

JRPP NUMBER:	2011SYE067
DA NUMBER:	LDA2011/0303
LOCAL GOVERNMENT AREA:	City of Ryde
PROPOSED DEVELOPMENT:	Demolition of existing structures and construction of a seven storey mixed use development containing retail/commercial floor space at the Ground Floor Level; 97 residential apartments; and parking for 152 motor vehicles over three basement levels
STREET ADDRESS:	219 Blaxland Road, Ryde
APPLICANT:	Blaxland House Pty Ltd
NUMBER OF SUBMISSIONS:	One submission received
RECOMMENDATION	Approval, subject to Conditions at Attachment 1
REPORT BY:	Architectus Group Pty Ltd, Consultant Town Planners to City of Ryde Council

Assessment Report and Recommendation

1 EXECUTIVE SUMMARY

The following report is an assessment of a development application for the construction of a seven (7) storey mixed use commercial/retail and residential development at 219 Blaxland Road, Ryde. The development comprises commercial/retail use at the Ground Floor Level, 97 residential apartments distributed across ground and upper floors, and 152 car parking spaces over three (3) basement levels. A loading and service vehicle area is located at the south eastern portion of the site, behind the front building line of the Pope Street frontage. Access to this area is provided from the main driveway entrance off Pope Street. Resident and visitor access is provided from both Blaxland Road and Pope Street.

As the application has a capital investment value in excess of \$10 million, the development was considered to be of regional significance (at the time of lodgement, being 8 June 2011) under Clause 13B of State Environmental Planning Policy (Major Development) 2005. The consent authority for the purposes of determining the subject DA is the Sydney East Region Joint Regional Planning Panel (JRPP).

The Local Development Application (DA) was publicly exhibited between 6 July 2011 and 21 July 2011. During this time, one (1) submission was received from the owner of the adjoining property at 2 Pope Street. The submission is an objection to the proposed development and is discussed further under **Section 14** of this report.

Following a review of the proposal and the submission received during the notification period, the applicant was requested by Council in a letter dated 4 August 2011 to review and amend the proposed development to minimise non-compliance with relevant planning controls, improve residential amenity, consider future development opportunity to 2 Pope Street, and provide additional information to complete a full planning assessment. The applicant submitted amended drawings to Council on 26 August 2011. **Section 6** provides detailed commentary on the applicant's response to the requested amendments.

The amended application remains non-compliant with the following:

- Height – the building height ranges from 18.5 metres to 24.2 metres, exceeding the 18.5 metre maximum height under the Ryde LEP 2010;

- Unit mix – the proposal provides an oversupply of one-bedroom units and undersupply of two and three bedroom units based on the dwelling mix requirements under the Ryde DCP 2010;
- Setbacks – elements of the building encroach the minimum 3 metre building setback required to Blaxland Road and Pope Street under the Ryde DCP 2010.
- Building separation – the development is less than the RFDC 12 metres (up to four storeys) and 18 metres (for all storeys above the fourth storey) minimum building separation requirement internally and to adjacent development to the north east (6 Curzon Street).
- Deep soil – the development provides 12% of communal open space as deep soil, less than the 25% RFDC and 20% Ryde DCP 2010 minimum requirement.

However, following an assessment of the proposal, it is considered that the non-compliances are acceptable on planning grounds.

It is therefore recommended that the proposed development be approved, subject to the appropriate Conditions of Consent, provided at **Attachment 1** of this report.

2 APPLICATION DETAILS

Name of applicant: Blaxland House Pty Ltd

Owner of the site: Blaxland House Pty Ltd

Estimated value of works: \$24,200,000.00 (including GST)

Disclosures: No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made by any persons.

3 SITE DESCRIPTION

The subject site is known as 219 Blaxland Road, RYDE and the legal description of the land is Lot 2 in DP 548825 and Lots 1, 2, 3 and 4 in DP 456020.

The subject site is located at the north east corner of the junction of Pope Street and Blaxland Road. There is a gentle downward slope of approximately 1 metre from the southwest corner of the site to its northeast corner. Site location is illustrated at **Figure 1**.

The site currently comprises a three storey brick commercial building with at-grade parking provided. Activities within the building include medical, health and well-being and employment and recruitment. Access to the parking area is provided off Pope Street. Part of the car parking area is also currently used as a work site for the Top Ryde City development. Medium-large trees are generally located along the perimeter of the site, except for a tree located in the centre of the parking area, which is smaller in scale.

The site is surrounded by:

- Top Ryde City Shopping Centre to the south opposite Pope Street (a significant metropolitan retail centre);
- A single storey medical clinic with a two-storey residential dwelling at the rear to the east along Pope Street. Further east are three to four storey residential flat buildings;
- Three to four storey residential flat buildings to the north; and

- The Blaxland Road/Devlin Street junction to the west.

Photographs of the subject site and surrounding development are provided at **Figure 2**, **Figure 3**, **Figure 4** and **Figure 5**.



Figure 1 Site location plan
Source: Google Map 2011



Figure 2 Pope Street frontage of the site

The Pope Street frontage comprises an existing three storey commercial building with upper floors built to the street boundary. This view is taken from the corner of Blaxland Road and Pope Street.



Figure 3 Blaxland Road frontage of the site

A solid three storey high brick wall (western building elevation), car parking and existing vegetation address Blaxland Road, a busy vehicle thoroughfare.



Figure 4 Adjoining development to the east of the site
 Immediately to the east of the site along Pope Street is a single storey Medical Clinic with a residential dwelling at the rear. Further east are four storey residential developments.



Figure 5 Adjoining development to the north
 Adjoining the site to the north are three to four storey residential flat buildings.

4 SITE DETAILS

Total site area: 2,520sqm

Frontage to Blaxland Road: 46.5 metres
 Frontage to Pope Street: 35.919 metres
 Northern boundary length: 50.115 metres
 Eastern boundary length: 57.64 metres
 Land use zone: Zone B4 – Mixed Use under Ryde Local Environmental Plan 2010 (refer to **Figure 6**)

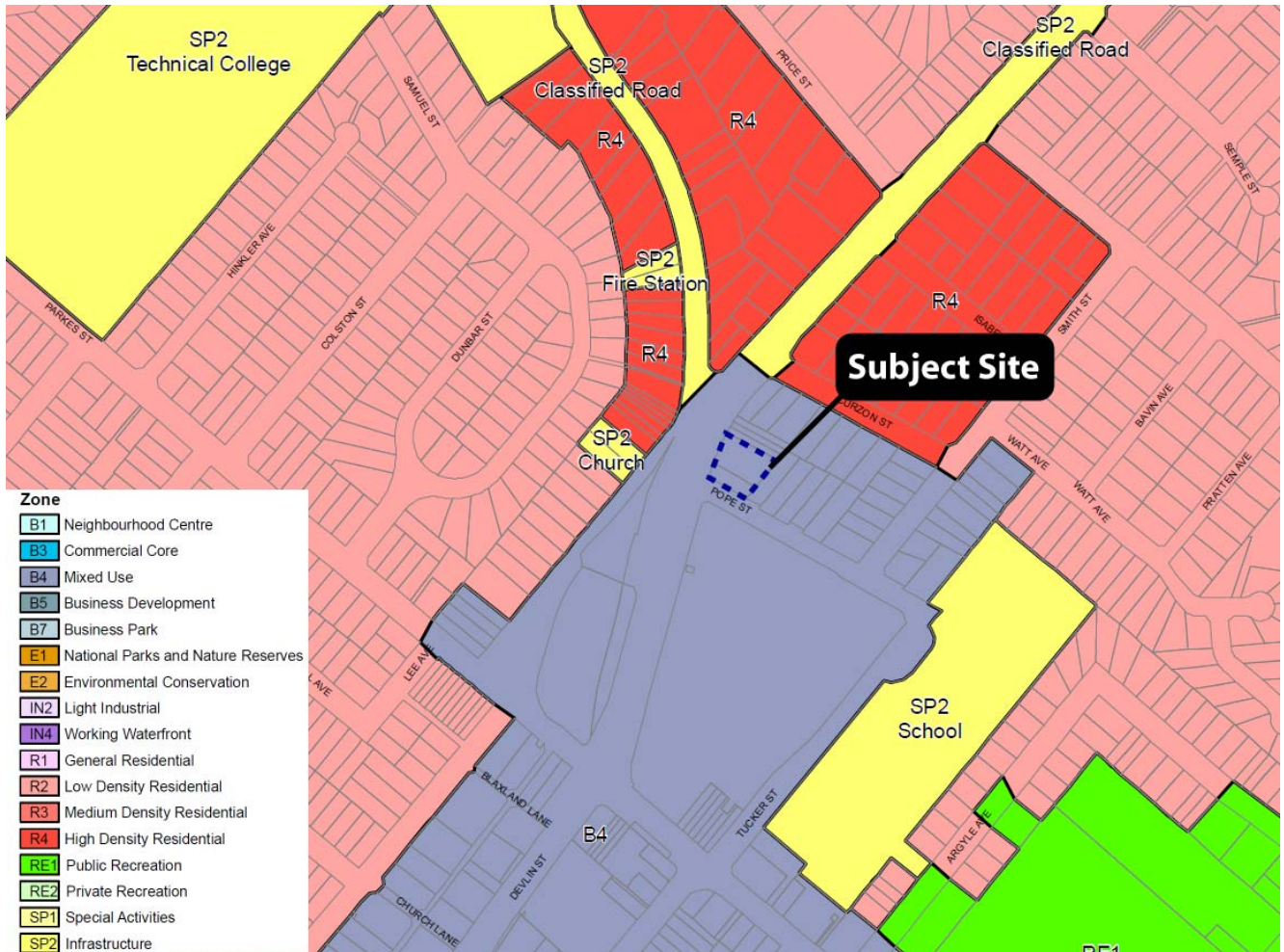


Figure 6 Zoning plan under Ryde Local Environmental Plan 2010.

5 PROPOSAL

The development proposed the erection of a mixed use retail/commercial development comprising a retail/commercial floor space of approximately 200sqm at Ground level and 97 residential apartments over six to seven storeys above. (*Note: the applicant defines the first storey as Ground Floor, the second storey as Level 1, the third storey as Level 2 and so on, to the uppermost floor as Level 6*). The development contains three basement car parking levels, and a loading dock, accessible via the driveway access off Pope Street.

In plan, the building can be described to be designed into three wings, as illustrated at **Figure 7** below: the Blaxland Road wing (seven storeys in height); Pope Street wing (six storeys at eastern portion and seven storeys at western portion); and Northern wing (six storeys).

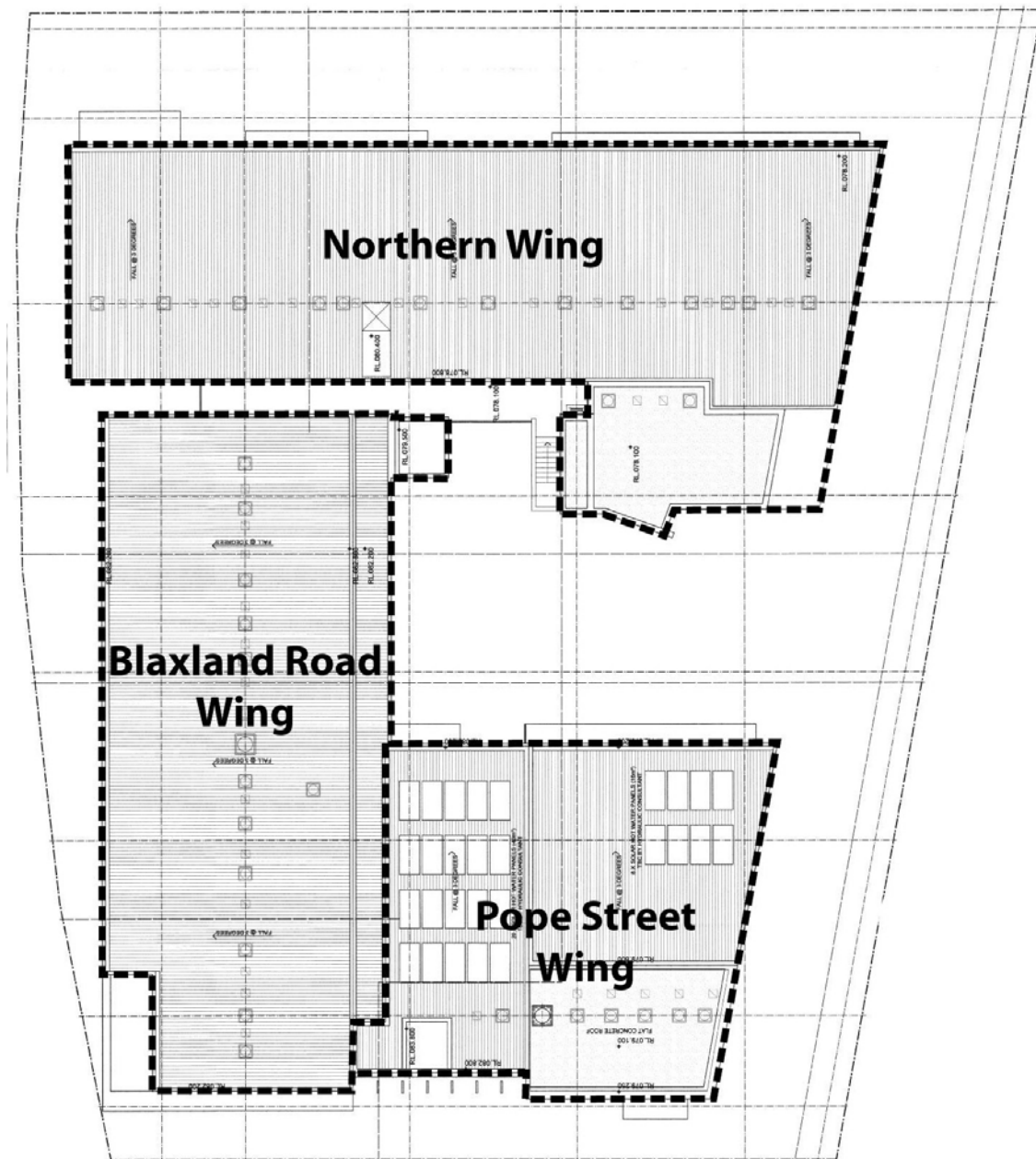


Figure 7 Description of development in plan

The building has a maximum height of 24.2 metres. Height distribution across the wings includes maximum 24.2 metres to Blaxland Road wing and western portion of Pope Street wing, 20.4 metres to eastern portion of Pope Street wing and 19.8 metres to Northern wing.

The building (including balconies) is setback 2.633 metres to 3.956 metres from Blaxland Road; 2.0 metres to 4.0 metres to Pope Street; 6.5 metres to 9 metres to the side eastern boundary; and 6.052 metres to 8.347 metres to the northern boundary of the site.

The basement car parking levels comprise a total 152 car parking spaces (eight commercial spaces and 144 residential spaces), including secure residential parking, and commercial/retail parking (on Basement Level 1). Disabled car parking spaces are provided at Basement Level 1. Secure storage spaces are provided in all basement parking levels. Additionally, 8 bicycle parking spaces are provided at Basement Level 1 within the commercial/retail parking area and 14 spaces within the secured area of Basement Level 1. Basement Levels 2 and 3 comprise of residential parking spaces only.

The commercial/retail component of the development is situated on the Ground Floor, located at the southwest corner of the site. Access to the commercial premises is provided from both Pope Street and Blaxland Road frontages.

The loading dock is located at the southern portion of the site, with access via the driveway from Pope Street. Adjacent to the loading dock is the commercial and residential waste rooms and a hydraulic and hot water plant room.

Pedestrian entry for residents and visitors is provided from Blaxland Road and Pope Street. The Ground Floor Level comprises six residential units. Level 1 comprises 16 residential units. Levels 2 to 5 comprise 17 residential units in the same configuration. Level 6 (being the uppermost floor) comprises seven units, situated in the south-west corner of the site.

Communal open space is provided at the ground floor above the basement car parking structures. The communal open space is 650sqm in area and is located in centre/east of the site area, with the building edging this communal space to the north, west and south. Additional communal open space is provided in the public outdoor court located along the Blaxland Road frontage of the development.

A range of materials and finishes are proposed. External elevations will include 'silver pearl' vertical joint metal cladding, white smooth textured rendering, silver/grey patterned rendering and stone cladding. Windows and louvres will be aluminium framed. Windows will be clear glazing.

It is also proposed that all existing trees on the subject site be removed.

Stratum subdivision of the development is also proposed. A Condition of Consent has been imposed requiring a stratum subdivision plan to be provided prior to the issue of a Construction Certificate (refer to Condition number **36**).

6 BACKGROUND

The development application was submitted to Council on 8 June 2011. Prior to lodgement the applicant undertook a prelodgement meeting and review by Council's Urban Design Review Panel (discussed further in this assessment under **Section 8.2**).

The proposed development requires approval under Clause 13B of the Major Development SEPP as it has a capital investment value of more than \$10 million.

Following a detailed assessment of the proposal, a letter requesting modifications and additional information was sent to the applicant on 4 August 2011. The applicant issued amended drawings to Council on 26 August 2011.

Following a review of the amended drawings, further issues were raised by Council with respect to stormwater and drainage design, loading dock and driveway sight line compliance

with the relevant Australian Standards, justification for non-compliance with the maximum height standard, and the setback non-compliance to Blaxland Road. Accordingly, further amended drawings and justification for the height non-compliance was provided by the applicant on 21 September 2011.

A summary of the issues raised by Council in the letter dated 4 August 2011 and issues raised following Council's review of the amended drawings submitted on 26 August 2011; and the applicant's response to these issues are outlined below:

- **Issue – Height:** The proposal submitted to Council on 8 June 2011 exceeded the maximum height of 18.5 metres permissible on the site under the Ryde LEP 2010. The applicant was requested to reduce the height of the northern wing and the eastern portion of the Pope Street wing to provide a transition in scale between Top Ryde City Shopping Centre to the south, and the adjacent developments to the north and east.

Response:

The height of the northern pavilion and the Pope Street pavilion adjacent to 2 Pope Street was reduced by one storey.

Notwithstanding the reduction in height, the building height remains mostly non-compliant with the Ryde LEP 2010 maximum of 18.5 metres.

The south-eastern portion of the Pope Street wing does comply with the 18.5 metre height standard. However, the remainder of the Pope Street wing exceeds the maximum height by up to 1.9 metres to 4.6 metres.

The northern wing, also reduced in height by one (1) storey, remains non-compliant with the maximum height of 18.5 metres by up to 1.3 metres.

The Blaxland Road wing was considered acceptable by this assessment at seven storeys, and therefore it was not requested that this wing be reduced in height.

The height non-compliance is considered in further detail by this assessment.

- **Issue – Active street frontages:** Pope Street and Blaxland Road are identified as active street frontages under the Ryde DCP 2010. The proposal lodged to Council on 8 June 2011 provided a commercial/retail tenancy and building entrance at the ground floor, which was lower than the Pope Street and Blaxland Road footpath level. The applicant was requested to review the design of the ground floor so that the Pope Street and Blaxland Road frontages were level with the pedestrian footpaths of these streets. The applicant was also requested to clarify worker and visitor access to the commercial/retail tenancy from the public outdoor court addressing Blaxland Road (no access was shown on the drawings).

Response:

The floor level of the retail/commercial tenancy and building entrances were raised to be generally at the same level as the Pope Street and Blaxland Road frontages.

Worker and visitor access to the retail/commercial tenancy was clarified by being re-orientated to Pope Street.

- **Issue – Setback:** The proposal lodged to Council on 8 June 2011 provided building setbacks of 1.98 to 4.0 metres to 2 Pope Street. The applicant was requested that setbacks along this boundary should be revised to demonstrate appropriate building separation from 2 Pope Street, taking into consideration its future development potential and amenity impacts. Additionally, balconies at the south west and northwest corners of the site encroached the minimum 3 metre setback line required by the Ryde DCP 2010.

