

- 3 20 GOULDING RD, RYDE. Part Lot 5 DP 443866. Development Application for subdivision of the site into two lots. Lot 1 will be used for 'residential purposes'. Lot 2 will be retained by Sydney Water Corporation. LDA2010/0079.**

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**Report prepared by:** Consultant Planner

**Report approved by:** Manager Assessment; Group Manager Environment & Planning

**Report dated:** 2 August 2010 **File Number:** GRP/10/4/001/3 - BP10/440

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## **1. Report Summary**

**Applicant:** Sydney Water Corporation.

**Owner:** Sydney Water Corporation.

**Date lodged:** 26 February 2010.

This report considers a proposal to subdivide the subject site into two lots as follows: Lot 1 will have an area of 2942m<sup>2</sup>, and is indicated for future residential uses. Lot 2 will have an area of 5628m<sup>2</sup> and will be retained by Sydney Water Corporation for continued use as the site of a reservoir.

The subject application has been lodged by Sydney Water Corporation who is a Crown Authority. In accordance with Section 89 of Part 4, Division 4 of the Environmental Planning and Assessment Act, 1979, Council, as the consent authority, cannot refuse consent to an application lodged by the Crown, nor can it impose conditions of consent unless accepted by Sydney Water.

The subject application has been lodged with a Site Compatibility Certificate issued by the Director-General of the Department of Planning which permits the use of Lot 1 for residential purposes. In this case the residential purposes that are ordinarily consistent with the existing surrounding zoning provisions apply, which in this case is R2 Low Density Residential.

Also submitted with the development application is an "Indicative Development Outcome" plan, which shows a road leading from Goulding Road into the proposed Lot 1. Further, the plan shows an indicative subdivision of Lot 1 into four allotments and the placing of a two-storey dwelling house on each of the four lots. This is, however, only an indicative plan for the site and does not form any part of the subject application.

The proposed Lot 1 contains twenty one (21) trees. Seven juvenile trees are to be removed to permit construction of a sealed driveway to the rear lot which contains the water reservoir.

During the notification period five (5) submissions were received. Most comprise criticism of the need for Community Radio Station 2RRR to relocate their transmission facilities from the subject site.

The application is recommended for approval, subject to conditions.

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Agenda of the Committee of the Whole Report No. 12/10, dated Tuesday 17 August 2010.

**ITEM 3 (continued)**

**Reason for Referral to Committee of the Whole:**

Nature of development.

Public Submissions: 5 submissions were received objecting to the development.

SEPP1 Objection received? Not required.

Value of works? Nil (Subdivision of land)

**RECOMMENDATION**

- (a) That the draft conditions of consent **ATTACHMENT 1** for Local Development Application No. 2010/79 at 20 Goulding Road, Ryde, be forwarded to Sydney Water Corporation for their acceptance in accordance with Part 4, Division 4 of the Environmental Planning and Assessment Act 1979.
- (b) Upon acceptance by Sydney Water Corporation of the draft conditions as set out in (A), a formal development consent be issued in respect of Local Development Application No. 2010/79.
- (c) In the event that a condition is in dispute, the Group Manager be delegated to negotiate an outcome.
- (d) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 Recommended Conditions of Consent
- 2 Map
- 3 Plan

Report Prepared By:

**Bob Tillott**  
**Consultant Planner**

Report Approved By:

**Liz Coad**  
**Manager Assessment**

**Dominic Johnson**  
**Group Manager Environment & Planning**

**ITEM 3 (continued)****2. Site**

**Address:** 20 Goulding Road, Ryde

**Site Area:** 8570m<sup>2</sup>  
Frontage - 50.04 metres to Goulding Road  
Depth – 135.63 metres

**Topography and Vegetation:** The site has a uniform fall to Goulding Road from the rear boundary.

**Existing Buildings:** The highest point of the site, near the rear boundary, contains a water reservoir. Near the Goulding Road frontage is a radio transmission tower and associated control building (Community Radio 2RRR).

**Planning Controls:**

**Zoning:** **Ryde Local Environmental Plan 2010 (LEP 2010)**  
SP 2 – Reservoir under LEP 2010

Ryde LEP 2010 was published on 30 June 2010 as the new environmental planning instrument applicable to the City of Ryde. This instrument contains a Savings Provision (clause 1.8A), which states:

**ITEM 3 (continued)**

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

The DA was made (lodged) on 26 February 2010, before the commencement of this Plan and so it must be determined as if Ryde LEP 2010 had not commenced.

The proposed development is not permitted within the SP 2 Reservoir zoning under Ryde LEP 2010, however, a Site Compatibility Certificate has been issued by the Director-General of the Department of Planning which permits the use of proposed Lot 1 for residential purposes.

**Ryde Planning Scheme Ordinance**

The subject site is zoned Special Uses 'A' – Reservoir, under the provisions of the Ryde Planning Scheme Ordinance. However, given the issuing of a Site Compatibility Certificate for the area to be subdivided into Lot 1, this area may take on the provisions of the adjoining 'Residential A' zone. The proposed works are therefore permissible with the consent of Council.

**Other**

SEPP (Infrastructure) 2007; and  
City of Ryde Development Control Plan 2010.  
City of Ryde Subdivision Code.

**3. Councillor Representations:**

Nil.

