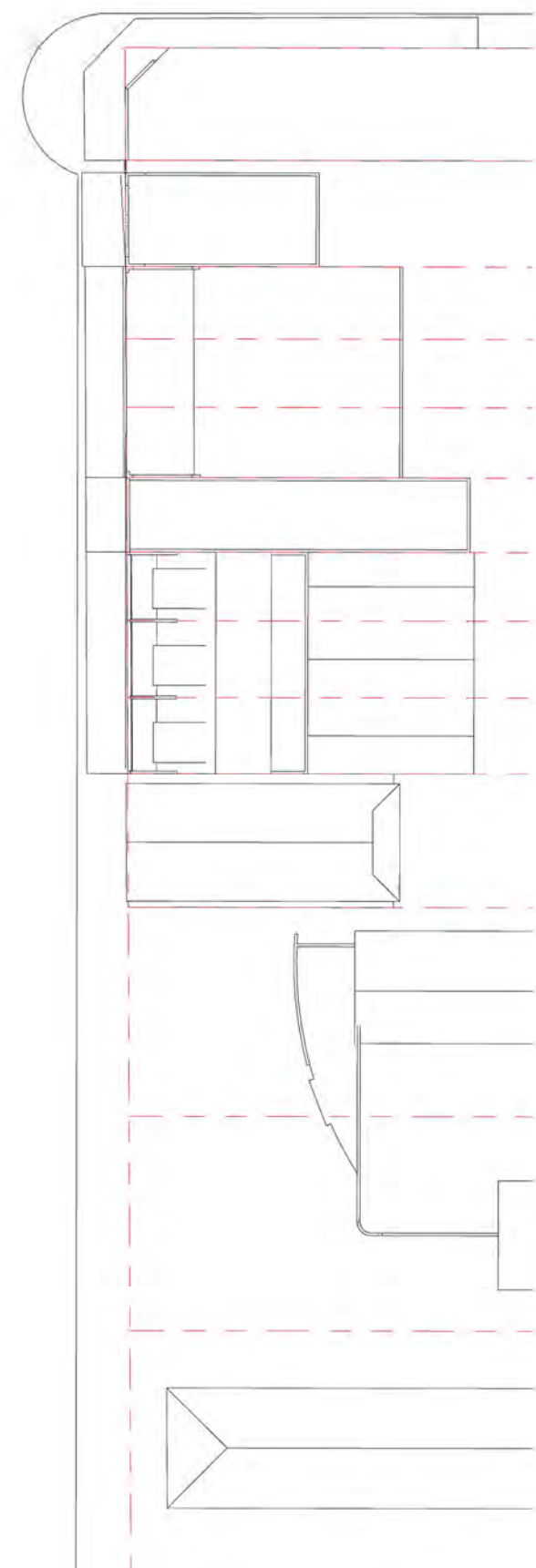
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PROJECT NO: 200417	DRAWING NO: A0602
ISSUE: C	

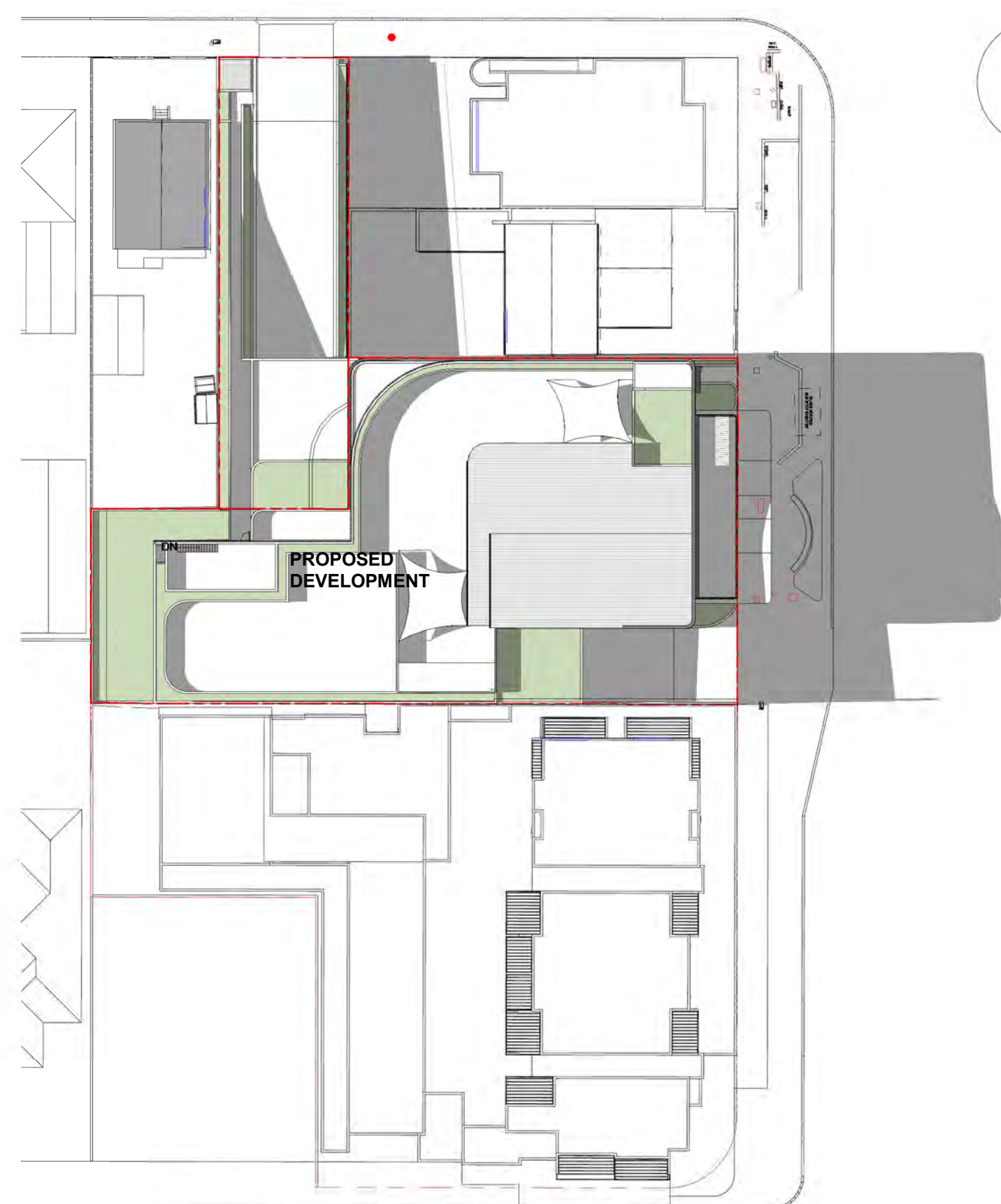
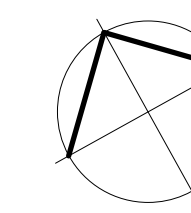
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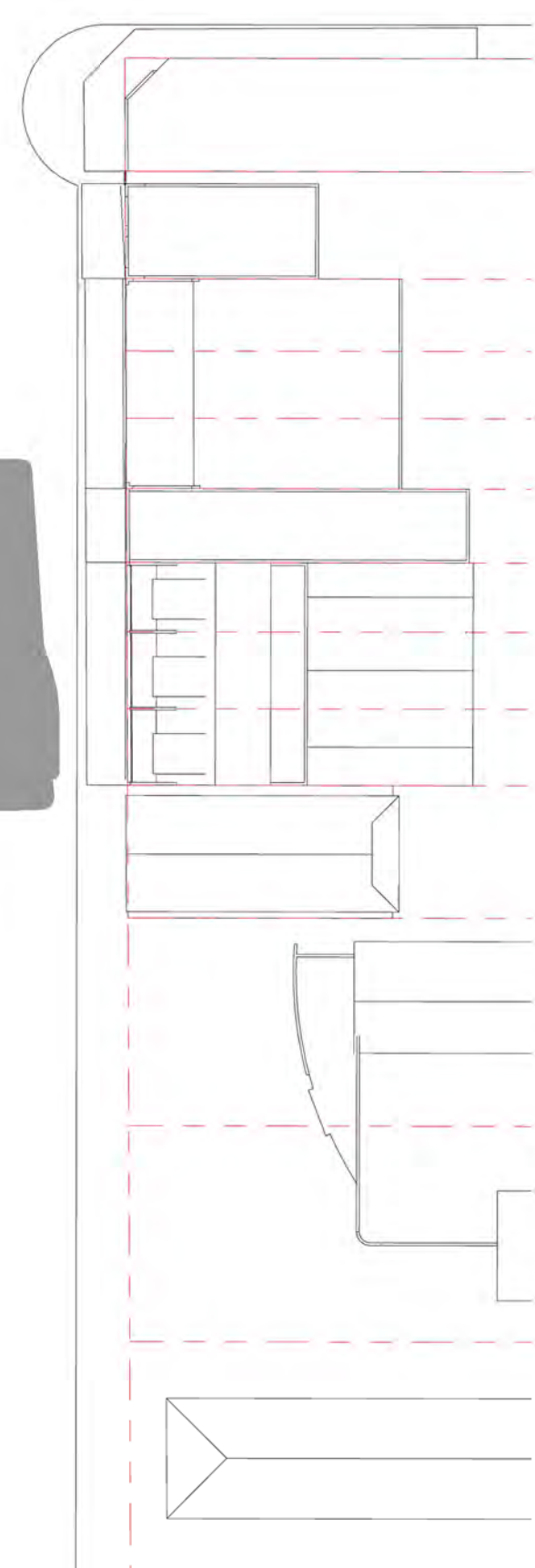
1 SHADOW DIAGRAM - 21 SEPTEMBER - 13pm
1 : 500



2 SHADOW DIAGRAM - 21 SEPTEMBER - 14pm
1 : 500



3 SHADOW DIAGRAM - 21 SEPTEMBER - 15pm
1 : 500



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ISSUE	DATE	DESCRIPTION
A	11/08/2020	ISSUED FOR PRE-DA
B	13/01/2021	ISSUED FOR PRE-DA
C	19/01/2021	ISSUED FOR DA

STATUS: _____

CLIENT: _____

REVELOP

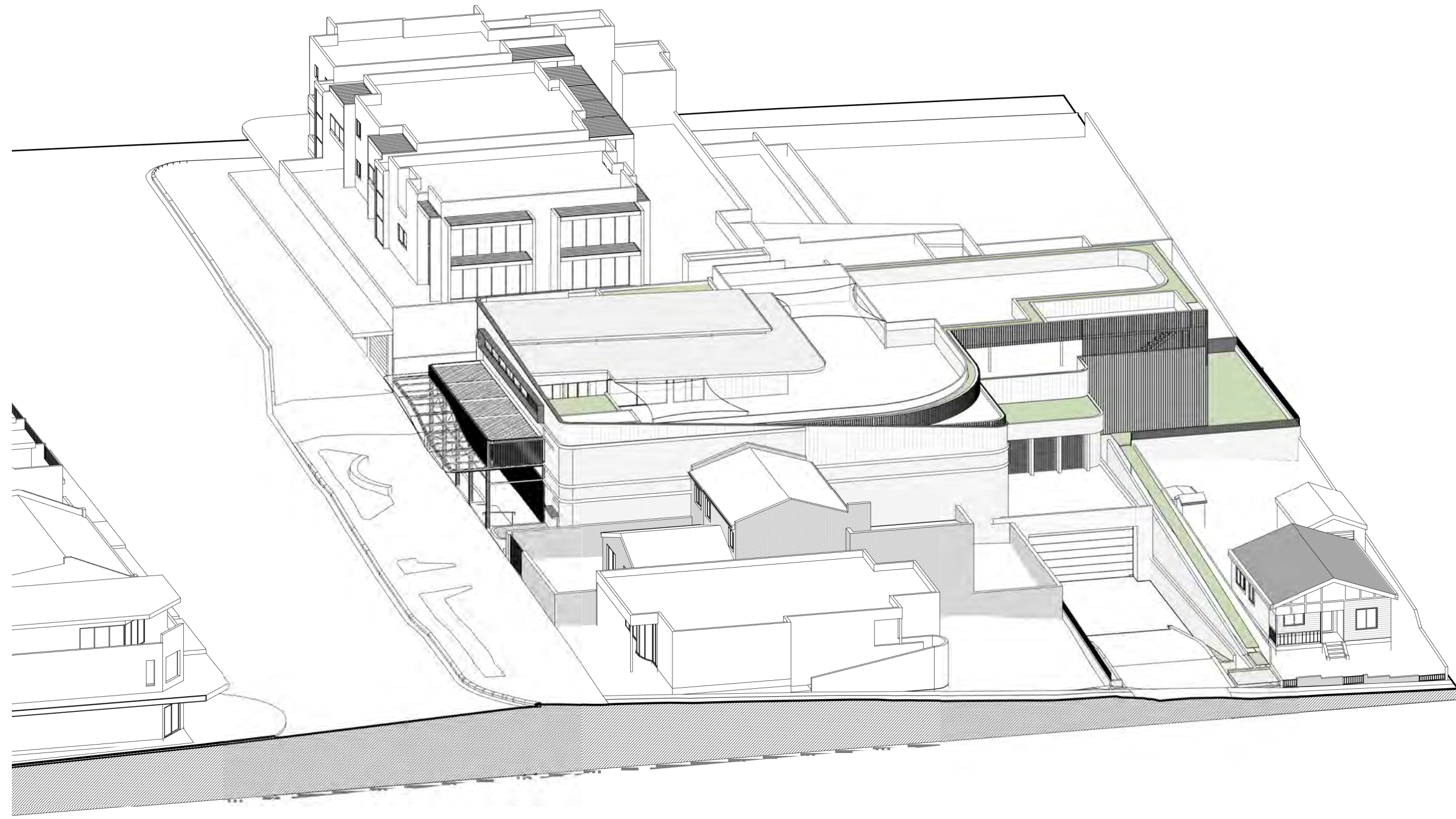
PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

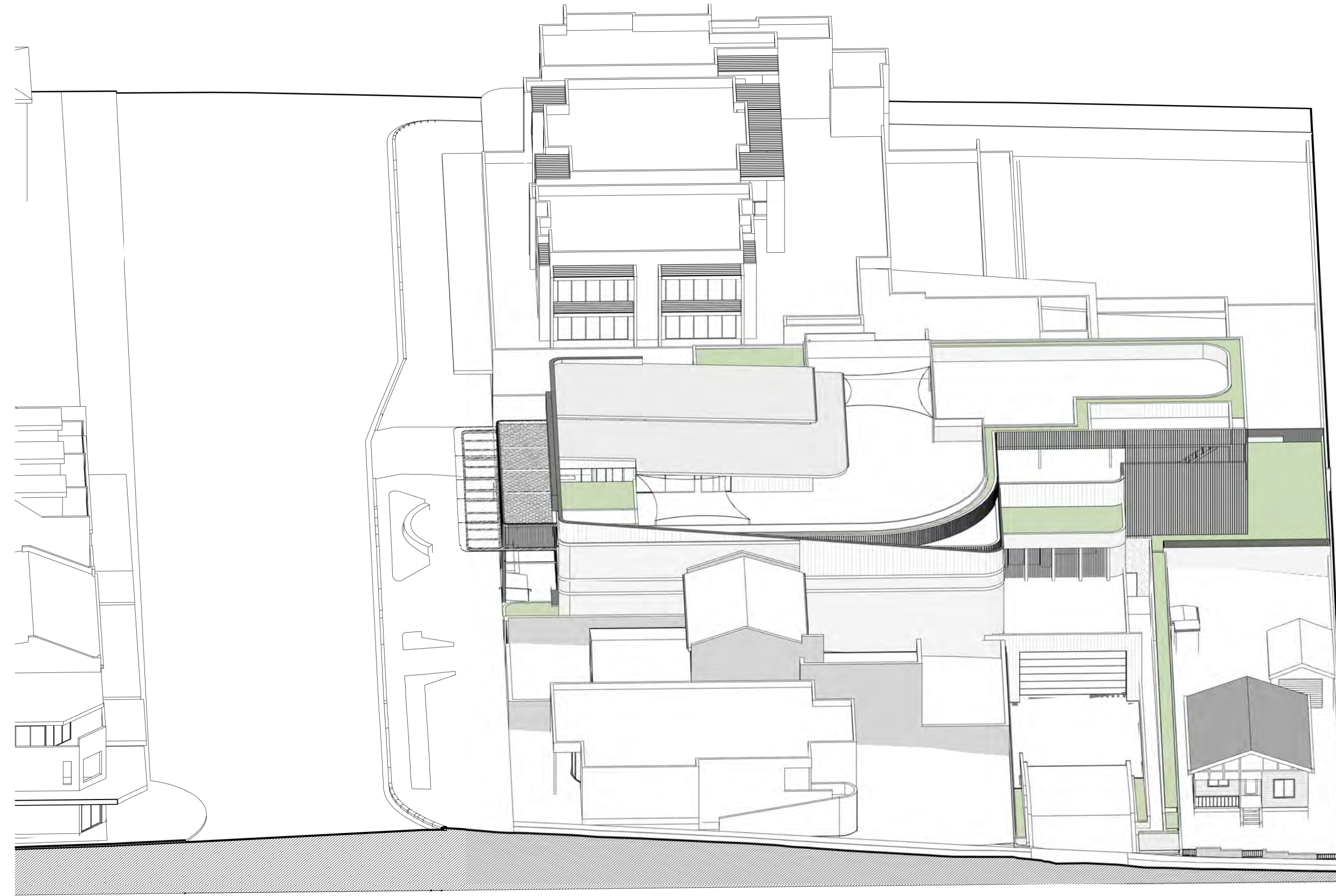
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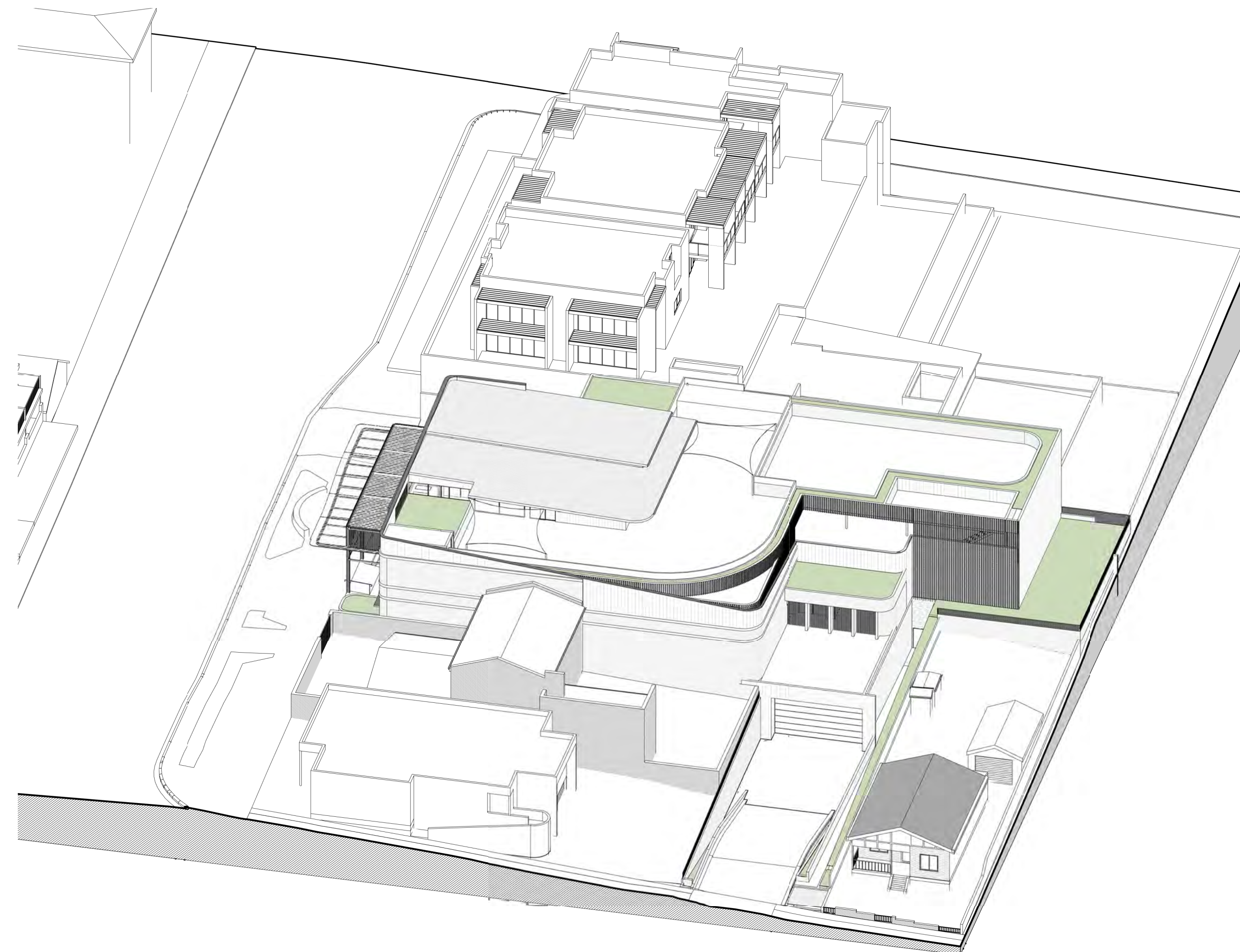
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PROJECT NO: 200417	DRAWING NO: A0603
ISSUE: C	
CAD FILE:	