The applicant was therefore requested to review the design for compliance with the setback control.

Response:

The applicant increased the minimum side setback to the 2 Pope Street boundary to 6.5 metres. Windows facing the eastern boundary have fixed screens to minimise direct overlooking of the adjoining property. Units 1.1 and all corresponding units above have been setback further, 9 metres from the boundary to 2 Pope Street, to provide future development opportunity toward the rear of 2 Pope Street with respect to building separation.

The applicant also increased the setback of Units 1.11 and 1.12 (and all corresponding units above) to a minimum 2.6 metres from the street frontage. The balcony of the Unit 1.13 (and all corresponding units above) was relocated to address the Pope Street frontage.

- **Issue – Apartment amenity:** The proposal lodged to Council on 8 June 2011 provided Units G.1, 1.1 and all corresponding units above with permanent screening to all windows and balustrades of these apartments. This would result in poor outlook and internal amenity for future occupants of these units and therefore it was requested that these units be deleted. The applicant was also requested to clarify that windows to the internal breezeway are operable.

Response:

Unit G.1 was deleted by the applicant, with part of the space occupied by this unit now forming part of a reconfigured unit G.2, and the remainder forming a communal room.

Units 1.1 and corresponding units above were setback further from the boundary to Pope Street (9 metres), allowing for a 2.5 metre deep balcony to be provided directly from the living area of these units. Privacy screens to windows and balustrades from the living areas were removed, improving the outlook and internal amenity to future occupants of these apartments.

The applicant confirmed that windows to the circulation corridors will be operable, supporting cross ventilation of units.

- **Issue – Potential isolation of 2 Pope Street:** Concern was raised that the proposal may result in the isolation of 2 Pope Street with respect to development potential. In their prelodgement review of the proposal, the Urban Design Review Panel requested that 2 Pope Street be incorporated into the development site. Following lodgement, the applicant was again asked to consider the impact of the proposal on the development potential of 2 Pope Street.

Response:

The applicant advised that discussions with the owners of 2 Pope Street had taken place regarding incorporation of 2 Pope Street into the subject site. The site owner, Blaxland House Pty Ltd, outlined in a letter to Council, the history and outcome of communications between themselves and the property owner of 2 Pope Street. Based on the advice provided in this letter, the applicant made reasonable attempts at consolidation of the adjoining property into the development site. However such a proposal is not in the interests of the adjoining property owner, who seeks to develop the site independently.

As noted above, the applicant reduced the height of the south-east and northern portions of the development and increased the setback of the building to 6.5 metres from the eastern boundary to support future development opportunity of 2 Pope Street.

- **Issue – Built form:** The applicant was requested to clarify whether the Blaxland Road facing wall of the corridor from Levels 2 to 6 is a balustrade or solid full height wall.

Response:

The applicant confirmed that the corridor wall of Levels 2 to 6 facing Blaxland Road is a balustrade, creating an open circulation gallery.

- **Issue – Access control:** Concern was raised that commercial/retail tenancy occupants could access common residential open space and circulation areas. The applicant was requested to clarify access control to prevent commercial/retail tenancy occupants from accessing residential areas and address the issues raised by the NSW Police including access control, surveillance and appropriate crime prevention measures.

Response:

Commercial/retail tenancy access to residential areas has now been removed. Issues raised by the NSW Police will be imposed as Conditions of Consent (refer to Condition numbers **125** to **137** and **151**), as discussed further.

- **Issue – Dwelling mix:** The original proposal provided 76% of dwellings as one-bedroom/studios and 17% as two-bedrooms, which is inconsistent with the 5-35% requirements for one-bedroom apartments and 40-80% requirement for two-bedroom apartments under the Ryde DCP 2010. The applicant was requested to revise the internal layout to comply with the DCP unit mix requirement.

Response:

The unit mix was revised by the applicant following built form modifications requested by Council. The revised unit mix is:

- Studio and one bedroom units: 74 (76%)
- Two bedroom units: 22 (23%)
- Three bedroom units: 1 (1%).

The applicant provided two market opinions on the proposed dwelling mix from real estate professionals which support the proposed dwelling mix, as discussed under the Ryde DCP 2010 Assessment (**Section 8.8** of this report).

- **Issue – Apartment design:** Concern was raised regarding the potential for some large study rooms to be converted into bedrooms. The applicant was requested to review the internal apartment layout to provide for study areas that can not be converted into two bedroom apartments or consider these as two-bedroom apartments for the calculation of car parking.

Response:

The applicant stated no objection to the imposition of a Condition of Consent prohibiting the use of large study areas as a bedroom (refer to Condition number **152**).

- **Issue – Visual privacy:** The window of Bedroom 2 of Unit G.7 was inconsistent with the visual privacy control under the Ryde DCP 2010, which recommends windows of bedrooms at Ground Floor do not face a street frontage. The applicant was requested to modify this to comply.

Response:

The subject window of Unit G.7 was relocated by the applicant to the southern wall of the bedroom. Screening was also provided to ensure visual privacy is adequately provided for this bedroom.

- **Issue – Adaptable units:** The applicant was requested to show the location and layout of adaptable units on architectural drawings.

Response:

The applicant identified 12 adaptable units on the revised architectural drawing floor plans. The drawings clearly illustrate the layout and manoeuvring space provided in the adaptable units.

- **Issue – Solar access:** Concern was raised that minimal sun light access is provided to the internal courtyard and units on the southern wing in mid-winter. The Ryde DCP 2010 and Residential Flat Design Code encourage open space that provides good amenity to residents. The applicant was requested to improve sun light access to the internal courtyard and units at lower levels of the southern wing.

Response:

Although the built form was modified and the height of the northern wing reduced, minimal improvements were made to the sunlight access received to the ground of the internal courtyard area on 21 June (mid-winter).

This issue is discussed further by this assessment under **Section 8** of this report.

- **Issue – Public art:** The proposal lodged to Council on 8 June 2011 made no mention of the provision of public art. The applicant was requested to address the public art requirement of the DCP (refer to Condition number **44**).

Response:

The applicant raised no objection to a Condition of Consent requiring the preparation of an Arts and Cultural Plan for the proposed development.

- **Issue – Stratum subdivision:** The proposal lodged to Council on 8 June 2011 sought consent for stratum subdivision, yet no such plans were provided. The applicant was therefore requested to provide such plans.

Response:

The applicant has stated they have no objection to this being a deferred commencement condition of consent. It is considered that this Subdivision Plan is necessary, however

does not warrant a deferred commencement of the project. Accordingly, a Condition of Consent has been imposed requiring the provision of a Stratum Subdivision Plan prior to the issue of a Construction Certificate (refer to Condition number **36**).

- **Issue – Affordable housing:** Under the Ryde DCP 2010, affordable housing is encouraged in this location. The applicant was requested to clarify how the development will respond to this requirement.

Response:

Unit 2.1 and all corresponding units above are one-bedroom apartments. Although these units are smaller than the minimum recommended size for one-bedroom units under the RFDC, they provide adequate amenity and internal flexibility (as discussed further in this report under the RFDC assessment at **Section 8.2**). The applicant has stated that their size will support affordability relative to other larger units within the development.

- **Issue – Arborist report:** No identification of the species of trees to be removed was provided in the DA. The applicant was requested to clarify tree species and the significance of those proposed for removal and provide an Arborist Report.

Response:

An Arborist Report, prepared by Urban Forestry Australia, dated August 2011, was submitted to Council for assessment. The Arborist Report findings have been considered by Council's Landscape Architect, whose comments are discussed further under **Section 13** of this assessment.

- **Issue – Stormwater:** A number of issues were raised by Council's Development Engineer regarding OSD storage, OSD top soil requirements, design of pipelines and pits, calculations for tank sizing, detention tank requirements, gutters and runoff. It was also recommended that Water Sensitive Urban Design measures be incorporated into the landscape design and ground floor level.

Response:

The applicant revised stormwater details in their amended plans submitted 26 August 2011. However, the Council's Development Engineer identified that a number of issues remained unresolved. Email correspondence from Council was sent to the applicant on Tuesday 6 September 2011 in which the applicant was requested to resolve the outstanding issues including the location of drainage pipes and the OSD tank. In response to additional amended drawings submitted to Council on 21 September 2011, Council's Development Engineer has recommended a number of Conditions of Consent to ensure appropriate stormwater management (refer to Condition numbers **66** to **69** and **76**, **139** and **143** to **144**).

- **Issue – Traffic and access:** Concerns were raised regarding the compliance of parking layout and aisle widths in accordance with the relevant Australian Standards. Also, basement storage area doors were to be amended so that doors do not open into designated vehicular travel paths. It was recommended these doors be replaced by sliding doors. Concern was also raised regarding sight line issues with operation of the loading dock and vehicles entering and exiting the car park.

Response:

Storage space doors (where they may have opened into vehicular circulation areas) were amended from swinging to sliding doors, to ensure there is no conflict between storage doors and vehicular movement.

Regarding sight lines from the loading dock, Council's Development Engineer noted that the amended drawings submitted on 26 August 2011 remained inconsistent with the relevant Australian Standards. Amendments to the plans were recommended by the Development Engineer in an email sent to the applicant on 6 September 2011. In response to amended drawings submitted to Council on 21 September 2011, Council's Development Engineer has recommended a Condition of Consent be imposed to ensure compliance with the relevant Standards related to Traffic management. This Condition have been imposed (refer to Condition number **63**).

- **Issue – Amenity to adjoining property at 2 Pope Street:** Council requested that a solid masonry wall provided at part of the eastern side boundary with 2 Pope Street be reduced in height to comply with the maximum side fence height of 1.8 metres.

Response:

The boundary wall was modified to be a 1.8 metre high fence along the length of the eastern boundary.

7 APPLICABLE PLANNING CONTROLS

The following legislation, planning policies and controls are of relevance to the development:

Environmental planning instruments

- State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings (SEPP 65);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP);
- State Environmental Planning Policy (Major Development) 2005 (Major Development SEPP);
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP);
- Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour SREP);
- Ryde Local Environmental Plan 2010 (Ryde LEP 2010).

Development Control Plans

- Ryde Development Control Plan 2010 (Ryde DCP 2010).

8 PLANNING ASSESSMENT

This section provides an assessment against the relevant planning controls.

8.1 State Environmental Planning Policy No 55 - Remediation of Land

The requirements of SEPP 55 apply to the subject site. In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated. If it is contaminated, is it suitable for the proposed use; and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

A Phase 1 Preliminary Site Investigation, prepared by A. D. Envirotech Australia Pty Ltd, dated 20 June 2011 was submitted with the development application. The report concludes that:

- The site has predominately been used for commercial and residential land uses since the 1950's.
- Some general rubbish and hydrocarbon staining was observed on the surface of the site during the site inspection.
- A possible filling point for underground storage tanks (USTs) was identified on the access driveway to the site.
- It appears, based on aerial photographs that the existing building has been on the site since 1965.
- A targeted Stage II Detailed Site Investigation is warranted prior to the development works being undertaken.

The following recommendations are made in the Phase 1 Preliminary Site Investigation:

- A targeted Stage II Detailed Site Investigation should be undertaken prior to the development works, if no evidence is provided disproving the presence of an underground storage tank at the site.
- A Hazardous Materials Audit/Survey should be undertaken prior to the demolition of the building present on the site. Australian Standard 2601 Demolition of Structures requires that before commencement of any stripping or demolition, the site structures shall be examined to determine the presence of hazardous materials including asbestos, lead in paint, lead in dust, synthetic mineral fibre and polychlorinated biphenyls.

Based on this report and the recommendations of Council's Environmental Health Officer, appropriate Conditions of Consent have been imposed requiring appropriate actions in accordance with the above (refer Condition numbers **42** and **71**).

8.2 State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings

SEPP 65 came into force on 26 July 2002 and applies to the proposed development because it comprises three or more storeys and contains four or more self-contained dwellings.

The SEPP aims to improve the design quality of residential flat development in New South Wales. The SEPP recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, social and cultural benefits of high quality residential flat building design.

The proposal has been assessed against the following matters relevant to SEPP 65, for consideration:

- Urban Design Review Panel prelodgement comments;
- The ten SEPP 65 Design Quality Principles; and
- The NSW Residential Flat Design Code guidelines, published by the Department of Planning and NSW Government Architect in September 2002.

Urban Design Review Panel prelodgement comments

Council's Urban Design Review Panel reviewed a preliminary proposal to develop the site on 2 March 2011. The Panel recommended consideration of the following matters prior to formal lodgement of a DA:

'Density

The Panel is concerned that the scheme is an overdevelopment of the site, particularly in relation to adjacent 4 storey apartment buildings to the north and the internal amenity of the development itself.'

Comment: This view of the panel was supported with respect to the proposal lodged 8 June 2011. It was therefore requested that the applicant make a number of modifications to reduce the overall density of the development and improve internal amenity. The applicant responded to requested amendments by reducing the building height by one storey to the Northern wing and eastern portion of the Pope Street wing, and associated improvements to internal amenity as discussed further by this assessment. As noted under **Section 6**, these amendments included reduction in building height to the northern and Pope Street wings and improvements to unit amenity including outlook (Unit 1.1 and all corresponding above units) and privacy of Bedroom 2 of Unit G.6.

'Height

The panel recommends that the height is reduced along the northern portion of the site. This would transition the building form from taller development along Pope Street and from Top Ryde to lower development adjacent 4 storey apartments from the north. Stepping of the building form in height would also provide benefit to the development by providing solar access to the north facing apartments within the Pope Street wing. Currently, only the top level of this wing has direct sunlight at the June solstice.'

Comment: This view of the panel to provide a height transition was also supported with respect to the proposal lodged 8 June 2011. As aforementioned, the applicant was requested to reduce height, not only to the north (as noted by the Panel), but also to the east, by one storey. The applicant responded to this request and it is considered the proposal now achieves appropriate height transition between the taller elements of the Top Ryde Shopping Complex and developments to the north and east. These height amendments have also improved sunlight penetration to north facing units within the Pope Street wing.

'Building separation

To the north-east separations are reduced to 10.4m at glass line and less to balcony edge. The Panel recommends consideration for screens or non-transparent balustrades be given to the detail design.

Building separation with the neighbouring property to the east needs to ensure that this property has potential for some redevelopment in the future. As the neighbouring property will be isolated between two apartment developments, its development potential is limited. The preferred solution would be the incorporation of this site into the proposed development. As this may not be possible, the Panel recommends that the proposal redesign units 1.1, 1.2, 2.14 and 2.15 on each floor to orient living areas to the north and south and reduce overlooking to the east. This would reduce the amount of separation required between properties and give the adjacent site the best possibility for redevelopment. The Panel notes that unit 1.1 may need to be deleted as redesign is likely to reduce separation distances across the internal courtyard.'

Comment: It is considered that the applicant adequately addressed building separation to the adjoining north-east residential apartment developments. The apartment complex opposite has no windows directly facing the proposed development. Screening has been provided to the balconies of north-east facing units.

The building is setback 6.5 to 9.0 metres from the eastern side boundary, following a request to the applicant to provide appropriate building separation for any future development at 2 Pope Street.

As noted earlier under **Section 6**, the applicant was also requested to clarify whether it considered the incorporation of 2 Pope Street as part of the proposed development. The applicant provided details of communications between themselves and the owner of 2 Pope Street, who, according to the site owner, is not in favour of a joint development of the two sites.

'Ground Floor

The Panel is concerned with the viability of the commercial use and recommends the design be refined to maximise frontage to Pope Street and increase visual prominence of the space from the street. The commercial space should also be made level with the footpath rather than its current level 1m below the footpath. Equitable access to commercial suites should be provided and is required by the Commonwealth Premises Code legislation.'

Comment: This view of the panel to make the commercial/retail space level with Blaxland Road and Pope Street was also supported with respect to the proposal lodged 8 June 2011. As mentioned under **Section 6**, the applicant was requested to raise the ground floor level of the commercial space, which remained significantly below Pope Street and Blaxland Road.

The applicant responded to this request with both the commercial/retail space and the pedestrian entry on Pope Street raised to be generally at the same level as the pedestrian footpath of Blaxland Road and Pope Street, and therefore supporting active street frontages as required by the Ryde DCP 2010.

'Residential Design and Amenity

Apartments are accessed via a combination of galleries and double loaded corridors. Units with bedrooms along the single sided gallery are acceptable to the Panel if the proponent demonstrates window location and detail will promote light, air and privacy (both visual, acoustic and air quality). Where units are located along double loaded corridors (a wall on each side) the location of bedrooms with windows facing the corridor is not supported by the Panel. Units 1.3 and 2.6 are examples of this. One bedroom units such as Unit 2.2 are effectively single oriented and need to demonstrate how internal partitions are limited in height to promote borrowed light from the living room as explained in the presentation. The plan for this unit shows a wardrobe and kitchen where a low wall is not likely to be functional.

If a room is large enough to be a bedroom, then it should be designed as a bedroom not a 'study' with adequate natural light and air. An example of this is Unit 1.3. The deletion of unit 1.1 would improve the amenity of the utility room/second bedroom. Smaller studies, such as in Unit 1.10, where the study is located contiguous with the main living area is supported as this promotes more flexibility in the use of living areas.'

Comment: The architectural drawings submitted show the location of windows to the gallery corridors. No windows are provided to double loaded corridors from any apartments. Windows to the circulation corridors are operable, allowing for natural cross ventilation of units.

It is considered the applicant has adequately addressed the unit amenity concerns raised by the Panel with respect to Units 1.3 and 2.6 with kitchens and wardrobes in units being appropriately located to allow for flexible use of living areas.

A Condition of Consent has been imposed restricting the use of any designated study area as a bedroom (refer to Condition number **152**).