**4. Political Donations or Gifts**

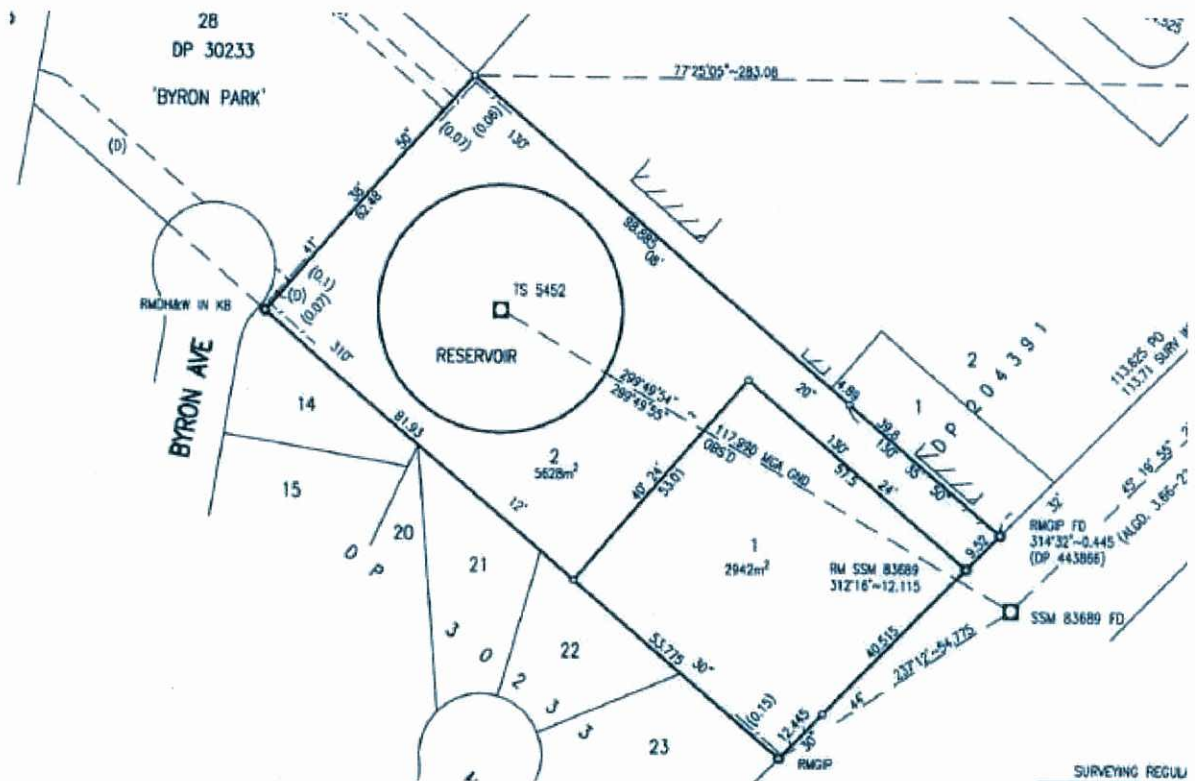
Nil

**5. Proposal**

It is proposed to subdivide the subject site into two lots.  
Lot 1 will have an area of 2942m<sup>2</sup>, and is indicated for future residential uses.  
Lot 2 will have an area of 5628m<sup>2</sup> and will be retained by Sydney Water Corporation for continued use as the site of a reservoir.

**ITEM 3 (continued)**

The following sketch details the two lots.





**ITEM 3 (continued)**

Below is an "Indicative Development Outcome" that has been submitted for information purposes only.



The proposed four lots will have areas between 584m<sup>2</sup> and 650m<sup>2</sup>. Access to each allotment would be by way of a roadway off Goulding Road. The drawings indicate that a two-storey dwelling is the likely outcome for each allotment.

It should be noted that this is an indicative plan only and that the applicant is not seeking development consent for this plan.

Having regard to the Site Compatibility Certificate accompanying the subject application, Lot 1 could potentially be used for purposes of urban housing or any other use that is permissible in the R2 Low Density Residential zoning.

**6. Background**

26 February 2010: Application was lodged with Council.

3 March 2010: Application advertised.

**ITEM 3 (continued)**

- 1 April 2010: Advertising period ends. Five submissions received.
- 12 April 2010: Copy of submission from Community Radio 2RRR sent to Sydney Water for comment.
- 27 April 2010: Council resolves to require Sydney Water to undertake appropriate community consultation prior to the sale of any of its open space for development.
- 28 April 2010: Concurrence received from the Roads and Traffic Authority to the proposal.
- 6 May & 13 May 2010: Articles appear in the Northern District Times presenting the problems faced by 2RRR Community Radio as a result of the proposed development.
- 10 June 2010: Sydney Water wrote to Council detailing the extent of community consultation that has taken place in this matter, as well as consultation with Community Radio Station 2RRR. The letter requested a meeting be arranged with Council's Group Manager – Environment and Planning.
- 12 July 2010: Meeting held between Sydney Water and Council's Group Manager Environment and Planning. Discussion included the matter of relocation of the Radio Station 2RRR radio transmission equipment.

**Recent Council resolution concerning land owned by Sydney Water**

At its meeting held on 27 April 2010, Council resolved the following Notice of Motion:

*"That Council require Sydney Water to undertake an appropriate community consultation prior to the sale of any of its open space for the development and prior to the Council considering or making a decision on Sydney Water development applications."*

On 3 May 2010, the applicant representing Sydney Water in this development proposal was notified of the above resolution and requested to respond. On 5 May 2010, Sydney Water was advised of Council's resolution under separate cover by correspondence signed off by Council's Group Manager – Environment and Planning.

**ITEM 3 (continued)**Response by Sydney Water:

In a letter dated 10 June 2010, Sydney Water responded to the General Manager in the following terms:

*"I refer to your letter of 5 May 2010 requesting Sydney Water's response to Council's community consultation resolution for our Crown Development Applications (DAs) at 22 Henry Street, Ryde and 20 Goulding Street, Ryde.*

*At pre-DA lodgement meetings held with Council, Sydney Water confirmed its intention to provide details of the DAs to the community. We hand delivered letters to residents in the vicinity of the Henry Street and Goulding Road sites one week prior to lodgement of the DAs. Similar letters were also sent to Council and the Local Member at that time.*

*Council notified the community of the DAs by advertisement and letters. Residents and other interested parties were invited to make submissions to Council for a period of between four and eight weeks. These periods are well in excess of the 14 days required for subdivision applications under the Ryde Development Control Plan, 2006.*