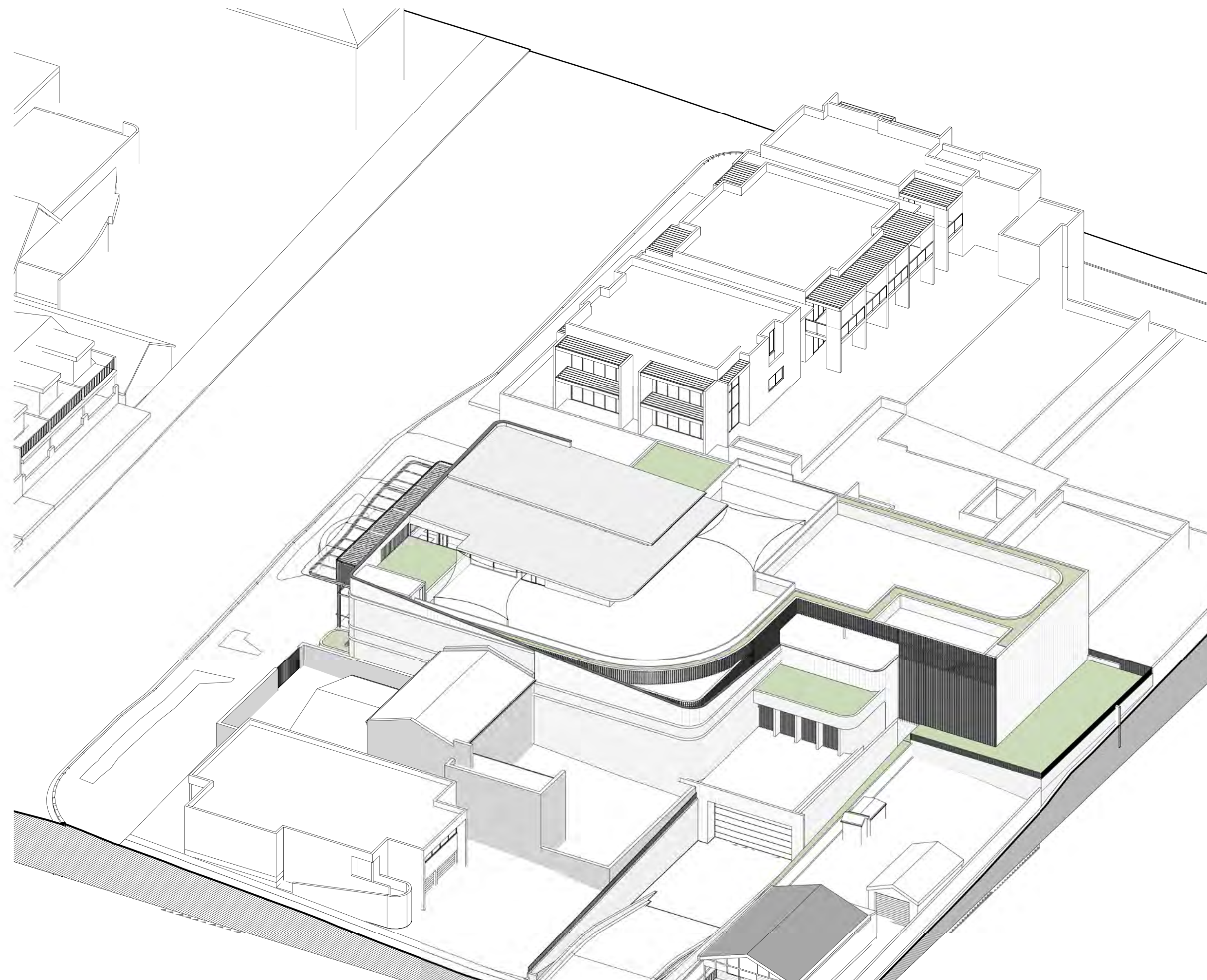
1 VIEW FROM SUN - 21 JUNE - 9am



2 VIEW FROM SUN- 21 JUNE - 10am



3 VIEW FROM SUN- 21 JUNE - 11am



4 VIEW FROM SUN - 21 JUNE - 12pm

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B	13/01/2021	ISSUED FOR PRE-DA
C	19/01/2021	ISSUED FOR DA
D	09/03/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH

LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

DRAWING TITLE:
SOLAR STUDIES

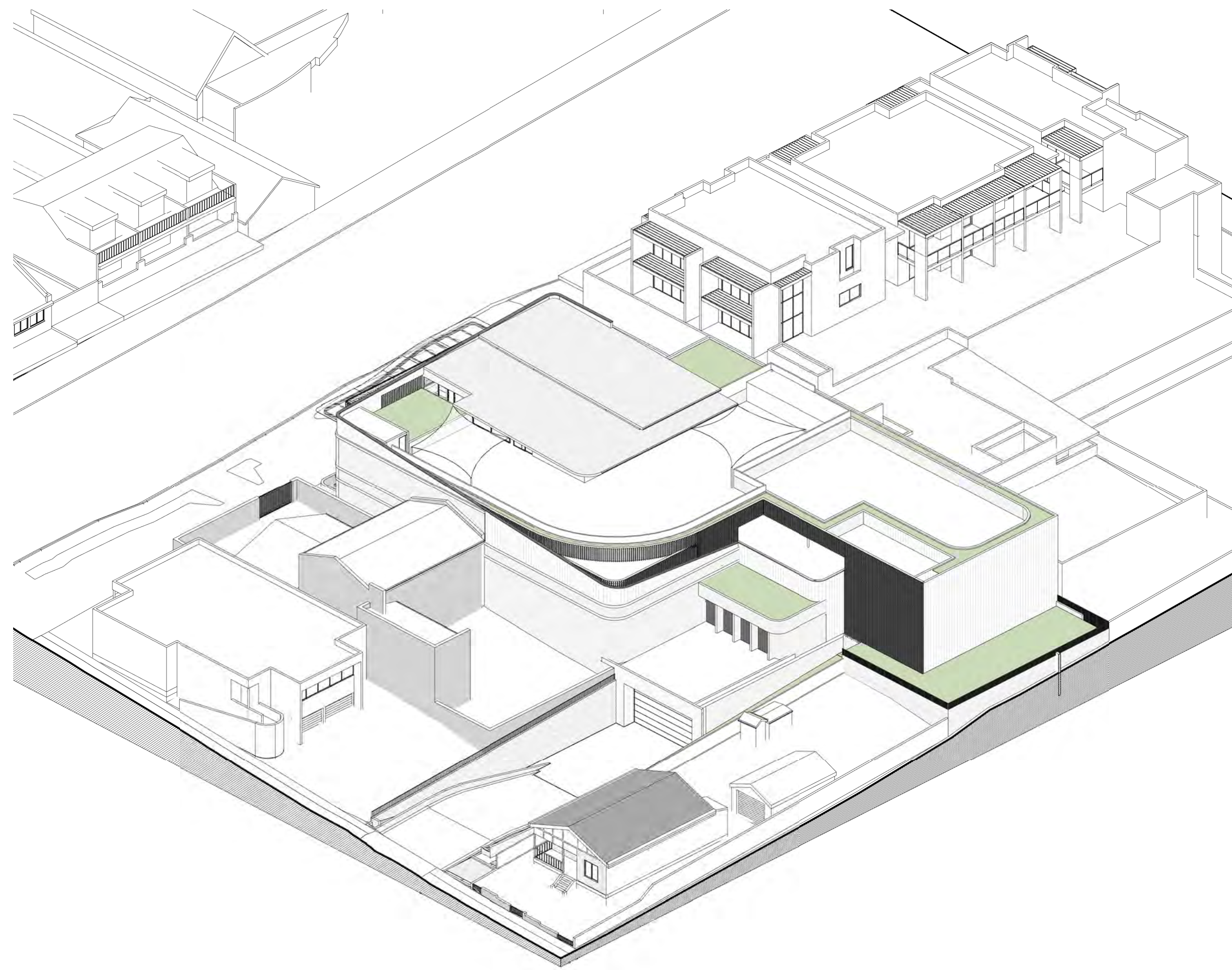
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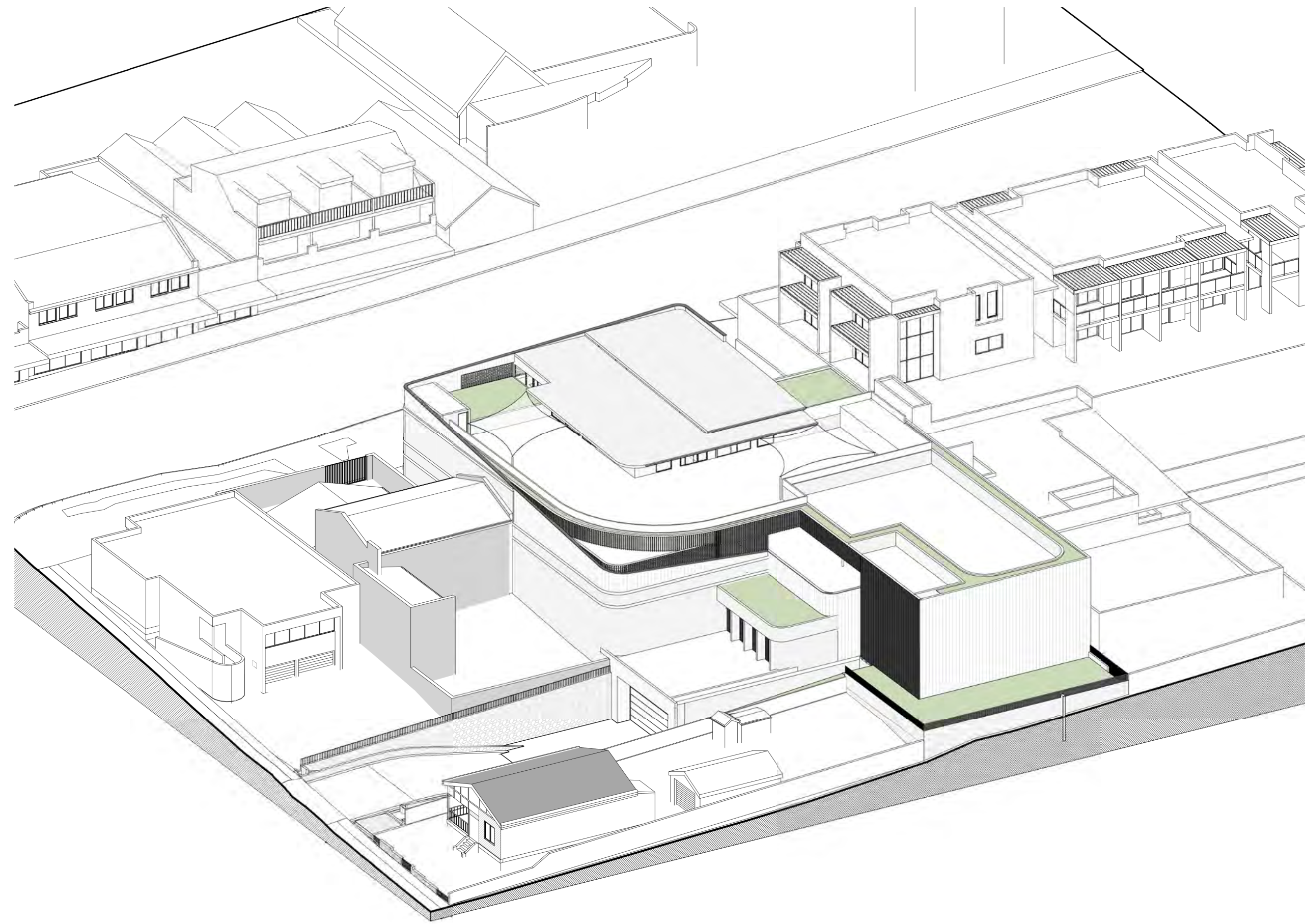
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CAD FILE: _____

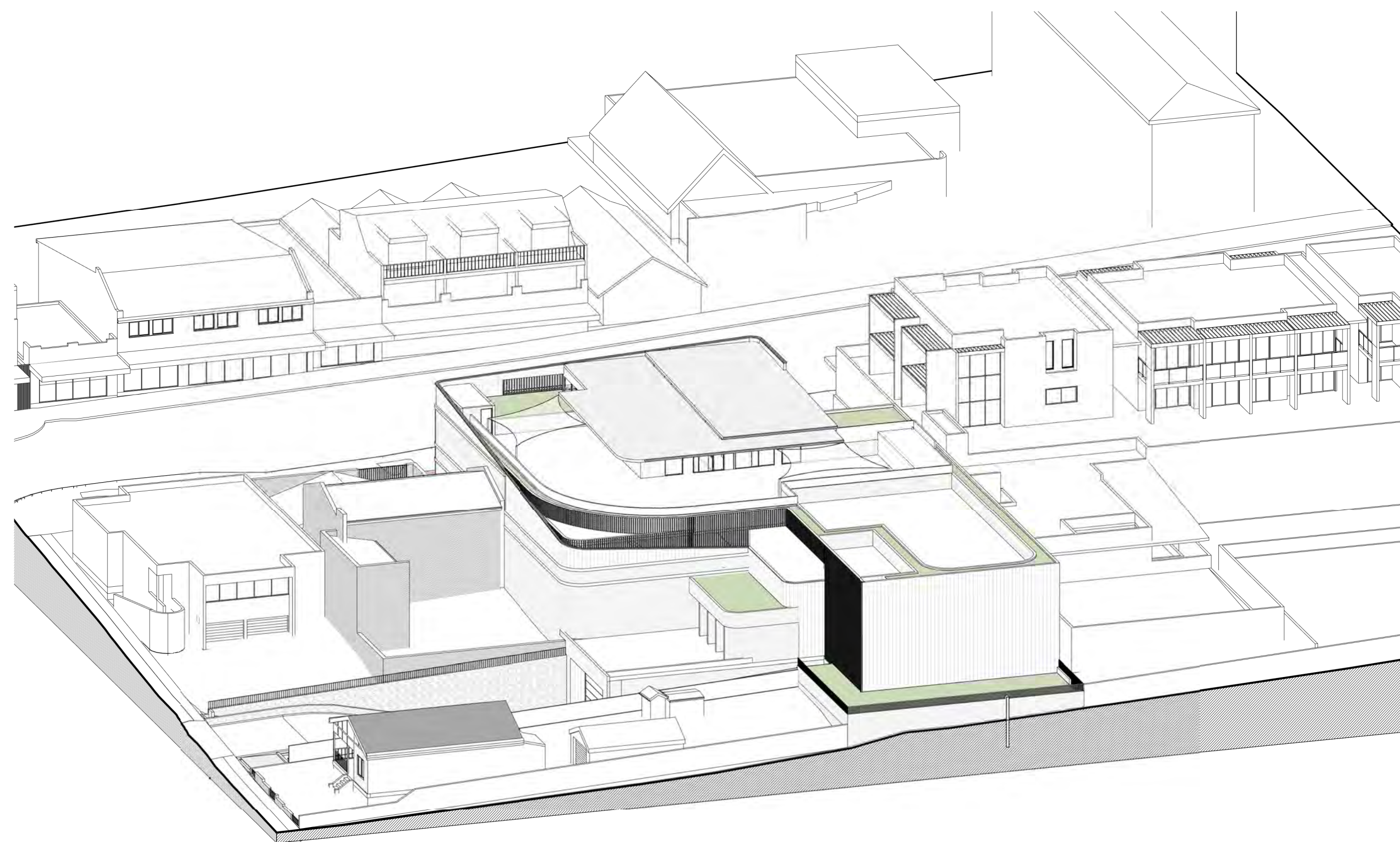
10/03/2023 4:19:22 PM



1 VIEW FROM SUN - 21 JUNE - 13pm



2 VIEW FROM SUN - 21 JUNE - 14pm



3 SHADOW DIAGRAM - 21 JUNE - 15pm

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C	19/01/2021	ISSUED FOR DA
D	09/03/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT

130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH

LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060 E: info@tesserarch.com.au PH: 0488 22 1234

DRAWING TITLE:
SOLAR STUDIES

NOTES: _____ NORTH: _____

SCALE: _____ DATE: _____

@ A1 23/01/2023

DRAWN BY: _____ CHECKED BY: _____ PROJECT NO: _____ DRAWING NO: _____ ISSUE: _____

TD SS 200417 A0606 D

CAD FILE: _____



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B	13/01/2021	ISSUED FOR PRE-DA
C	19/01/2021	ISSUED FOR DA
D	30/05/2022	ISSUED FOR REVIEW

STATUS: _____

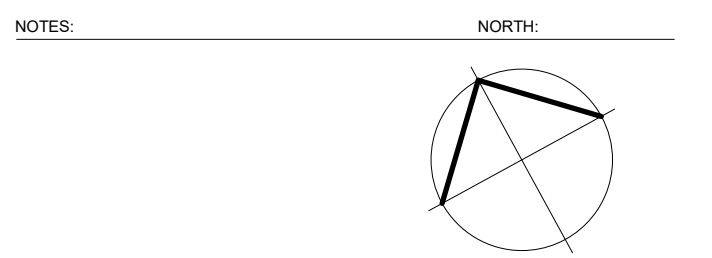
CLIENT: _____

REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
 130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
 LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
 E: info@tesserarch.com.au
 PH: 0488 22 1234

DRAWING TITLE:
3D VISUALISATION



DRAWN BY:	CHECKED BY:	PROJECT NO:	DRAWING NO:	ISSUE:
TD	SS	200417	A0700	D

GAO FILE: _____



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ISSUE	DATE	DESCRIPTION
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B	13/01/2021	ISSUED FOR PRE-DA
C	28/09/2021	ISSUED FOR PREVIEW
D	19/01/2021	ISSUED FOR DA
E	30/05/2022	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTSWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

DRAWING TITLE:
3D VISUALISATION



DRAWN BY:	CHECKED BY:	PROJECT NO:	DRAWING NO:	ISSUE:
TD	SS	200417	A0701	E

GAD FILE: _____



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STATUS: _____

CLIENT: _____

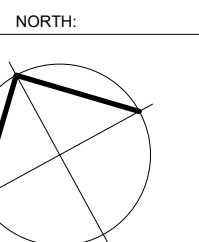
REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTSWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
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DRAWING TITLE:
3D VISUALISATION

NOTES: _____



SCALE: _____ DATE: _____

@ A1 23/01/2023

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ISSUE	DATE	DESCRIPTION
A	09/03/2023	ISSUED FOR REVIEW

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CLIENT: _____

REVELOP

PROJECT: _____

PROPOSED MIXED USE DEVELOPMENT

130 PITTWATER ROAD GLADESVILLE

ARCHITECT: _____

TESSERARCH

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DRAWING TITLE: _____

3D VISUALISATION

NOTES: _____ NORTH: _____

SCALE: _____ DATE: _____

@ A1 23/01/2023

DRAWN BY: _____ CHECKED BY: _____ PROJECT NO: _____ DRAWING NO: _____ ISSUE: _____

Author Checker200417 A0705 A

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ISSUE	DATE	DESCRIPTION
A	09/03/2023	ISSUED FOR REVIEW

STATUS: _____

CLIENT: _____

REVELOP

PROJECT:
PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD GLADESVILLE

ARCHITECT:
TESSERARCH
LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060
E: info@tesserarch.com.au
PH: 0488 22 1234

DRAWING TITLE:
3D VISUALISATION

NOTES: _____ NORTH: _____

SCALE: _____ DATE: _____

@ A1 23/01/2023

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Author Checker200417 A0706 A

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ISSUE	DATE	DESCRIPTION
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STATUS: _____

CLIENT: _____

REVELOP

PROJECT: _____

PROPOSED MIXED USE DEVELOPMENT

130 PITTWATER ROAD GLADESVILLE

ARCHITECT: _____

TESSERARCH

LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060 E: info@tesserarch.com.au PH: 0488 22 1234

DRAWING TITLE: _____

3D VISUALISATION

NOTES: _____ NORTH: _____

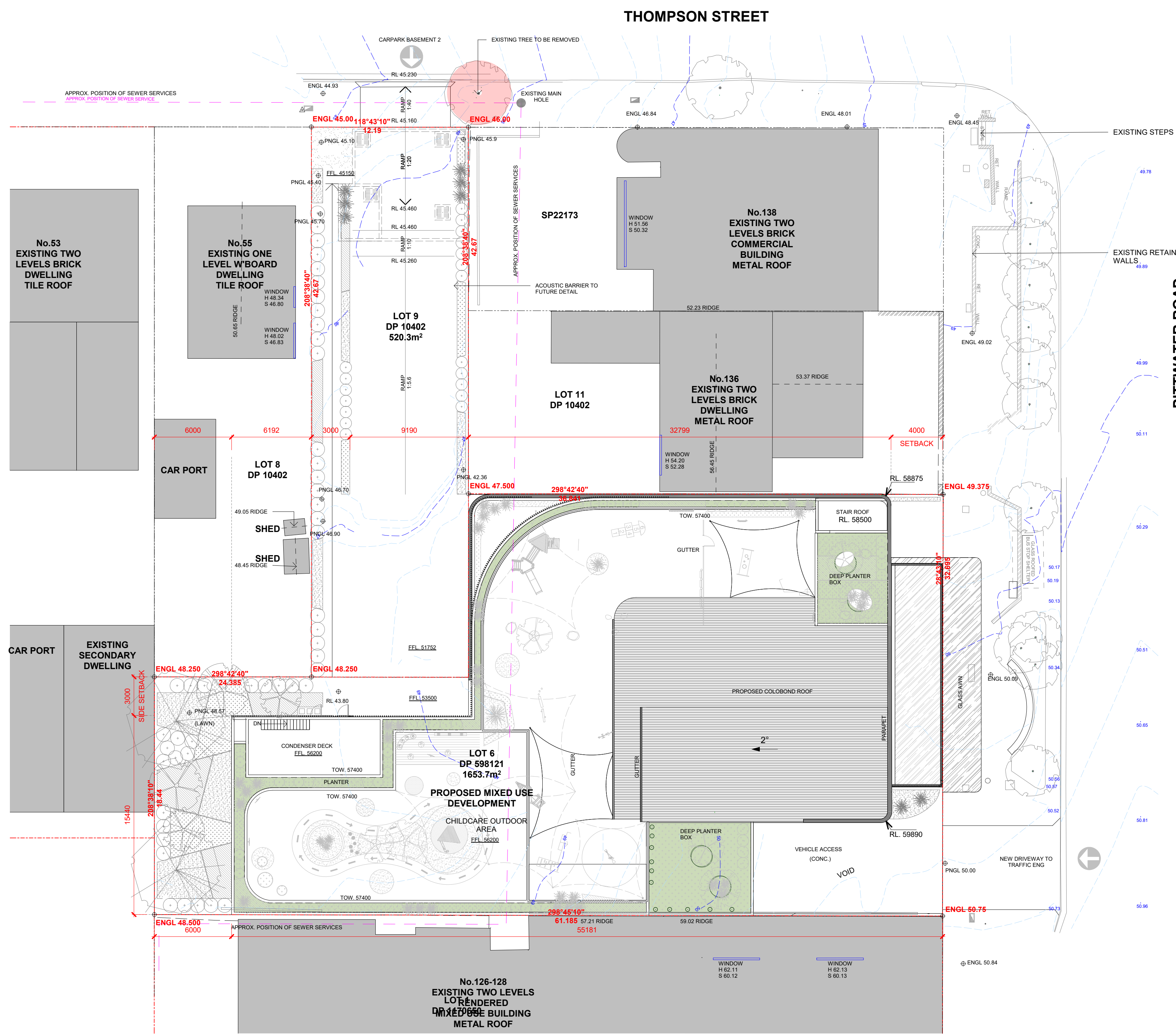
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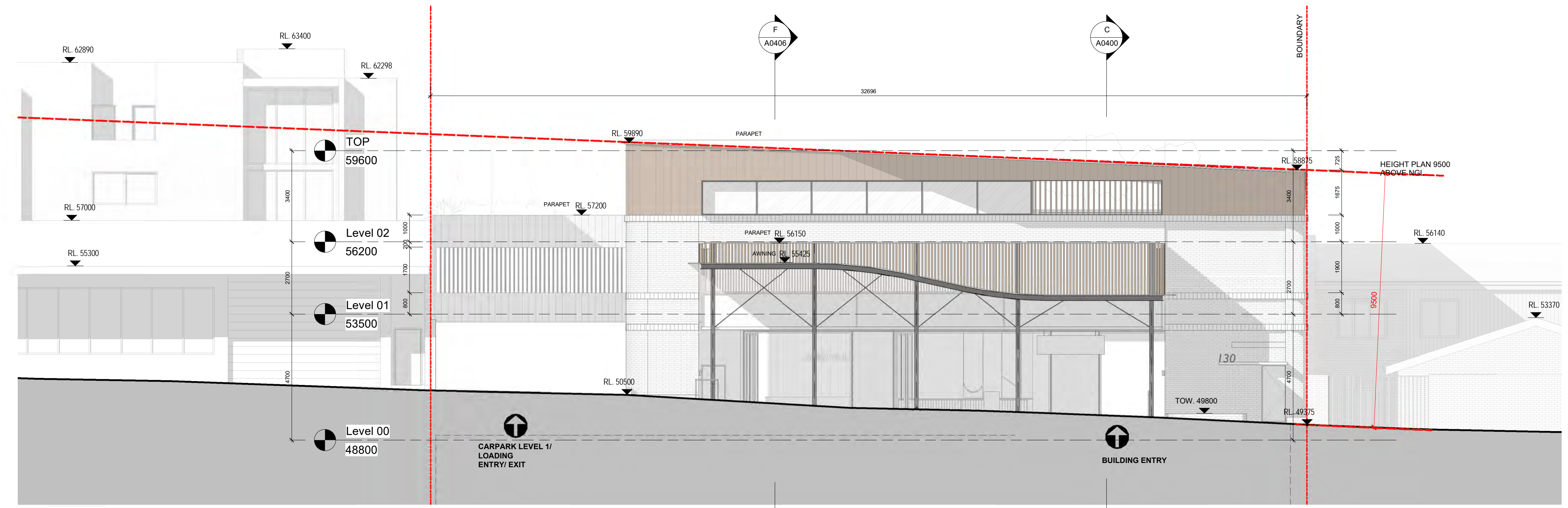
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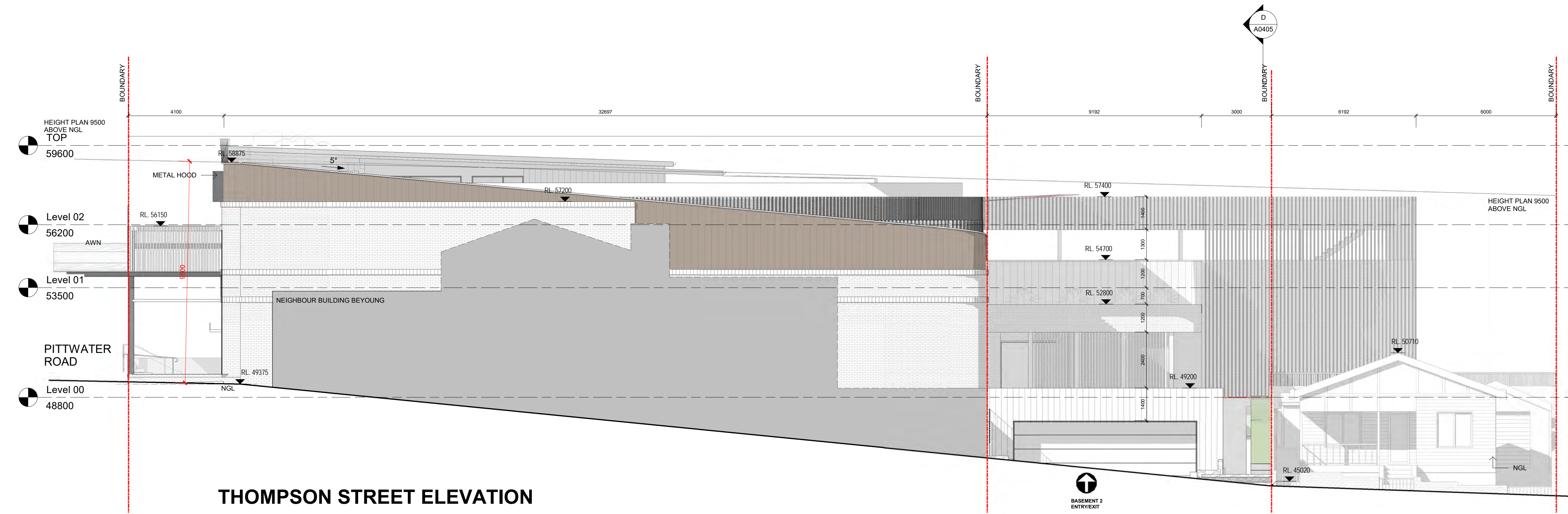
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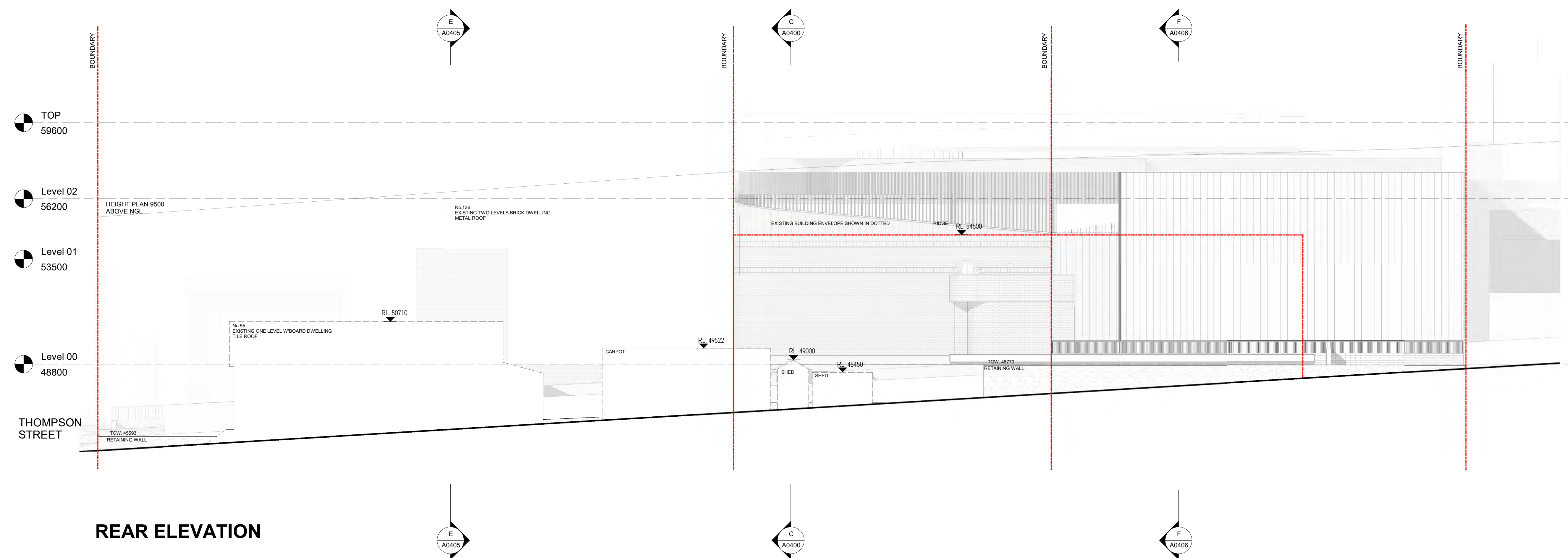
SITE PLAN



PITTWATER ROAD ELEVATION



THOMPSON STREET ELEVATION



REAR ELEVATION

CLIENT

REVELOP

PROJECT

PROPOSED MIXED USE DEVELOPMENT

130 PITTWATER ROAD GLADESVILLE

ARCHITECT

TESSERARCH

LEVEL 14 / 124 WALKER STREET NORTH SYDNEY NSW 2060 E: info@tesseracth.com.au PH: 0488 22 1234

DRAWING TITLE

NOTIFICATION PLAN

NOTES

SCALE

DATE

23/01/2023

DRAWN BY

CHECKED BY

PROJECT NO.

200417

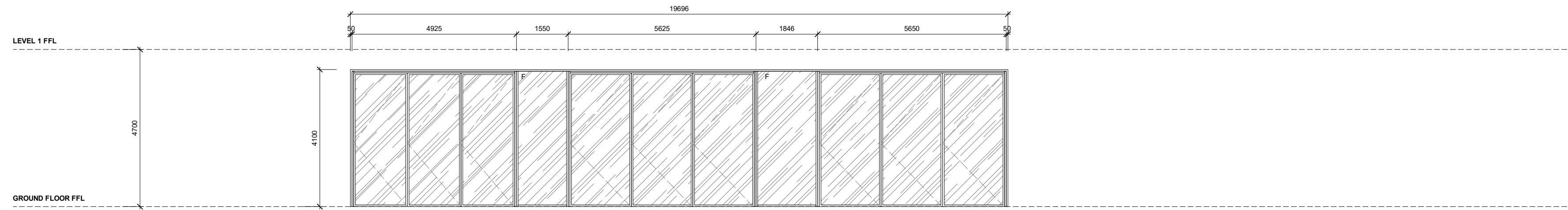
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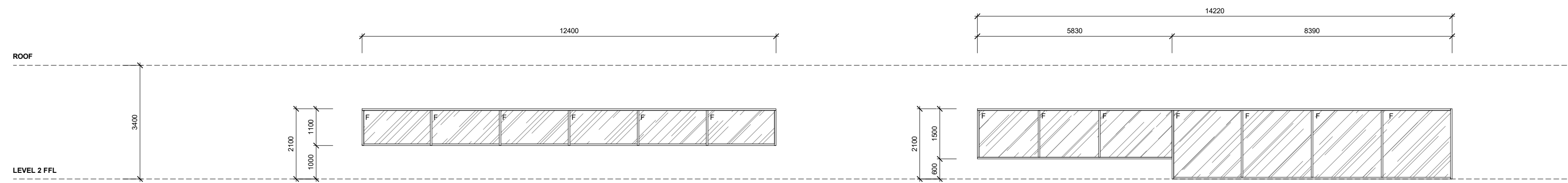
ISSUE

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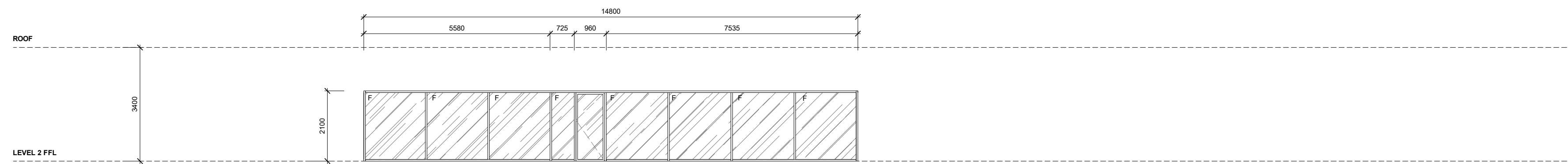


GW-01
 FOLDING DOOR WITH FIXED WINDOW
 QTY: x 1
 GLASS: CLEAR
 FRAME: ALUMINIUM



FW-01
 FIXED WINDOW
 QTY: x 1
 GLASS: CLEAR
 FRAME: ALUMINIUM

FW-02
 FIXED WINDOW
 QTY: x 1
 GLASS: CLEAR
 FRAME: ALUMINIUM



FW-03
 FIXED WINDOW WITH SWING DOOR
 QTY: x 1
 GLASS: CLEAR
 FRAME: ALUMINIUM

CLIENT: _____

REVELOP

PROJECT: _____

PROPOSED MIXED USE DEVELOPMENT

130 PITTWATER ROAD GLADESVILLE

ARCHITECT: _____

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DRAWING TITLE: _____

WINDOW SCHEDULE

NOTES: _____ NORTH: _____

SCALE: _____ DATE: _____

1 : 100 @ A1 23/01/2023

DRAWN BY: _____ CHECKED BY: _____ PROJECT NO: _____ DRAWING NO: _____ ISSUE: _____

Author Checker200417 A0801 A

CAD FILE: _____

130 Pittwater Road and 57 Thompson Street, Gladesville

Panel: Deena Ridenour, Matthew Pullinger

Date: 24 February 2022

This is the second time the Panel has reviewed a proposal for the site.