SEPP 65 Design Quality Principles

The following table provides an assessment of the proposed development against the 10 Design Quality Principles of SEPP 65:

SEPP 65 Design Principle	Comments	Comply?
Principle 1: Context Good design responds and contributes to its context. Context can be defined as the key natural land and built features of an area. Responding to context involves identifying the desirable elements of a	The proposed development is located within the City Edge precinct of the Top Ryde centre which is currently characterised by residential flat buildings and some commercial activities. The planning controls, including the Ryde LEP	Yes

SEPP 65 Design Principle	Comments	Comply?
<p>location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>2010 and Ryde DCP 2010, provide an increase in height and density to achieve the desired future character of the precinct, being mid scale mixed use development. The proposal responds to existing and future context by proposing a mixed use apartment development of appropriate scale and will make a positive contribution to the streetscape and local setting.</p>	
<p>Principle 2: Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and scale needs to achieve the scale identified for the desired future character of the area.</p>	<p>The proposed development is considered to provide appropriate scale. The building height ranges from 6 to 7 storeys, with the taller elements located toward the south and western area of the site (the Blaxland Road and part of the Pope Street wings), with lower 6 storey elements to the north (northern wing) and south east (remaining portion of Pope Street wing). This stepping of height provides suitable scale transition between the taller buildings located to the south (Top Ryde Shopping Centre and future tall development on the Ryde Civic Centre site) and lower developments to the north and east.</p>	Yes
<p>Principle 3: Built form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. 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 built form is considered appropriate for the site and proposed use. Building alignments and proportions are responsive to site geometry. The development will provide a positive urban design response to Blaxland Road and Pope Street, compared to the existing commercial building.</p>	Yes
<p>Principle 4: Density Good design has a density appropriate for the site and its context, in terms of the floor space yields (number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in</p>	<p>The proposed residential density, being 97 units, is considered appropriate to context. The site is located within an inner area of Metropolitan Sydney and is offered direct access to substantial retail facilities and walking distance to</p>	Yes

SEPP 65 Design Principle	Comments	Comply?
precincts undergoing a transition are consistent with the desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.	public transport. The proposal therefore maximises residential density in relation to established facilities/services.	
<p>Principle 5: Resource, energy and water efficiency</p> <p>Good design makes efficient use of natural resources, energy and water throughout its life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts, and built form, passive solar design principals, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	The proposed development is considered suitable with respect to resource, energy and water efficiency. The proposal meets minimum BASIX targets for thermal comfort, energy and water efficiency.	Yes
<p>Principle 6: Landscape</p> <p>Good design recognises that together landscape and building operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide practical establishment and long term management.</p>	<p>The landscape design is integrated with the overall development, providing areas for communal open space, and supporting residential amenity. A range of plantings, turf, paving and outdoor furniture is proposed and considered suitable for the proposed use. The landscaping will also soften the appearance of the development.</p> <p>Internal planting within the courtyard will breakdown the view of elevations when viewed from both within the courtyard space and windows addressing it.</p> <p>Tree species along Blaxland Road and Pope Street will also screen the building from within the public domain. Perimeter planting will also assist with visual privacy between adjacent properties.</p>	Yes
<p>Principle 7: Amenity</p> <p>Good design provides amenity through</p>	Most unit sizes are larger than the minimum unit size recommended under the RFDC. The exceptions	Yes

SEPP 65 Design Principle	Comments	Comply?
<p>the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>are Unit 1.1 (and all corresponding units above) being 47.6sqm. This is 2.4sqm less than the minimum unit size for a one bedroom unit. However, as discussed further by this assessment report, these units are well proportioned to accommodate various furniture layouts over their life span.</p> <p>There is sufficient sunlight access to living areas and private open space to the majority of dwellings, as discussed further by this assessment.</p> <p>The proposal will achieve adequate levels of natural ventilation, with the number of cross ventilated units maximised through the breezeway and openings to units on two sides.</p> <p>The orientation and configuration of apartments results in minimal opportunity for overlooking between units. Where there is potential for impacts on visual privacy, appropriate screening is proposed to minimise such impacts, discussed further in this assessment.</p> <p>Units facing Blaxland Road may be subject to adverse noise impacts as a result of high volumes of vehicular traffic on this road. This may impact on the acoustic amenity of these units. An appropriate condition has been provided to manage potential noise impacts (refer to Condition number 7).</p> <p>Storage is provided to all dwellings both internally, and in the basement parking areas (which comprise of lockable storage areas). It is considered that the provision of storage is therefore acceptable.</p> <p>All units are provided with sufficient indoor and outdoor living spaces. All balconies are at least 2.0 metres in depth, providing flexibility in layout for outdoor furniture, and are directly accessible from main living areas.</p> <p>All levels are accessible from two lift</p>	

SEPP 65 Design Principle	Comments	Comply?
	cores, one accessible from Blaxland Road, and the other from Pope Street. Internally, access is provided between each lift core via breezeways and corridors. Ease of access and mobility is therefore proposed.	
<p>Principle 8: Safety and security Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and a clear definition between public and private spaces.</p>	<p>The proposal makes a positive contribution to Blaxland Road and Pope Street with respect to safety and security. Passive surveillance opportunities are provided with balconies and windows addressing both streets. Surveillance from these is also provided to the internal courtyard area.</p> <p>Residential lobbies and the commercial/retail tenancy also provide passive surveillance opportunities at the Ground Floor.</p> <p>Entrance points are clearly identified and public and private space is clearly delineated through secure entrances, and the use of perimeter planting along the Blaxland Road and Pope Street frontages.</p>	Yes
<p>Principle 9: Social dimensions and housing affordability Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provisions of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p> <p>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	<p>The proposed development provides a range of dwelling types including studios, one bedroom, one bedroom plus study, two bedroom and a three bedroom apartment. Adaptable units are also proposed. There is a high degree of one and (to a lesser extent) two bedroom apartments. However the proposed unit mix is considered appropriate, as discussed further by this assessment</p>	Yes
<p>Principle 10: Aesthetics Quality aesthetics require the</p>	<p>The building aesthetics are considered appropriate. The</p>	Yes

SEPP 65 Design Principle	Comments	Comply?
appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to the desirable elements of the existing streetscape, or, in precincts undergoing transition, contribute to the desired future character of the area.	appearance of the development is contemporary, but understated, and will make a positive contribution to the locality. Appropriate variety of materials and finishes is proposed.	

Residential Flat Design Code

The following table provides an assessment of the proposed development against the Residential Flat Design Code (RFDC) guidelines.

Residential Flat Design Code 2002	Comment	Comply?
Local context: Primary development controls		
Building height <ul style="list-style-type: none"> To ensure future development responds to the desired future character of the street and local area. To allow reasonable daylight access to all developments and the public domain. 	<p>The proposed development exceeds the maximum height of 18.5 metres permitted under the Ryde LEP 2010.</p> <p>Although the building exceeds the maximum permitted height, there will be no adverse impacts on day light access to the public domain, particularly to the Piazza at Top Ryde City Shopping Centre, located opposite the site. The proposal also maintains at least three hours of solar access to the rear open space area of the adjoining property at 2 Pope Street.</p>	<p>No (variation acceptable – refer to Note 1 under RLEP assessment commentary under Section 8.7 of this report) Yes</p>
Building depth <p>Control over building depth is important as the depth of a building will have a significant impact on residential amenity for the building occupants. In general, narrow cross section buildings have the potential for dual aspect apartments with natural ventilation and optimal daylight access to internal spaces.</p> <p>In general, apartment building depth of</p>	<p>The maximum building depth is 17.5 metres, which is less than the maximum recommended 18 metres.</p>	<p>Yes</p>

Residential Flat Design Code 2002	Comment	Comply?
<p>10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory day lighting and ventilation are to be achieved.</p>		
<p>Building separation For buildings over three storeys it is recommended that building separation increase in proportion to building height to ensure appropriate urban form, adequate amenity and privacy for building occupants. Suggested dimensions within a development, internal courtyards and between adjoining site are:</p> <ul style="list-style-type: none"> • Up to four storeys/12 metres <ul style="list-style-type: none"> – 12m between habitable rooms/balconies – 9m between habitable/balconies and non-habitable rooms – 6m between non-habitable rooms • Up to eight storeys/25 metres <ul style="list-style-type: none"> – 18m between habitable rooms/balconies – 12m between habitable/balconies and non-habitable rooms – 9m between non-habitable rooms • Allow zero building separation in appropriate contexts, such as in urban areas between street wall building types (party walls). • Where a building step back creates a terrace, the building separation distance for the floor below applies. • Protect the privacy of neighbours who share a building entry and whose apartments face each other by designing internal courtyards with greater building separation. • Developments that propose less than the recommended distances must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved. 	<p>Internally, the northern wing and Pope Street wing are separated by 11 metres between the balcony of Unit 1.14 (and all corresponding units above) and Unit 1.1 (and all corresponding units above). This is less than the minimum 12 metres required up to four storeys and 18 metres required up to seven storeys. Fixed privacy screens are proposed to the living area window of Unit 1.1 (and all corresponding units above) and a solid wall is proposed to the southern edge of the balcony of Unit 1.1 (and all corresponding units above). These measures will adequately manage direct overlooking between these units.</p> <p>The proposed development is separated 17 metres from the residential flat development at 2 Curzon Street; 14 metres from the residential flat development at 4 Curzon Street and 10 metres from the residential flat development at 6 Curzon Street. There are no windows along the southern wall of 6 Curzon Street directly overlooking the subject site. Therefore, a variation to the minimum building separation requirement in this instance is acceptable.</p> <p>To the east, the proposed development is setback 6.5 to 9 metres from the boundary. To ensure the protection of visual privacy between the site and future development at 2 Pope Street, where the building is at 6.5 metres from the eastern boundary, fixed privacy screens are proposed on windows.</p> <p>Perimeter planting will also assist in reducing overlooking opportunity at lower and ground levels between properties.</p>	<p>No (variation acceptable)</p>

Residential Flat Design Code 2002	Comment	Comply?
<p>Street setbacks</p> <ul style="list-style-type: none"> Street setbacks should relate to the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls. Relate setbacks to area's street hierarchy. Identify the quality, type and use of gardens and landscape areas facing the street. 	<p>The subject site addresses both Pope Street and Blaxland Road. Under the Ryde DCP 2010, a 3 metre setback is required to both streets.</p> <p>The building is setback (including balconies) 2.0 to 4.0 metres from the Pope Street boundary. Two balconies, occupying less than one third of the building frontage to Pope Street encroach the minimum 3.0 metre setback causing non-compliance. This variation is considered acceptable and is discussed further in this assessment report under the Ryde DCP 2010 section.</p> <p>The building setbacks (including balconies) to Blaxland Road range from 2.6 metres to 3.95 metres. Only minor sections of balconies encroach the minimum 3.0 metre setback to Blaxland Road, causing non-compliance. The main building line of the Blaxland Road wing is at least 3 metres from the boundary. This variation is considered acceptable, as discussed further under the Ryde DCP 2010 section of this assessment report.</p> <p>Trees and perimeter planting are proposed along the Pope Street and Blaxland Road street frontages will support the appearance of the development from within the public domain.</p>	<p>No (variation acceptable – refer to assessment of setbacks under RDCP Assessment at Section 8.8)</p> <p>Yes</p>
<p>Side and rear setbacks</p> <p>Side setbacks should minimise the impact of light, air, sun and privacy, views and outlook for neighbouring properties, including future buildings and retain a rhythm or pattern that positively defines the streetscape so that space is not just what is left over from the building form.</p> <p>Rear setbacks should maintain deep soil zone to maximise natural site drainage and protect the water table;</p>	<p>The minimum side setback under the Ryde DCP 2010 to the northern boundary is 3 metres. There is no minimum side boundary setback to the eastern boundary (Figure 4.4.07 of Ryde DCP 2010).</p> <p>The setback of the northern wing from the northern boundary is 6 metres. This is well in excess of the minimum side boundary setback under Ryde DCP 2010 and achieves sufficient building separation between</p>	<p>Yes</p>

Residential Flat Design Code 2002	Comment	Comply?
<p>maximise the opportunity to retain and reinforce mature vegetation; optimise the use of land at the rear and surveillance of the street at the front and maximise building separation to provide visual and acoustic privacy.</p>	<p>the proposed development and adjoining residential development. The building is setback 6.5 to 9 (to glass line) metres from the eastern side boundary which is considered sufficient to provide appropriate separation between the subject site and the existing dwelling at the rear or 2 Pope Street, or any future development on that site. No minimum setback to this boundary is specified under the Ryde DCP 2010.</p>	
Part 2: Site Design		
<p>Site analysis Development proposals need to illustrate design decisions, which are based on careful analysis of the site conditions and their relationship to the surrounding context. By describing the physical elements of the locality and the conditions impacting on the site, opportunities and constraints for future residential flat development can be understood and addressed in the design. A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the development application.</p>	<p>The architectural drawings include a thorough site analysis of the conditions affecting the site and the local context, opportunities and constraints.</p>	<p>Yes</p>
<p>Site configuration: deep soil zones Optimise the provision of consolidated deep soil zones within a site. Optimise the extent of deep soil zones beyond the site boundaries by locating them contiguous with the deep soil zones of adjacent properties. Promote landscape health by supporting for a rich variety of vegetation type and size. Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials. A minimum of 25% of the open space area of a site should be a deep soil</p>	<p>The proposal comprises a deep soil area of 77.3sqm (12% of the communal open space area, being 650sqm) located primarily along the northern boundary of the site. This is less than the minimum recommended 25% of the open space area. The variation is however considered acceptable as the site is located in an established urban area. Conditions of consent have been recommended by Council's Development Engineer to ensure appropriate management of stormwater (refer to Condition numbers 66 to 69, 76, 139, 143 and</p>	<p>No (variation acceptable)</p>

Residential Flat Design Code 2002	Comment	Comply?
<p>zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building.</p>	<p>144).</p>	
<p>Site configuration: fences and walls Respond to the identified architectural character for the street and/or the area; contribute to the amenity, beauty and useability of private and communal open spaces and retain and enhance the amenity of the public domain.</p> <p>Clearly delineate the private and public domain without compromising safety and security.</p> <p>Select durable materials, which are easily cleaned and graffiti resistant.</p>	<p>Proposed fencing and walls are acceptable at the northern, western and southern boundaries of the site.</p> <p>The public and private domains are clearly delineated with perimeter planting between the boundary and front building lines along the Blaxland Road and Pope Street frontages.</p> <p>Landscaping is also provided around fencing and walls, deterring the potential for graffiti.</p> <p>The side boundary fences to the north and east are 1.8 metres in height, consistent with the maximum height requirement under the Ryde DCP 2010.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Site configuration: landscape design Improve the amenity of open space with landscape design which provides appropriate shade from trees or structures, accessible routes through the space, screening, allows for locating artworks. Contribute to streetscape character and the amenity of the public domain.</p> <p>Improve the energy efficiency and solar efficiency of dwellings and the microclimate of private open spaces.</p> <p>Design landscape that contributes to the site's particular and positive characteristics.</p> <p>Contribute to water and stormwater efficiency by integrating landscape</p>	<p>Landscaping is provided between a mix of private and publicly accessible garden areas including an internal courtyard area.</p> <p>Trees are proposed along the street frontage and within the courtyard, providing shade and softening the site appearance.</p> <p>Perimeter planting is provided along Blaxland Road and part of the Pope Street frontage, providing screening and a buffer between the outdoor court and public domain.</p> <p>Council's Development Engineer has confirmed that the proposed stormwater and drainage is generally</p>	<p>Yes</p> <p>Yes</p> <p>Conditioned to comply</p>

Residential Flat Design Code 2002	Comment	Comply?
<p>design with water and stormwater management.</p> <p>Provide sufficient depth of soil above paving slabs to enable growth of mature trees.</p> <p>Minimise maintenance by using robust landscape elements.</p>	<p>acceptable. Non-compliances have been addressed through Conditions of Consent recommended by Council's Development Engineer (refer to Condition numbers 66 to 69, 76, 139, 143 and 144).</p> <p>Depths of 1.0 metre of soil are provided above the car parking structure. This is acceptable for the healthy growth of medium tree species. A Condition of Consent is therefore imposed to ensure that tree species planted are appropriate for the soil depth and dimensions required (refer to Condition number 45 (b)).</p> <p>A Condition of Consent is also imposed to ensure that the health of species selected in the public domain is guaranteed for at least two years (refer to Condition number 46).</p>	<p>Conditioned to comply</p> <p>Conditioned to comply</p>
<p>Site configuration: open space</p> <p>Provide communal open space that is appropriate and relevant to the context and the building's setting.</p> <p>Where communal open space is provided, facilitate its use for the desired range of activities.</p> <p>Provide private open space for each apartment capable of enhancing residential amenity.</p> <p>Locate open space to increase the potential for residential amenity.</p> <p>Provide environmental benefits including habitat for native fauna, native vegetation and mature trees, a pleasant microclimate, rainwater percolation and outdoor drying area.</p> <p>The area of communal open space required should generally be at least between 25 and 30% of the site area. Larger sites and brownfield sites may have potential for more than 30%.</p> <p>Where developments are unable to achieve the recommended communal open space, such as those in dense urban areas, they must demonstrate that residential amenity is provided in</p>	<p>Communal open space is provided as part of the outdoor court to Blaxland Road and a communal area (internal courtyard) by the Northern wing, Blaxland Road wing and Pope Street wings. The location of open space is considered appropriate as it is easily accessible from all areas of the development.</p> <p>The open space area is capable of facilitating active and passive recreational opportunities, with an open grassed area and outdoor seating and tables. A Condition of Consent has been imposed requiring that a Detailed Landscape Plan be prepared and is to include seating and bicycle racks in the public outdoor court area to activate this space (Refer to Condition number 45).</p> <p>Vegetation will be provided in and around the open space areas, providing shading, soil area for rain water absorption and enhanced amenity.</p> <p>The proposal is consistent with the minimum area for communal open</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Residential Flat Design Code 2002	Comment	Comply?
<p>the form of increased private open space and/or in a contribution to public open space.</p> <p>The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25m², the minimum preferred dimension in one direction is 4.0m.</p>	<p>space of 25% (630sqm). The proposal provides 650sqm (26%) of communal open space.</p> <p>Ground floor apartments are provided with private open space of 26sqm and a minimum dimension of 4 metres, as required.</p>	<p>Yes</p>
<p>Site configuration: orientation</p> <p>Plan the site to optimise solar access by positioning and orienting buildings to maximise north facing walls, providing adequate building separation within the development and to adjacent buildings.</p> <p>Select building types or layouts which respond to the streetscape while optimising solar access.</p> <p>Optimise solar access to living spaces and associated private open spaces by orienting them to the north.</p> <p>Detail building elements to modify environmental conditions, as required, to maximise sun access in winter and sun shading in summer.</p>	<p>The proposed development achieves solar access to private open spaces and living areas to 69 of the 97 units (71%), achieving adequate solar access.</p> <p>The orientation of the building is considered appropriate, addressing both Blaxland Road, Pope Street and to the north. This will maximise environmental design opportunities including natural air circulation and solar access.</p>	<p>Yes</p>
<p>Site configuration: planting on structures</p> <p>Design for optimum conditions for plant growth by providing soil depth, soil volume and soil area appropriate to the size of the plants to be established etc.</p> <p>Design planters to support the appropriate soil depth and plant selection. Increase minimum soil depths in accordance with the mix of plants in a planter.</p> <p>In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity. The recommended minimum soil depth standards range from 100-300mm for turf to 1.3 metre large trees.</p>	<p>The architectural drawings illustrate that 700sqm of the open space area will have a soil depth of at least 1.0 metre. This is suitable for accommodating medium tree species. A Condition of Consent has been imposed requiring that species appropriate for the soil depth provided are planted, in accordance with the RFDC soil depth and dimension standards (refer to Condition 45 (b)).</p>	<p>Conditioned to comply</p>

Residential Flat Design Code 2002	Comment	Comply?
<p>Site configuration: stormwater management</p> <p>Reduce the volume impact of stormwater on infrastructure by retaining it on site.</p> <p>Optimise deep soil zones. All development must address the potential for deep soil zones.</p> <p>On dense urban sites where there is no potential for deep soil zones to contribute to stormwater management, seek alternative solutions.</p> <p>Protect stormwater quality by providing for sediment filters and traps etc.</p> <p>Reduce the need for expensive sediment trapping techniques by controlling erosion.</p> <p>Consider using grey water for site irrigation.</p>	<p>Council's Development Engineer has reviewed the proposed stormwater management measures and considers them to be generally adequate. A number of Conditions of Consent however, are recommended to ensure appropriate stormwater management (refer to Condition numbers 66 to 69, 76, 139, 143 and 144).</p> <p>A condition has been imposed as recommended by Council's Development Engineer requiring appropriate erosion and sediment control measures during the undertaking of works on the site (refer to Condition number 69).</p>	<p>Conditioned to comply</p>
<p>Site amenity: safety</p> <p>Reinforce the development boundary to strengthen the distinction between public and private space. This can be actual or symbolic.</p> <p>Optimise the visibility, functionality and safety of building entrances.</p> <p>Improve the opportunities for casual surveillance by orienting living areas with views over public or communal open spaces, where possible.</p> <p>Minimise opportunities for concealment.</p> <p>Control access to the development.</p>	<p>Public and private space is clearly delineated through the use of landscaping elements.</p> <p>The proposed development is considered acceptable with respect to safety. The design provides for adequate passive surveillance of the street and communal open space.</p> <p>Appropriate access control is provided throughout various parts of the development, including to residential lobbies and units and to residential secure parking areas though secure doors and roller shutters.</p> <p>Conditions of Consent requiring CCTV and the incorporation of other safety and security measures as recommended by the Gladesville Police have been imposed (refer to Condition numbers 125 to 137 and 151).</p>	<p>Yes</p>
<p>Site amenity: visual privacy</p> <p>Locate and orient new development to maximise visual privacy between</p>	<p>The northern and Pope Street wings are approximately 11 metres apart, which is less than the minimum 12</p>	<p>Yes</p>