*Sydney Water is consulting with 2RRR regarding their tenancy at Goulding Road. I understand that the Sacred Fig tree at the Henry Street site has been placed on Council's Significant Tree Register. We have also agreed a right of way over the surplus lot to the lot to be dedicated to Council for open space. This will ensure pedestrian and vehicle access from Arnold Street. We will update the local community about these changes.*

*The DAs currently before Council are for subdivision alone and do not seek to further develop the sites or commence any construction. The community will have an opportunity to comment on development of the sites when the new owners of the land lodge DAs in the future. At that time, Council itself will own almost 50 per cent of the Henry Street site for the purposes of community use.*

*Sydney Water respectfully requests that Council complete their assessment and determination of the Crown DAs in accordance with the provisions of the Environmental Planning & Assessment Act (1979)."*



**ITEM 3 (continued)****7. Submissions**

The proposal was advertised in accordance with Development Control Plan 2006 - Part 2.1, Notification of Development Applications. The application was advertised on 17 March 2010. Notification of the proposal was from 3 March 2010 until 1 April 2010.

During this period five (5) submissions were received. The issues raised in the submissions were:

**(1) Submission by Community Radio 2RRR objecting to the need to relocate their transmission mast and associated equipment shed.**

Officer's Comment:

2RRR acknowledge that Sydney Water Corporation owns the site and they have the ability to develop the site.

2RRR maintain they are unlikely to be able to find a suitable alternative site for their transmission tower, and request consideration be given to protecting their use of the site.

The matter of negotiations between a land owner (Sydney Water) and an organisation (2RRR community radio) that holds a lease over that land is principally a matter between those two organisations, and not necessarily a planning matter for action by Council. However, Sydney Water by letter dated 12 July 2010, states in part:

*Radio Station 2RRR has radio transmission equipment at Sydney Water's reservoir site on Goulding Road, Ryde. Due to the proposed subdivision and sale of land at this site the equipment will need to be relocated.*

*We have found that it is not possible to relocate the 2RRR antenna to another portion of the Goulding Road site. The land surrounding the reservoir is required to access the reservoir for operational and maintenance purposes. There are also a significant number of services such as water pipes and electrical cables beneath the surface. Sydney Water discussed these issues with 2RRR's technical adviser, Ray Volpatti during a site visit on 3 June 2010.*

*Sydney Water has identified two potential alternative sites containing communications poles owned by Crown Castle Australia (CCA). The first is on Sydney Water's Hermitage Reservoir site at 343-351 Blaxland Road, Ryde. Preliminary technical investigations show that this is a feasible site for locating the antenna, which could be mounted on the existing pole owned by CCA.*

**ITEM 3 (continued)**

*The second site is on the Ryde Golf Course, on the corner of Wicks and Twin Road, Ryde. Of the two potential sites, the Ryde Golf Course pole provides 2RRR with the best line of sight to its radio station.*

*We are continuing to work with 2RRR regarding relocation of the radio equipment.*

The future transmission site for the Community Radio Station 2RRR is now being addressed by Sydney Water and 2RRR, and as such there is no further involvement required by Council.

- (2) Three (3) submissions all advising of the pleasure 2RRR provides and expressing their displeasure that the community radio station may need to close if they cannot relocate their transmission facility.**

Officer's Comment:

No comment needed as this follows the first item.

- (3) Loss of a small piece of green space in the locality. Also, a request to be notified when final housing details are known.**

Officer's Comment:

The submission, whilst objecting to the loss of the open area, acknowledges that a residential development is likely to happen at some stage and therefore requests to be advised when specific details are known.

Upon submission of a future application for subdivision and erection of housing, the application will be notified in the normal manner and persons who were notified of the subject application will also be notified of future applications.

**8. SEPP1 Objection received?**

Not applicable.

**9. Policy Implications**

**Relevant Provisions of Environmental Planning Instruments etc:**

**(a) Relevant SEPPs**

**State Environmental Planning Policy (Infrastructure) 2007**

On 20 October 2008 an application for a Site Compatibility Certificate was submitted to the NSW Department of Planning seeking to allow the use of part of the site at 20 Goulding Road, Ryde for residential purposes.

**ITEM 3 (continued)**

On 15 December 2008, pursuant to clause 19(5) of State Environmental Planning Policy (Infrastructure) 2007, the Director General of the NSW Department of Planning issued a Site Compatibility Certificate certifying that the area proposed for Lot 1 is compatible with the surrounding land uses and is not likely to have an adverse impact, or cause any unacceptable environmental risk to the land. Therefore, the proposal is permitted with consent in the R2 Low Density Residential zone under the Ryde Local Environmental Plan 2010.

The Site Compatibility Certificate is valid for five years from 15 December 2008.

**State Environmental Planning Policy 55 – Remediation of land (SEPP 55)**

SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent for development. The consent authority must be satisfied that any necessary remediation has occurred before use of the land is permitted.

The history of the subject site is as follows:

1800's to 1920: Use as a market garden, orchard and possible grazing. The soil would have been disturbed with ploughing and quite likely that organochlorine pesticides were used on the site.

1920 to 1959: Owned by Ryde Brick and Tile Works Limited. No quarrying or industrial land use has been recorded. An aerial photograph identified some excavation at the south-eastern side of the site.

Early 1960's: Water reservoir constructed on the site and material would have been imported to fill the previously identified excavation area.

June 1998: 420kg (6 cylinders) of chlorine gas was stored on-site for use in chlorination of water.

After June 1998: Chlorine gas was replaced with a maximum of 900kg of calcium hypochlorite in 45kg containers.

Records of the site showed that the chlorination plant was constructed on a concrete slab and therefore no contamination of the soil was anticipated.

The application included a Site Audit Statement and Report prepared by Golder Associates. The assessment of the site concludes that the site is suitable for low density residential development in the proposed form, provided home grown produce contributes less than 10% of fruit and vegetable intake by occupants and no poultry is kept on the site.