The site straddles two land use zones. 130 Pittwater is located in the B1 Neighbourhood Commercial Zone with a permissible height of 9.5m and a floor space of 0.8:1. 57 Thompson Street is located in the R2 Low Density Residential Zone with a permissible height of 9.5:1 and a floor space of 0.5:1.

The combined site is 2,174sqm. The proposal is for a mixed use commercial building with a supermarket, supporting retail tenancies and a childcare. The supermarket is located in the basement. Car parking is split between a basement car park, located below the supermarket and accessed from Thompson Street, and parking on Level 1, located between retail uses at ground and the childcare at Level 2 and accessed from Pittwater Road.

While the proposal is not subject to the NSW Apartment Design guide, the Panel has adopted the Design Quality Principles as a structure for preparing these recommendations.

Recommendation:

The Panel recommends that the design be revised to address the comments above and be resubmitted to the Panel for review.

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>Context and Neighbourhood Character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area’s existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The proposal is located along Pittwater Road within a local neighbourhood centre. The centre comprises an eclectic mix of 1 to 3 storey retail, mixed use, and residential buildings, and also includes a church. The streetscape is defined by 1 and 2 storey building frontages. Street trees and seating areas along the west side of the street are important elements within the public domain of the centre.</p> <p>To the south of the site is a mixed-use development with retail uses along at street level and two storeys of residential above.</p> <p>To the west of the site is an R2 zone comprising single detached dwellings. To the immediate west adjacent the proposed driveway is a single house at 55 Thompson Street and the rear gardens to houses at 53 Thompson Street and 2a Gannet Street.</p> <p>In the previous Panel meeting, major constraints and shortcomings relevant to the proposal were the R2 zoning on a portion of the site, the interface with adjoining properties in the R2 zone, and vehicle access and circulation for the various proposed uses.</p> <p>The proposed mixed of uses, a prevailing 2 storey street edge and ground floor retail along the primary street generally reinforce the neighbourhood centre and Pittwater Road frontage are supported in principle. Further improvements to the current proposal include an increased rear setback to the adjacent low density dwelling of 6m; some amendments to the internal circulation system and a dedicated lift for the childcare; and refinements to the architectural, form and palette.</p> <p>A number of concerns remain in relation to:</p> <ul style="list-style-type: none"> • Transition to the R2 zone • Functionality and access of the ground floor configuration • Overall maximum building height • Separate car park entries and separate parking levels (refer to Built Form)

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The maximum height of building has been amended, with drawings showing that the building is now sited within the maximum height plane. However, the Panel raises a number of issues with the ground floor level and childcare design that is likely to require additional height to resolve, and which may result in a non-compliance with the height control that would need to be carefully analysed and justified in order to achieve the Panel’s support.</p> <p>The ground floor and entry forecourt is situated below the adjacent ground level on the street at the building entry. This results in stairs at the retail entry and necessitates the use of a chair lift. The building will be a destination in the centre with a shopping centre, bottle shop, medical centre and childcare centre and should be easily accessed for people of all abilities/mobilities without using a chair lift, including but not limited to wheelchair users and mums with prams. To match the adjacent ground level the proposed building ground level should be raised to RL49.75. This will lift the overall building height by 1m.</p> <p>The childcare has a sloping roof which is shown within the height plane. If the ground floor is amended as above, the roof of the childcare (in its current form) will breach the building height control. To mitigate any additional height that may be proposed, the square footprint of the childcare could be reshaped to extend along the Pittwater Road frontage. This would consolidate the building form height to the eastern edge of the site and assist in minimising any overshadowing to the residential apartments to the south.</p> <p>The ceiling of the childcare is shown with a sloping roof and minimal structural thickness able to accommodate services. An annotated section should be provided to demonstrate how services are able to be accommodated in the ceiling or bulkheads.</p> <p>Around the perimeter of the outdoor space for the childcare, higher balustrades and acoustic fences are shown on the landscape plans than are depicted in the architectural plans. The taller fences are shown at 1.8m and 2.4m high. These elements should be included in the architectural drawings and assessed within the overshadowing analysis. They will also impact the visual bulk of the building from the R2 zone.</p> <p>To assist the Council and the Panel in assessing the height and any potential exceedance, more detailed analysis is required of the overshadowing that compares the permissible height with the additional height needed to accommodate the amended ground floor level, the childcare volume and the acoustic screens. While the proposal includes solar access studies of the proposal, a comparison between a permissible height envelope and the proposal variation to the height standard, using sun’s eye view, would be useful in assessing the impacts of the non-compliance</p> <p>Car parking remains split between basement 2, accessed from Thompson Street, and level 1, accessed from Pittwater Road. This arrangement is a product of the limited site area and location of the supermarket which prevents ramp connections between parking levels. While some rationalisation of car parking allocation has been proposed to reduce patron confusion, both levels still include retail parking spaces and are not connected. A driver would be required to circulate outside the building, on the wider street network, to travel from one level of parking to another, for example if there were no spaces available on the first car park level visited. The design and supporting justification needs to demonstrate that the quantum of parking and its allocation to uses can be supported by the site and provide a legible user interface without negative impacts on the street traffic.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area’s existing or projected population.</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposal has not yet demonstrated that the density of development is suitable to the site. Refer to built form.</p>
<p>Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>Sustainability was not specifically addressed in the meeting. The Panel encourages meaningful sustainability targets be established by the applicant.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development’s environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours’ amenity and provides for practical establishment and long term management.</p>	<p>A landscape architect has been engaged.</p> <p>The setback to the western boundary has been increased and includes a 3m deep soil zones. The Panel requests confirmation that the 3m provision is sufficient to support the proposed tree species. Achievement of the proposed trees is critical to mitigating the height of the building at the R2 boundary.</p> <p>Along the side boundary with 55 Thompson Street, a 3m setback to the driveway is proposed. The planted area is split in two by the fire egress path. By relocating the path adjacent to the driveway, the planting area could be consolidated to support larger planting and better visually screen the driveway from the house.</p> <p>Terraces over the car park ramp from the north could include additional roof planting.</p> <p>There remains an opportunity to integrate additional landscape into the design of the outdoor childcare space. Appropriate soil volumes (refer to the ADG for guidance) and structural design are needed to support any proposed roof top planting.</p>
<p>Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>An additional lift has been added for access to the childcare.</p> <p>The architect aspires to a design that supports everyday routine and contribute to their experience of the town centre. To achieve this aim, the ground level and interface with the street should be refined to better respond to different uses. As mentioned above, providing equitable access for everyone is fundamental. Beyond access, it is not clear what the intended use of the ‘outdoor forecourt’ is or if it is intended to be used for seating, gathering, café seating. It appears to be a lobby for movement between tenancies, lifts, car park and street.</p> <p>Extending the awning across the front of the building street edge would increase weather protection and pedestrian amenity along the street.</p> <p>The detail design of screens to the car park levels should ensure that light spill from headlights is filtered to minimise visual impact on surrounding residents.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>It is not clear how the 'outdoor forecourt' will be secured. The Panel is concerned for the perceived safety and security issues that come with such a forecourt space out of normal operations hours. This is really an internal space and should have weather protection and a door.</p>
<p>Housing Diversity and Social Interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>N/A</p>
<p>Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The careful modelling of the building form along Pittwater Road and the considered use of materials and detail potentially creates a high-quality architectural contribution to the neighbourhood centre.</p> <p>On the northern façade, the addition of the layered screens and blades with partial opening to enable natural ventilation to the car park reinforce the architectural expression along Pittwater Road and are supported in principle. The western façade closest to the R2 zone warrants similar design consideration.</p> <p>Drawings should be amended to show how the acoustic screens at the top of the building will be integrated into the façade design and overall architectural composition.</p>

Item 2 Att 3 - UDRP comments - 9/02/2023

From: Paul Bu
Sent: Thursday, 9 February 2023 4:28 PM
To: Sohail Faridy
Cc: Naomi L'Oste-Brown
Subject: 130 Pittwater Road Gladesville (LDA2022/0023) - urban design comments

Hi Sohail,

Thank you for the opportunity to review the above LDA. In brief, the Applicant has made some positive changes to the design, though a number of issues remaining unresolved, and will require further refinements. Some of these issues may be addressed by consent conditions, but the design of the forecourt and public domain interface to Pittwater Road is yet to be satisfactorily resolved. Please see my detailed comments below following the structure of a UDRP review report:

Built form

The retail parking has been fully allocated to Level 1 while parking for childcare and medical centres is provided separately on Basement Level 2. It helps reduce confusion for visitors. In addition to that, signage is to be displayed at each vehicle access point to help visitors with wayfinding and avoid entering car park incorrectly. It could be included as a condition of consent.

Density

The proposal has not yet demonstrated that the density of development is suitable to the site. Refer to 'Amenity' section below.

Sustainability

No information has been provided regarding sustainable design measures since the last revision. The Applicant is encouraged to consider the use of solar panels for renewable energy use.

Landscape

The development has limited opportunities to provide deep soil on the site given its proposed non-residential uses and local business centre context. It is important that the development maximises any opportunity to provide on-structure planting where possible. As pointed out by the UDRP, the north-facing roof terrace (adjacent to the bin room) on the Ground Floor level presents the opportunity to provide up to 90m² of additional on-structure planting. That will enhance the visual quality of the development and improve the outlook from No.136 Pittwater Road and No.55 Thompson Street. Maintenance access is to be provided to the roof terrace landscaping area. This can be a condition of consent.

The rooftop terrace at RL52.8 has not been provided with any access for maintenance. The Applicant is to clarify how access can be arranged for the ongoing maintenance of the roof terrace landscape.

To be confirmed with CPS or Terry English:

The proposed 3m deep soil zone along the western boundary is sufficient to support larger tree species i.e. *Angophora costata* and *Corymbia maculata*. If not, what is the minimum deep soil dimension recommended?

Amenity

While raising the floor level of the forecourt and removing the chairlift are positive changes, the proposal requires further design amendments to improve its ground level interface with the street. I agree with the UDRP that the forecourt essentially functions as a lobby space for internal use rather than serving as an extended part of the public domain. The raised planter along the street frontage and the location of the escalator further reinforce the perceived barrier between private and public domains.

It is recommended that the proposal be amended to:

1. Enclose the forecourt and provide a glass door to increase safety and security; it however will further increase the proposal's GFA in an already non-compliant scheme, alternatively
2. Redesign the forecourt to function and present as an extended part of the public domain by:
 - o Reconsidering the street boundary treatment – to maximise visual and physical permeability to the shopfronts across the Pittwater Road frontage
 - o Realigning and relocating the escalator to be perpendicular to the frontage
 - o Relocating and internalising private lifts and the toilet for increased security
 - o Providing street furniture and fixtures such as seating, lighting and bike racks
 - o Eliminating any concealment space

As recommended by the UDRP, the awning is to be extended across the entire building frontage facing Pittwater Road. This can be a condition of consent.

Safety

As a semi-private domain, the forecourt does not provide sufficient security to the three private lifts, the escalator and the toilet adjoining the liquor store, increasing the chance of vandalism on private properties and potentially impacting the public domain.

There is an alcove near the liquor store and the toilet, creating an opportunity for concealment, which is a public safety concern outside business hours at night time.

Design amendments are recommended above under 'Amenity'.

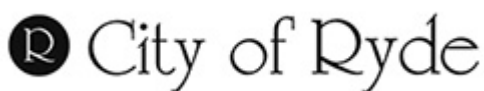
Aesthetics

Western façade closest to the R2 zone presents a 9m high blank wall to the neighbouring properties. As raised by the UDRP, the western façade is to introduce some material changes (similar to the northern façade) to add visual interest and reduce its perceived visual mass. This can be a condition of consent.

I hope the above comments are of assistance to your assessment. Please do not hesitate should you wish to discuss the above comments. Thanks.

Regards,
Paul

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Customer Service Centre 1 Pope Street, Ryde (Within Top Ryde City shopping centre)
North Ryde Office Riverview Business Park, Building 0, Level 1, 3 Richardson Place, North Ryde

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The City of Ryde wishes to acknowledge the Traditional Custodians of the Land on which we work and pay our respect to the Elders both past, present and emerging, and extend that respect to all Aboriginal and Torres Strait Islander peoples.

Item 2 – Att 4 – Draft Conditions

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
Demolition Plan	23/01/2023	Drawing No. A0003, Issue A
Floor Plan – Basement 2	23/01/2023	Drawing No. A0200, Issue D
Floor Plan – Basement 1	09/03/2023	Drawing No. A0202, Issue E
Floor Plan – Ground Floor	09/03/2023	Drawing No. A0203, Issue E
Floor Plan – Level 1	19/01/2021	Drawing No. A0204, Issue C
Floor Plan – Level 2	23/01/2023	Drawing No. A0205, Issue F
Elevations	09/03/2023	Drawing No. A0300, Issue E
Elevation	23/01/2023	Drawing No. A0301, Issue B
Material Board	23/01/2023	Drawing No. A0302, Issue A
Building Section	27/02/2023	Drawing No. A0400, Issue E
Building Section	23/01/2023	Drawing No. A0401, Issue C
Building Section	23/01/2023	Drawing No. A0405, Issue A
Building Section	23/01/2023	Drawing No. A0406, Issue A
Window Schedule	23/01/2023	Drawing No. A0801, Issue A
Landscape + Play Item Layout Plan: Ground Fr & Level 01	16/11/2022	Drawing No. DA-L101, Revision C
Landscape + Play Item Layout Plan: Ground Fr & Level 02	16/11/2022	Drawing No. DA-L102, Revision C
Landscape Details & Maintenance Program	16/11/2022	Drawing No. DA-L103, Revision C
Stormwater Concept Design Basement 02 Plan	03/12/2021	Drawing No. SW200, Revision A
Stormwater Concept Design Basement 01 Plan	03/12/2021	Drawing No. SW201, Revision A
Stormwater Concept Design Ground Floor Plan	03/12/2021	Drawing No. SW202, Revision A
Stormwater Concept Design Roof Plan	03/12/2021	Drawing No. SW203, Revision A
Stormwater Concept Design Detail Sheet	03/12/2021	Drawing No. SW300, Revision A
Erosion and Sediment Control Plan and Details	03/12/2021	Drawing No. SW400, Revision A

Stormwater Concept Design MUSIC Catchment Plan & Results	03/12/2021	Drawing No. SW500, Revision A
Evacuation Diagram	May 2022	Reference No. 58098
Evacuation Diagram	May 2022	Reference No. 58099
Evacuation Diagram	May 2022	Reference No. 58100
Evacuation Diagram	May 2022	Reference No. 58101
Evacuation Diagram	May 2022	Reference No. 58102
Evacuation Diagram	May 2022	Reference No. 58103
Evacuation Diagram	May 2022	Reference No. 58104
Evacuation Diagram	May 2022	Reference No. 58105
DA Access Report prepared by Vista Access Architects	06/06/2022	Reference No. 21345, Revision C
Noise Impact Assessment prepared by Benbow Environmental	23/11/2022	Report No.201167_NIA_Rev4
Plan of Management and Noise Management prepared by Young Academics	1/07/2021	-
Detailed Site Investigation prepared by Geotechnical Consultants Australia Pty Ltd	23/05/2022	Report No. E2259-1
Air Quality Assessment prepared by Benbow Environmental	25/11/2020	Report No. 201167_AQA_Rev2

Reason: To ensure that the development is in accordance with the determination.

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.

Reason: Statutory requirement.

3. **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.

Reason: To ensure the structural protection of adjoining properties.

4. **Fire Safety Matters/Changes in building use**

- (a) A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

NOTE: The obligation under this clause to comply with Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.

- (b) This clause does not apply to the extent to which an exemption is in force under clause 187 and 188 in the Environmental Planning and Assessment Regulations 2000.
- (c) In this case clause, "Category 1 fire safety provision" has the same meaning as it has in Clause 3 in the Environmental Planning and Assessment Regulations 2000 subject to any terms of any condition or requirement referred to in Clause 187(6) or 188(4).

- 5. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's DCP Part 8.5 (Public Civil Works) and Part 8.2 (Stormwater and Floodplain Management), except otherwise as amended by conditions of this consent.

Reason: To ensure that all works are undertaken in accordance with any relevant standard and DCP requirements.

- 6. **Service Alterations.** All services or utilities required to be altered in order to complete the development works are to be undertaken in accordance with the requirements of the relevant service provider (eg Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.

Reason: To ensure public services are maintained.

- 7. **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, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP Part 8.5 (Public Civil Works), to the satisfaction of Council.

Reason: To ensure the amenity and state of the public domain is maintained.

- 8. **Road Opening Permit.** In accordance with the requirements of the Roads Act, the applicant must obtain consent (Road opening Permit) from Council prior to any excavation being undertaken in the road reserve (this includes verge and public footpath areas). No works shall be carried out in the road reserve without this permit being paid and a copy kept on the site.