Residential Flat Design Code 2002	Comment	Comply?
<p>buildings on site and adjacent buildings.</p> <p>Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to apartments.</p> <p>Use detailed site and building design elements to increase privacy without compromising access to light and air.</p>	<p>metres required up to four storeys and 18 metres up to eight storeys. As noted under 'Building Separation' above, appropriate mitigation measures are provided to manage visual privacy between dwellings.</p> <p>Privacy screens are proposed to windows on the eastern elevation to manage privacy between the site and 2 Pope Street.</p>	
<p>Site access: building entry</p> <p>Improve the presentation of the development to the street (i.e. designing the entry as a clearly identifiable element of the building in the street, ground floor apartment entries-where it is desirable to activate the street edge or reinforce a rhythm of entries along a street).</p> <p>Provide as direct a physical and visual connection as possible between the street and the entry.</p> <p>Achieve clear lines of transition between the public street, the shared private, circulation spaces and the apartment unit.</p> <p>Ensure equal access for all. Provide safe and secure access.</p> <p>Generally provide separate entries from the street for pedestrians and cars and different uses.</p> <p>Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces.</p> <p>Provide and design mailboxes to be convenient for residents and not to clutter the appearance of the development from the street.</p>	<p>The proposed entry points are both legible with clear lines of vision between the entrances and the streets.</p> <p>Entrances are appropriately secured.</p> <p>Mailboxes are to be in a secured area.</p>	Yes
<p>Site access: parking</p> <p>Determine the appropriate car parking space requirements in relation to proximity to public transport, shopping and recreational facilities, density etc.</p> <p>Limit the number of visitor parking spaces, particularly in small developments.</p> <p>Give preference to underground</p>	<p>A total 137 car parking spaces are required in accordance with the Ryde DCP 2010 car parking requirements (including 129 residential spaces and 8 commercial/retail spaces). The proposal provides 152 car parking spaces including 8 commercial/retail spaces and 144 residential spaces.</p> <p>Parking spaces are located in three</p>	<p>Yes</p> <p>Yes</p>

Residential Flat Design Code 2002	Comment	Comply?
<p>parking, whenever possible.</p> <p>Where above ground enclosed parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and amenity.</p> <p>Provide bicycle parking, which is easily accessible from ground level and from apartments.</p>	<p>basement car parking levels.</p> <p>Easily accessible bicycle parking is provided, both within the retail/commercial parking area and the residential parking area.</p>	<p>Yes</p>
<p>Site access: pedestrian access</p> <p>Utilise the site and its planning to optimise accessibility to the development.</p> <p>Promote equity by ensuring the main building entrance is accessible for all from the street and from car parking areas.</p> <p>Design ground floor apartments to be accessible from the street, where applicable, and to their associated private open space.</p> <p>Maximise the number of accessible, visitable and adaptable apartments in a building. Australian Standards are only a minimum.</p> <p>Separate and clearly distinguish between pedestrian access ways and vehicle access ways.</p> <p>Follow the accessibility standard set out in Australian Standard AS 1428 (Parts 1 and 2), as a minimum.</p> <p>Provide barrier free access to at least 20% dwellings in the development.</p>	<p>The applicant's Access Review Report prepared by Morris-Goding Accessibility Consulting, dated 8 June 2011, makes recommendations for compliance with the relevant Australian Standards and Ryde DCP 2010 controls. A Condition of Consent is imposed requiring compliance with the Ryde DCP 2010 (Refer to Condition number 53).</p> <p>A continuous path of travel is provided to all units via lifts and barrier free access is provided to 20% of dwellings.</p>	<p>Yes</p>
<p>Site access: vehicle access</p> <ul style="list-style-type: none"> • Generally limit the width of driveways to six metres. • Locate vehicle entries away from main pedestrian entries and on secondary frontages. 	<p>The proposed driveway width is over 8 metres. This is considered necessary to accommodate vehicle entry into the loading dock. The width of the driveway should not visually dominate the Pope Street frontage as it is integrated within the building design. A Condition of Consent has been imposed requiring the preparation of a loading dock management plan to ensure safe operation and management of the loading dock (refer to Condition</p>	<p>Conditioned to comply</p>

Residential Flat Design Code 2002	Comment	Comply?
	<p>number 47).</p> <p>The driveway, located off Pope Street on the eastern side of the property, is considered the most suitable location for vehicular access to the site. This is the furthest point available for vehicular access from Blaxland Road and the Pope Street/Blaxland Road junction.</p> <p>Council's Development Engineer has noted that sightlines for vehicles exiting the loading dock and vehicles entering the driveway remains unresolved. A Condition of Consent is provided to amend the drawings to facilitate safe site distance in this location (refer to Condition number 63).</p>	
Part 3: Building Design		
<p>Building configuration: apartment layout</p> <p>Determine appropriate apartment sizes in relation to geographic location and market demands, the spatial configuration of an apartment, not just its plan, and its affordability.</p> <p>Ensure apartment layouts are resilient over time.</p> <p>Design apartment layouts, which respond to the natural and built environments and optimise site opportunities by providing private open space, orienting main living spaces toward the primary outlook, etc.</p> <p>Avoid locating the kitchen as part of the main circulation space of an apartment, such as a hallway or entry space.</p> <p>Ensure apartment layouts and dimensions facilitate furniture removal and placement.</p> <p>Comparative unit sizes: internal area (external area):</p> <ul style="list-style-type: none"> • Studio 38.5m² (6m²) • 1br cross-through 50m² (8m²) • 1br loft 62m² (9.4m²) 	<p>As noted earlier, unit 1.1 (and all corresponding units above) are 47.6sqm, which is less than the minimum recommended size for one bedroom units of 50sqm. However, these units demonstrate adequate levels of internal amenity, with generous sized bedroom dimensions and adequate space to allow for flexibility in furniture configuration over the life of the units. Additionally, these units are provided with balconies of 2.5 metres in depth providing decent outdoor living space, directly accessible off the primary internal living area. Accordingly, the non-compliance is considered acceptable.</p> <p>All other units have an area that is greater than the minimum recommended unit size.</p> <p>All units have open space directly accessible off the main living area, with balcony dimensions of 2.0 metres and adequate spaces.</p> <p>Kitchens are located appropriately away from main circulation areas.</p>	<p>No (variation acceptable)</p> <p>Yes</p> <p>Yes</p>

Residential Flat Design Code 2002	Comment	Comply?
<ul style="list-style-type: none"> • 1br single-aspect 63.4m² (10m²) • 2b corner 80m² (11m²) • 2br cross-through 89m² (21m²) • 2br cross-over 90m² (16m²) • 2br corner with study 121m² (33m²) • 3br 124m² (24m²) <p>The back of a kitchen should be no more than 8.0m from a window.</p> <p>Buildings not meeting the minimum standards listed above, must demonstrate how satisfactory day lighting and natural ventilation can be achieved, particularly in relation to habitable rooms.</p> <p>Minimum apartment sizes that do not exclude affordable housing are:</p> <ul style="list-style-type: none"> • 1 bedroom apartment 50m² • 2 bedroom apartment 70m² • 3 bedroom apartment 95m² 	<p>The backs of kitchens are within 8.0 metres from a door or window, thereby provided with adequate natural ventilation.</p>	<p>Yes</p>
<p>Building configuration: apartment mix</p> <p>Provide a variety of apartment types. Refine the appropriate apartment mix for a location by:</p> <ul style="list-style-type: none"> • Considering population trends. • Noting the apartment's location in relation to public transport, public facilities, etc. • Locate a mix of apartments on the ground level. • Optimise the number of accessible and adaptable apartments. <p>Investigate the possibility of flexible apartment configurations.</p>	<p>The RDCP 2010 requires the following unit mix:</p> <ul style="list-style-type: none"> • 1 bedroom/studio: 5-35% • 2 bedroom: 40-80% • 3 bedroom: 5-35% <p>The proposed development provides the following unit mix:</p> <ul style="list-style-type: none"> • 1 bedroom/studio: 74 (76%) • 2 bedroom: 22 (23%) • 3 bedroom: 1 (1%) <p>This unit mix is inconsistent with the unit mix required under the Ryde DCP 2010.</p> <p>At ground level, a mix of units is provided including a studio, one-bedroom, two bedroom and three-bedroom apartment.</p> <p>Twelve adaptable units are provided and clearly illustrated on the architectural drawings.</p>	<p>Partial non-compliance (refer to assessment of unit mix under RDCP Assessment at Section 8.8)</p> <p>Yes</p> <p>Yes</p>
<p>Building configuration: balconies</p> <p>Provide at least 1 primary balcony. Primary balconies should be located</p>	<p>Each unit is provided with a primary balcony that is directly accessible off the main living area.</p>	<p>Yes</p>

Residential Flat Design Code 2002	Comment	Comply?
<p>adjacent to the main living areas, sufficiently large and well proportioned to be functional and promote indoor/outdoor living.</p> <p>Design and detail balconies in response to the local climate and context.</p> <p>Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy.</p> <p>Coordinate and integrate building services, such as drainage pipes, with overall facade and balcony design.</p> <p>Consider supplying a tap and gas point on primary balconies.</p> <p>Provide primary balconies for all apartments with a min. depth of 2.0m.</p>	<p>It is considered that balconies are appropriately located to maximise solar access, with all balconies having at least partial exposure to the north, east or west. Balconies are also well positioned and screened to optimise privacy from other parts of the development and the adjoining properties.</p> <p>Glass balustrades and the location of balconies allows for casual surveillance of the street and public domain surrounding the site.</p> <p>Drainage and building services are integrated into the building design and will not result in any undesirable visual impacts on the façade.</p> <p>No tap or gas points appear to be provided on balconies, however given their proximity to the primary internal living area and the kitchen, such provision is not considered a necessity.</p> <p>All balconies have a depth of at least 2.0 metres.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No (variation acceptable)</p> <p>Yes</p>
<p>Building configuration: ceiling Heights</p> <p>Design better quality spaces in apartments by using ceilings to define a spatial hierarchy between areas of an apartment using double height spaces, raked ceilings, changes in ceiling heights and/or the location of bulkheads, maximise heights in habitable rooms by stacking wet areas from floor to floor, promote the use of ceiling fans.</p> <p>Facilitate better access to natural light by using ceiling heights which promote the use of taller windows, highlight windows and fan lights and light shelves.</p> <p>Recommended minimum floor to ceiling heights:</p> <ul style="list-style-type: none"> • 2.7m for all habitable rooms on all floors; and • 2.4m is the preferred minimum for 	<p>Floor to ceiling heights are at least 2.7 metres for all residential dwellings.</p>	<p>Yes</p>

Residential Flat Design Code 2002	Comment	Comply?
all non-habitable rooms, however, 2.25m is permitted.		
<p>Building configuration: flexibility Provide apartment layouts, which accommodate the changing use of rooms.</p> <p>Utilise structural systems, which support a degree of future change in building use or configuration.</p> <p>Promote accessibility and adaptability by ensuring the number of accessible and visitable apartments is optimised and adequate pedestrian mobility and access is provided.</p>	<p>All units are of an appropriate size and layout to allow for flexibility in changing use of rooms through furniture layouts.</p> <p>As noted earlier, twelve adaptable units are provided. All adaptable units provide sufficient opportunity for reconfiguration of apartments to suit the requirements of disabled persons. This is clearly demonstrated on the architectural drawings and detailed adaptable unit plans.</p>	<p>Yes</p> <p>Yes</p>
<p>Building configuration: ground floor apartments</p> <ul style="list-style-type: none"> • Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desire streetscape and topography of the site. • Provide ground floor apartments with access to private open space, preferable as a terrace or garden. 	<p>Ground floor units have access off a common walkway.</p> <p>All ground floor units are provided with a north facing courtyard area.</p>	<p>Yes</p>
<p>Building configuration: internal Circulation</p> <p>Increase amenity and safety in circulation spaces by providing generous corridor widths and ceiling heights, appropriate levels of lighting, including the use of natural daylight, minimising corridor lengths, providing adequate ventilation.</p> <p>Support better apartment building layouts by designing buildings with multiple cores which increase the number of entries along a street and the number of vertical circulation points, give more articulation to the facade, limiting the number of units off a circulation core on a single level.</p> <p>Articulate longer corridors.</p> <p>Minimise maintenance and maintain</p>	<p>Apartments are accessed via two lift cores and two entrances, both of which can be accessed by all units on each level.</p> <p>Corridors facing the internal courtyard are designed as breezeways, or open corridors, which provides for natural light and ventilation of these areas, and also assist in achieving solar penetration to individual units.</p> <p>Level 1 comprises 16 units, levels 2 to 5 comprise 17 units and level 6 comprises 7 units. As both lift cores provide access to all units, and corridors include open breezeways providing substantial access to natural light and ventilation, the number of units off each corridor is considered acceptable.</p>	<p>Yes</p>

Residential Flat Design Code 2002	Comment	Comply?
<p>durability by using robust materials in common circulation areas.</p> <p>In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to 8. Exceptions may be allowed.</p>		
<p>Building configuration: mixed use Choose a mix that complements and reinforces the character, economics and function of the local area.</p> <p>Chose a compatible mix of uses, for example, food retail, small-scale commercial and residential is a better mix than car repair and residential.</p> <p>Consider building depth and form a relation to each use's requirements for servicing and amenity. The compatibility of various uses can be addressed by utilising flexible building layouts, which promotes variable tenancies or uses, optimal floor to ceiling heights, optimal building depths, extra care where larger footprint commercial spaces (cinemas, supermarkets, department stores) are integrated with residential uses.</p> <p>Design legible circulation, which ensure the safety of users by isolating commercial service requirements such as loading docks, from residential servicing areas and primary outlook, locating clearly demarcated commercial and residential vertical access points, providing security entries to all private areas including car parks and internal courtyards and providing safe pedestrian routes through the site where required.</p> <p>Ensure the building positively contributes to the public domain and streetscape by fronting onto major streets with active uses and avoiding the use of blank walls at ground level.</p> <p>Address acoustic requirements for each use by separating residential uses from ground floor leisure or retail use by utilising an intermediate quiet-</p>	<p>The proposed development is located within a mixed use zone. The proposed mix of residential and commercial/retail uses is therefore considered appropriate.</p> <p>Access between commercial and residential areas of the development is secure. Appropriate conditions have been imposed, as recommended by Gladesville Police, to also ensure appropriate security access to all other residential parts of the building (refer to Condition numbers 135 to 137).</p> <p>Circulation between uses is considered acceptable, with residential circulation secure and separated from commercial/retail tenancy areas.</p> <p>Landscaping and glazing is provided at the ground floor street frontage to avoid large expansive blank walls and graffiti.</p> <p>There are no common walls or direct connection between residential units and the commercial/retail tenancy.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Residential Flat Design Code 2002	Comment	Comply?
<p>use barrier, such as offices and design for acoustic privacy from the beginning of the project to ensure that future services do not cause acoustic problems later.</p> <p>Recognising the ownership/lease patterns and separating requirements for BCA considerations.</p>	<p>The tenancy is also setback behind the front building line at the Ground Floor, which will minimise noise transmission from the tenancy to residential units located above.</p> <p>The proposed development seeks consent for stratum subdivision of the site. No stratum subdivision plans have been submitted as part of this application. A Condition of Consent has been imposed requiring the submission of stratum subdivision plans prior to the issue of a Construction Certificate (refer to Condition number 36).</p>	<p>Yes</p>
<p>Building configuration: storage</p> <p>Locate storage conveniently for apartments. Options include providing at least 50% of the required storage within each apartment, dedicated storage rooms on each floor, providing dedicated and/or leasable secure storage in internal or basement car parks.</p> <p>Where basement storage is provided ensure that it does not compromise natural ventilation in car parks or create potential conflicts with fire regulations, exclude it from FSR calculations.</p> <p>Provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> • Studio apartments 6m³ • 1 bedroom apartments 6m³ • 2 bedroom apartments 8m³ • 3 plus bedroom apartments 10m³. 	<p>Each unit is provided with an average 17sqm of storage both within lockable storage compartments in the basement car parking levels and internally within each unit.</p> <p>Storage located within units comprises approximately 30% of the total storage area of each unit, with the remainder provided in the basement parking lockable storage areas. Although this is inconsistent with the minimum requirement for providing 50% of the storage area inside each unit, the total storage area is well in excess of the minimum area required for each unit.</p>	<p>No (variation acceptable)</p>
<p>Building amenity: acoustic privacy</p> <p>Utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings.</p> <p>Arrange apartments within a development to minimise noise transition between flats.</p> <p>Design the internal apartment layout to</p>	<p>Appropriate building separation is provided to ensure acoustic privacy is maintained between the subject site and development on adjoining properties.</p> <p>The apartment layout is considered appropriate, as similar uses such as kitchens, living areas and bedrooms are located opposite the same uses of adjoining units, as much as it appears practical.</p>	<p>Yes</p> <p>Yes</p>

Residential Flat Design Code 2002	Comment	Comply?
<p>separate noisier spaces from quieter. Resolve conflicts between noise, outlook and views by using double glazing, operable screened balconies, and continuous walls to ground level courtyards where they do not conflict with streetscape.</p> <p>Reduce noise transmission from common corridors or outside the building by providing seals at entry doors.</p>	<p>Fencing, walls and screens are provided where balconies and the ground floor terraces adjoin those of other units.</p> <p>Council's Environmental Health Assessment includes a recommended Condition that the recommendations of the Acoustic Report, and the relevant Australian Standards, be complied with to reduce internal noise transmission (refer to Condition number 7).</p>	<p>Yes</p> <p>Conditioned to comply</p>
<p>Building amenity: daylight access</p> <p>Plan the site so that new residential flat development is oriented to optimise northern aspect.</p> <p>Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.</p> <p>Optimise the number of apartments receiving daylight access to habitable rooms and principal windows.</p> <p>Design for shading and glare control, particularly in summer using shading devices, colonnades, balconies, pergolas, external louvres and planting, optimising the number of north-facing living spaces, providing external horizontal shading to north-facing windows, providing vertical shading to east or west windows, using high performance glass but minimising external glare, use a glass reflectance below 20%.</p> <p>Prohibit the use of lightwells as the primary source of daylight in habitable rooms.</p> <p>Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of 3 hours direct sunlight between 9.00am and 3.00pm in mid winter. In dense urban areas a minimum of 2 hours may be acceptable.</p> <p>Limit the number of single-aspect apartments with a southerly aspect</p>	<p>The site is orientated so that the majority of units are orientated north, east or west. The majority of units are also provided with dual-orientation as a result of the internal courtyard, open to the sky.</p> <p>The portion of communal open space adjacent to the Blaxland Road street frontage receives sufficient levels of sunlight access in mid-winter. In the summer months, trees and landscaping will ensure appropriate shading of communal open space.</p> <p>Balconies, screening and shading devices are used to control glare and undesirable solar access to and from units. It is not considered that the proposed development will result in undesirable reflectivity as glazing does not constitute a large proportion of the façade.</p> <p>Light wells are not used as part of the proposed development.</p> <p>69 of the 97 units (71%) receive sunlight access to balconies and main living areas in mid-winter.</p> <p>Eight units (8%) are primarily south, south-east or south-west facing, however these units are all dual aspect, with an opening to the east or west.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>