**ITEM 3 (continued)**

Whilst it is not possible to regulate the future fruit and vegetable growing practices of residents, it is considered highly unlikely that there would be sufficient land area available to facilitate growing enough produce to comprise 10% of the residents' intake. Similarly, the limited allotment area would preclude the keeping of poultry.

The Site Audit Statement does not require specific works to be undertaken to ameliorate the identified contamination. It appears that the contamination of the site ceased in late 1990's when Sydney Water ceased the storage of Chlorine on the site. With the passage of time and the impact of sunlight on the site, the level of contamination has been reduced to such a level that the Site Audit Statement concludes that the site can be used for residential purposes.

It is considered that Council has satisfactorily discharged its obligations under the provisions of SEPP 55.

**(b) Ryde Local Environmental Plan 2010 (LEP)**

As previously detailed, the provisions of Clause 1.8A (Savings Provisions) of the LEP are applicable to this application, and accordingly the application is being assessed under the provisions of the Ryde Planning Scheme Ordinance.

**(c) Ryde Planning Scheme Ordinance****Zoning**

The subject site is zoned Special Uses "A" Reservoir, under the provisions of the Ryde Planning Scheme Ordinance (RPSO). Subdivision of the site is permissible pursuant to Clause 41A of the RPSO, with the consent of Council.

**Mandatory Requirements**

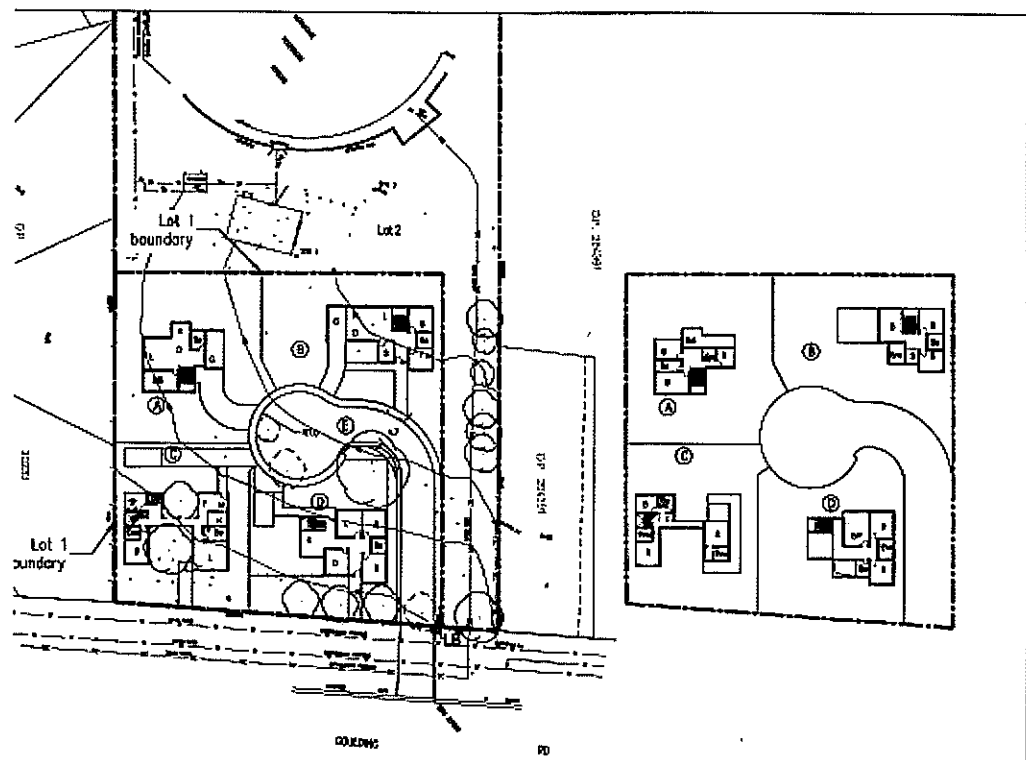
**Clause 41B (2)(a)** specifies that a consent authority shall not consent to the subdivision of land to which this clause applies, unless it has a site area of not less than 580 square metres; a frontage to a public road of not less than 10 metres; and a width of not less than 15 metres at a distance of 7.5 metres from the alignment of the public road. However, due to the current zoning of the site being Special Uses 5(a), it is not applicable in this case and is only used as a guide for compatibility.

The proposed Lot 1 has an area of 2942m<sup>2</sup>; a frontage of 52.96m and a width at 7.5m from the street alignment of 52.96m. In summary, the proposal fully complies with Council's minimum site requirements.

The proposed Lot 2 will contain the existing water reservoir and associated equipment. This lot will have an area of 5628m<sup>2</sup>.

**ITEM 3 (continued)**

In support of the application, the applicant has submitted an 'indicative development outcome' which illustrates the future potential subdivision of Lot 1 into four allotments. As previously stated, this plan is indicative only and development consent is not sought for this layout. The following diagram details the indicative layout:



As the subject site is zoned Special Uses 5(a) under the RPSO, the requirements of Clause 41B are not applicable, but are useful as a guide to determine the appropriateness of the development. The following table demonstrates the development's relationship with these requirements:

Lot	Min area req'd (m <sup>2</sup> )	Area proposed (m <sup>2</sup> )	Difference (m <sup>2</sup> )
A	580	650	+70
B	580	610	+30
C	580	591	+11
D	580	584	+4

Lots A, B and D comply with the 10m minimum frontage requirement. Lot C has a frontage of 4.0 metres to the proposed new road. However, all lots, including Lot C will have a street address to Goulding Road by way of the identified internal roadway. The indicated 4.0 metre frontage to the internal road for Lot C, will permit necessary vehicular and pedestrian access to Goulding Road. This arrangement is clearly affording compliance with the intent of the requirement.



**ITEM 3 (continued)**

Finally, all indicative allotments comply with the minimum 580m<sup>2</sup> site area requirement and it would be possible to erect a two-storey dwelling on each allotment and this type of development would be compatible with the surrounding area.