Reason: To ensure the amenity and state of the public domain is maintained.

9. **Design and Construction Standards** - All engineering detailed design plans and associated drainage works shall be carried out in accordance with the requirements of the relevant Australian Standards and Council's DCP Part 8.2. Detailed design of all proposed Council Infrastructure works or proposed modification to Council infrastructure which may be located inside the property boundary, must be approved by Council City Works Directorate and undertaken in accordance with Council's 2014 DCP Part 8.2 and relevant Australian Standards, except otherwise as amended by conditions of this consent.

Reason: to ensure Council's DCP and relevant Australian Standard requirements are met.

10. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 - 2019 and Part 8.1 of City of Ryde Development Control Plan 2014: Construction Activities.

Reason: This condition is to ensure that appropriate measures/controls are in place to assist with the safety of all affected road users within the public domain when construction works are being undertaken.

11. **Vehicle Egress (Pittwater Road Driveway).** Vehicles exiting from the site onto Pittwater Road are to be restricted to left turns only (i.e. no right turning vehicle movements out of the site onto Pittwater Road is permitted). Regulatory "ALL TRAFFIC (LEFT SYMBOLIC) ONLY" sign facing drivers exiting from the Pittwater Road driveway are to be installed within the property boundary, prior to the basement car park and loading dock being open to any user.

Reason: To minimise the impedance to the through traffic flow on Pittwater Road.

12. **Public Utilities and Service Alterations** – All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the Applicant's expense. The Applicant shall comply with the requirements (including financial costs) of the relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council, etc) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development. All correspondence and approvals between the applicant and utility authorities shall be provided to the Council.

Reason: Protection of infrastructure and compliance with relevant Authorities requirements

13. **Works on Public Roads** – Any works performed in, on or over a public road reserve 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 Sections 138 and 139 of the Roads Act 1993.

Reason: Compliance with relevant Acts

14. **Public areas and restoration works** - 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, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP 2014 Part 8.5 *Public Civil Works*, to the satisfaction of Council. Council's standards and specifications are available on the Council website.

Reason: Ensure public safety and protection of infrastructure

15. **Land Boundary / Cadastral Survey** – If any design work relies on critical setbacks from land boundaries or subdivision of the land is proposed, it is a requirement that a land boundary / cadastral survey be undertaken to define the land.

The land boundaries should be marked or surveyed offset marks placed prior to the commencement of any work on site.

Reason: No encroachment of private works on public land

Protection of Adjoining and Public Land

16. **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.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties

17. **Hoardings.**

- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
- (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

Reason: To ensure the safety of the public and hoarding/fencing is removed at the completion of the development.

18. **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.

Reason: To ensure the safety of the public.

19. **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.

Reason: To ensure development occurs within the site boundaries.

20. **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.

Reason: To ensure public spaces are unobstructed during construction.

21. **Childcare Centre Kitchen and Retail Food Business Plans (Design)** - The fit-out of the food premises shall comply with:

- (a) Australian Standard AS4674-2004 - Design, Construction and Fit-out of Food Premises.
- (b) Food Safety Standards 3.2.3 Food Premises and Equipment
- (c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.

If a Private Certifier is to be used, the final inspection shall be carried out by a suitably qualified person to ensure that food standards are met. Council's Environmental Health Officer may be engaged to carry out the required inspection for a prescribed fee.

Note: Copies of AS 4764 - 2004 may be obtained from Standards Australia Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority.

Reason: To ensure design of the premises meets relevant public health standards.

22. **Requirement for Trade Waste Agreement** - A trade waste agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises. Separator systems are to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund.

Reason: To ensure the proper disposal of wastewater.

23. **Provision for installation of kitchen exhaust systems** - Adequate provision must be made for the installation of kitchen exhaust systems to the proposed food premises.

Reason: To control offensive emissions and ensure the protection of the environment.

24. **Installation of grease trap** - A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through

areas where exposed food is handled or stored, or food contact equipment or packaging materials are handled or stored is not permitted.

Reason: To ensure the provisions of safe food handling and public health are maintained.

25. **Storage of garbage and recyclable materials** - A separate room or area must be provided in a convenient location on the premises for the storage of garbage and recyclable materials.

Reason: To ensure provision of adequate waste storage arrangements

26. **Construction of garbage rooms** - All garbage rooms must be constructed in accordance with the following requirements:

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

Reason: To ensure provision of adequate waste storage arrangements

27. **Waste collection point for commercial waste** - The commercial waste must be collected from the loading dock located inside the building.

Reason: To ensure provision of adequate waste collection arrangements

28. **Access for waste collection vehicles** - Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and manoeuvring areas must be designed for maximum legal dimensions and weights and allow collection vehicles to enter and leave the premises in a forward direction.

Additional clearances must be provided for overhead and side loading where appropriate.

Reason: To ensure provision of adequate waste collection arrangements

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.

29. **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.

Reason: To ensure neighbours are notified prior to the commencement of demolition.

30. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

Reason: Statutory requirement.

31. 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.

32. **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.

Reason: Statutory requirement.

33. **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.

Reason: Statutory requirement.

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

Reason: To ensure waste is managed in accordance with the consent.

35. **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.

Reason: To ensure waste is disposed of at lawful facilities.

36. **Demolition Pedestrian and Traffic Management Plan.** A Demolition Pedestrian and Traffic Management Plan (DPTMP) shall be prepared by a suitably qualified traffic engineering consultant and submitted to and approved by Council's Transport Department prior to the commencement of any demolition work.

Truck movements will be restricted during school zone periods between 8:00am – 9:30am and 2:30pm – 4:00pm due to the close proximity of the development site to the Boronia Park Public School. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the DPTMP.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's Schedule of Fees and Charges with payment to be made prior to receipt of approval from Council's Transport Department for the DPTMP.

The DPTMP must include but not limited to the following:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. The DPTMP is to be adhered to at all times during the project.
- iii. Specify that all demolition vehicles are to enter & exit the site and/or work zone in a forward direction.
- iv. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- v. Specify the number of truck movements to and from the site during the demolition phase of the works. Temporary truck standing/ queuing in a public roadway/ domain in the vicinity of the site is not permitted unless approved by City Works Directorate.
- vi. Include Traffic Guidance Scheme(s) (previously Traffic Control Plan(s)) prepared by a SafeWork NSW accredited designer for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.
- vii. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- viii. Specify that a minimum fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- ix. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.

- x. Take into consideration the combined construction activities of other development(s) and/or roadworks in the surrounding area. To this end, the consultant preparing the DPTMP must engage and consult with relevant stakeholders undertaking such works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- xi. Specify spoil management process and facilities to be used on site.
- xii. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of demolition. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xiii. Comply with relevant sections of the following documents:
 - The Australian Standard *Manual of Uniform Traffic Control Devices* (AS1742.3-2019),
 - TfNSW' *Traffic Control at Work Sites* technical manual; and
 - Part 8.1 of *City of Ryde Development Control Plan 2014: Construction Activities*.

Reason: This condition is to ensure that a plan is prepared to address traffic impacts during demolition works to minimise any inconvenience and safety risks to the public.

37. **Implementation of Demolition Pedestrian and Traffic Management Plan.** All works and demolition activities are to be undertaken in accordance with the approved Demolition Pedestrian and Traffic Management Plan (DPTMP). All controls in the DPTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate SafeWork NSW accreditation. Should the implementation or effectiveness of the DPTMP be impacted by surrounding major development not encompassed in the approved DPTMP, the DPTMP measures and controls are to be revised accordingly and submitted to Council's Transport Department for approval. A copy of the approved DPTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

Reason: This condition is to ensure that the measures/protocols stated in the approved DPTMP are carried out by the builder when demolition works are being undertaken.

Imported fill

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

Reason: To ensure public safety.

40. **Delivery dockets to be provided.** Each load of imported fill must be accompanied by a delivery docket from the supplier including the description and source of the fill.

Reason: To ensure the source of fill is known.

41. **Delivery docket – receipt and checking on site.** A responsible person must be on site to receive each load of imported fill and must examine the delivery docket and load to ensure that only Virgin Excavated Natural Material that has been validated for use on the site is accepted.

Reason: To ensure the source of fill is documented.

42. **Delivery docket – forward to PCA on demand.** The delivery docket must be forwarded to the Principal Certifying Authority within seven (7) days of receipt of the fill and must be produced to any authorised officer who demands to see them.

Reason: To ensure the source of fill is documented.

Contamination:

43. **Compliance with contamination report** - All requirements, nominated in the Contamination Report *Detailed Site Investigation, Report E2259-1, 23 May 2022*, prepared by Geotechnical Consultants Australia and any related project documentation must be implemented.

Reason: To demonstrate compliance with submitted reports

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

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health

Acoustics:

45. **Noise control measures** - All noise control measures, including construction noise mitigation and child care centre requirements, nominated in the Acoustic Report - *Noise Impact Assessment Mixed Use Development – 130 Pittwater Road & 57 Thompson Street Gladesville*, Report No. 201167_NIA_Rev4, November 2022, prepared by Benbow Environmental and any related project documentation must be implemented.

Waste:

46. **Storage and removal of wastes** - All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals.

Reason: To prevent any nuisance or danger to health, safety or the environment.

47. **General requirements for liquid and solid waste** - Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in

accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999). NSW EPA Waste Classification Guidelines

Reason: To prevent pollution of the environment.

48. **Contaminated soil disposal** - All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) before being transported from the site.

Reason: To ensure appropriate disposal of contaminated soil.

49. **Hazardous/intractable waste disposal** - Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the EPA, and with the provisions of:

- (a) Work Health and Safety Act 2011
- (b) NSW Protection of the Environment Operations Act 1997 (NSW) and
- (c) NSW Department of Environment and Climate Change Environmental Guidelines; NSW EPA Waste Classification Guidelines

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

50. **Contaminated waste to licensed EPA landfill** - Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

51. **Waste data maintained** - A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

Reason: To confirm waste minimisation objectives are met.

52. **Polluted water excavation - analysis before discharge** - Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and Australian & New Zealand Guidelines for Fresh & Marine Water Quality Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason: To prevent pollution of waterways.

53. **De-watering of Excavated Sites** - Any site excavation areas must always be kept free of accumulated water. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate.

Reason: To protect against subsidence, erosion and other nuisances.

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.

54. **A Road Occupancy Licence** should be obtained from Transport Management Centre for any works that may impact on traffic flows on Pittwater Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

Reason: To ensure traffic flows on Pittwater Road are acceptable during the construction of the development.

55. **Pittwater Road Awning.** The awning on the Pittwater Road Elevation is to be extended across the entire building frontage facing Pittwater Road. Plans demonstrating compliance with this condition are to be submitted to the Executive Manager City Development at the City of Ryde Council for assessment and approval.

Reason: To increase weather protection and pedestrian amenity along the street.

56. **Western Façade.** The western façade of the development closest to the neighbouring R2 Low Density Residential zoned land currently presents as a 9m high blank wall to the neighbouring properties. Amended plans are to be prepared which introduce some material changes (similar to the northern façade) to add visual interest and reduce the perceived visual mass of this western wall. Plans demonstrating compliance with this condition are to be submitted to the Executive Manager City Development at the City of Ryde Council for assessment and approval.

Reason: To add visual interest and reduced the perceived visual mass of the development's western façade presenting to the adjacent R2 Low Density Residential zone.

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

With respect to this, the following revision(s) / documentation must be provided with the plans submitted with the application for a Construction Certificate;

- a) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans to be prepared for the Construction Certificate must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle. In the case for the ramp to Level 1, the profile must also account for the headroom clearance in the passageway between the retail units and waste room, as well as, the vehicle headroom clearance between the ramp surface and the level above.
- b) To ensure that service vehicles have sufficient headroom clearance when accessing loading bay areas, an accessway / ramp profile must be produced along the vehicle path of travel for all service vehicles. The plan must detail all levels and overhead clearances (allowing for services) along the vehicle path of travel from the vehicle entry at the boundary to the loading bay area and must demonstrate that the required overhead clearance (SRV – 3.5m / MRV & HRV – 4.5m) is achieved along this path.
- c) The crest of the ramp to Level 1 is unable to accommodate two way traffic flow (descending vehicles will be required to enter the opposing lane to access the ramp down). To prevent vehicle conflicts in this location, the area at the crest of the ramp and extending across the frontage to space no. 32 is to be marked (pavement paint or similar) and signage to be installed to indicate ascending drivers must give way to exiting vehicles.
- d) The curved entry to the base of the ramp leading to Level 1 parking area must be delineated and linemarked so as to direct and guide vehicle traffic to the upper levels, facilitating safe and efficient vehicle movement.
- e) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, the northern side of the driveway entry at the property boundary must have clear sight through a splayed region defined by Figure 3.3 of AS 2890.1 (2004) and Council's DCP. Ideally the region is to be free of all obstructions, otherwise any solid obstructions are to be no greater than 900mm above finished surfaces and horizontal fencing/ slats are to permit more than 50% visual permeability.

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

Reason: To ensure the vehicle access and parking area is in accordance with the require standards and safe for all users.

58. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to, generally in accordance with the plans by SGC Consulting Engineers Pty Ltd (Refer to Project No. 20210352 Dwgs SW100,SW200-

SW203,SW300,SW400 & SW500 Rev A dated 3 December 2021) subject to any variations marked in red on the approved plans or noted following;

- a) A clear failure mode must be provided along the western boundary, ensuring that any errant flow from the development is directed to the north, towards Thomson Street. This will require any terraced retaining walls, garden beds and the like to have levels, grades or openings to facilitate this. Additionally the western boundary must be bunded so as to ensure no such flow is dispersed to neighbouring land.
- b) Connection to the public drainage infrastructure will require the approval of Council's City Works (Stormwater) Department. Any conditions associated with this approval must be noted on the plans.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a suitably qualified Civil Engineer and comply with the following;

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (*Stormwater drainage*) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
- The subsurface drainage system must be designed to prevent constant, ongoing discharge of groundwater to the public drainage network, as well as avoid long term impacts related to the support of structures on neighbouring properties.

Reason: To ensure that the developments stormwater management system is aligned with the controls and objectives of the City of Ryde DCP 2014 Part 8.2

59. **Stormwater Management - Onsite Stormwater Detention.** In accordance with Council's community stormwater management policy, an onsite stormwater detention (OSD) system must be implemented in the stormwater management system of the development.

As a minimum, the OSD system must;

- a) provide site storage requirement (SSR) and permissible site discharge (PSD) design parameters complying with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management).
- b) incorporate a sump and filter grate (trash rack) at the point of discharge from the OSD system to prevent gross pollutants blocking the system or entering the public drainage service,
- c) ensure the OSD storage has sufficient access for the purpose of ongoing maintenance of the system, and
- d) ensure the drainage system discharging to the OSD system is of sufficient capacity to accommodate the 100 year ARI 5 minute storm event.

Detailed engineering plans and certification demonstrating compliance with this condition & Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) are to be submitted with the application for a Construction Certificate.

Reason: To ensure that the design of the OSD is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2

60. **Stormwater Management - Pump System.** The basement pump system must be dual submersible and shall be sized and constructed in accordance with Section 9.3 of AS 3500.3 (*Stormwater drainage*).

The wet well must be designed and constructed in accordance with section 9.3 of AS 3500.3 (*Stormwater drainage*), except that the sump volume is to be designed to accommodate storage of runoff accumulating from the 100yr ARI 3 hour storm event, in the event of pump failure as per the requirements of Council's DCP - Part 8.2 (*Stormwater and Floodplain Management*).

Direct connection of the pumps rising main to the kerb will not be permitted. The rising main must discharge to the sites drainage system, upstream of the onsite detention system (if one is provided) or any rainwater tank which is utilised for irrigation only.

Pump details and documentation demonstrating compliance with this condition are to be submitted in conjunction with the Stormwater Management Plan for the approval of the Certifying Authority, prior to the release of any Construction Certificate for construction of the basement level.

Reason: To ensure that the design of the pump system is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2 and relevant Australian Standards.

61. **Geotechnical Design, Certification and Monitoring Program.** The applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

This engineer is to prepare the following documentation;

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

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

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

Reason: To ensure there are no adverse impacts arising from excavation works.

62. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work. As a minimum, the scope of the report is to include;

- a) 126-128 Pittwater Road
- b) 136 Pittwater Road
- c) 55 Thompson Street
- d) 53 Thompson Street

A copy of the dilapidation survey is to be submitted to the Accredited Certifier and Council prior to the release of the Construction Certificate.

Reason: To clarify any claims of damage made by adjoining property owners.

63. **Site Dewatering Plan.** A Site Dewatering Plan (SDP) must be prepared and submitted with the application for a Construction Certificate.

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

- a) All pumps used for onsite dewatering operations are to be installed on the site in a location that will minimise any noise disturbance to neighbouring or adjacent premises and be acoustically shielded so as to prevent the emission of offensive noise as a result of their operation.
- b) Pumps used for dewatering operations are not to be fuel based so as to minimise noise disturbance and are to be electrically operated.
- c) Discharge lines are to be recessed across footways so as to not present as a trip hazard and are to directly connect to the public inground drainage infrastructure where ever possible.
- d) The maximum rate of discharge is to be limited to the sites determined PSD rate or 30L/s if discharging to the kerb.
- e) Certification must state that the submitted design is in accordance with the requirements of this condition and any relevant sections of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.

- f) Incorporate water treatment measures to prevent the discharge of sediment laden water to the public drainage system. These must be in accordance with the recommendations of approved documents which concern the treatment and monitoring of groundwater.
- g) Any details, approval or conditions concerning dewatering (eg Dewatering License) as required by the Water Act 1912 and any other relevant NSW legislation.
- h) Approval and conditions as required for connection of the dewatering system to the public drainage infrastructure as per Section 138 of the Roads Act.

Reason: To ensure that stormwater runoff and the disposal of groundwater from the excavation is drained in an appropriate manner and without detrimental impacts to neighbouring properties and downstream water systems.

64. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by NSW Department – Office of Environment and Heritage and must contain the following information;

- 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.

The ESCP must be submitted with the application for a Construction Certificate.

Reason: To protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

65. **Stormwater - Council Drainage - Reflux Valve** - A design certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, shall be provided to the Principal Certifying Authority, prior to the issue of the Construction Certificate, confirming that the site drainage outlet pipe has been designed with a reflux valve in order to stop any backwater effect from Council's stormwater system for events up to the 1% AEP (100 year ARI).

Reason: To ensure no water from Council's Stormwater Drainage Network enters the site.

66. **Stormwater - Council Drainage – Pit Connection Details** - The proposed site drainage connection to the New Proposed Council Kerb Inlet Pit shall be made via a uPVC pipe. The site drainage connection pipe shall be cut flush with the internal wall of the pit and should enter the pit perpendicular to the pit wall.