Residential Flat Design Code 2002	Comment	Comply?
<p>(SW-SE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of these standards and how energy efficiency is addressed.</p>	<p>Additionally, the proposal meets the appropriate BASIX targets for thermal comfort and energy efficiency achieving scores of 20 (20 to pass) for energy efficiency, and 'Pass' for thermal comfort.</p>	
<p>Building amenity: natural ventilation</p> <p>Plan the site to promote and guide natural breezes.</p> <p>Utilise the building layout and section to increase the potential for natural ventilation. Design solutions include facilitating cross ventilation etc.</p> <p>Design the internal apartment layout to promote natural ventilation.</p> <p>Select doors and operable windows to maximise natural ventilation opportunities established by the apartment layout.</p> <p>Coordinate design for natural ventilation with passive solar design techniques.</p> <p>Explore innovative technologies to naturally ventilate internal building areas or rooms - such as bathrooms, laundries and underground car parks.</p> <p>Building depths, which support natural ventilation typically range from 10 to 18m.</p> <p>60% of residential units should be naturally cross ventilated and 25% of kitchens within a development should have access to natural ventilation.</p> <p>Developments which seek to vary from the minimum standards must demonstrate how natural ventilation can be satisfactorily achieved, particularly in relation to habitable rooms.</p>	<p>The majority of units are provided with openings at two sides, with windows to the circulation corridors operable, allowing for natural cross ventilation.</p> <p>Standard mechanical ventilation will be used where required in bathrooms and laundries and in the car parking area. An appropriate condition of consent to ensure adequate mechanical ventilation is imposed (refer to Condition number 50).</p> <p>The building depths range from 11 metres to 17 metres, which is less than the recommended 18 metres.</p> <p>The proposed development provides adequate natural ventilation to units and kitchens in accordance with the RFDC, with 60% of apartments being naturally cross-ventilated, therefore meeting the minimum requirement.</p> <p>As noted earlier, all kitchens are located within 8 metres of an opening. 58 (59%) of kitchens are naturally ventilated, which is well in excess of the minimum requirement.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Building form: awnings and signage</p> <p>Awnings –</p> <p>Encourage pedestrian activity on streets by providing awnings to retail</p>	<p>Pedestrian weather protection is provided by the building above at the</p>	<p>Yes</p>

Residential Flat Design Code 2002	Comment	Comply?
<p>strips, where appropriate, which give continuous cover in areas which have a desired pattern of continuous awnings, complement the height, depth and form of the desired character or existing patterns of awnings and providing all weather protection.</p> <p>Awnings should contribute to the legibility of the residential flat development and the amenity of the public domain by being located over building entries.</p> <p>Enhance the safety for pedestrians by providing under awning lighting.</p> <p>Signage –</p> <p>Signage should be integrated with the design of the development by responding to scale, proportions and architectural detailing.</p> <p>Signage should provide clear and legible way-finding for residents and visitors.</p>	<p>ground floor retail/commercial area.</p> <p>Entrances are covered by awnings.</p> <p>A Condition of Consent is imposed requiring the provision of under-awning lighting (refer to Condition number 26).</p> <p>Building identification signage is proposed. The Statement of Environmental Effects states that signage will be located above the entrance awnings and be flush with the wall and non-illuminated. This will allow for residents and visitors to identify the building without the signage dominating the façade. A Condition of Consent is imposed to ensure the building identification signage is flush with the wall and not illuminated (refer to Condition number 8).</p> <p>No commercial/retail area signage is proposed by the DA. Any signage, not considered exempt or complying development, will require separate development consent (refer to Condition number 9).</p>	<p>Yes</p> <p>Conditioned to comply</p> <p>Conditioned to comply</p> <p>Conditioned to comply</p>
<p>Building form: facades</p> <p>Consider the relationship between the whole building form and the facade and/or building elements. The number and distribution of elements across a facade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns.</p>	<p>The design of the façade incorporates a number of different building elements including recessed balconies, louvres across the balconies, windows and glazed balustrades. The façade has a neutral colour palette in a limited but complementary range of colours. The finishes to the top floor design provide further design variation.</p> <p>These elements add interest to the design of the façade and enhance its aesthetics when viewed from the</p>	<p>Yes</p>

Residential Flat Design Code 2002	Comment	Comply?
<p>Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character.</p> <p>Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation.</p> <p>Express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height.</p> <p>Coordinate and integrate building services, such as drainage pipes, with overall facade and balcony design.</p> <p>Coordinate security grills/screens, ventilation louvres and car park entry doors with the overall facade design.</p>	<p>public domain.</p> <p>The proposal will enhance the contribution of the site to the public domain. The existing site presents as an outdated commercial building with poor street address and aesthetics.</p>	
<p>Building form: Roof design</p> <p>Relate roof design to the desired built form. Some design solutions include:</p> <p>Articulating the roof, using a similar roof pitch or material to adjacent buildings, using special roof features, which relate to the desired character of an area, to express important corners etc.</p> <p>Design the roof to relate to the size and scale of the building, the building elevations and three-dimensional building form.</p> <p>Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access.</p> <p>Minimise the visual intrusiveness of service elements by integrating them into the design of the roof.</p> <p>Support the use of roofs for quality open space in denser urban areas.</p>	<p>The roof is well integrated with the overall building design. Materials, colours and finishes of the roof and top floor complement the overall aesthetics and assist with providing design emphasis to the Pope Street and Blaxland Road street corner.</p>	Yes
<p>Building performance: energy efficiency</p> <p>Incorporate passive solar design techniques to optimise heat storage in</p>	<p>A Condition of Consent has been imposed requiring compliance with the BASIX commitments made within this DA (refer to Condition number 11). The proposal achieves an energy</p>	Yes

Residential Flat Design Code 2002	Comment	Comply?
<p>winter and heat transfer in summer. Improve the control of mechanical space heating and cooling.</p> <p>Provide or plan for future installation of photovoltaic panels. Improve the efficiency of hot water systems.</p> <p>Reduce reliance on artificial lighting.</p> <p>Maximise the efficiency of household appliances.</p>	<p>efficiency score of 20 (20 to pass).</p>	
<p>Building performance: maintenance</p> <p>Design windows to enable cleaning from inside the building, where possible.</p> <p>Select manually operated systems, such as blinds, sunshades, pergolas and curtains in preference to mechanical systems.</p> <p>Incorporate and integrate building maintenance systems into the design of the building form, roof and facade.</p> <p>Select durable materials, which are easily cleaned and are graffiti resistant.</p> <p>Select appropriate landscape elements and vegetation and provide appropriate irrigation systems.</p> <p>For developments with communal open space, provide a garden maintenance and storage area, which is efficient and convenient to use and is connected to water and drainage.</p>	<p>The proposal is considered acceptable with respect to maintenance because of the use of durable materials including aluminium, glass and render finishes.</p> <p>At ground level, there is a high proportion of glazing which reduces the potential for graffiti.</p> <p>A Condition of Consent has been imposed requiring the preparation of a Landscape Maintenance Plan to ensure regular and appropriate maintenance of landscape areas (refer to Condition number 128).</p>	<p>Yes</p>
<p>Building form: waste management</p> <p>Incorporate existing built elements into new work and recycle and reuse demolished materials, where possible.</p> <p>Specify building materials that can be reused and recycled at the end of their life.</p> <p>Integrate waste management processes into all stages, of the project, including the design stage.</p> <p>Support waste management during the design stage.</p> <p>Prepare a waste management plan.</p> <p>Locate storage areas for rubbish bins away from the front of the development where they have a</p>	<p>A Waste Management Plan has been submitted as part of the DA.</p> <p>Waste management has been incorporated into the building design through dedicated waste storage area located adjacent to the loading dock for ease of collection.</p> <p>Council's Environmental Health Officer has recommended a number of Conditions to ensure appropriate waste management during the development and its operation. These recommendations have been imposed as Conditions of Consent (refer to Condition numbers 49, 83, 85 to 88 and 146 to 148).</p>	<p>Yes</p>

Residential Flat Design Code 2002	Comment	Comply?
<p>significant negative impact on the streetscape, on the visual presentation of the building entry and on the amenity of residents, building users and pedestrians.</p> <p>Provide every dwelling with a waste cupboard or temporary storage area of sufficient size to hold a single day's waste and to enable source separation.</p> <p>Incorporate on-site composting, where possible, in self contained composting units on balconies or as part of the shared site facilities.</p>		
<p>Building form: water conservation</p> <p>Use AAA rated appliances to minimise water use.</p> <p>Collect, store and use rainwater on site.</p> <p>Incorporate local indigenous native vegetation in landscape design.</p> <p>Consider grey water recycling.</p>	<p>A Condition of Consent has been imposed requiring compliance with the BASIX commitments made within this DA (refer to Condition number 11). The proposal achieves a water efficiency score of 40 (40 to pass).</p>	<p>Conditioned to comply</p>

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

The BASIX SEPP requires that all residential development in NSW achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The proposed development achieves the following BASIX Scores:

- Energy Efficiency: 20 (20 to pass)
- Water Efficiency: 40 (40 to pass)
- Thermal comfort: Pass (pass required)

The proposed development achieves the minimum BASIX targets for building sustainability. A Condition of Consent will be imposed requiring compliance will all BASIX commitments. (See conditions number **11**).

8.4 State Environmental Planning Policy (Major Development) 2005

This DA was submitted to Council on 8 June 2011, prior to the changes to the EP&A Act (which override the Major Development SEPP), which determines that regional development to which the JRPP is the determining authority applies to development over \$20 million. Therefore, due to the date of lodgement, the provisions of the Major Development SEPP for regional development apply to this DA.

The estimated cost of works of this DA is \$24,200,000. The proposed development is to be determined by the JRPP.

8.5 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP applies to the subject site given its location adjacent to a classified road (Blaxland Road/Devlin Street). The following provisions of the Infrastructure SEPP are applicable to this DA:

Infrastructure SEPP	Comments	Comply?
<p>Clause 101 Development with frontage to a classified road</p> <p>(1) The objectives of this clause are:</p> <ul style="list-style-type: none"> • To ensure that new development does not compromise the effective and ongoing operation and function of classified roads; and • To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads. 	<p>The proposed development has been designed so that vehicular access is provided from Pope Street, rather than Blaxland Road, to ensure effective operation of and minimise impacts to Blaxland Road/Devlin Street corridor.</p> <p>Potential impact of Blaxland Road on the amenity of the development is discussed further below.</p>	<p>Yes</p>
<p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</p> <ul style="list-style-type: none"> • Where practicable, vehicular access to the land is provided by a road, other than a classified road; and • The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of: <ul style="list-style-type: none"> – The design of vehicular access to the land, or – The emission of smoke or dust from the development, or – The nature, volume or frequency of vehicles using the classified road to gain access to the land. • The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road. 	<p>Vehicular access will be provided from Pope Street, which is not a classified road.</p> <p>Council's Environmental Health Assessment includes a recommended Condition that the recommendations of the Acoustic Report, and the relevant Australian Standards, be complied with (See Condition number 7).</p> <p>The RTA has also provided a number of suitable recommendations that satisfy the provisions of this clause. These include that all vehicles should enter and leave the site in a forward direction and shall be wholly contained on site before being required to stop; that the required sight lines to pedestrians or other vehicles in or around the car park or entrances are not to be compromised; that all demolition and construction vehicles should be contained wholly within the site and vehicles must enter the site before stopping; the existing "No Stopping" restriction along the Northern side of Pope Street shall remain; the</p>	<p>Conditioned to comply</p>

Infrastructure SEPP	Comments	Comply?
	proposed development should be designed such that road traffic noise is mitigated (refer to Condition number 7).	
<p>Clause 102 Impact of road noise or vibration on non-road development</p> <ul style="list-style-type: none"> • This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers likely to be adversely affected by road noise or vibration: <ul style="list-style-type: none"> – A building for residential uses • Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette. • If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq measures are not exceeded: <ul style="list-style-type: none"> – In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am – Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time. 	<p>The Acoustic Assessment submitted provides recommendations for noise mitigation measures in accordance with the Interim Guidelines and referenced Australian Standards.</p> <p>As noted above, Council’s Environmental Health Assessment includes a recommended Condition that the recommendations of the Acoustic Report, and the relevant Australian Standards, be complied with (See Condition number 7).</p> <p>The RTA has provided a number of suitable recommendations, including that the proposed development should be designed such that road traffic noise from Devlin Street, Lane Cove Road and Blaxland Road is mitigated by suitable materials in order to satisfy the requirements for habitable rooms under Clause 102 subdivision 3 of the Infrastructure SEPP (refer to Condition number 7).</p>	Conditioned to comply
<p>Clause 104 Traffic generating development</p> <ul style="list-style-type: none"> • The proposed development, being a residential flat building with 75 or more dwellings, and with access to a road that connects to a classified 	The development proposal has been forwarded to the RTA with comments and recommendations received, as noted within this assessment.	Yes

Infrastructure SEPP	Comments	Comply?
<p>road (within 90 metres) is considered traffic generating development.</p> <ul style="list-style-type: none"> • Before determining a DA for which this clause applies the consent authority must: <ul style="list-style-type: none"> – Take into consideration any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless before the 21 days have passed, the RTA advises that it will not be making a submission), and – Take into consideration any potential traffic safety, road congestion or parking implications of the development. • The consent authority must give the RTA a copy of the determination of the application with 7 days after the determination is made. 		

8.6 Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

SREP (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment. The proposed development is satisfactory having regard to the provisions contained within this Plan. The proposed development is consistent with the planning principles for the Sydney Harbour Catchment as it will not adversely impact upon the health of the catchment, the natural assets of the catchment, the functioning of natural drainage systems on floodplains, the visual qualities of the Sydney Harbour, and water run-off from the site is to be adequately controlled.

8.7 Ryde Local Environmental Plan 2010

The following provides an assessment against the relevant provisions of the Ryde LEP 2010.

Ryde LEP 2010	Comments	Comply?
<p>Zone B4 – Mixed Use Land Use Table The objectives of this zone:</p> <ul style="list-style-type: none"> • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking 	<p>The proposed development provides a mix of land uses (commercial/retail and residential) considered suitable for this location. The subject site is located within the Ryde Town Centre precinct, and therefore mixed use development of this nature is supported in this location.</p> <p>The proposal will increase</p>	<p>Yes</p>

Ryde LEP 2010	Comments	Comply?
<p>and cycling.</p> <ul style="list-style-type: none"> To create vibrant, active and safe communities and economically sound employment centres. To create a safe and attractive environments for pedestrians. To recognise topography, landscape setting and unique location in design and land-use. 	<p>residential density within the Ryde Town Centre, enhancing the viability of shops and services located in and around the centre.</p> <p>The subject site is located within walking distance of bus services and retail and commercial services, and therefore is considered a suitable location for this development.</p> <p>The proposed development will improve the locality through active frontages to streets and public domain improvements.</p>	
<p>Development permitted with consent Building identification signs, business premises, office premises, retail premises and shop top housing are permitted within this zone.</p>	<p>The proposed development is permitted within this zone.</p>	<p>Yes</p>
<p>Clause 2.6AA Demolition requires consent The demolition of a building or work may be carried out only with consent.</p>	<p>The proposed development also seeks consent for demolition. Appropriate demolition conditions have been imposed to mitigate against potential impacts (refer to Condition numbers 79 to 118).</p>	<p>Yes</p>
<p>Clause 4.3 Height of buildings The maximum height of buildings in this location is 18.5 metres.</p>	<p>The proposed development exceeds the maximum height of 18.5 metres permitted under the Ryde LEP 2010. The building height ranges from 18.5 metres to 24.2 metres. The area of non-compliance with the maximum height standard is illustrated at Figure 8.</p>	<p>No (variation acceptable) (refer to Note 1)</p>
<p>Clause 4.6 Exceptions to development standards (1) The objectives of this clause are to:</p> <ul style="list-style-type: none"> An appropriate degree of flexibility in applying certain development standards to particular development, and To achieve a better outcome for and from development by allowing flexibility in particular circumstances. 	<p>As the proposed development exceeds the maximum height of 18.5 metres permitted for development on the subject site, Clause 4.6 – Exceptions to development standards is required to be taken into consideration.</p> <p>The provisions of this clause are addressed under Note 1.</p>	<p>Variation acceptable (Refer to Note 1).</p>

Ryde LEP 2010	Comments	Comply?
<p>(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However this clause does not apply to a development standard that is specifically excluded from the operation of this clause.</p> <p>(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</p> <ul style="list-style-type: none"> • The compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and • That there are sufficient environmental planning grounds to justify contravening the development standard. <p>(4) Consent must not be granted for development that contravenes a development standard unless:</p> <ul style="list-style-type: none"> • The consent authority is satisfied that: <ul style="list-style-type: none"> – The applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3) – 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 • The concurrence of the Director-General has been obtained. 	<p>Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-General’s concurrence for exceptions to development standards</p>	<p>Yes</p>

Ryde LEP 2010	Comments	Comply?
<p>Clause 5.10 (5) Heritage Impact Assessment</p> <p>A heritage impact assessment is required for the subject site, which is in close proximity to several Heritage Items including Great North Road (State listed), Ryde Public School (State Listed) and three local heritage items.</p>	<p>The application states that it is considered that the development will have a neutral impact on the heritage significance of these items. No Heritage Impact Assessment was provided as part of the DA. Council's Heritage Officer has reviewed the proposal and determined that there will be little impact on the heritage significance. No special heritage recommendations are recommended for this DA.</p>	<p>Yes</p>
<p>Clause 6.7 Planning controls for Ryde Town Centre</p> <p>Development consent must not be granted for development on land in a precinct shown on the Ryde Town Centre precincts map unless the consent authority is satisfied that the development complies with the planning controls for the precinct set out in Schedule 6.</p>	<p>No specific controls are provided for the 'Commercial Edge North' Precinct 6.</p>	<p>N/A</p>

Note 1: Height and exception to the development standard

The proposed development exceeds the maximum height permitted under the Ryde LEP 2010 across the majority of the building, with the exception of the rooftop plant in the south-east corner of the Pope Street wing, which is at 18.5 metres in height. The area of non-compliance is illustrated at **Figure 8**, **Figure 9** and **Figure 10** below.

The height range of the proposed development is:

- Blaxland Road wing and western portion of Pope Street wing – 23.0 to 24.2 metres (including plant) and seven storeys.
- Pope Street wing (eastern portion only) – 18.5 to 20.4 metres (including plant) and six storeys.
- Northern wing – 18.9 to 19.8 metres (including plant) and six storeys.

The provisions of Clause 4.6 permit development to contravene a development standard imposed by the Ryde LEP 2010 unless specifically stated that the control is excluded from the operation of this Clause. Clause 4.3 – Height of Buildings is not specifically excluded from the operation of this clause. Accordingly, contravention of the height standard may be considered.