**(d) Relevant REPs**

**Note:** From 1 July 2009 all REP's were taken as being State environmental planning policies. However, the title of the plans has not changed and for ease of understanding the following comments identify their current, unchanged title.

**SREP (Sydney Harbour Catchment) 2005**

SREP (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment. The proposed subdivision is satisfactory having regard to the provisions contained within this regional plan.

**(e) Any draft LEPs**

There are no draft instruments applying to the subject site.

**(f) Any DCP****City of Ryde Development Control Plan 2010**

The provisions of Ryde DCP 2010 are not applicable to this development application. DCP 2010 would only be applicable in the future assessment of development of Lot 1 for residential purposes or for urban housing and the relevant controls would then need to be complied with once a formal application was lodged.

**City of Ryde Section 94 Development Contributions Plan 2007**

As the proposed Lot 1 has the potential to be used for residential purposes, it will attract a payment under Council's Section 94 Contributions Plan.

Council's Section 94 Contribution Plan requires a contribution for the provision of additional allotments with the potential of accommodating a dwelling, thereby increasing the future population within the area. The proposed development would generate a required contribution of \$18,068.17.

**Notes:**

- (1) June 2010 CPI figures have been utilised in the above calculations.
- (2) The possible future subdivision of Lot 1 has not been included in the above calculations as it is outside of the subject application.

**ITEM 3 (continued)**

- (3) Should any subsequent development applications be received for further subdivision or for the development of the site for multi-unit (urban) housing, then additional s.94 contribution would be applicable based on the number of further additional dwellings on proposed Lot 1.
- (4) A condition of consent has been imposed requiring the payment of \$18,068.17 for the proposed residential allotment (see Condition No. 9)

**City of Ryde Subdivision Code**

The provisions of this code with respect to minimum allotment sizes and areas are to the same extent as those of clause 41B of the RPSO and have been addressed previously in this report.

There are, however, a number of objectives within the Subdivision Code for the various zonings of land. Notwithstanding that the current zoning of land is 5(a) Special Uses, the objectives in relation to subdivision in residential zones are:

*2.1.1 To preserve the amenity of residential areas by ensuring that subdivisions conform with the established subdivision patterns in the locality.*

*2.1.2 To provide minimum site requirements which will result in adequate aspect and outlook for buildings to be erected on the land.*

*2.1.3 To provide sufficient area for the erection of buildings which conform with current building design and the established building character of the locality and provide sufficient private outdoor living areas for the residents of those buildings.*

*2.1.4 To provide within hatchet-shaped allotments sufficient area to permit vehicles to enter and leave those sites in a forward direction.*

*2.1.5 To optimise public accessibility, both vehicular and pedestrian within the neighbourhood.*

*2.1.6 To ensure that adequate provision is made for public services and amenities for the future residents of the locality.*

**Officer's Comment:**

The response to these objectives is based on the 'Indicative Development Outcome' plan which proposes 4 single residential allotments on Lot 1.

The proposed 4 lot subdivision would be consistent with the established subdivision pattern in the locality. The proposed allotments of land will be adequate enough to provide for minimum site requirements and will provide adequate aspect and outlook for future buildings on those allotments.

**ITEM 3 (continued)**

Sufficient area exists on each allotment of land for the erection of a single dwelling house, the design of which would be subject to further assessment upon the submission of a subsequent development application to Council.

**10. Likely impacts of the Development****(a) Built Environment**

The proposed development, involving the two-lot subdivision of land, is not likely to have any adverse impacts on the existing built environment or the amenity of the surrounding area. The proposed Lot 1 is likely to produce, by way of a future application, a residential subdivision that is generally consistent with the existing subdivision pattern in the locality.

**(b) Natural Environment**

The proposed development will have no significant impacts on the natural environment.

The proposal will involve the removal of seven (7) juvenile trees presently growing along the site's north-eastern boundary. Removal of these trees is required to facilitate the construction of a sealed access driveway along the arm of the battle-axe shaped allotment to permit large trucks to access proposed Lot 2 and service the existing water reservoir. Removal of these juvenile trees is outside the provisions of Council's Tree Preservation Order.

There are a total of 21 trees growing on the site. The possible removal of trees, other than the seven identified above, will need to be the subject of an Arborist's Report when a future Development Application is lodged for subdivision of proposed Lot 1.

**11. Suitability of the site for the development**

The site is not classified as a heritage item or subject to any natural constraints such as flooding or subsidence. The proposed Lot 1 has been identified as potentially contaminated, mostly as a result of the previous practice of Sydney Water to store chlorine and associated products on the site. However, the submitted Site Audit Statement concludes:

*The Auditor concludes that the site in its present form is suitable with reference to soil and groundwater contamination, for residential land use, with gardens and accessible soil (home grown produce contributing less than 10% fruit and vegetable intake, no poultry) or other less sensitive areas.*

**ITEM 3 (continued)**

In this regard, the proposal is considered to be suitable for the site in terms of the impact on both the existing natural and built environments.

**12. The Public Interest**

The development proposal has been assessed in accordance with the relevant requirements of the Environmental Planning Assessment Act 1979 and Regulations, relevant SEPP's, REP's, Ryde Planning Scheme Ordinance and DCP for subdivision and has been found to be compliant.

The interest of the public who made submissions have been considered as part of the development assessment process and have been addressed within this report.

**13. Consultation – Internal and External****Internal Referrals:**

**Development Engineer, (22 March 2010):** Council's Development Engineer has provided the following comments with respect to the development proposal.

