

8 October 2010

Joint Regional Planning Panel
GPO Box 3415
Sydney NSW 2001

Attention: Angela Kenna
Email: angela.kenna@jrpp.nsw.gov.au

Architecture
Urban Design
Planning
Interior Architecture

Dear Angela,

RE: 20 Goulding Road, Ryde
LDA 2010/0079 (City of Ryde) – draft conditions of consent

I refer to an enquiry from Ms Carol Pereira Crouch, Senior Project Officer JRPP, regarding Sydney Water comments on the draft conditions of consent for the above DA that has been referred to the JRPP. In response, Architectus has been requested by Sydney Water as applicant under Crown Development Application LDA 20110/0079 to provide the following comments on the **draft** conditions contained in the City of Ryde Report dated 2 August, 2010 File Number GRP/10/4/001/3-BP10/440:

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Attachment 1 – Conditions of Consent

GENERAL

1. Agreed by Sydney Water provided the words “*prepared by Architectus*” are replaced with “*prepared by AWT survey*”.

2- 8. Agreed by Sydney Water provided the words “*Any future development of Lot 1 will be subject to the following conditions*” is inserted after the heading “GENERAL”.

(Sydney Water notes that any further development of Lot 2, being an operating reservoir site, is to be under the provisions of the Infrastructure SEPP and that therefore these General Conditions of Consent may not apply. Clearly, the provisions of the Infrastructure SEPP will ensure that both Sydney Water and Council will be governed by suitable development conditions suitable to Council).

Auckland
Brisbane
Melbourne
Shanghai
Sydney

PRIOR TO CONSTRUCTION COMMENCING

9. Agreed by Sydney Water however should be provided under “PRIOR TO SUBDIVISION CERTIFICATE”.

10-15. Agreed by Sydney Water provided the words “*Any future development of Lot 1 will be subject to the following conditions*” is inserted after the heading “PRIOR TO CONSTRUCTION COMMENCING”.

(Sydney Water notes that any further development of Lot 2, being an operating reservoir site, is to be under the provisions of the Infrastructure SEPP and that therefore these Construction Conditions may not apply. Clearly, the provisions of the

Infrastructure SEPP will ensure that Sydney Water will be governed by suitable construction conditions suitable to Council).

16. Access. “To formulise safe access to the proposed Lot 2 a minimum of 4M wide sealed access driveway including a turning are 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 3 m must be provided to the northeast corner of the proposed Lot 1. Engineering plans for the above works shall be prepared and submitted for approval, prior to commencement of construction.”

Not agreed by Sydney Water. Sydney Water should be allowed by Council to construct the new access road to the reservoir in accordance with the Infrastructure SEPP. Sydney Water should be afforded the opportunity to ensure that its road and turning circle design do not impinge on the reservoir operations and a subdivision approval should not be delayed for this to occur when the provisions of the Infrastructure SEPP will ensure that Sydney Water will be governed by suitable safe access and egress conditions suitable to Council).

This condition should be restricted to “Engineering plans for the above works shall be prepared and submitted to Council in accordance with the Infrastructure SEPP prior to commencement of construction”.

PRIOR TO SUBDIVISION CERTIFICATE

17 -18 Agreed by Sydney Water.

19 “Please contact Energy Australia’s Local Customer Service to obtain documentary evidence that Energy Australia has been consulted and that their requirements have been met”

Not agreed by Sydney Water. This should be a condition of any future Development Application when development plans for Lot 1 are known.

20. On-site Detention. “To minimise downstream impacts due to future development on proposed Lot 1, an instrument setting out terms of restrictions on the use of land to be created.....

- (a) All future development on all proposed Lot 1 shall incorporate an on-site stormwater detention system.....
- (b) All future development on all proposed Lot 1 should incorporate appropriate turning areas on site to enable vehicles to enter and exist in a forward direction
- (c) The 88B instrument may not be extinguished or altered without the prior approval f Ryde City Council being obtained”.

Not agreed by Sydney Water. Council should impose this as a condition of future development of proposed Lot 1. It is unreasonable for Sydney Water to incur expense in drafting and registering such a covenant and registering such an instrument when Council can impose the condition readily in future DA’s.

21 Registration of Easements. “The registration of all necessary easements as required to ensure that 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 the Subdivision Certificate.....”

Not agreed by Sydney Water. This should be a condition of development consent for Lot 1 for a future DA if and when development plans are lodged with Council. There is no need for a right of way over the driveway to Lot 2 as Sydney Water will be creating a specific access for the reservoir operations. Any new development will be required to be designed to have it's own access entirely separate from Sydney Water. It is the responsibility of the eventual developer of Lot 1 to secure all necessary easements as these can only be plotted when the development proposal is known with certainty.

22 Works as Executed Plan. “A works as executed plan of the constructed inter-allotment drainage system prepared by a registered surveyor.....”

Not agreed by Sydney Water. This should be a condition of a future development consent for Lot 1 if inter allotment drainage is necessary.

23 Traffic Management Plan.

Not agreed by Sydney Water. This should be a condition of a future development consent for Lot 1.

24 Positive Covenant OSD. “The creation of a Positive Covenant under Section 88B of the Conveyancing Act burdening the proposed Lot 2 with a requirement to maintain the stormwater detention system.....”

Not agreed by Sydney Water. If the system is in place then whomever maintains it at the moment continues to have to do so. A paper subdivision, as proposed by this Development Application, does not obliterate this responsibility.

We enclose a full copy of the draft Conditions of Consent as contained in Council's report.

Sydney Water Corporation would be happy to meet with the Sydney Region East JRPP and City of Ryde Council officers to discuss the draft conditions, if required during the assessment of the application.

Yours sincerely



John Riordan
Associate Director

Attached: draft Conditions of Consent

Copy:

- Carolina De Wolff – Senior Project Manager, Property Transactions Sydney Water Corporation
- Geoff Fitzsimmons – Charterlink