The applicant's town planner has provided justification for the non-compliance as part of the Statement of Environmental Effects in accordance with the requirements of Clause 4.6. The justifications provided by the applicant for varying the maximum building height standard are as follows:

- (a) That the site specific and contextually responsive development is consistent with the zone objectives and does not give rise to any unacceptable streetscape or residential amenity outcomes, and*
- (b) That the site specific and contextually responsive development is consistent with the objectives of the building height standard with a stepping down of building height adjacent to the adjoining properties, and*
- (c) That there are sufficient environmental planning and site specific urban design grounds to justify contravening a development standard, and*
- (d) That having regard to (a), (b) and (c) above, that compliance with the building height development standard is unreasonable and unnecessary in the circumstances of the case, and*
- (e) That given the quality of the development, the sites identified “gateway” location and context and the developments ability to comply with the zone and building height objectives that approval would not be antipathetic to the public interest, and*
- (f) The height and density proposed is entirely appropriate given the sites “gateway” location within the Ryde Town Centre, the ability to provide appropriately for car parking and the consistency with the Department of Planning’s Sydney’s Metropolitan Strategy ‘City of Cities’ and the draft Inner North Subregional Strategy as it relates to the appropriate concentration of residential density; and accordingly*
- (g) That contravention of the development standard does not raise any matter of significance for State or regional environmental planning.*

In accordance with Clause 4.6 of the Ryde LEP 2010, taking into consideration the justification put forward by the applicant and an assessment of the impacts of the non-compliance with the maximum height standard, strict compliance with Clause 4.3 – Height of Buildings is considered by this assessment unnecessary and unreasonable for the reasons outlined below:

- The stepping down of height from the south-south west to the north and east is supported by this assessment as it is considered to provide appropriate transition in scale between the taller building components to the south (Top Ryde Shopping Centre) and lower scale development to the north and east.
- The height transition is complementary to the pre-lodgement recommendation made by Council’s Urban Design Review Panel, as noted under **Section 8.2** of this assessment.
- The extent of non-compliance at the northern wing and eastern portion of the Pope Street wing is no more than 1.9 metres above the 18.5 metre height standard. These areas of non-compliance generally consist of ceiling and roof space. It is considered unreasonable to reduce building height further in these locations as this would result in a full storey being removed and therefore not achieve the full height outcome envisaged by Council by the controls. Reducing the height in these areas would also likely not result in any notable improvements to visual impacts.
- The extent of non-compliance at the Blaxland Road wing and western portion of the Pope Street wing is up to 5.7 metres. However, the additional height in these areas are considered appropriate as it provides scale definition to Blaxland Road, by being complementary to the taller building components immediately opposite.
- The proposal responds to requests to the applicant to raise the ground floor level to match the level of the footpath of Blaxland Road and Pope Street (refer to **Section 6** of this assessment). This has affected (lifted) the overall building height of the Blaxland

Road and Pope Street wings, however has achieved active street frontages at these locations as desired by the Ryde DCP 2010.

- The areas of non compliance would not result in any substantial adverse impact on the visual amenity and daylight access of adjacent areas, including the Top Ryde City Shopping Centre Piazza and the adjoining property, 2 Pope Street (which will receive at least 3 hours of sunlight access on 21 June).
- The height supports the achievement of the redevelopment of the site which is considered to be in the wider public interest, expanding housing choice in the locality, satisfactory land use zoning objections (being a mixed use development, compared to a single commercial use) and improving site aesthetics through a more urban design responsive built form outcome compared to the commercial building.

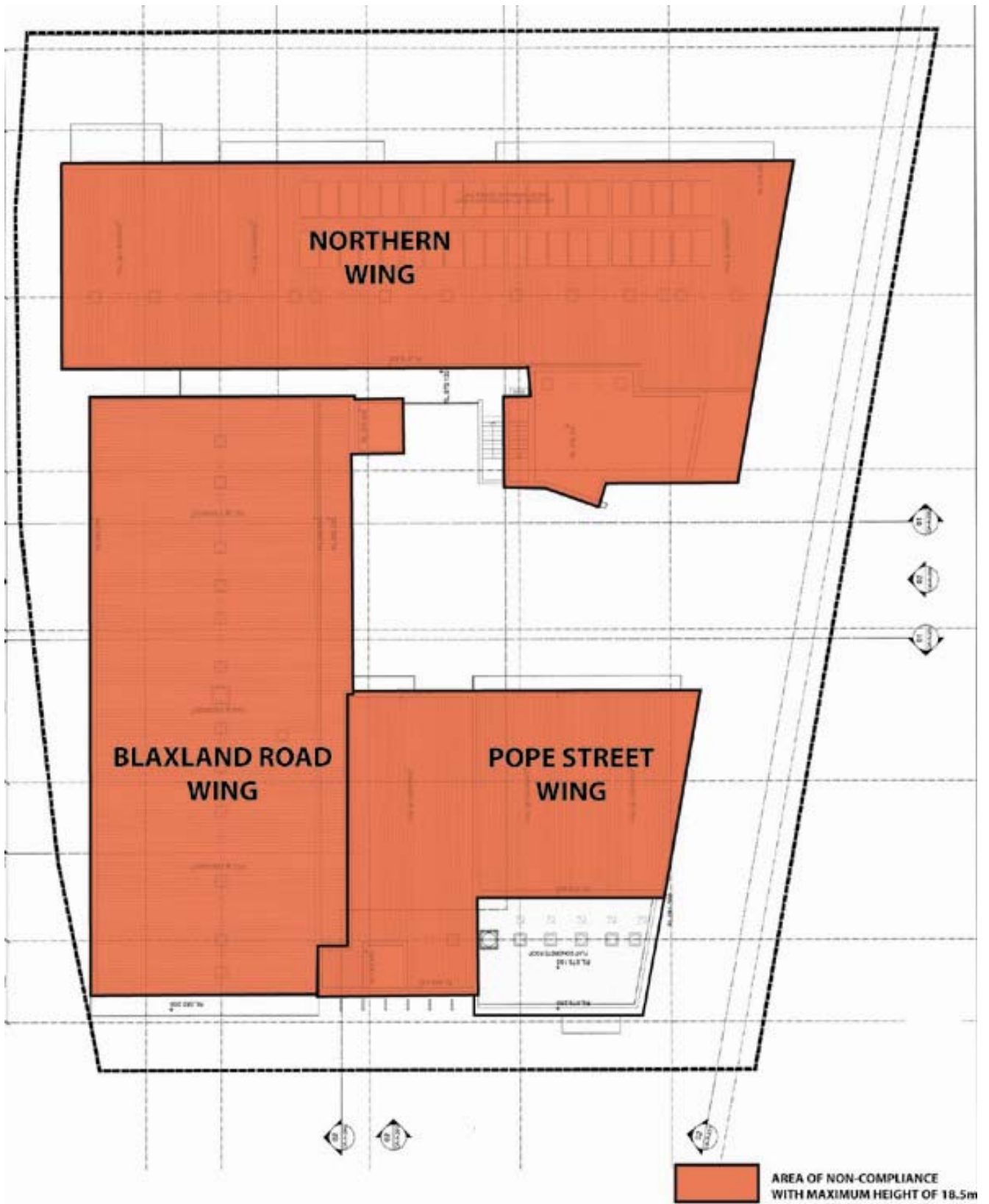


Figure 8 Area of non-compliance with the maximum 18.5 metre height standard.

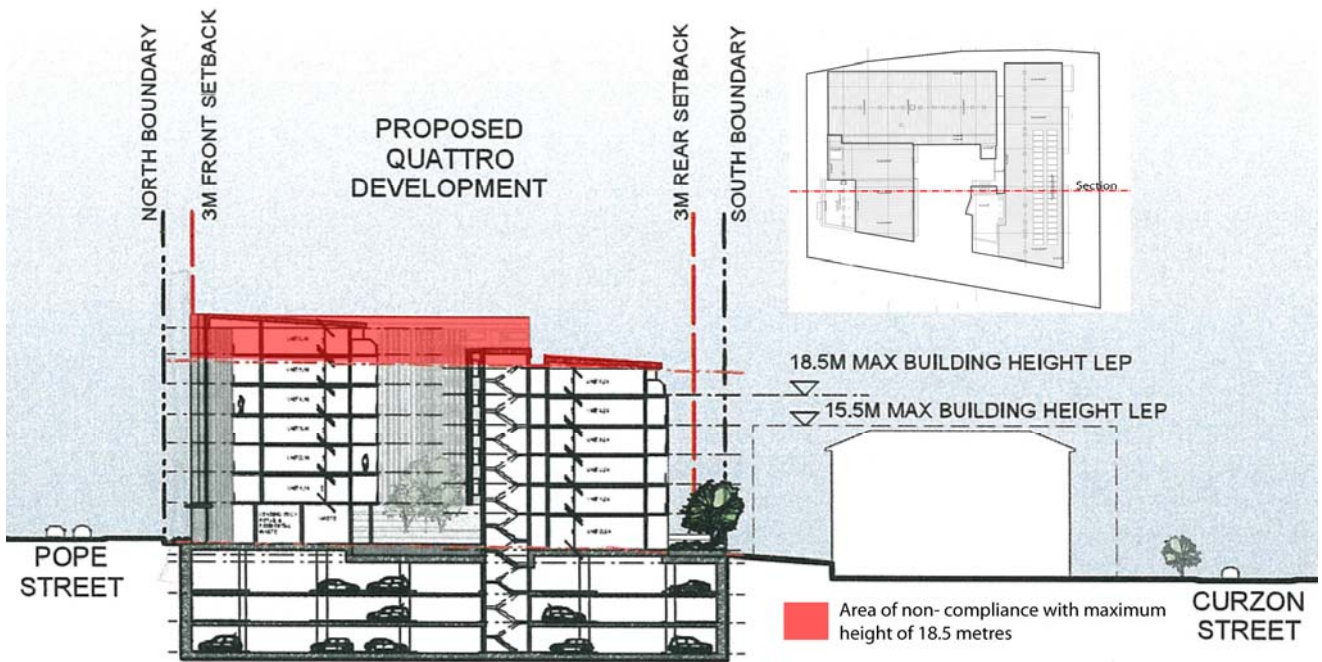


Figure 9 Section showing non-compliance with maximum 18.5 metre height



Figure 10 North-west elevation showing non-compliance with maximum 18.5 metre height

8.8 Ryde Development Control Plan 2010

The relevant provisions of the Ryde DCP 2010 are addressed at the table below.

Ryde DCP 2010	Comments	Comply?
<p>Part 2.1 Notice of Development Application The DA is to be notified and advertised in accordance with this Part of the DCP.</p>	<p>The City of Ryde Council has notified the DA in accordance with this Part of the DCP. Public submissions and details of the notification of this DA are addressed at Section 14 of this Report.</p>	Yes
<p>Part 4.4 Ryde Town Centre Controls The subject site is subject to the provisions of Part 4.4, Ryde Town Centre controls.</p>	Noted.	N/A

Ryde DCP 2010	Comments	Comply?
<p>2.2 Planning Principles for Ryde Town Centre</p> <p>The planning principles for Ryde Town Centre are:</p> <ul style="list-style-type: none"> • Regional Role: <ul style="list-style-type: none"> – Development within the Ryde Town Centre is to contribute to the status of the land as an important retail, business, employment, recreational, entertainment, civic and residential centre. 	<p>Regional role: The proposed development is considered acceptable with respect to supporting Top Ryde as a regional centre through the provision of additional residential dwellings and commercial/retail floor space.</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Sustainable planning and development: <ul style="list-style-type: none"> – Development is to minimise energy, water and materials use and resultant pollutants (such as greenhouse gases, stormwater liquid and solid waste) during construction and the lifecycle of development. – Planning and development is to ensure that social, economic and environmental issues are considered together with the proper regard for their mutual cumulative impacts. – Development is to enhance employment, recreation and residential opportunities, and encourage adaptable living environments, in the Ryde Town Centre. 	<p>The proposal meets the minimum standards for Building Sustainability under the BASIX SEPP for energy efficiency, water efficiency and thermal comfort.</p> <p>Regard for the economic, social and environmental impacts of the proposed development are provided in accordance with Section 79C (1) (a) (b) – Likely Impacts, as part of this assessment report (Section 10).</p> <p>The proposed development will enhance and support the social and economic vitality of the Ryde City Centre as per Clause 2.2 comments above.</p> <p>The residential component of the development will expand the variety of housing options available in an established locality, providing a social and economic benefit to future occupants.</p> <p>The increase in residents on the site, and the inclusion of commercial floor space providing employment opportunities, will support patronage of local shops, services and public transport services. The cumulative impacts of these benefits will result in increased local economic activity and employment opportunities in Ryde City Centre.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Ryde DCP 2010	Comments	Comply?
<ul style="list-style-type: none"> • Public domain: <ul style="list-style-type: none"> – All planning and design activities must take into account of and effectively respond to linkages and interfaces between the public space and private land and create a high quality and physical setting for buildings. – Development is to create a safe and accessible public domain that will be enjoyed by shoppers, residents, workers and visitors. Active uses are to be located along pedestrian thoroughfares and streets. – Development of the public domain is to facilitate pedestrian movement and cycling between precincts within the Ryde Town Centre and surrounding areas. – Public streets and public domain spaces are to be created in accordance with relevant Council policies and plans. 	<p>The proposed interface of the public and private domain is considered appropriate. The proposal includes perimeter planting along much of the Blaxland Road and Pope Street frontages, providing a clear and visually desirable buffer between public and private space.</p> <p>Entrances are clearly identified from the public domain by the inclusion of awnings over the entrance doors. Active uses are proposed at street level improving the public domain at this location.</p> <p>Accessible bicycle parking has been provided, adjacent to the commercial/retail parking area, encouraging bicycle use to and from the site, including for visitors/users of the commercial/retail area.</p> <p>A Condition of Consent is imposed requiring that works at the Pope Street and Blaxland Road frontages be undertaken in accordance with the Ryde Public Domain Technical Manual (refer to Condition number 46).</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Conditioned to comply</p>
<ul style="list-style-type: none"> • Urban Form: <ul style="list-style-type: none"> – Development is to demonstrate design quality and respond appropriately to the landmark quality of the ridgeline, gateway locations and to places of heritage significance in the Ryde Town Centre. – Urban Form, including public domain enhancements, land use, height and appropriate built form, are to contribute to an individual identity for each precinct identified on the Ryde LEP 2010. – Development is to provide a transition between the Town Centre and adjoining residential areas with complementary land-uses and the scale and massing of 	<p>The proposal responds to the 'gateway' location of the site within the Ryde Town Centre whilst maintaining acceptable levels of amenity to the adjoining residential lands to the north and east.</p> <p>The proposal provides enhancement to the public domain through providing a mix of uses on the site, street landscaping and an overall improvement to the quality of development on the subject site.</p> <p>As noted earlier, the proposal provides appropriate scale transition between the prominent Pope Street/Blaxland Road corner, where the building is at seven storeys, to</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Ryde DCP 2010	Comments	Comply?
built form.	the north and east, where it steps down to six storeys. The proposed residential and commercial activities also support transition between primarily residential and commercial uses located adjacent to the site.	
<ul style="list-style-type: none"> • Transport and access: <ul style="list-style-type: none"> – Development is to promote a compact working and living environment to maximise the efficient use of resources and infrastructure provisions. – The safety, amenity and convenience of pedestrians and cyclists is to be considered in all development. – Public transport will be promoted by the provision of facilities for users. 	<p>Transport and access is considered acceptable. Adequate parking is provided to cater for the expected demand generated by the proposed development.</p> <p>Secure bicycle storage is provided within the basement parking levels, with publicly accessible cycle parking spots available within the commercial/retail parking area.</p> <p>The proposed development is located in a centre well serviced by local and regional bus routes.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3.2 Environmental management and the public domain</p> <ul style="list-style-type: none"> • Provide solar access to no less than 80% of the ground floor plane for at least 2 hours between 10am and 2pm on 21 June to identified public domain areas, plazas and squares. • Building is to minimise adverse wind effects on public open spaces. The orientation, height and form of a development are to be designed to promote public safety and comfort at ground level. Awnings and galleria are to be provided if necessary for pedestrian comfort. Council may require an assessment of wind impacts and a statement of commitment regarding wind mitigation measures. • Building design should ensure that summer breezes are not blocked to private open space as well as the public domain. 	<p>The proposed development will not have any significant solar access impacts on any public domain areas, including the Top Ryde City Piazza area located southeast of the site.</p> <p>Awnings and the setting back of the building at ground floor provides for weather protection at the building entrance and along the Blaxland Road and Pope Street frontages. The incorporation of awnings, the covered public outdoor court and perimeter landscaping are considered appropriate to ensure pedestrian comfort. It is not considered a wind assessment is warranted for the proposed development as the Ground Floor is setback behind the front building line, and the internal courtyard is protected on three sides by the development, mitigating potential impacts of wind.</p> <p>As demonstrated by the applicant's Environment and Climatic</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Ryde DCP 2010	Comments	Comply?
	Conditions drawing, the communal open space will be exposed to summer north-easterly and easterly breezes, enhancing amenity and usability of the open space in summer.	
<p>3.3 Active frontage</p> <ul style="list-style-type: none"> • Provide ground level active uses where indicated on the Active Frontage Control Drawing. • Active uses contribute to personal safety in the public domain and comprise: <ul style="list-style-type: none"> – Community and civic uses facilities – Recreation and leisure – Shops – Commercial premises – Residential uses, however these should not occupy more than 20% of the total length of each street frontage. • Where required, active uses must comprises the street frontage for a depth of at least 10 metres. • Vehicle access points may be permitted where Active Frontage is required if there is no practicable alternatives. • Ground level shop fronts may incorporate security grills provide light falls onto the footpath and the interior of the shop is visible. Blank roller shutter type doors are not permitted. 	<p>The commercial/retail tenancy and the residential lobbies address both Pope Street and Blaxland Road, as required under the Active Frontage Control Drawing.</p> <p>The proposed active frontage comprises of a commercial/retail tenancy. Residential uses at ground occupy approximately 18% of the street frontage.</p> <p>The commercial tenancy has a depth of just 8.0 metres. However the tenancy is setback approximately 3 to 4 metres from the Blaxland Road street frontage, opening onto an outdoor court in the setback area. This outdoor court can complement and enhance future use of the retail tenancy. The depth is therefore considered appropriate.</p> <p>Although Pope Street is a nominated active street frontage, it is the only practical location for the vehicular access driveway and entry to the loading dock. Accordingly, the inclusion of vehicular access off part of this street frontage is considered acceptable.</p> <p>A Condition of Consent is imposed to prohibit the installation of blank roller shutters to the commercial/retail tenancy shop fronts (refer to Condition number 18).</p>	<p>Yes</p> <p>Yes</p> <p>No (variation acceptable)</p> <p>Yes</p> <p>Conditioned to comply</p>
3.4 Awnings and entry canopies	Two entry canopies are provided,	Yes

Ryde DCP 2010	Comments	Comply?
<ul style="list-style-type: none"> Awning height is to be generally a minimum of 3 metres from the pavement and setback 600mm from the Kerb Edge. Design awnings to protect from the sun and rain. 	<p>located at the Blaxland Road and Pope Street entrances. The height of the canopies is between 3.6 to 4.0 metres. The canopies are setback at least 1.2 metres from the street edge.</p> <p>The location of awnings above the building entrances is considered appropriate in protecting future occupants entering and exiting the site from the sun and rain.</p>	Yes
<p>3.5 Access and the public domain</p> <ul style="list-style-type: none"> If required by Council, footpath improvements in accordance with the Ryde Town Centre Public Domain Plan are to be implemented by the Developer. All development must comply with Australian Standards 1428 and Part 9.2 of the DCP with respect to accessibility. Barrier free access must be provided to the common areas of all buildings and public domain areas. Adequate parking and safe convenient access for people with disabilities must be provided. To provide active street frontage and quality building design, vehicular access ramps must be screened from view, contained wholly within buildings and may not ramp along street boundary alignments except in Devlin Street and by approval of Council and the RTA. Minimise the size, quantity and visual intrusion of vehicle access points. The preferred width of vehicle access points is 3m however, up to 6m may be permitted. Greater widths for car parking access may be approved, if it can be demonstrated that the greater width is necessary and that pedestrian safety is not compromised. Vehicular traffic must be separated from pedestrians and vehicular access points clearly identified with 	<p>The Ryde Public Domain plan identifies street planting locations, active street frontages, paving principles and the like for the Ryde Town Centre. The Public Domain plan also informs the development controls stipulated by this DCP and assessed in this table. A Condition of Consent is imposed which requires that all hard landscaping, paving, soft landscaping, species selection, street furniture and the like is in accordance with the Ryde Public Domain Plan (refer to Condition number 46).</p> <p>A Condition of Consent has also been imposed to ensure compliance with Australian Standards AS 1428 and Part 9.2 of the Ryde DCP 2010 with respect to accessibility (Refer to Condition number 53)</p> <p>Barrier free access is provided to the Ground Floor communal open space area with appropriate access ramps and entrance gradients provided to ensure accessibility. A Condition of Consent has been imposed to ensure compliance with the recommendations made by the applicant's Council's DCP Accessibility requirements (Refer to Condition number 53).</p> <p>The access driveway is located at the Pope Street frontage and is wholly contained within the site, with the ramp being parallel to the eastern side boundary of the site. This is considered the most suitable</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Ryde DCP 2010	Comments	Comply?
<p>paving, signage and the like.</p> <ul style="list-style-type: none"> • Loading docks must be located so that vehicles do not stand on any public road, footway, laneway or service road and vehicles entering and leaving the site move in a forward direction. • Parking should be well lit, easily accessible and screened from view to maintain the attractiveness of the streetscape. 	<p>location for vehicular access to the subject site.</p> <p>The driveway is over 8 metres wide and also provides access to the loading dock area. The width of the driveway is considered acceptable given the requirement to accommodate turning circles and large vehicle movement, for vehicles using the loading dock. Conflict could arise between vehicles entering and exiting the ramp, and vehicles using the loading dock. Accordingly a Condition of Consent is imposed by this assessment requiring the preparation of a loading dock management plan to ensure pedestrian and vehicular safety and minimise potential conflict. The loading dock management plan is to include the maximum size of vehicles, traffic signals and signage, loading dock access hours and other mitigation measures required to minimise potential conflict (refer to Condition number 47).</p> <p>Vehicular and pedestrian access points are separated. Two pedestrian entrances are provided, clearly distinguished by entrance canopies, from Blaxland Road and Pope Street.</p> <p>The loading dock is appropriately located so that vehicles using the loading dock do not intrude on the public domain or any road or pathway. As aforementioned, a loading dock management plan will be required to be submitted to ensure safe internal operation (refer to Condition number 47).</p> <p>Car park lighting is conditioned to comply with the relevant Australian Standards AS 1680.2.1 and 2890.1:2004 to provide adequate levels of lighting in basement car parking areas (refer to Condition number 129).</p>	<p>Conditioned to comply</p> <p>Yes</p> <p>Conditioned to comply</p> <p>Conditioned to comply</p>