Amended stormwater plans complying with this condition shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. The plans shall be prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent.

Reason: to ensure connection to pit compliance with Council's DCP and Australian Standards.

67. **Stormwater - Drainage Design Submission - Assessment Fee** – The applicant is to pay to Council fees for assessment of all relevant drainage design engineering plans, in accordance with Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to such approval being granted by Council prior to the issue of the Construction Certificate.

Note: An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the Council drainage works and any additional reviews required.

Reason: to ensure relevant Council assessment fees are paid.

68. **Stormwater - Drainage Design Submission** - Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council's City Works Directorate for the proposed drainage works in accordance with Council's DCP (2014) Part 8.2 Stormwater and Floodplain Management Technical Manual, prior to the issue of the Construction Certificate.

The design submission shall address the following:

- a) A drainage system layout plan and structural details shall be drawn at a scale of 1:100, 1:200 or 1:250 and shall show the location of drainage pits and pipe and any other information necessary for the design and construction of the drainage system (i.e. utility services).
- b) A drainage system longitudinal section shall be drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and shall show the underground channel and pipe size, class and type, pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system (i.e. utility services).
- c) The location and as-built information (including dimensions and invert levels) of the New Proposed Kerb Inlet Pit is to be confirmed by a suitably qualified surveyor. This shall be incorporated into the drainage engineering drawings.
- d) Special details including non-standard pits, pit benching and transitions shall be provided on the drawings at scales appropriate to the type and complexity of the detail being shown.

- e) The drainage system layout plan shall be documented on a detailed features survey plan that describes all existing structures, utility services, vegetation and other relevant features.

Reason: to ensure the Stormwater Civil Design complies with Council's and Australian Standards and has sufficient details to obtain construction certificate.

69. **Construction Pedestrian and Traffic Management Plan.** A Construction Pedestrian and Traffic Management Plan (CPTMP) shall be prepared by a suitably qualified traffic engineering consultant and submitted to and approved by Council's Transport Department prior to issue of any Construction Certificate.

Truck movements will be restricted during school zone periods between 8:00am – 9:30am and 2:30pm – 4:00pm due to the close proximity of the development site to the Boronia Park Public School. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CPTMP.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's Schedule of Fees and Charges with payment to be made prior to receipt of approval from Council's Transport Department for the CPTMP.

The CPTMP must include but not limited to the following:

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be restricted to State Roads or non-light vehicle thoroughfare routes where possible.
- iii. Make provision for parking onsite once the basement level parking is constructed. All Staff and Contractors are to use the basement parking once available.
- iv. Specify the number of truck movements to and from the site associated with the construction works. Temporary truck standing/ queuing in a public roadway/ domain in the vicinity of the site are not permitted unless approved by City Works Directorate.
- v. Include Traffic Control Plan(s) prepared by a SafeWork NSW accredited designer for any activities involving the management of vehicle and pedestrian traffic and results in alterations to the existing traffic conditions in the vicinity of the site.
- vi. Specify appropriate parking measures for construction staff and sub-contractors to minimise the impact to the surrounding public parking facilities.
- vii. Specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- viii. Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- ix. Take into consideration the combined construction activities of other development(s) and/or roadworks in the surrounding area. To this end, the consultant preparing the CPTMP must engage and consult with relevant stakeholders undertaking such works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined

impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.

- x. Specify spoil management process and facilities to be used on site.
- xi. Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- xii. Comply with relevant sections of the following documents:
 - The Australian Standard *Manual of Uniform Traffic Control Devices* (AS1742.3-2019),
 - TfNSW' *Traffic Control at Work Sites* technical manual; and
 - Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

Reason: This condition is to ensure that a plan is prepared to address traffic impacts during construction to minimise any inconvenience and safety risks to the public.

70. **Waste and Service Vehicle Access.** Access to the on-site loading bay area including ramp grades, transitions and height clearance shall be designed for safe forward in and forward out access of 12.5m long truck. The minimum height clearance required is 4m, measured from the floor level to the lowest point of any overhead structures/service provisions such as pipes.

Plans showing the ramp grades, transitions and height clearance and swept path diagrams of 12.5m long truck shall be reviewed and approved by a chartered civil engineer (with evidence of this certification submitted to Council) prior to the issue of the Construction Certificate. Swept path diagrams must include details of the road including, kerb line, line marking, signs, traffic devices, power poles, other structures and neighbouring driveways.

Reason: This condition is intended to assist with the safety and efficiency of heavy vehicles entering and exiting the site.

71. **Ground Anchors** - The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to an application to Council's City Works Directorate, and approval obtained as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural engineering plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, minimum depth below existing ground level at the boundary alignment and the angle of installation.

The approval will be subject to:

- a) Advice being provided to the relevant Public Utility Authorities of the proposed anchoring, including confirmation that their requirements are being met.
- b) the payment of all fees in accordance with Council's Schedule of Fees & Charges at the time of the issue of the approval, and
- c) the provision of a copy of the Public Liability insurance cover of not less than \$20million with Council's interest noted on the policy. The policy shall remain valid until the de-commissioning of the ground anchors.

Reason: Ensuring compliance with Council's relevant Planning Instruments

72. **Public Domain Improvements – Design for Construction Certificate** - The public domain is to be upgraded on both the Pittwater Road and Thompson Street frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Chapter 8 – Small and Neighbourhood Centres. The works shall include paving, lighting upgrade works, street furniture and plantings, and must be completed to Council's satisfaction at no cost to Council.

A public domain plan for the following works shall be submitted to, and approved by Council's City Works Directorate, prior to the issue of the relevant Construction Certificate.

- a) Footpath paving as specified in the condition of consent for public infrastructure works.
- b) Street trees and / or landscaping works as specified by Council's Landscape Architect.

Note: In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.

For the undergrounding of existing overhead electricity network, the requirements specified in the Ausgrid Network Standards NS130 and NS156 are to be met.

- c) New street lighting using LED luminaires are to be designed and installed to Australian Standard AS1158:2020 Lighting for Roads and Public Spaces, in accordance with the required vehicular luminance category and pedestrian luminance category along both the Pittwater Road and Thompson Street frontages. The street lighting will remain on the Ausgrid street lighting network.

Reason: Provision and upgrade of public assets and to ensure compliance with Council's relevant Planning Instruments

73. **Public Infrastructure Works - Design for Construction Certificate** – Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council's City Works Directorate prior to the issue of the Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns, existing and proposed signage and line

marking, and other relevant details for the new works. The drawings shall also demonstrate the smooth connection of the proposed public domain works into the remaining street scape.

The Applicant must submit, for approval by Council as the Road Authority, full design engineering plans and specifications for the following infrastructure works:

- a) The full reconstruction of half road width for the extent of the Pittwater Road and Thompson Street frontages of the development site in accordance with the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, Clause 1.1.4 – Constructing Half Road.
- b) The reconstruction of the driveway crossing on Pittwater Road in order to provide a new driveway consistent with the expected development lifespan. The full extent of the new driveway on the Pittwater Road frontage is to be surfaced in granite.
- c) The construction of new kerb and gutter along the Pittwater Road frontage of the site
- d) Construction of granite footway along the Pittwater Road frontage of the site in accordance with the City of Ryde Public Domain Technical Manual Chapter 8 – Small and Neighbourhood Centres.
- e) Existing landscaping plantings within the tree pits along the Pittwater Road frontage of the site are to be retained and where necessary upgraded so all plantings are healthy. In addition to the existing plantings, Lomandra Tanika at 6 plants per square metre are to be planted in the remaining vacant space within the street pits.
- f) The existing public benches and street bins are to be retained / reinstated. In the case that there is any damage to the existing street furniture, incurred either prior to or during the development works, the damaged fixtures must be replaced as part of the public domain works.
- g) Any works deemed necessary to upgrade the existing retaining walls on the Pittwater Road frontage to ensure they provide for the split level footway for the full life of the new development.
- h) Upgrade of the existing bus shelter on the Pittwater Road frontage to meet Council's current requirements.
- i) Stormwater drainage installations in the public domain in accordance with the DA approved plans.
- j) Signage and line marking details
- k) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans submission. All the requirements of the Public Authority shall be complied with.

Notes:

1. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths, prior to setting the floor levels for the proposed building.
2. Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
3. Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of

Ryde DCP 2014 Part 8.5 - *Public Civil Works*, Section 5 "*Standards Enforcement*". A checklist has also been prepared to provide guidance, and is available upon request to Council's City Works Directorate.

4. City of Ryde standard drawings for public domain infrastructure assets are available on the Council website. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated.

Reason: Provision and upgrade of public assets and to ensure compliance with Council's relevant Planning Instruments and standards

74. **Reinstatement of Bus Stop** – The existing bus stop along the Pittwater Road frontage of the development site shall be relocated to a location approved by Sydney Buses prior to commencement of the public domain improvement works. The bus stop shall be reinstated in its final location in accordance with the requirements of the Disability Standards for Accessible Public Transport 2002.

Reason: Improve public amenity

75. **Vehicle Footpath Crossing and Gutter Crossover** – A new vehicle footpath crossing and associated gutter crossover shall be constructed at the approved vehicular access location/s. Where there is an existing vehicle footpath crossing and gutter crossover, the reconstruction of this infrastructure may be required so it has a service life consistent with that of the development, and it is also compliant with current Council's standards and specifications. The location, design and construction shall be in accordance with City of Ryde Development Control Plan 2014 Part 8.3 *Driveways* and Part 8.5 - *Public Civil Works* and Australian Standard AS2890.1 – 2004 *Offstreet Parking*.

Prior to the issue of the Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath crossing and gutter crossover. The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover.

The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included.

All grades and transitions shall comply with Australian Standard AS 2890.1-2004 *Offstreet Parking* and Council's specifications. The new crossing shall be 7.3m wide, without the splays, and shall be constructed at right angle to the alignment of the kerb and gutter, and located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

Fees are payable at the time of the application, in accordance with Council's Schedule of Fees and Charges.

The Council approved design details shall be incorporated into the plans submitted to the Principal Certifier, for the application of the Construction Certificate.

Reason: Improved access and public amenity

76. **Public Domain Works – Defects Security Bond** - To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue by Council, of the Compliance Certificate for the External Works. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period. A bond in the form of a cash deposit or Bank Guarantee of \$80,000 shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.

Reason: Ensure compliance with specifications

77. **Engineering plans assessment and works inspection fees** – The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to such approval being granted by Council.

Note: An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

Reason: Ensure compliance with Council's requirements

78. **Anticipated Assets Register - Changes to Council Assets** - In the case that public infrastructure improvements are required, the developer is to submit a listing of anticipated infrastructure assets to be constructed on Council land as part of the development works. The new elements may include but are not limited to new road pavements, new Multi-Function Poles (MFPs), new concrete or granite footways, new street trees and tree pits, street furniture, bus shelters, kerb and gutter and driveways. This information should be presented via the Anticipated Asset Register file available from Council's Assets and Infrastructure Department. The listings should also include any assets removed as part of the works.

The Anticipated Asset Register is to assist with council's future resourcing to maintain new assets. There is potential for the as-built assets to deviate from the anticipated asset listing, as issues are resolved throughout the public domain assessment and Roads Act Approval process. Following completion of the public infrastructure works associated with the development, a Final Asset Register is to be submitted to Council, based upon the Public Domain Works-As-Executed plans.

Reason: Record of civil works

79. **Section 7.12. A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:**

A – Contribution Type	B – Contribution Amount
Section 7.12 Contribution	\$93,927.83

These are contributions under the provisions of Section 7.12 of the Environmental Planning and Assessment Act, 1979 as specified in City of Ryde Fixed Rate (Section 7.12) Development Contributions Plan 2020, effective from 1 July 2020.

The above amount is current at the date of this consent, and is 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 amount that differs from that shown above.

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

A copy of the City of Ryde Fixed Rate (Section 7.12) Development Contributions 2020 Plan may be inspected at the Ryde Customer Service 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>.

(Reason: Statutory requirement).

80. **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**.

Reason: To ensure compliance with the Australian Standards.

81. **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**.

Reason: To ensure the structural integrity of the approved development.

82. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (other buildings with delivery of bricks or concrete or machine excavation).

Reason: Statutory requirement.

83. **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

Reason: Statutory requirement.

84. **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**.

Reason: To provide suitable vehicular access.

85. **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**.

Reason: Statutory requirement.

86. **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>

87. **Road and rail noise/vibration.** The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.

88. **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**.

Reason: To ensure the use of appropriate roofing material to minimise reflectivity and impacts upon amenity.

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

Reason: To ensure appropriate lighting is provided for residential safety and maintains the amenity of adjoining properties.

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.

90. **Stormwater - Pre-Construction CCTV Report** - To ensure Council's stormwater infrastructures are adequately protected, a pre-construction CCTV report on the existing stormwater pipeline and the existing kerb lintel pit in the vicinity of the proposed development is to be submitted to Council prior to the commencement of any construction works.

An electronic closed-circuit television report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing drainage line adjacent to the site is required. This report shall include the date of CCTV inspection and shall be submitted to Council's City Works Directorate for approval prior to commencement of any works.

Note: The applicant shall contact Council's Stormwater and Catchments section to obtain a map of Council's existing Stormwater network in the vicinity prior to conducting the CCTV survey.

All fees and charges associated with the review of the report shall be in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the report is submitted. The applicable fee is for 1.0 hour of Staff Time (payment receipt to be attached with the CCTV submission).

Reason: to verify the pre-construction condition of Council's asset/s.

91. **Notice of Intention to Commence - Council Drainage Works** – Prior to commencement of the Council drainage works, Council's City Works Directorate shall be notified for written acceptance.

This Notice shall include the name of the Contractor who will be responsible for the construction works, and the name of the Supervising Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.

Reason: to ensure Council's City Works Directorate is notified about the intention of commencing drainage works.

92. **Notification to adjacent properties – Council Drainage Works** - The Applicant shall provide the adjoining owners and occupiers written notice of the proposed Council drainage works, a minimum two weeks prior to commencement of construction. The notice is to include a contact person name and number should adjoining owners and occupiers have any enquiries in relation to the construction works.

All structures and surface areas affected by the drainage connection works must be reinstated at the completion of this activity, at no cost to the affected property owner.

Reason: to ensure adjacent properties are notified about the intention of commencing drainage works.

93. **Work Zones and Permits.** Prior to commencement of the associated works, the applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane.

Reason: Specific activities on public roads where Council is the consent authority requires Council approval prior to such activities being undertaken.

94. **Road Occupancy Licence.** Prior to commencement of the associated works, the applicant shall obtain a Road Occupancy License from Transport Management Centre for any works that may impact on traffic flows on a State Road (e.g. lane closures, etc.) and/or within 100m of a signalised intersection.

Reason: Transport for NSW requirement.

95. **Notice of Intention to Commence Public Domain Works –** Prior to commencement of the public domain works, a *Notice of Intention to Commence Public Domain Works* shall be submitted to Council's City Works Directorate. This Notice shall include the name of the Contractor who will be responsible for the construction works, and the name of the Supervising Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.

Note: Copies of several documents are required to be lodged with the Notice; no fee is chargeable for the lodgement of the Notice.

Reason: Ensure compliance and record of works

96. **Notification of adjoining owners & occupiers – public domain works -** The Applicant shall provide the adjoining owners and occupiers written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.

Reason: Ensure compliance and record of works

97. **Pre-construction inspection -** A joint inspection shall be undertaken with Council's Engineer from City Works Directorate prior to commencement of any public domain works. A minimum 48 hours' notice will be required when booking for the joint inspection.

Reason: Ensure compliance and communicate Council's requirements

98. **Pre-Construction Dilapidation Report** - To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable.

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

The report is to be dated and submitted to, and accepted by Council's City Works Directorate, prior to any work commencing.

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

Reason: Protection of Council's infrastructure

99. **Road Activity Permits** - To carry out work in, on or over a public road, the Consent of Council is required as per the *Roads Act 1993*. Prior to the commencement of the relevant works and considering the lead times required for each application, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Public Domain Works*.

- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
- b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. **A Roads and Maritime Services Road Occupancy Licence shall be obtained for State Roads.**
- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant

are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.

- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period be extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips.

Reason: Legal requirement

100. **Temporary Footpath Crossing** - A temporary footpath crossing, if required, must be provided at the vehicular access points. It is to be 4 metres wide, made out of sections of hardwood with chamfered ends and strapped with hoop iron, and a temporary gutter crossing must be provided.

Reason: Ensure public amenity and safety

101. **Ryde Traffic Committee Approval** - A plan showing details of the proposed signage and line marking, and/or traffic devices including pedestrian refuge, pedestrian crossing or LATM measures, shall be submitted to the Council and approved by the Ryde Traffic Committee prior to the installation of any traffic devices, signage and linemarking.

102. **Development** to be within site boundaries. The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Any doors/ gates on the boundary must be installed so they do not open onto any footpath.

Reason: To maintain public safety and amenity in public domain areas adjoining the development site.

103. **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.

Reason: Statutory requirement.

104. **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.

Reason: To ensure notice to given to adjoining owners prior to excavation works.

105. **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.

Reason: To ensure to site is safely secured.

106. No machine excavation is permitted within the easement without Ausgrid's express permission.

Reason: To ensure Ausgrid's infrastructure is protected.

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.

107. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by SGC Consulting Engineers Pty Ltd (Refer to Project No. 20210352 Dwgs SW100, SW200-SW203, SW300, SW400 & SW500 Rev A dated 3 December 2021) submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.

Reason: To ensure the stormwater system is constructed as approved

108. **Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.

Reason: To prevent soil erosion and the discharge of sediment over the land.

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

Reason: To ensure that the excavation works are undertaken appropriately throughout the period of construction.

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

Reason: To ensure that site dewatering is undertaken appropriately throughout the period of construction.

111. **Stormwater - Hold Points during construction – Council Drainage Works –** Council requires inspections to be undertaken by a suitably qualified Chartered Civil

Engineer (registered on the NER of Engineers Australia), or equivalent, for all Council stormwater drainage works and/or for all stormwater drainage works in Council's land.

The Applicant shall submit to the Principal Certifying Authority, certification from the Engineer, at each stage of the inspection listed below, stating all civil and structural construction works have been executed as detailed in the stamped approved plans, and in accordance with the relevant Australian Standards, City of Ryde standards and specifications within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

- a) Upon backfilling of excavated areas and prior to the construction of the final pavement surface.
- b) Upon/during connection to Newly constructed Council's Kerb Inlet Pit.
- c) Final inspection - upon the practical completion of all drainage and associated works (including road pavements, kerb & gutters, footpaths and driveways) with all disturbed areas satisfactorily restored.