*The proposed development is located on a large allotment with natural fall towards Goulding Road. The site currently houses an existing water reservoir owned and operated by Sydney Water.*

*The proposal is to subdivide the land into two lots, Lot 1 fronting Goulding Road is proposed to be a residential lot with a site area of 2942m<sup>2</sup>. The rear battle axe allotment, lot 2 has a site area of 5628m<sup>2</sup>, which included a battle axe driveway handle 9.5m wide by 57m long. The allotment size and access handle comply with Council's Subdivision Code.*

*Under Clause 3.2.1 of part 8.2 of Council's Stormwater Management, OSD will be required to detain and restrict discharge from proposed lot 2, housing the existing Sydney Water reservoir. The applicant has not provided any details; however, as provision of such facility is feasible, this matter can be conditioned.*

*As the existing sealed access to the Sydney Water reservoir will become redundant, construction of a new access drive will be required to provide access to lot 2. It is envisaged an access driveway of at least 4m wide for the full length of the battle axe handle will be required with a turning area being provided at the end to enable the largest vehicle using the site to enter and leave the end in a forward direction. Additionally, to provide adequate site distance for vehicles using the battle axe driveway, a splay corner of at least 3 x 3 m must be provided at the northeast corner of lot 1. This matter will be conditioned for compliance, prior to commencement of construction.*

**ITEM 3 (continued)**

*No objections are raised to the proposal, subject to the following engineering conditions.*

Council's Development Engineer has recommended 16 conditions of consent, all of which have been included in the recommended conditions of consent.

**External Referrals:****Roads & Traffic Authority**

Goulding Road is a main road and accordingly the application was referred to the Roads and Traffic Authority for concurrence under Section 138(2) of the Roads Act, 1993.

By letter dated 28 April 2010, the Senior Land Use Planner of the RTA states:

**Exercise of Concurrence Function under the Roads Act**

The RTA has reviewed the development application and would grant its concurrence to the proposed vehicular crossing on Goulding Road under section 138(2) of the Roads Act 1993, subject to Council's approval and the following requirements being met:

1. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths and sight distance requirements) should be in accordance with AS 2890.1- 2004 and 2890.2 – 2002 for heavy vehicle usage.
2. The design and construction of the gutter crossing on Goulding Road shall be in accordance with RTA requirements (i.e. 6metres wide at the kerb). Details of these requirements should be obtained from RTA's Project Services Manager, Traffic Projects Section, Parramatta 8849 2496.

Detailed design plans of the proposed gutter crossing are to be submitted to the Council for approval prior to the commencement of any road works.

3. All works associated with the proposal shall be at no cost to the RTA.

The above requirements of the RTA are contained in Condition Nos. 6, 7 and 8.

**14. Critical Dates**

There are no critical dates or deadlines to be met.

**15. Financial Impact**

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



**ITEM 3 (continued)**

**16. Other Options**

No other options have been considered.

**17. Conclusion**

The proposed development has been assessed against all relevant matters under Section 79C of the Environmental Planning and Assessment Act 1979 and was found to be satisfactory.

As Sydney Water Corporation is the applicant, the application constitutes development by the Crown under the relevant provisions of the Environmental Planning and Assessment Act 1979. In accordance with Section 89(1) of the Act, Council must not impose a condition of its consent, except with the written approval of the Minister or the applicant.

On this basis, it is recommended that the application be approved subject to the applicant giving concurrence to the recommended list of conditions.

## ITEM 3 (continued)

## ATTACHMENT 1

## Attachment 1 – Conditions of Consent

## GENERAL

1. Development is to be carried out in accordance with the draft plan of subdivision dated 24 February 2010 prepared by Architectus and the support information submitted to Council.
2. **Design and Construction Standards.** To ensure the development will be completed satisfactorily, all engineering designs and construction shall be carried out in accordance with the requirements as outlined within Council's *Environmental Standards Development Criteria* publication and relevant Development Control Plans except as amended by other conditions in this consent.
3. **Service Alterations.** To protect existing public utility services, all public utilities that require adjustments shall be approved by the relevant public authority and all costs associated with the adjustments are to be borne by the applicant. Written approval and signed off at completion from the relevant Public Authority shall be submitted to Council.
4. **Restoration.** To ensure public areas will be safely maintained at all times and that all disturbed areas satisfactorily restored, all restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council, subject to the lodgement of a Road Opening Permit application to Council with payment of appropriate fees, prior to commencement of works. Repairs of damage to any public infrastructure including the removal and replacement of redundant vehicular crossings with kerb and gutter will be carried out by Council following receipt of payment for the works.
5. **Engineering Compliance Certificates.** To ensure all engineering works within the public road and/or drainage reserve will be completed satisfactorily, Engineering Compliance Certificates must be obtained from Council for the following works at the specified stage where applicable. Fees for all inspections are to be paid to Council in accordance with Council's Management Plan prior to inspection:
  - Prior to backfilling of Council's stormwater pipelines.
  - Prior to backfilling of drainage connections to Council's stormwater drainage systems.
  - After trimming and compaction of sub-grade.
  - After placement and compaction of the applicable sub-base course.
  - Prior to casting of Council's pits and other drainage structures including kerb & gutter, access ways, aprons, pathways, vehicular crossings, dish crossings and pathway steps.
  - After completion of all works with all disturbed areas satisfactorily restored.
6. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths and sight distance requirements) should be in accordance with AS2890.1-2004 and 2890.2-2002 for heavy vehicle usage.
7. The design and construction of the gutter crossing on Goulding Road shall be in accordance with RTA requirements (i.e. 6 metres wide at kerb). Details of these requirements should be obtained from RTA's Project Services Manager, Traffic Projects Section, Parramatta (8849 2496).

Detailed design plans of the proposed gutter crossing are to be submitted to Council for approval prior to the commencement of any road works.

**ITEM 3 (continued)****ATTACHMENT 1**

8. All works associated with the proposal shall be at no cost to the Roads and Traffic Authority.

**PRIOR TO CONSTRUCTION COMMENCING**

9. A contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the release of the Subdivision Certificate for registration at the Land and Property Management Authority (LPMA).