Ryde DCP 2010	Comments	Comply?
	Parking is contained within three basement levels, and is easily accessible via the two lift cores, which provide direct access to the Ground Floor and all levels above.	
<p>3.6 Signage</p> <p>The provisions of this part do not apply as no signage other than building identification signage is proposed.</p>	<p>No commercial/retail area signage is proposed.</p> <p>Any signage, not considered exempt or complying development, will require separate development consent (refer to Condition number 9).</p>	N/A
<p>3.7 Public Domain Finishes and Elements</p> <ul style="list-style-type: none"> • Provide paving in accordance with the Ryde Town Centre Public Domain Plan. • The comfort of pedestrians is to be given priority over vehicular traffic. • If required by Council developers must provide for public domain embellishment, including paving, lighting, signage and street furniture in accordance with Ryde Town Centre Public Domain Plan and relevant Council policies and specifications at their own cost. 	<p>A Condition of Consent has been imposed requiring that paving be provided in accordance with the Ryde Town Centre Public Domain Plan (refer to Condition 46).</p>	Conditioned to comply
<p>3.8 Landscape and street trees</p> <ul style="list-style-type: none"> • Street trees and other planting shall be provided in accordance with the Ryde Town Centre Public Domain Plan and their health guaranteed for a minimum of 2 years. • Ground level entry areas should be well lit and unobstructed by plantings to minimise risk to personal safety. 	<p>Conditions of Consent have been imposed requiring works to be undertaken in accordance with the Ryde Town Centre Public Domain Plan as well as requiring the preparation of a Detailed Landscape Plan to ensure appropriate maintenance and soil depth for tree species (refer to Condition numbers 45).</p> <p>Ground level entry areas are considered to be well situated and are clearly visible from the public domain. A Condition of Consent has been imposed requiring appropriate lighting to entry areas (refer to Condition number 26).</p>	<p>Conditioned to comply</p> <p>Yes</p>

Ryde DCP 2010	Comments	Comply?
<p>3.9 Public Art</p> <ul style="list-style-type: none"> • Public art must be included in all new development within Precincts 1, 2, 3, 6, 7 and 8. • A site specific Arts and Cultural Plan is to be submitted together with the development application. The Arts and Cultural Plan should be prepared by an arts and cultural planner and should address the following: <ul style="list-style-type: none"> – Identify opportunities for the integration of public art in the development. – Identify themes for public art that are informed by the site history and local community issues including environmental sustainability. – Inclusive communities catering for the elderly, youth, children, mothers and minority groups. – Durability, robustness and longevity. – Demonstrate how public art is incorporated in the site and built form design. • Public art shall be located in publicly accessible areas of new development such as foyers, building exteriors, rooftops, adjoining footpaths and the like. • To the greatest extent possible public art should have a dual purpose. For example public art may include lighting that contributes to luminance levels in the public domain and hence public safety. Public art may also include paving and street furniture such as seating, safety barriers and water features. 	<p>The subject site is located within Precinct 6, which requires the provision of public art. No public art plan or details have been submitted with this application.</p> <p>A Condition of Consent has been imposed requiring the preparation of an Arts or Cultural Plan as required under this provision of the DCP (refer to Condition number 44).</p>	<p>Conditioned to comply</p>
<p>3.10 Hoardings</p> <ul style="list-style-type: none"> • For any development in Ryde Town Centre hoardings must include the following (unless duration of construction is to be less than 12 weeks): <ul style="list-style-type: none"> – Coordinated graphics that that 	<p>Conditions have been imposed to ensure that:</p> <ul style="list-style-type: none"> • Hoardings are installed for pedestrian safety, as recommended by Council's Environmental Health Officer (refer to Condition number 90). 	<p>Conditioned to comply.</p>

Ryde DCP 2010	Comments	Comply?
<p>may form part of the public art program for the site.</p> <ul style="list-style-type: none"> – Project consultant information in one location. – Required safety signage. – Solid panels in preference to open mesh and fencing. <ul style="list-style-type: none"> • Traffic and Pedestrian Plan of Management is required for the hoarding, construction or demolition phase. 	<ul style="list-style-type: none"> • Hoardings are to comply with the requirements of Ryde DCP 2010, Part 4.4, 3.10 Hoardings (refer to Condition number 90). • A Traffic and Pedestrian Plan of Management is to be prepared prior to the issue of a Construction Certificate (refer to Condition number 70). 	
<p>4.1 Building heights</p> <ul style="list-style-type: none"> • Buildings must comply with the maximum heights described in the Ryde LEP 2010. • Floor to ceiling heights must be a minimum of 2.7 metres for residential uses. 	<p>As noted earlier, the proposal is inconsistent with the maximum height of 18.5 metres under the Ryde LEP 2010. The non-compliance has been considered acceptable in this instance in accordance with Clause 4.6 – Exceptions to Development Standards, under the Ryde LEP 2010.</p> <p>The proposed floor to ceiling heights are at least 2.7 metres for residential dwellings.</p>	<p>No (variation acceptable)</p> <p>Yes</p>
<p>4.3 Setbacks and Built-to Lines</p> <ul style="list-style-type: none"> • Building setbacks at the ground level must comply with the Setbacks Control Drawing, which stipulates 3 metres from the Pope Street and Blaxland Road boundaries, and 3 metres from the northern boundary. There is not setback control to the eastern boundary. 	<p>The building is setback in excess of the required 3 metres from the northern boundary in accordance with the Ryde DCP setback diagram for the subject site.</p> <p>The building is setback 2.0 to 4.0 metres from the Pope Street boundary. Only two balconies at the Pope Street frontage encroach the minimum 3.0 metre street setback, with the building line being setback at least 3.0 metres from the boundary. The balconies which encroach the minimum setback line are considered acceptable as they occupy less than one third of the street frontage and will enhance the aesthetic quality of the façade and will not result in any adverse negative impacts to the streetscape.</p> <p>The building is setback 2.6 to 3.95 metres from the Blaxland Road boundary. Only small portions of balconies encroach the minimum</p>	<p>Yes</p> <p>No (variation acceptable)</p>

Ryde DCP 2010	Comments	Comply?
	<p>3.0 metre setback to Blaxland Road with the building line being at least 3 metres from the boundary. The area of non-compliance is very minor and will not result in any adverse negative impacts to the Blaxland Road frontage.</p> <p>The non-compliance is therefore considered acceptable.</p>	
<p>4.3 Building depths</p> <ul style="list-style-type: none"> • All occupied points on a commercial floor shall not be more than 15 metres from a source of daylight. The preferred maximum depth of office buildings with openings on one side is 15 metres. • Maximise natural ventilation and retail and commercial uses by incorporating where possible stack ventilation, openable windows, open air circulation spaces and courtyards. • The maximum overall depth of residential buildings is 18 metres unless design excellence can be demonstrated and natural ventilation is achieved. 	<p>The commercial/retail tenancy has a depth of 8 metres. This is less than the maximum 15 metres recommended and is therefore considered acceptable with respect to natural daylight penetration.</p> <p>The commercial/retail tenancy is 8.0 metres in depth and has openings (windows and doors) to the north and south, allowing for natural ventilation through the tenancy.</p> <p>The proposed building depth ranges from 9m to 16.9m on residential building levels. This is less than the maximum required 18 metres and is therefore acceptable.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4.4 Architectural and design quality</p> <ul style="list-style-type: none"> • Development on corners must address all street frontages. Entries, windows and other architectural elements should be placed to reinforce the corner. • Provide building articulation elements including awnings, verandahs, decks, loggias, pergolas, bay windows and recessed doors. • Windows and entries shall be placed to overlook public spaces and streets to provide surveillance opportunities. • Balconies may not be continuous along the whole length of building facades. • Provide solar protection, including awnings, recessed windows, roof overhangs, external shutters and screens to the western and northern elevations of buildings. 	<p>As noted earlier, the proposal includes two building entrances, one from Blaxland Road and the other from Pope Street. Windows and balconies address both street frontages. The building is therefore considered appropriate in addressing both street frontages.</p> <p>The proposal provides adequate articulation to the Pope Street and Blaxland Road façades through materials, finishes, location of balconies, screens and breaks in the building.</p> <p>Windows and balconies are provided to overlook both the Blaxland Road and Pope Street frontages, providing surveillance opportunities to the street and surrounding public domain areas.</p> <p>Full height vertical breaks are provided through spacing of</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Ryde DCP 2010	Comments	Comply?
<ul style="list-style-type: none"> • Development should protect the existing level of amenity of adjacent development as well as for all users of the site. • The material quality of all buildings and structures shall be to the satisfaction of the Council. In the opinion of Council building materials, external cladding and glazing shall: <ul style="list-style-type: none"> – Incorporate the principles of environmentally sensitive design, including passive solar design and whole of life energy conservation, – Be durable, robust and of premium quality, – Be integrated with the Arts and Cultural program for the site, – Be attractive and contribute to the material quality of the public domain. • Building materials shall not result in glare that causes discomfort or threatens the safety of pedestrians or motorists. A Reflectivity Report may be required to be submitted with the Development Application. • Renewable resources such as plantation timber and waste minimisation should be used. • Applications for proposals that incorporate residential flats are to be accompanied by a Design Statement detailing how the proposal meets the Design Quality Principles of the Residential Flat Design Code. • Applications for new development where the site area exceeds 900m² must include the following documents that address issues of design quality: <ul style="list-style-type: none"> – A site analysis drawing that considers the context of the development including but not limited to pedestrian desire lines, public transport, sunlight access, adjoining and nearby development, topography and the location of significant trees. 	<p>balconies.</p> <p>Sunshades and privacy screens are provided to the northern and western elevations, allowing for control of solar access to balconies and internal living areas.</p> <p>The proposed materials and glazing are considered appropriate, taking into consideration the achievement of energy efficient and thermal comfort targets required under the BASIX SEPP.</p> <p>It is not considered that the materials selected for the proposed development will result in any unreasonable glare. The use of glazing is minimised (with the exception of the Ground Floor retail/commercial frontage) and limited to balcony balustrades and windows.</p> <p>A Waste Management Plan has been provided by the applicant, outlining preference for the minimisation, reuse and recycling of waste, including during construction and demolition. A detailed Waste Management Plan will be required in accordance with Ryde DCP 2010 Part 7.2 – Waste Minimisation and Management (refer to Condition number 49).</p> <p>A full assessment against the relevant provisions of SEPP 65 and the RFDC is provided earlier in this assessment. The proposal is considered acceptable against the SEPP 65 Design Principles and RFDC Guidelines.</p> <p>The proposed development includes the relevant plans and documentation in order to make a full assessment of the proposal against the relevant plans and policies.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Ryde DCP 2010	Comments	Comply?
<ul style="list-style-type: none"> – A proposed site layout plan that shows the relationship of the proposal to its context including adjoining properties and the public domain – A model at 1:500 that includes the context – 3D computer model of the proposed development and its context Elevations and photomontages that show the streetscape for at least the entire block – A design statement detailing how the proposal addresses the objectives of this Part and if appropriate the principles of the Residential Flat Design Code and outlining the input at the earliest stages of a professional multidisciplinary design team that includes, for example, landscape architects, arts and cultural planners, architects, environmental engineers and transport planners. 		
<p>5.3 The Setting</p> <ul style="list-style-type: none"> • New development in the vicinity of a heritage item is to be compatible with the visual character of the heritage item and its significant context or setting. • If the site of a heritage item is amalgamated, the original lot structure shall be discernible in all new development and the visual curtilage retained. • The natural topography and landscaped setting of the site of a heritage item is to be retained. • Significant views and other visual links to and from a heritage item are to be preserved and enhanced. 	<p>The proposed development was referred to Council’s Heritage Officer who considers the proposed development will not have any impacts on any nearby State or local heritage items.</p>	<p>Yes</p>
<p>6.1 Environmental management</p> <ul style="list-style-type: none"> • Development is to comply with Part 7.1 Energy Smart Water Wise of this DCP. 	<p>The proposed development is consistent with the BASIX SEPP, which is understood to take precedence over Part 7.1 of the</p>	<p>Yes</p>

Ryde DCP 2010	Comments	Comply?
<ul style="list-style-type: none"> New Development is required to submit an Energy Efficiency Report to indicate overall environmental performance and management in relation to the matters set out in the DCP, including for residential development. 	<p>DCP, achieving the following scores for water and energy efficiency and thermal comfort:</p> <ul style="list-style-type: none"> Water efficiency: 40 (40 to pass); Thermal comfort: Pass; and Energy efficiency: 20 (20 to pass). <p>Therefore, the proposed development achieves the intent of the controls regarding environmental management through achievement of BASIX scores.</p>	
<p>6.2 Water management</p> <ul style="list-style-type: none"> New Development is to submit an Integrated Water Cycle Management Plan in accordance with this section of the DCP. 	<p>The proposal achieves the minimum water efficiency targets required under BASIX.</p> <p>Appropriate Conditions of Consent to minimise impacts of stormwater quality and for erosion and sediment control are imposed (refer to Condition numbers 69).</p>	Conditioned to comply
<p>6.3 Waste Management</p> <ul style="list-style-type: none"> To minimise noxious waste problems through appropriate storage and collection of waste and good design of facilities. To assist in achieving Federal and State Government waste minimisation targets in accordance with regional waste plans by: <ul style="list-style-type: none"> requiring source separation. requiring compliance with Council's Waste Management Code. requiring recycling of building materials where possible. 	<p>A Waste Management Plan is provided which seeks to minimise waste generation, and maximise reuse and recycling. A detailed Waste Management Plan will be required prior to the issue of a Construction Certificate in accordance with the requirements of Part 7.2 of Ryde DCP 2010 (refer to Condition number 49).</p> <p>Council's Environmental Health Officer has reviewed the proposal and made a number of recommendations regarding waste management, waste separation, hazardous waste and waste storage. These recommendations are imposed as Conditions of Consent (refer to Condition numbers 49, 83, 85 to 88 and 146 to 148).</p>	Conditioned to comply
<p>Clause 6.4 Stormwater management</p> <ul style="list-style-type: none"> Development should comply with Section 8.2 of Stormwater Management. 	<p>Stormwater Plans and a Stormwater Report have been submitted with the application. Council's Development Engineer has recommended a Condition, requiring</p>	Conditioned to comply

Ryde DCP 2010	Comments	Comply?
	compliance with these drawings and this Section of the DCP (refer to Condition number 66).	
<p>Clause 6.5 Alternatives to Private Vehicle Transport</p> <ul style="list-style-type: none"> • Provide secure bicycle parking in every building with on-site parking equal in area to 1 car-space for every 100 car-spaces or part thereof. Council may consider a lesser rate for retail and commercial development exceeding 10,000sqm, subject to the bicycle parking being suitably located and designed within the development. • Provide secure bicycle storage in all residential development. 	The proposed development provides bicycle parking well above the minimum number of parking spaces required, with 8 publicly accessible spaces located adjacent to the commercial/retail parking and 14 spaces located within the secured residential parking area in Basement Level 1.	Yes
<p>7.1 Residential private open space</p> <ul style="list-style-type: none"> • To encourage development with front gardens that retain existing landscape character and trees, which contribute to the quality of the public domain. • To contribute to the character and environmental quality of the landscape of Ryde Town Centre. • To enhance the micro-climate created by development, in development and the Ryde Town Centre. • To ensure that landscaped areas support recreational activities for the residents. • To enhance the social and cultural attributes of development and where appropriate, the Ryde Town Centre (e.g. provision of safe common spaces for residents, child-care facilities etc). • To promote development in which all dwellings have access to private landscape spaces that are useable and comfortable. These spaces should have a balance of podium, or terrace space, and deep soil, soft garden spaces. 	<p>The proposal includes landscaping along the Blaxland Road and Pope Street frontage which includes a mix of small tree plantings, street trees, screen planting and shrubbery. The proposed landscaping provides a buffer between Blaxland Road/Devlin Street, a busy State classified road, and the proposed development at Ground Level, providing an enhancement to the streetscape and softening the appearance of the development from the street frontage.</p> <p>The proposed trees and plantings should assist in enhancing the micro-climate at the street frontage and within the communal open space area by providing shade and shelter. A Condition of Consent has been imposed requiring that any tree plantings are in accordance with the soil depth and dimension requirements stipulated in the Residential Flat Design Code (refer to Condition 45 (b)).</p> <p>The landscape areas provide opportunities for passive and active recreational opportunities with the provision of open grassed area and</p>	Yes