Reason: to ensure construction works satisfy Council's DCP and Australian Standards requirements.

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

Reason: This condition is to ensure that the measures/protocols stated in the approved CPTMP are carried out by the builder during construction.

113. **Hold Points during construction - Public Domain** – Council requires inspections to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.

The Applicant shall submit to Council's City Works Directorate, certification from the Engineer, at each stage of the inspection listed below, within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

- a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
- b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
- c) Upon compaction of the applicable sub-base course.

- d) Upon compaction or construction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course).
- e) Upon installation of any formwork and reinforcement for footpath concrete works.
- f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

Reason: Ensure compliance with relevant standards

114. **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*.

Reason: Statutory requirement.

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

Reason: To retain the acoustic amenity of neighbouring residential properties.

116. **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.

Reason: To ensure all works are located on the subject site.

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

Reason: To protect the environment and the amenity of surrounding properties.

118. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.

Reason: To protect the environment.

119. **Construction materials.** All materials associated with construction must be retained within the site.

Reason: To ensure safety and amenity of the area.

120. **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.

Reason: Statutory requirement.

121. **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.

Reason: To ensure the site is appropriately maintained.

122. **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".

Reason: To ensure works do not disrupt pedestrians and vehicular traffic.

123. **Tree Retention.** The following trees as referenced within the Arboricultural Impact Assessment prepared by The Tree Guardian dated 13th May 2022 must be retained and protected: Trees 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 19, 29 & 30

Reason: To ensure all trees nominated for retention on the approved plan are appropriately retained and protected.

124. **Tree Removal.** The following trees as referenced within the Arboricultural Impact Assessment prepared by The Tree Guardian dated 13th May 2022 are approved for removal: Trees 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27 & 28

Reason: To ensure all trees nominated for removal on the approved plan are appropriately removed.

125. **Tree Protection Plan and Specification.** A dedicated and detailed Tree Protection Plan & Specification is to be prepared by an AQF Level 5 Arborist who is registered with either Arboriculture Australia or the Institute of Australian Consulting Arboriculturists. This document is to provide details and guidance as to how existing trees to be retained are to be protected during the demolition, excavation and construction works. This document is to take into consideration all trees within neighbouring property allotments and within the public domain which may be affected by the proposal. The Tree Protection Plan & Specification is to be submitted to Council for review and approval prior to issuance of Construction Certificate.

Reason: To provide a suitable framework and guidance for tree protection prepared by a qualified professional.

126. **Tree Protection.** All tree protection works for trees nominated for retention including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site.

Reason: To ensure suitable tree protection is in place prior to the commencement of any demolition works.

127. **Tree Protection Fencing.** All protective fencing and signage around TPZs must be located in accordance with AS4970: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.

Reason: To provide suitable protection fencing for trees nominated for retention.

128. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites and the Arboricultural Impact Assessment prepared by The Tree Guardian dated 13th May 2022. 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 by the Project Arborist throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.

Reason: To ensure a suitably qualified Arborist is appointed and made responsible for the protection of trees.

129. **Stormwater Trench/Pit Locations - General.** The alignment of stormwater infrastructure is to be located as far away from existing trees to be retained as practical. Should the excavation for the stormwater pits and trenches conflict with any major structural roots (greater than >25 mm diameter) of existing trees, their location and alignment is to be modified in consultation with the Project Arborist to avoid impact. Under no circumstances should roots be severed or cut without prior approval from the Project Arborist.

Reason: To ensure excavation works associated with stormwater infrastructure do not result in damage to existing tree roots.

130. **Underground Utilities.** Any utility services to be located underground within the TPZ are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >25 mm diameter). To prevent soil compaction and root damage these works should be conducted with nonmotorised hand tools or directional drilling.

Reason: To ensure excavation works associated with services installation do not result in damage to existing tree roots.

131. **Demolition & Excavation within TPZ.** Any demolition and excavation or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual, non-motorised hand tools and under the supervision of the Project Arborist. Roots greater than 25mm are not to be damaged or severed without the

prior written approval of the Project Arborist.

Reason: To ensure all demolition and excavation works do not result in damage to existing tree roots.

132. **Fill Requirements.** All fill to be placed within the Tree Protection Zones of neighbouring trees is to be gap graded structural soils which allows for gaseous exchange and future root growth. The Project Arborist is to confirm suitability of the proposed material prior to installation.

Reason: To ensure any fill to be placed within root zones is of a suitable type to minimise impacts to existing trees.

133. **Root Pruning.** Where root pruning is required, roots shall be severed with clean, sharp pruning implements and retained in a moist condition during the construction phase using hessian material or mulch where practical. Severed roots shall be treated with a suitable root growth hormone.

Reason: To reduce the stress and negative impacts caused by any root pruning required for construction.

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

135. **Ausgrid 24 hour access.** Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset.

136. No machine excavation is permitted within the easement without Ausgrid's express permission.

137. During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.

138. The proposed finished ground levels within the easement must provide a minimum of 600mm cover to the 11kV Distribution Cables.

139. The proposed finished ground levels within the easement must provide a minimum of 500mm cover to the Low Voltage Cables.

Contamination:

140. **Compliance with contamination report** - All requirements, nominated in the Contamination Report *Detailed Site Investigation, Report E2259-1, 23 May 2022*, prepared by Geotechnical Consultants Australia and any related project documentation must be implemented.

Reason: To demonstrate compliance with submitted reports

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

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health

Acoustics:

142. **Noise control measures** - All noise control measures, including construction noise mitigation and child care centre requirements, nominated in the Acoustic Report - *Noise Impact Assessment Mixed Use Development – 130 Pittwater Road & 57 Thompson Street Gladesville*, Report No. 201167_NIA_Rev4, November 2022, prepared by Benbow Environmental and any related project documentation must be implemented.

Waste:

143. **Storage and removal of wastes** - All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals.

Reason: To prevent any nuisance or danger to health, safety or the environment.

144. **General requirements for liquid and solid waste** - Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999). NSW EPA Waste Classification Guidelines

Reason: To prevent pollution of the environment.

145. **Contaminated soil disposal** - All potentially contaminated soil excavated during demolition or construction work must be stockpiled in a secure area and be assessed and classified in accordance with the *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) before being transported from the site.

Reason: To ensure appropriate disposal of contaminated soil.

146. **Hazardous/intractable waste disposal** - Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the EPA, and with the provisions of:

- (d) Work Health and Safety Act 2011
- (e) NSW Protection of the Environment Operations Act 1997 (NSW) and
- (f) NSW Department of Environment and Climate Change Environmental Guidelines; NSW EPA Waste Classification Guidelines

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

147. **Contaminated waste to licensed EPA landfill** - Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

148. **Waste data maintained** - A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

Reason: To confirm waste minimisation objectives are met.

149. **Polluted water excavation - analysis before discharge** - Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and Australian & New Zealand Guidelines for Fresh & Marine Water Quality. Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason: To prevent pollution of waterways.

150. **De-watering of Excavated Sites** - Any site excavation areas must always be kept free of accumulated water. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate.

Reason: To protect against subsidence, erosion and other nuisances.

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.

151. **Stormwater - Council Drainage Works – Post Construction Certifications -**

Following completion of the final stage of the drainage and associated works and prior to the issue of the Occupation Certificate, the applicant shall submit all certifications from the Supervising Engineer for each hold point inspection required for the drainage works, as outlined in the condition for “Stormwater - Hold Points during construction – Council Drainage Works”, to Council’s City Works Directorate for written acceptance.

The certificates shall contain photographs of the completed works and commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

Reason: To ensure the public infrastructure works have been completed following all quality requirements.

152. **Stormwater – Council Drainage Works - Works-as-Executed Plans -** To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, and that the assets to be handed over to Council are accounted for inclusion in Council's Assets Register, Works-as-Executed Plans (in both hard and soft copies - AutoCAD, CivilCAD, Civil 3D, 12D or any other commercially used program), certified by a Registered Surveyor shall be submitted to, and accepted by Council in writing, with any rectifications required by Council to be completed by the Developer prior to the issue of any Occupation Certificate.

The Works-as-Executed Plans are to note all departures clearly in red, on a copy of the approved Construction Certificate drawings, and certification from a suitably qualified Civil Engineer shall be submitted to support all variations from the approved plans.

Reason: To ensure the public infrastructure works are completed in accordance with the approved plans and specifications

153. **Stormwater - Post-Construction CCTV Report** - To ensure Council's stormwater infrastructures are adequately protected, there are no damages and no protruding pipe inside Council's pipeline due to proposed construction activities and property drainage connection, a post-construction CCTV report on the Council's stormwater pipeline through the proposed development site and the existing kerb inlet pit in front of the property is to be submitted to Council.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing drainage line adjacent to the site is required. The report is to be dated and submitted to, and accepted by Council's City Works Directorate, prior to issue of the Occupation Certificate.

The report shall be used by Council to compare with the pre-construction CCTV footage report, and to assess whether any rectification works will be required to Council's satisfaction at no cost to Council. The applicant shall obtain written approval from a Council Engineer prior to the issue of the Occupation Certificate.

Note: The applicant shall contact Council's Stormwater and Catchments section to obtain a map of Council's existing stormwater network in the vicinity prior to conducting the CCTV survey.

All fees and charges associated with the review of the report shall be in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the report is submitted. The applicable fee is for 2.0 hour of Staff Time (payment receipt to be attached with the CCTV submission).

Reason: to verify the post-construction condition of Council's drainage assets.

154. **Final Inspection – Council Drainage Assets Handover** - For the purpose of the handover of the trunk drainage assets to Council, a final inspection shall be conducted in conjunction with Council's Stormwater Assets Engineer from City Works Directorate following the completion of the Council Drainage Works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the trunk drainage Works.

Note: An inspection fee is applicable for each visit, and at least 48 hours' notice will be required for the inspections. Please contact Council's Customer Service Section on 9952 8222 to book an inspection subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

Reason: to verify the new drainage asset/s have been built as per Council's standards.

155. **Restoration – Supervising Engineer's Certificate** - Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council a certificate from the

Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular crossings as a result of the construction works associated with this development site, have been completed in accordance with the Council's standards and specifications, and DCP (2014) Part 8.5 Public Civil Works, or the Roads and Maritime Services' standards and specifications, where applicable.

Reason: to verify the new drainage asset/s have been built as per Council's standards.

156. **Signage and Linemarking – External.** Any alterations to the public domain that results in a change to the parking and traffic conditions requires a signage and linemarking plan prepared by a suitably qualified traffic engineering consultant to be submitted to Council for endorsement by Ryde Traffic Committee and subsequent approval by Council, prior to the issue of any Occupation Certificate.

Note: The applicant is advised that Ryde Traffic Committee generally meets once a month. As such, adequate time should be allowed for the review and approval process.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's latest Schedule of Fees and Charges.

Reason: This condition is to ensure that changes to the traffic and parking conditions within the surrounding public road network as a consequence of the development is appropriately managed to minimise the impact to public safety and amenity.

157. **Signage and Linemarking (External) – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by Council. These works are to be undertaken prior to the issue of any Occupation Certificate.

Reason: This condition is to ensure that the works outlined in the approved signage and linemarking plan are installed, prior to the development being occupied.

158. **Loading Dock Management Plan.** An updated Loading Dock Management Plan shall be prepared by the applicant and submitted to and approved by Council's Transport Department prior to the issue of any Occupation Certificate. The plan must specify that the vehicles permitted to access the loading dock shall be no longer than 10.8m in length.

The Plan will need to demonstrate how the internal loading dock will be managed to ensure servicing arrangements including waste collection will be wholly accommodated within the site without interfering with the safety of all road users and the efficiency of traffic movements on the public road (including verge). Vehicle queuing on any public road is not permitted.

All fees and charges associated with the review of this plan are to be paid in accordance with Council's latest Schedule of Fees and Charges.

Reason: This condition is intended to assist with minimising the impact of site servicing activities primarily associated with deliveries and refuse collection on the surrounding public roads.

159. **Vehicle Footpath Crossing and Gutter Crossover – Construction** - The proposed vehicle footpath crossing and gutter crossover shall be constructed prior to the issue of any Occupation Certificate at no cost to Council. Works may include the removal of any redundant vehicle footpath crossing and gutter crossover and reinstatement of kerb and gutter and restoration of road pavement.

Any adjustment or relocation of underground utilities as a result of the driveway construction must be carried out in accordance with the requirements of the utility authority. Minimum cover requirements of utility authorities must be maintained.

Reason: Improved access and public amenity

160. **Compliance Certificate – Vehicle Footpath Crossing and Gutter Crossover** - A Compliance Certificate shall be obtained from Council's City Works Directorate and a copy submitted to the Principal Certifier prior to the issue of any Occupation Certificate, confirming that the vehicle footpath crossing and gutter crossover have been constructed in accordance with the Council's standards and requirements. Fees are payable for the issue of the Compliance Certificate, in accordance with Council's Schedule of Fees and Charges.

Reason: Ensure Compliance

161. **Public Domain Improvements and Infrastructure Works – Completion** – All public domain improvements and infrastructure works shall be completed to Council's satisfaction, in accordance with the approved public domain plans and at no cost to the Council, prior to the issue of any Occupation Certificate.

Reason: Ensure Compliance

162. **Restoration – Supervising Engineer's Certificate** - Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council a certificate from the Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular crossings as a result of the construction works associated with this development site, have been completed in accordance with the Council's standards and specifications, and DCP2014 Part 8.5 *Public Civil Works*, or the Roads and Maritime Services' standards and specifications, where applicable.

Reason: Ensure public safety and protection of infrastructure

163. **Electricity accounts for new street lighting** - Prior to the issue of any Occupation Certificate, the Applicant shall liaise with Council's Public Domain Development Section regarding the setting up of the electricity account/s in order to energise the newly installed street lighting.

Reason: Public amenity and safety

164. **Compliance Certificates – Street Lighting** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a *Certificate of Compliance - Electrical Work (CCEW)* from the Electrical Contractor, and certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

Reason: Ensure Compliance

165. **Compliance Certificate – External Landscaping Works** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Landscape Architect confirming that the public domain landscaping works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

Reason: Ensure Compliance

166. **Public Domain Works-as-Executed Plans** – To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, Works-as-Executed (WAE) Plans shall be submitted to Council for review and approval. The WAE Plans shall be prepared on a copy of the approved plans and shall be certified by a Registered Surveyor. All departures from the Council approved details shall be marked in red with proper notations. Any rectifications required by Council shall be completed by the Developer prior to the issue of any Occupation Certificate.

In addition to the WAE Plans, a list of all infrastructure assets (new and improved) that are to be handed over to Council shall be submitted in a form advised by Council. The list shall include all the relevant quantities in order to facilitate the registration of the assets in Council's Asset Registers.

Reason: Record of Completed Works

167. **Registered Surveyor Final Certificate** – Upon completion of all construction works, and before the issue of any Occupation Certificate, a Certification from a Registered Surveyor must be submitted to Council, stating that all works (above and below ground) are contained within the site's land boundary.

Reason: Ensure Compliance and no encroachments

168. **Supervising Engineer Final Certificate** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

Reason: Ensure Compliance

169. **Supervising Engineer Final Certificate** – Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

Reason: Ensure Compliance

170. **Post-Construction Dilapidation Report** – To ensure Council's infrastructures are adequately protected a post-construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.

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

The report shall include summary statement/s comparing the pre and post construction conditions of the public infrastructure. The report is to be dated and submitted to, and accepted by Council's City Works Directorate, prior to issue of the Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, and to assess whether restoration works will be required prior to the issue of the Compliance Certificate for External Works and Public Infrastructure Restoration.

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

Reason: Protection of public assets

171. **Decommissioning of Ground Anchors** – Prior to the issue of any Occupation Certificate, the Applicant shall provide Council a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve stratum.

Reason: Ensure compliance for protection of public assets

172. **Final Inspection – Assets Handover** - For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer from City Works Directorate following the completion of the external works. Defects found at such inspection shall be rectified by the Applicant prior to Council issuing the Compliance Certificate for the External Works. Additional

inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.

A minimum 48 hours' notice will be required when booking for the final inspection.

Reason: Ensure Compliance

173. **Compliance Certificate – External Works and Public Infrastructure Restoration** – Prior to the issue of any Occupation Certificate, a compliance certificate shall be obtained from Council's City Works Directorate confirming that all works in the road reserve including all public domain improvement works and restoration of infrastructure assets that have dilapidated as a result of the development works, have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this Certificate in accordance with Council's Schedule of Fees and Charges at the time of issue of the Certificate.

Reason: Ensure Compliance

174. **Parking Management Plan – Basement Level 2**

A Parking Management Plan for Basement Level 2 is to be prepared by a suitably qualified traffic and parking engineer. This Parking Management Plan is to be submitted to the Executive Manager City Development at the City of Ryde Council for assessment and approval. The Parking Management Plan is to address:

- Access control to the respective child care centre and medical centre car parking spaces.
- The hours of operation of the boom gates to the child care centre and medical centre.
- The operational arrangements for the roller shutter with respect to securing the basement outside of operating hours for the child care centre and medical centre.
- Wayfinding and signposting are required for each car parking basement to help visitors avoid entering the incorrect car park.
- Marking of parking spaces for the child care centre and medical centre to avoid visitors parking in incorrectly allocated spaces.
- Signposting prohibiting parking within Basement Level 2 for customers and staff associated with the supermarket, shops, and café.

Reason: To ensure orderly use of the car parking in Basement Level 2, and also ensure Basement Level 2 is only used by the medical centre and child care centre.

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

Reason: To ensure that the landscape works are consistent with the Development Consent.

176. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This

certificate must be prominently displayed in the building and copies must be sent to Council and the Fire and Rescue NSW.

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

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

177. **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**.
178. **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.

Reason: Statutory requirement.

179. **Letterboxes and street 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.

Reason: To ensure consistency with Council’s requirements for street numbering.

Food Premises:

180. **Registration childcare centre kitchen and retail food businesses (Council) -** Prior to an Occupation Certificate being issued, food businesses must submit a food business registration with Council.

Reason: Compliance with the requirements of the Food Act.

181. **Certify fit-out childcare centre kitchen and retail food businesses complies with food safety standards -** Certification to be provided to the principal certifying authority (PCA), prior to occupation, that the fit-out of the food premises has been

completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004.

It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.

Reason: To ensure construction and fit-out of the premises meets relevant public health standards.

Contamination:

182. **Compliance with contamination report** - Prior to the issue of an occupation certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Ryde Council, stating that all works/methods/procedures/control measures approved by Council and nominated in the report *Detailed Site Investigation, Report E2259-1, 23 May 2022*, prepared by Geotechnical Consultants Australia and any related project documentation have been completed.