<b>A</b>	<b>B</b>
<b>Community &amp; Cultural Facilities</b>	\$3,819.50
<b>Open Space &amp; Recreation Facilities</b>	\$9,402.82
<b>Civic &amp; Urban Improvements</b>	\$3,197.98
<b>Roads &amp; Traffic Management Facilities</b>	\$436.14
<b>Cycleways</b>	\$272.48
<b>Stormwater Management Facilities</b>	\$865.78
<b>Plan Administration</b>	\$73.47
<b>The total contribution is</b>	<b>\$18,068.17</b>

This contribution is a contribution under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 adopted by City of Ryde on 11/12/2007.

The above amount, if not paid within the quarter that the consent is granted, shall be adjusted for inflation by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) on the basis of the contribution rates that are applicable at time of payment.

10. **Boundary Levels.** To ensure a smooth transition between external and internal site works, street alignment levels shall be obtained from Council. These levels shall be incorporated into the design of the internal works e.g. driveway, carparking areas, landscaping, stormwater drainage etc and shall be clearly shown on the Construction Plans prior to construction commencing.
11. **Driveway Grades.** To ensure satisfactory and safe access to the proposed development the proposed driveway access and gradients shall be designed and constructed in accordance with Australian Standards AS 2890.1-2004 and City of Ryde Environmental Standards – Development Criteria Section 1 – Driveways. The driveway design is to incorporate Council's issued footpath and gutter crossing levels.
12. **Vehicle Footpath Crossings.** To facilitate safe access to and from the site, new concrete layback and apron crossings are to be constructed at locations as indicated on the approved plan for proposed lot 2. The width, design and construction shall conform to Ryde City Council's *Environmental Standards Development Criteria – Section 1-Driveways-1999*. Additionally, crossings are to be constructed in plain reinforced concrete with finished levels that comply with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the property boundary alignment and Bridge and pipe crossings will not be permitted.
13. **Road Opening Permit.** To ensure all works within the public road reserve will completed and restored satisfactorily, the applicant shall apply for a Road Opening permit where a new pipeline is proposed to be constructed within or across the footpath and/or where there are

## ITEM 3 (continued)

## ATTACHMENT 1

connections proposed to public utility services (e.g. telephone, electricity, sewer, water or gas) within the road reserve. No works shall be carried out on the road reserve without this permit being paid and a copy kept on the site.

14. **Erosion and Sediment Control Plan.** To ensure existing environment will be adequately protected an *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified person in accordance with the guidelines set out in the Department of Housing Manual *"Managing Urban Stormwater, Soils and Construction"* and submitted to the Principal Certifying Authority for approval prior to issue of a Construction Certificate. These devices shall be installed prior to commencement of construction and maintained at all times during construction.

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

- (a) Existing and final contours.
  - (b) The location of all earthworks, including roads, areas of cut and fill.
  - (c) Location of all impervious areas.
  - (d) Location and design criteria of erosion and sediment control structures.
  - (e) Location and description of existing vegetation.
  - (f) Site access point/s and means of limiting material leaving the site.
  - (g) Location of proposed vegetated buffer strips.
  - (h) Location of critical areas (drainage lines, water bodies and unstable slopes).
  - (i) Location of stockpiles.
  - (j) Means of diversion of uncontaminated upper catchment around disturbed areas.
  - (k) Procedures for maintenance of erosion and sediment controls.
  - (l) Details for any staging of works.
  - (m) Details and procedures for dust control.
15. **Stormwater Drainage.** To minimise stormwater impacts downstream, stormwater runoff from proposed lot 2 shall be collected and piped to Council's stormwater system in Goulding Road via an on-site detention system designed in accordance with Part 8.2 of Council's Stormwater Management manual. Accordingly, the maximum discharge rate permitted to the kerb is 25l/s. Should the calculated PSD for lot 2 exceeds 25 l/s the discharge from lot 2 shall be connected to Council's underground stormwater system located in Goulding Road. In this regard, Council's existing stormwater system shall be extended to the site to facilitate direct connection.

Engineering plans for the internal and external stormwater system prepared by a chartered civil engineer shall be submitted for approval to council certifier and Council respectively, prior to construction commencing. Assessment and approval of engineering plans for the stormwater extension by Council is subject to payment of an appropriate fee calculated based on Council's management plan at time of lodgement.

16. **Access.** To formalize safe access to proposed lot 2, a minimum 4m wide sealed access driveway, including a turning area at the end of the battle axe handle to enable the largest vehicle using the site to enter and leave in a forward direction, must be provided. Additionally, a slay corner of at least 3 by 3m must be provided to the northeast corner of proposed lot 1.

Engineering plans for the above works shall be prepared and submitted for approval, prior to commencement of construction.

**PRIOR TO SUBDIVISION CERTIFICATE**

## ITEM 3 (continued)

## ATTACHMENT 1

17. Council will only issue a Subdivision Certificate pursuant to the Environmental Planning and Assessment Act 1979 Section 109J when the conditions of this development consent are complied with and Council or an accredited certifier has lodged documentary evidence of completion of a final inspection of any building or engineering works with Council.
18. **Certification Documents.** The submission of all certification as required under this development consent prior to the release of the Subdivision Certificate.
19. Please contact Energy Australia's Local Customer Service Office to obtain documentary evidence that Energy Australia has been consulted and that their requirements have been met.

Energy Australia  
Building No. 2 Bridge Road (near Sherbrook Road) Hornsby  
Telephone: 9477 8201  
Facsimile: 9477 8295  
Postal Address: GPO Box 4009, Sydney NSW 2001  
Website Address: [www.energy.com.au](http://www.energy.com.au)

This information is to be submitted to Council prior to the release of the Subdivision Certificate.

20. **On-Site Detention.** To minimise downstream stormwater impacts and safe access to and from future development on proposed lot 1, an instrument setting out Terms of Restrictions on the use of land intended to be created, pursuant to Section 88 B of the Conveyancing Act, 1919 shall be submitted in a form acceptable to Council indicating the following:
  - a. All future development on all proposed lot 1 shall incorporate an on-site stormwater detention system designed and constructed in accordance with City of Ryde, Development Control Plan 2006: - Part 8.2; Stormwater Management.
  - b. All future development on all proposed lot 1 shall incorporate appropriate turning areas on site to enable all vehicles to enter and exit in a forward direction
  - c. The 88B Instrument may not be extinguished or altered without prior approval being obtained from Ryde City Council.