Reason: To demonstrate compliance with submitted reports

Acoustics:

183. **Compliance with acoustic report** - Prior to the issue of an occupation certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Council, stating that all works/methods/procedures/control measures approved by Council and nominated in the report *Noise Impact Assessment Mixed Use Development – 130 Pittwater Road & 57 Thompson Street Gladesville, Report No. 201167_NIA_Rev4, November 2022*, prepared by Benbow Environmental and any related project documentation have been completed.

Reason: To demonstrate compliance with submitted reports

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.

184. **Implementation of Loading Dock Management Plan.** All vehicle ingress and/or egress activities are to be undertaken in accordance with the approved Loading Dock Management Plan. Vehicle queuing on public road(s) or outside of the loading dock is not permitted.

Reason: This condition is to ensure that the measures outlined in the approved loading dock management plan is implemented.

185. **Stormwater Management** – Implementation of maintenance program. The stormwater management system components are to be maintained for the ongoing life of the development by the strata management/ owners corporation, as per the details in the approved drainage system maintenance plan (DSMP).

Reason: To ensure the stormwater management system is appropriately maintained for the life of the development.

186. **Number of children** – the centre-based child care facility is restricted to a maximum of 53 children.

Reason: To ensure compliance with Regulation 107 of the Education and Care Services National Regulations.

187. **Number of staff** – the centre-based child care facility is restricted to a minimum of 8 staff members at any one time.

Reason: To ensure comply with the Education and Care Services National Regulations.

188. **Medical centre** – the medical care is limited to a maximum of 4 doctors and 4 staff members at any one time.

Reason: To ensure adequate parking can be provided on site to support the development.

189. **Distribution Hub.** The area labelled distribution hub on the ground floor plan can only be used for the purpose of storage for the liquor premises. This area is not to be used for habitable floor space.

Reason: To ensure parking provided on site can service the development.

190. **Supermarket Trading Floor Area.** The trading floor area of the supermarket is limited to 950m².

Reason: To ensure parking provided on site can service the development.

191. **Shopping Trolley Management Plan.** Council requires all businesses providing the use of shopping trolleys for use by their customers to have in operation a Shopping Trolley Management Plan. This plan must incorporate an appropriate shopping trolley management system. This means that retailers and retail landlords are required to introduce a system specifically designed for that business to take all reasonable and practical means to adequately manage the supply and retrieval of shopping trolleys.

Reason: to ensure shopping trolleys on site are appropriately managed by the retailer.

192. **Shopping trolley bays.** Shopping trolley bays are to be provided in accordance with the approved plans.

Reason: To ensure a sufficient number of trolley bays are provided to support the development.

193. **Shopping trolleys.** Shopping trolley technology must be utilised for the supermarket to ensure no trolleys are able to be taken outside of the site. This includes, but is not limited to trolley jamming technology.

Reason: to ensure the amenity and safety of the neighbouring locality is maintained.

194. **Shopping trolleys.** Shopping trolleys must be clearly labelled with the retailer's name.

Reason: to ensure the retailer is accountable for their shopping trolleys.

195. **Abandoned shopping trolleys.** Shopping trolleys that have been removed from the site and abandoned in public places may be collected and impounded by Council. Where shopping trolleys have been impounded, the retailer identified as owning the trolley will receive an Impoundment Notice and will be required to pay a fee to release the impounded trolley/s.

Reason: to ensure the retailer is accountable for their shopping trolleys.

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

Centre Based Child Care Facility

- 7am to 7pm (Monday-Friday) (excluding public holidays).

Medical Centre

- 7am to 7pm (Monday-Sunday)

Liquor Premises

- 6am to 10pm (Monday-Sunday)

Major Retail

- 6am to 12am (Monday-Sunday)

Food and Drink Premises

- 6am to 10pm (Monday- Sunday)

Reason: To ensure the acoustic amenity of the local area is retained.

197. Access to Basement Level 2 Parking.

The roller shutter at the base of the driveway ramp descending the basement level 2 parking area must remain open for all hours of operation of the medical centre and child care centre. Additionally, the restricted parking system on this level must offer unrestricted parking (in terms of time and money) for the hours of operation of the medical centre and child care centre. Parking in Basement Level 2 for all other land uses on site is not permitted.

Reason: To ensure car parking in Basement Level 2 is only used by the medical centre and child care centre.

198. Offensive noise. The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.

Reason: To protect the amenity of neighbouring properties.

199. Waste storage/disposal – hours of collection. Waste and recyclable material generated by these premises must not be collected between the hours of 9pm and 8am on any day.

200. Waste storage/disposal – method. All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

201. Waste storage/disposal – containers. An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.

202. Waste storage/disposal – recycling. Wastes for recycling should be stored in separate bins or containers and transported to a facility where the wastes will be recycled or re-used.

203. Delivery and loading/unloading – hours. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 7am on any day.

204. Delivery and loading/unloading – location. All loading and unloading in relation to the use of the premises shall take place wholly within the property at the ground floor loading dock accessed via Pittwater Road.

205. Loading areas. Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.

206. No approval is granted in this consent for general or third party advertising which is prohibited.

Food Premises:

207. **Food premises** - The operation of the premises is to comply with the relevant provisions of the Food Act 2003, Food Regulation 2015 and the Australia New Zealand Food Authority Food Standards Code.

Reason: To ensure operation of the premises complies with the relevant legislation and standards.

Acoustics:

208. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:

- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).
- (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
- (c) The transmission of vibration to any place of different occupancy.

Reason: To prevent loss of amenity to the area.

209. **No 'offensive noise'** - Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.

Reason: To reduce noise levels.

210. **Noise from mechanical equipment** - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

211. **Management Plan** – Any requirements regarding site operations nominated in the acoustical consultant's report and any related project documentation (eg. Use of outdoor play areas) must be implemented and included in a site management plan or a specific noise management plan.

Waste:

212. **Management of waste storage facilities** - All waste storage areas are to be maintained in a clean and tidy condition at all times.

Reason: To ensure the ongoing management of waste storage areas.

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

Reason: To ensure the ongoing management of waste storage areas.

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

Reason: To ensure waste is adequately stored within the premises.

215. **Storage of bins between collection periods** - Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

Reason: To ensure waste is adequately stored within the premises.

216. **Remove putrescible waste at sufficient frequency** - All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

Reason: To ensure provision of adequate waste disposal arrangements.

16 August 2023

TfNSW Reference: SYD22/00156/03
Council Reference: LDA2022/0023 (CNR-35290)

Mr George Dedes
The General Manager
City of Ryde Council
Locked Bag 2069
NORTH RYDE NSW 1670

Attention: Kimberley Kavwenje

**PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD AND 57 THOMPSON STREET, GLADESVILLE**

Dear Mr Dedes,

Reference is made to the Council's referral dated 26 July 2023 regarding the abovementioned application, which was referred to Transport for NSW (TfNSW) in accordance with Clauses 2.119 and 2.122 of *State Environmental Planning Policy (Transport & Infrastructure) 2021*.

TfNSW has reviewed the submitted documents and notes there are no significant changes proposed with regard to the access arrangements nor to the likely traffic impact on the surrounding road network compared to the previous plans. As such, TfNSW advises that the conditions of its previous letter dated 14 September 2022 (**Attachment A**) remain applicable to the proposed development.

Should you have any further inquiries in relation to this matter, please do not hesitate to contact Hans Pilly Mootanah, Land Use Planner by email at development.sydney@transport.nsw.gov.au.

Yours sincerely,



Rachel Davis
Senior Land Use Planner
Land Use Assessment Eastern
Planning and Programs, Greater Sydney Division

OFFICIAL

Attachment A

Transport

14 September 2022

TfNSW Reference: SYD22/00156/02
Council Reference: LDA2022/0023 (CNR-35290)

George Dedes
The General Manager
City of Ryde Council
Locked Bag 2089
NORTH RYDE NSW 1670

Attention: Kimberley Kavwenje



**PROPOSED MIXED USE DEVELOPMENT
130 PITTWATER ROAD AND 57 THOMPSON STREET, GLADESVILLE**

Dear Mr Dedes,

Reference is made to the Council's referral dated 23 August 2022 regarding the abovementioned application, which was referred to Transport for NSW (TfNSW) in accordance with *Clause 118 of State Environmental Planning Policy (Transport & Infrastructure) 2021*

TfNSW has reviewed the submission and advises that Pittwater Road, at this location, is a 2000 series regional classified road under the care and control of Council. However, concurrence under section 138 of the Roads Act, 1993 is required from TfNSW for the proposed driveway on Pittwater Road.

Having regard for the above, TfNSW has reviewed the application and provides concurrence to the proposed driveway on Pittwater Road, subject to the following conditions:

1. The design and construction of the vehicular crossing on Pittwater Road shall be in accordance with Council's requirements.
2. Vehicles are to enter and exit the site in a forward direction.
3. Vehicles are to be wholly contained on site before being required to stop.
4. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Pittwater Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

Should you have any further inquiries in relation to this matter, please do not hesitate to contact Hans Pilly Mootanah, Land Use Planner by email at development.sydney@transport.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "J Hall".

James Hall
Senior Land Use Planner
Land Use Assessment Eastern
Planning and Programs, Greater Sydney Division

27-31 Argyle Street Parramatta NSW 2150
PO Box 973 Parramatta CBD NSW 2124

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TELEPHONE: 13 13 65
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24-28 Campbell St
Sydney NSW 2000
All mail to
GPO Box 4009
Sydney NSW 2001
T +61 2 13 13 65
ausgrid.com.au

This letter is Ausgrid's response under clause 45(2) of the State Environmental Planning Policy (Infrastructure) 2007.

Ausgrid does not object to the proposed development.

The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.

Ausgrid Overhead Powerlines are in the vicinity of the development

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected to be entering and leaving the site.

The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website:

www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details:

<https://www.ausgrid.com.au/Connections/Get-connected>

Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au

Regards,
Ausgrid Development Team

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Tuesday, 15 August 2023

Town Planning
City of Ryde Council Ryde, NSW, 2112
Email: SohailF@ryde.nsw.gov.au



Dear Sohail,

Subject: S8.3 review to the refusal of LDA2022/0023 for the demolition of all existing structures to construct a 2-3 storey mixed use development over two adjoining lots at 130 Pittwater Road and 57 Thompson Street Gladesville.

Application No: APL2023/0003

Police Ref: D/2023/812410

We refer to your development application for S8.3 review to the refusal of LDA2022/0023 for the demolition of all existing structures to construct a 2-3 storey mixed use development over two adjoining lots at 130 Pittwater Road and 57 Thompson Street Gladesville.

The Crime Prevention Officers have reviewed the development application. A CPTED has not been supplied as part of the development application

In April 2001 the NSW Minister for Planning introduced Crime Prevention Guidelines to Section 79C of the Environmental Planning and Assessment Act, 1979. These guidelines require consent authorities to ensure that development provides safety and security to users and the community. 'If a development presents a crime risk, the guidelines can be used to justify modification of the development to minimize crime risk, or, refusal of the development on the grounds that crime risk cannot be appropriately minimised'.

The Guidelines contain two parts. 'Part A details the need for a formal crime risk assessment (Safer by Design Evaluation) to be done in conjunction with trained police, and Part B outlines basic Crime Prevention Through Environmental Design (CPTED) principles and strategies that can be used by consent authorities to justify the modification proposals to minimize risk'. (DUAP 2001:2).



Crime Prevention Through Environmental Design (CPTED)

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

Predatory offenders often make cost-benefit assessments of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

Maximize risk to offenders (increasing the likelihood of detection, challenge and apprehension).

Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime)

Minimise the actual and perceived benefits of crime (removing, minimizing or concealing crime attractors and rewards) and

Minimise excuse making opportunities (removing conditions that encourage/facilitate rationalization of inappropriate behaviour)

CPTED employs four key strategies. These are surveillance, access control, territorial re-enforcement and space/activity management.

Surveillance

Natural surveillance is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting. *Natural surveillance* is a by-product of well-planned, well-designed and well-used space.

Technical/mechanical Surveillance is achieved through mechanical/electronic measures such as CCTV, help points and mirrored building panels. *Technical/mechanical surveillance* is commonly used as a 'patch' to supervise isolated, higher risk locations. *Formal (or Organised) Surveillance* is achieved through the tactical positioning of guardians. An example would be the use of on-site supervisors at higher risk locations.

General Comments:

In the proposal it stated that there would be CCTV installed on the external part of the development, however it did not stipulate where or whether there would be CCTV installed internally.

Recommended Conditions:

It is recommended that the premises install CCTV cameras as outlined below:

1. The applicant must install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. The cameras should also monitor the 50 metre vicinity outside the building including, but not limited to, the footpath area in front of the premises. CCTV cameras should also cover any communal areas, lifts, public spaces, retail and commercial space and the basement car parks. Recordings should be made twenty-four (24) hours a day seven (7) days a week.

2. As a minimum, CCTV cameras at entry and exit points to the premises **MUST** record footage of a nature and quality in which it can be used to **identify** a person recorded by the camera. All other cameras **MUST** record footage of a nature and quality in which it can be used to **recognise** a person recorded by the camera.

3. The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.
4. If requested by police, the applicant or body corporate is to archive any recording until such time as they are no longer required.
5. Recordings are to be made in a common media format such as Windows Media Player or similar or should be accompanied by applicable viewing software to enable viewing on any windows computer.
6. The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel.
7. If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.
8. CCTV should be installed throughout the basement car park area and should include the entry and exit points to the car park.

Lighting

There is a proven correlation between poor lighting, fear of crime, the avoidance of public places and crime opportunity (Painter, 1997). Good lighting can assist in increasing the usage of an area. There was minimal indication of lighting with the plans, which were reviewed to indicate the lighting proposals for the development.

General Comments:

Lighting should be designed to the Australian and New Zealand Lighting Standards. A lighting maintenance policy needs to be established for the development. Australia and New Zealand Lighting Standard 1158.1 – Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.

Recommended Conditions of Consent:

The areas around the entrances should be well lit and that all lighting should be designed to Australian and New Zealand Lighting standards.

Sensor lighting should be installed into areas that may be areas of concealment.

The walls and ceilings of the car park areas should be painted a light colour. This can assist in reducing power consumption in order to comply with the Australia New Zealand Standards – Lighting. It also ensures that the lighting within the car park is consistent without creating dark areas of the car park which can often be a target for criminal activity.

Territorial Re-enforcement

Criminals rarely commit crime in areas where the risk of detection and challenge are high. People who have guardianship or ownership of areas are more likely to provide effective supervision and to intervene in crime than passing strangers. Effective guardians are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for it. *Territorial Re-enforcement* uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/not be and what activities are appropriate.

General Comments

Confusion resulting from vague entry design can legitimise exploration, trespassing and excuse making by

opportunistic criminals. Entries should be legible and inviting.

Effective signage and directions will provide guidance to visitors in locating main areas and keep them away from restricted areas.

Signs can also assist in controlling activities and movements throughout the premises. Signage should *reinforce* (not be an alternative to) effective design.

Recommended Conditions of Consent:

A street sign should be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124, Order No.8.

Signage also needs to be provided at entry/exit points and throughout the development to assist users. Clear signage should indicate residential and restricted areas.

Signage also needs to be provided on any fire exit doors warning users that the doors are to be used for emergency purposes only.

Signage is to be used to indicate entries and exits. Signs should be clear, legible and useful.

Signs should be erected in the car parks and near entry and exit points which details security measures and reminds people to lock their vehicles and remove valuables from their vehicles.

Location maps should be used throughout the complex to indicate to visitors where they are.

Environmental Maintenance

All space, even well planned and well-designed areas need to be effectively used and maintained to maximize community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.

Recommended Conditions of Consent

As malicious damage (graffiti) is often an offence caused to such developments strong consideration must be given to the use of graffiti resistant materials to assist in the quick removal of such attacks.

A maintenance policy should be established for this development.

Good signage with clear instructions in relation to way finding should be erected within the basement car park areas.

Access Control

Access control treatments restrict, channel and encourage people and vehicles into, out of and around the development. Way-finding, desire-lines and formal/informal routes are important crime prevention considerations.

Access control is used to increase the time and effort required to commit crime and to increase the risk to criminals. *Natural access control* includes the tactical use of landforms and waterways features, design measures including building configuration; formal and informal pathways, landscaping, fencing and gardens. *Technical/Mechanical access control* includes the employment of security hardware and *Formal (or Organised) access control* includes on-site guardians such as employed security officers.

General Comments:

Natural ladders are building features, trees or nearby structures that can help a criminal to climb to balconies, rooftops, ledges and windows.

Recommended Conditions of Consent:

Access control should be set in place to exclude unauthorized access to the buildings as well as to restricted areas.

All areas should be fitted with doors that comply with Australian Design Standards.

The locks fitted to the doors should be of a high quality and meet the Australian design standards.

Any glass within these doors should be laminated to enhance the physical security of the doors.

Fire exit doors to the development should be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.

The main entry/exit doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the unit.

It is recommended that for security reasons that the basement car parking areas have some type of security gate or security roller shutter that can be closed to prevent people loitering in the car park and to prevent crimes such as malicious damage, stealings, assaults and sexual assaults.

Conclusion

The New South Wales Police have a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this evaluation, any person who does so acknowledges that:

It is not possible to make areas evaluated by the NSW Police absolutely safe for members of the community or their property

It is based upon the information provided to the NSW Police at the time the evaluation was made,

The evaluation is a confidential document and is for use by the consent authority or organizations referred to on page 1 only,

The contents of this evaluation are not to be copied or circulated otherwise than for the purposes of the consent authority or organization referred to on page 1.

The NSW Police hopes that by using the recommendations contained in this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that all risks have been identified, or that the area evaluated will be free from criminal activity if its recommendations are followed.

With the proposed higher volume of both vehicular and pedestrian traffic, we would recommend consideration be given to any future planning that safeguards are implemented where necessary as the exposure/mix of pedestrian, cycling and vehicular traffic is likely to increase. This includes any footpaths with driveways crossing the footpath leading into the location.

Respectfully yours,

Matthew Aldridge

Constable Matt ALDRIDGE Crime Prevention Officer Gladesville Police Station

The NSW Police Force (NSWPF) has a vital interest in ensuring the safety of members of the community and their property. By using recommendations contained in this evaluation, any person who does so, acknowledges that:

It is not possible to make areas evaluated by the NSWPF absolutely safe for the community and their property

Recommendations are based upon information provided to, and observations made by the NSWPF at the time the evaluation was made

The evaluation is a confidential document and is for use by the council or organisation referred to on page one

The contents of this evaluation are not to be copied or circulated otherwise than for the purpose of the council or organisation referred to on page one.

The NSW Police Force hopes that by using recommendations contained within this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that the area evaluated will be free from criminal activity if its recommendations are followed.