The wording of the instrument shall be submitted to and approved by Council prior to release of the Subdivision Certificate

21. **Registration of easements.** The registration of all necessary easements as required to ensure all proposed lots will have legal access to all utility services, inter-allotment drainage and vehicular access. This shall include the creation of a reciprocal right of way over the first 6m of the access driveway to lot 2.

Prior to release of Subdivision Certificate, certification shall be obtained from a registered surveyor and submitted to Council confirming the above requirement will be met upon registration of the linen plan.

22. **Work as executed plan.** Submission to Council prior to issue of Subdivision Certificate a "Works as Executed" plan of all internal and external road and drainage works prepared by a registered surveyor including certification by a practising civil engineer confirming that all works have been constructed in accordance with the approved plans.



**ITEM 3 (continued)****ATTACHMENT 1**

23. **Traffic Management Plan.** To ensure safe construction traffic flow on site a Traffic Management Plan (TMP) and report shall be prepared by an RTA accredited person and submitted for approval by Council prior to construction commencing.

The TMP shall be prepared in accordance with the relevant sections of Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", the RTA's Manual – "Traffic Control at Work Sites" and City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities. The TMP is to address but not be limited to the loss of on-street parking, construction vehicles travel routes, safety of the public, materials storage, handling and deliveries including construction traffic parking

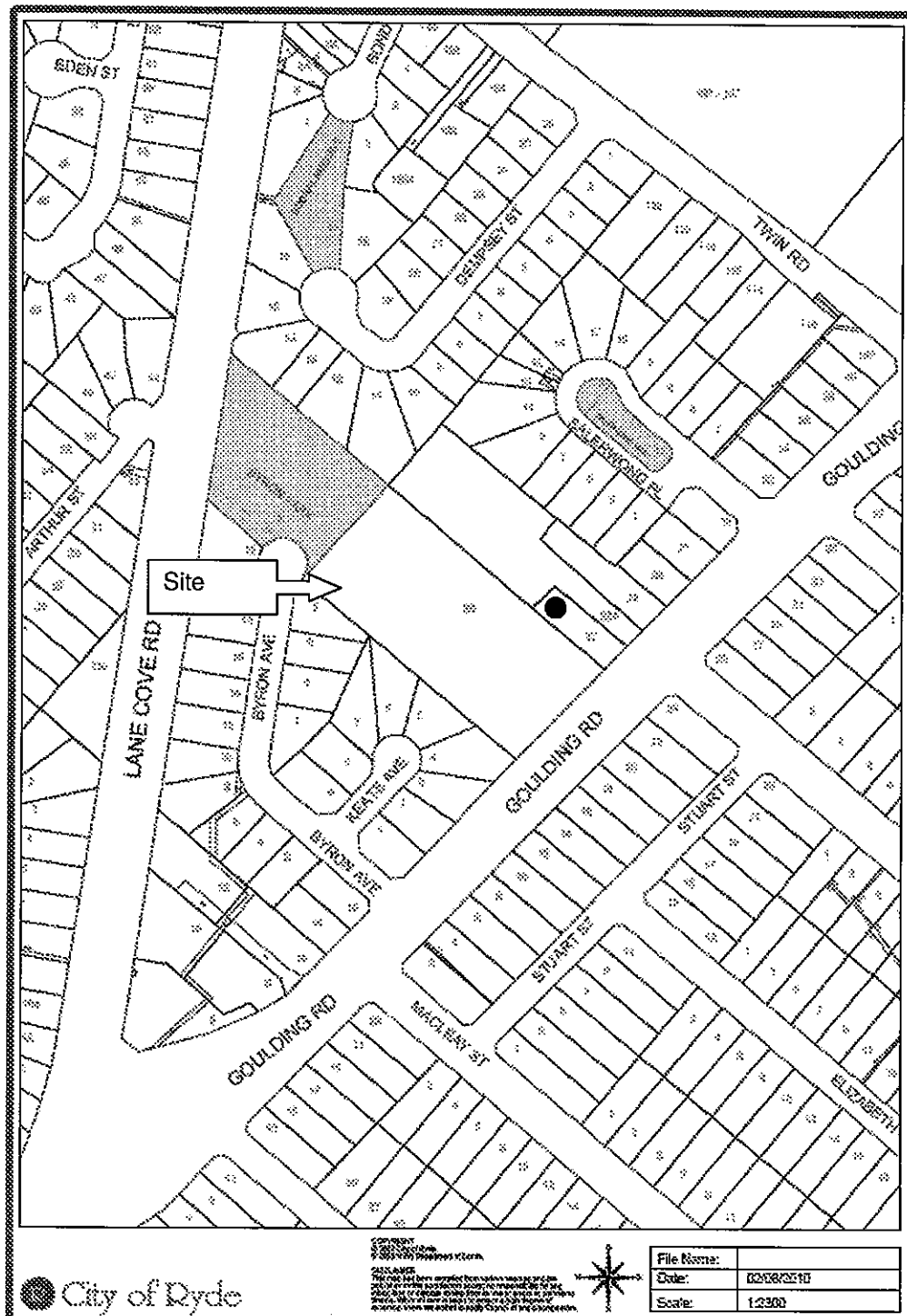
Additionally, all traffic controllers on site must be RTA accredited traffic controllers and a minimum of seven (7) days notice shall be given to residents if their access will be affected by proposed construction activities.

24. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening proposed lot 2 with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

## ITEM 3 (continued)

## ATTACHMENT 2

● Indicates submissions received  
 Submissions received outside map area



**ITEM 3 (continued)**

### ATTACHMENT 3