Ryde DCP 2010	Comments	Comply?
<ul style="list-style-type: none"> • To ensure that every dwelling in the Ryde Town Centre has access to useable private open space. • To use the temperature climate to improve the amenity and lifestyle of apartment residents. • To create private open space which provide privacy, security and solar access. • To create private open space which protects the privacy of neighbours. 	<p>outdoor tables and seating. A Condition of Consent has also been imposed requiring the installation of seats or bicycle racks in the public outdoor court to activate this space (refer to Condition number 45 (c))</p> <p>Each dwelling above Ground Level is provided with a balcony, accessible from its main living area, consistent with the requirement that each dwelling be provided with private open space. All ground level units are provided with a north facing outdoor open space area.</p> <p>Aluminium louvre screens are also provided to balconies, to allow occupants to control solar access, noise and privacy.</p>	
<p>Private gardens</p> <ul style="list-style-type: none"> • Landscape spaces shall retain existing significant mature trees and contribute to the character and environmental quality of the landscape of Ryde Town Centre. • Where possible provide 20% minimum deep soil landscape space. • Deep soil landscape areas shall provide some capacity for storage and infiltration of stormwater falling within the total development. • Provide one large tree, with a spreading canopy, and mature height of 12 metres minimum, planted in deep soil, for every 100m² of landscaped open space. Indigenous species are preferred and should be selected from the palette detailed in the Ryde Town Centre Public Domain Plan 2006. • To the greatest extent possible, locate car parking under the building footprint to maximise deep soil. • Gardens less than 3m wide shall have adequate continuous access to allow maintenance. • All air conditioning and other plant shall be screened from view and 	<p>No trees are to be retained on the subject site. The Tallow Wood tree located at the north east corner of the site is considered acceptable for removal as proposed by the Arborist Report as it is not in its natural environment and is a single specimen. An existing Japanese Cedar, located on an adjoining property to the north with a canopy over the northern boundary will be retained.</p> <p>As noted earlier, deep soil area is minimised and contained to the northern boundary of the site and comprises 12% of the open space area. Although the deep soil area does not constitute 20% of the open space area, there is the provision of 750sqm of soil (within the public and private open space areas) with a depth of at least 1 metre, providing sufficient planting area and opportunity to absorb some stormwater. The proposal is therefore considered acceptable.</p> <p>Five (5) indigenous tree species are proposed in the communal open space area. A Condition of Consent has been imposed requiring that any</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Ryde DCP 2010	Comments	Comply?
<p>integrated in the architectural design.</p> <ul style="list-style-type: none"> • The design of podium landscapes above car parking shall create optimum conditions for the establishment and long term viability of soft garden areas, including: <ul style="list-style-type: none"> – A minimum of 600mm of soil to allow sustainable planting. – Provide drainage and irrigation to all planters over structure. – Ensure that all planters are accessible for maintenance. • All communal garden, swimming pool and outdoor spaces should be designed to enhance the safety and security of residents: <ul style="list-style-type: none"> – Consider the impact of noise on the amenity of residents within the development and on the likely future amenity of nearby and adjoining development. – Consolidate areas of activity both within the site and with adjoining sites. 	<p>tree plantings are in accordance with the soil depth and dimension requirements stipulated in the Residential Flat Design Code (refer to Condition 45 (b)).</p> <p>Communal open space is located above the basement parking. Planting above the parking is adequately accommodated for, with soil depths of up to 1 metre. It is considered that appropriate access for maintenance will be achieved to garden areas.</p> <p>Plant and building service areas are located within the Basement levels with minimal services located on the roof. It is considered that the location of such is appropriate.</p> <p>Communal open space area is located in the centre of the site, separated from all boundaries by the northern wing to the north, the Pope Street wing to the south, the Blaxland Road wing to the west and the driveway to the east and also as part of the public outdoor court located along the Blaxland Road frontage.</p> <p>The location of the communal open space is considered appropriate for ensuring minimal noise impacts from this space to adjoining units and 2 Pope Street.</p> <p>Private open space areas also overlook the communal open space area reducing the impacts of noise generated in open space areas on quieter areas of dwellings.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><i>Above ground open space</i></p> <ul style="list-style-type: none"> • Provide at least one balcony, terrace or deck for each dwelling where direct access to ground level private open space is not available. • Primary above ground open space is to be accessible from a family room, lounge, dining room or kitchen, and be north, east or west facing, in the form of balconies, courtyards, 	<p>Each unit is provided with at least one balcony, and all ground floor units are provided with private open space areas.</p> <p>All balconies are accessible from main living spaces. South facing balconies are also capable of receiving sunlight access from the east and west.</p> <p>All balconies have a minimum depth of 2.0 metres. Balconies range in</p>	<p>Yes</p>

Ryde DCP 2010	Comments	Comply?
<p>terraces, roof gardens and the like.</p> <ul style="list-style-type: none"> • The depth of the primary above ground open space is to be in the range of 2 – 4.0m. The optimal depth is 2.4 – 3.0m. • Smaller secondary open spaces such as balconies off bedrooms are also encouraged. The depth of the secondary open space should be in the range of 0.9 – 1.5m. • Lightweight pergolas, sunscreens, privacy screens and planters are permitted on roof terraces, provided they do not increase the bulk of building. These elements should not significantly affect the views and privacy available from properties in the immediate vicinity. 	<p>size from 2.0 metres to 2.6 metres.</p> <p>No roof terrace areas are proposed.</p>	<p>N/A</p>
<p>Fences</p> <ul style="list-style-type: none"> • Front fencing may only occur in the Precincts 4 and 6 where front setbacks are required. • The maximum height of front fences is 1.0 metres above the footpath level. • Fences should: <ul style="list-style-type: none"> – Be integrated with the building and landscape design through the use of materials and detailing. – Highlight building entrances, and allow for outlook and street surveillance. – Conform with the predominant character of fences in the street. • Fences should be integrated with the building and landscape design through the use of materials and detailing. • Fences may be solid or transparent but may not be constructed of sheet metal, Colorbond Trimdeck and the like. 	<p>No front fence is directly located to the street. A fence providing screening to the private courtyard of Unit G.7 is provided, however this is setback 3 metres from Blaxland Road and is screened by planting. This fence will be a stone-clad solid fence and is considered acceptable to support outdoor privacy of Unit G.7.</p> <p>Side boundary fences are 1.8 metres in height and will be solid masonry.</p>	<p>Yes</p>
<p>7.2 Solar access and sun shading</p> <ul style="list-style-type: none"> • Maximise the number of dwellings 	<p>The majority of units (with the exception of Unit 2.14 and corresponding units above) are</p>	<p>Yes</p>

Ryde DCP 2010	Comments	Comply?
<p>oriented toward north. Ideal orientation is between 20 degrees west of north and 30 degrees east of north. Building orientation should be predominantly informed by the orientation of site boundaries. Providing narrower, deeper apartments oriented toward north and south, compared to those oriented toward east and west, is one means of maximising the number of dwellings oriented to north.</p> <ul style="list-style-type: none"> • Optimise solar access to principal living rooms and private open spaces of all dwellings. Mid winter solar access diagrams may be required as part of the energy efficiency Performance Report required by Part 7.1 Energy Smart, Water Wise. • Provide appropriate sun protection to glazing depending on orientation: <ul style="list-style-type: none"> – On north facing facades provide external horizontal shading devices, eaves, awnings, colonnades, balconies, pergolas, planting and the like, to maximise solar access in winter and minimise solar access in summer. – On east and west facing facades provide external vertical shading, sliding screens, adjustable louvres and the like. These may be used in conjunction with awnings, colonnades, balconies, pergolas, and planting. • Extensive areas of glazing unprotected from sunlight during summer will NOT be permitted. • Reliance on high performance glazing as the primary element of sun control is NOT permitted. 	<p>oriented to the north, northeast or northwest with no units with single orientation to the south.</p> <p>All living areas and private open spaces are also oriented to the north, northeast or northwest, with the exception of Unit 2.14 and corresponding units above, which is oriented to the south and east.</p> <p>The proposal achieves the minimum energy and water efficiency and thermal comfort scores required under the BASIX Certificate, achieving 40 (40 to pass) for water efficiency, pass for thermal comfort and 20 (20 to pass) for energy efficiency. Consistency with the BASIX SEPP overrides the provisions of Part 7.1 of the DCP.</p> <p>Fixed privacy screens are provided to all balconies to allow for the control of sunlight.</p> <p>There are no extensive areas of glazing proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>7.3 Visual privacy</p> <ul style="list-style-type: none"> • Ground floor residential development may be permitted provided that the floor level is elevated 600mm to 1200mm above street level/ground level and no bedrooms are located 	<p>Unit G.7 is the only apartment facing the street frontage. The ground floor level of this unit is 20mm to 960mm above the ground floor level of the street. No bedroom windows of this unit face directly to the street. Visual</p>	<p>Yes</p>

Ryde DCP 2010	Comments	Comply?
<p>along the street frontage.</p> <ul style="list-style-type: none"> • Ground floor residential development is encouraged to be more than one storey in height with split-levels, mezzanines and the like so that bedrooms and other spaces may be located above the street level. • Direct overlooking of rooms and private outdoor space of on-site or neighbouring housing, including housing within the same development is to be minimised through: <ul style="list-style-type: none"> – Building layout. – Location and design of windows and balconies. • The use of tinted windows is not an acceptable primary means of achieving privacy. • Comply with SEPP 65 building separation provisions. 	<p>privacy to this unit is therefore considered acceptable.</p> <p>Ground floor units are one level only. This is considered acceptable as no bedrooms address the street frontage.</p> <p>The proposed apartment configuration is considered appropriate as there is minimal opportunity for direct overlooking to private outdoor space and to adjoining properties. Screening is provided where such opportunity for overlooking may occur.</p> <p>As noted earlier, the proposal does not comply with minimum building separation distances to the adjoining development to the northeast of the site, and internally between the southern and northern wings of the development. However, windows and living areas are appropriately offset between these building areas and privacy screens are proposed to windows and balconies to minimise privacy impacts. Perimeter planting also assists in ensuring privacy at lower levels of the building.</p>	<p>Yes</p> <p>Yes</p> <p>No (variation acceptable)</p>
<p>7.4 Acoustic Privacy</p> <ul style="list-style-type: none"> • Development is to meet or exceed the sound insulation requirements between separating walls and floors of adjoining dwellings of the Building Code of Australia. • New development is to meet or exceed the recommendations of Australian Standard 3671-1987: Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors. • Site buildings and design the internal 	<p>Council’s Environmental Health Assessment includes a recommended Condition that the recommendations of the Acoustic Report, and the relevant Australian Standards, be complied with. This will be imposed as a Condition (refer to Condition number 7).</p> <p>Council’s Environmental Health Officer recommends conditions regarding noise and vibration generating activities. These conditions have been imposed as</p>	<p>Conditioned to comply</p>

Ryde DCP 2010	Comments	Comply?
<p>layout of rooms, courtyards, terraces and balconies, the use of openings, screens and blade walls, and choice of materials, to minimise the transmission of noise externally.</p> <ul style="list-style-type: none"> • Design to achieve primary acoustic privacy between adjacent dwellings with appropriate building materials. This may be enhanced using service areas such as circulation, and storage areas, and back-to-back kitchens, laundries, storage and bathrooms to create a noise buffer. • Balconies and other external building elements are to be located, designed and treated to minimise noise in the building and reflection of noise from the façade. • The use of a premises, and any plant, equipment and building services associated with a premises must not: <ul style="list-style-type: none"> – Create an offensive noise as defined by the Protection of the Environment Operations Act 1997; and – Add significantly to the background noise experienced in a locality. Council may require a statement of compliance from a qualified acoustical consultant. • Machinery and activities, including construction work, that are likely to generate offensive noise must be adequately sound-proofed in accordance with the Protection of the Environment Operations Act 1997 prior to occupation of the premises. • Where retail and commercial development adjoins residential development, the use of mechanical plant equipment and building services will be restricted and must have acoustic insulation. • Loading and unloading facilities must not be located immediately adjacent to residential development. 	<p>Conditions of Consent (refer to Condition numbers 145 and 153).</p> <p>Apartments are appropriately configured so that noisy and quiet areas are located adjacent to like areas in adjoining units as much as possible.</p> <p>A condition is imposed restricting the operation of any plant creating any offensive noise as defined by the Protection of the Environment Operations Act 1997 (refer to Condition number 153).</p> <p>Noise will also be mitigated and managed in accordance with the conditions recommended by Council's Environmental Health Officer as outlined above.</p> <p>The retail/commercial area does not directly adjoin any residential dwellings, with the circulation areas, planting and building entrances providing buffers between these two uses. The commercial/retail area is also setback within the main building line, which will mitigate direct noise transmission from this tenancy.</p> <p>The loading area is located in the Pope Street wing, and is separated from the residential dwellings by the communal open space area.</p>	<p>Yes</p> <p>Conditioned to comply</p> <p>N/A</p> <p>Yes</p>

Ryde DCP 2010	Comments	Comply?
<p>7.5 Buildings facing Blaxland Road</p> <ul style="list-style-type: none"> • Development is to comply with Australian Standard 3671-1989: Acoustics – Road Traffic Noise Intrusion, Building Siting and Construction. • Maximise the effect of the following noise attenuation strategies by using them in combination: <ul style="list-style-type: none"> – Use appropriate building materials. – Create a noise buffer between habitable rooms and working environments, facing Devlin Street and Victoria Road. – Use service areas such as circulation, kitchens, laundries, storage and bathrooms to create a noise buffer. – Use enclosable balconies to moderate the impact of noise. Use glazed enclosable balconies where the noise source is northward of development. – Protect the amenity of bedrooms by not locating them on the same side as the noise source. – Use double glazing. • Use design to achieve adequate noise attenuation while maintaining architectural address to busy roads. 	<p>Council's Environmental Health Assessment includes a recommended Condition that the recommendations of the Acoustic Report, and the relevant Australian Standards, be complied with. This will be imposed as a Condition (refer to Condition number 7).</p> <p>Compliance with the above conditions will result in an acceptable acoustic environment for dwellings.</p> <p>Balconies are provided with screening devices to provide for partial enclosure.</p> <p>Additionally, the majority of balconies and living spaces are appropriately setback from boundaries with roads, reducing the overall noise impact of traffic, particularly from Blaxland Road.</p>	<p>Conditioned to comply</p> <p>Conditioned to comply</p> <p>Yes</p>
<p>7.6 House choice</p> <ul style="list-style-type: none"> • Development should provide a diverse mix of dwellings, generally within the following ranges. <ul style="list-style-type: none"> – 3 bedroom: 5-35% – 2 bedroom: 40-80% – 1 bedroom and studio: 5-35% 	<p>The proposed development provides the following unit mix:</p> <ul style="list-style-type: none"> • 1 bedroom/studio: 74 (76%) • 2 bedroom: 22 (23%) • 3 bedroom: 1 (1%) <p>This unit mix is inconsistent with the unit mix required under the Ryde DCP 2010.</p> <p>The applicant has provided two market opinions stating that three bedroom units are undesirable in the current housing market. One market opinion provided states that one and two bedroom units are</p>	<p>No (variation acceptable)</p>

Ryde DCP 2010	Comments	Comply?
	more favourable in this location, whilst the other states that one bedroom and one bedroom plus study apartments are more favourable. On review of this advice and consideration of the site's context (located in an urbanised area) the development provides a suitable unit mix.	
<p>8.6 Precinct 6 – Commercial Edge North</p> <p>The objectives of this precinct are:</p> <ul style="list-style-type: none"> • To create an appropriate transition between the Ryde Town Centre and adjoining residential areas. • To encourage appropriate development on Devlin Street. • To create a vibrant, active and safe pedestrian environment in Pope and Smith Streets. 	<p>The proposed development provides an appropriate built form and land use transition between the Top Ryde City Shopping Centre development to the south and adjoining residential lands to the north. The stepping down in height reflects this scale of transition from south to north.</p> <p>The proposal is appropriate in uses/activities to Devlin Street/Blaxland Road.</p> <p>The proposal provides an active street frontage to Pope Street through windows and openings addressing the street and ground floor active uses.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Other detailed provisions:</p> <p>The proposed development is to comply with the provisions of the following parts of the DCP:</p> <ul style="list-style-type: none"> • Energy Smart Water Wise • Waste Minimisation and Management • Construction Activities • Stormwater Management • Access for People with Disabilities. 	<p>The proposal achieves the minimum energy and water efficiency and thermal comfort scores required under the BASIX Certificate, achieving 40 (40 to pass) for water efficiency, pass for thermal comfort and 20 (20 to pass) for energy efficiency. It is understood consistency with the BASIX SEPP takes precedence over the provisions of Part 7.1 of the DCP.</p> <p>A Waste Management Plan is provided which seeks to minimise waste generation, and maximise reuse and recycling. A detailed Waste Management Plan will be required prior to the issue of a Construction Certificate in accordance with the requirements of Part 7.2 of Ryde DCP 2010 (refer to Condition number 49).</p> <p>Council's Development Engineer</p>	<p>Yes</p> <p>Conditioned to comply</p> <p>Conditioned</p>

Ryde DCP 2010	Comments	Comply?
	<p>has recommended a Condition to ensure compliance with Part 8.2 of the DCP with respect to Stormwater Management (refer to Condition number 66).</p> <p>The Access Review Report submitted by the applicant makes a number of recommendations to ensure an appropriate level of accessibility in accordance with Council's DCP and the relevant BCA provisions and Australian Standards. A Condition of Consent has been imposed requiring compliance with Part 9.2 of the DCP (refer to Condition number 53).</p>	<p>to comply</p> <p>Conditioned to comply</p>
<p>Part 9.3 Car Parking 2.0 Parking rates:</p> <ul style="list-style-type: none"> • Retail – 1 space per 25sqm • Commercial – 1 space per 30sqm • Residential: <ul style="list-style-type: none"> – 1 bedroom – 1 space per dwelling – 2 bedroom 1.2 spaces per dwelling – 3 bedroom 1.6 spaces per dwelling – Visitors – 1 space per 4 dwellings 	<p>The proposed development requires the following parking:</p> <ul style="list-style-type: none"> • 8 retail spaces (note: commercial/retail tenancy is calculated as retail as this has a higher demand for parking) • 76 car parking spaces for one bedroom dwellings • 27 car parking spaces for two bedroom dwellings • 2 car parking spaces for three bedroom dwellings • 25 residential visitors parking spaces <p>The total residential number of parking spaces required is 129. The total non-residential number of parking spaces required is 8.</p> <p>The proposal provides 8 retail/commercial parking spaces and 144 residential parking spaces. The number of parking spaces is greater than the number of parking spaces required by 15 spaces. This provides sufficient parking within the development and will minimise demand for off-site parking in the Top Ryde Town Centre.</p>	<p>Yes</p>

9 **SECTION 94 DEVELOPMENT CONTRIBUTION**

Development Contributions Plan 2007 (2010 Amendment) allows Council to impose a monetary contribution on developments that will contribute to increased demand for services as a result of increased development density/floor area.

The contributions that are payable with respect to the development are based on the following figures being outside Macquarie Park:

- Commercial – 201.925sqm GFA. As the use of this space is not known as this time, the commercial rate has been used as this is more appropriate than the retail rate.
- Residential – 74 x 1 bedroom/studio apartments, 22 x 2 bedroom apartments and 3 x 1 x 3 bedroom apartment.

Contribution Plan	Contributions	Total
Community and Cultural Facilities	\$216,291.10	
Open Space and Recreation Facilities	\$514,588.87	
Civic and Urban Improvements	\$186,567.71	
Roads and Traffic Management Facilities	\$25,500.82	
Cycleways	\$15,894.36	
Stormwater Management Facilities	\$49,648.63	
Plan Administration	\$4,286.72	
Grand Total		\$1,012,778.21

Note:

- No credit has been given for existing floor space.

Condition number **37** has been imposed in respect of the Section 94 Contributions.

10 **LIKELY IMPACTS OF THE DEVELOPMENT**

10.1 **Context and setting**

The proposed development is considered appropriate with regards to context and setting. The subject site is located in a transitional area between the Top Ryde City Shopping Centre development and lower density development to the north and east of the site.

The projection of the height at the south-west corner, and the stepping down of the height by one storey to the north and east responds appropriately to the transitional nature of the site and its surrounds.

The proposal will have a positive impact on the local context and setting by fulfilling the intended development outcome envisaged for the site by Council's planning controls and the intention to enhance the mixed use character and increase density within the Ryde Town Centre.

The proposal will significantly improve the setting of the site. The existing development appears outdated and contributes poorly to the local context, particularly taking into consideration recent and future developments within the Ryde Town Centre including the Top Ryde Shopping Centre and the future residential and commercial towers above, and any future redevelopment of the Ryde Civic Centre immediately south-west.

The proposal is therefore considered to have a positive impact on local context and setting.

10.2 Access, transport and traffic

The applicant's traffic report estimates a traffic generation of 35 vehicle trips per hour as a result of the proposed development, including 31 residential vehicle trips per hour, and 4 retail/commercial vehicle trips per hour. The site currently generates 60 vehicular trips per hour. Accordingly, the proposal will result in an overall decrease of 25 vehicular trips per hour. Therefore it is considered the proposal will have a positive impact on the operating capacity of the surrounding road network.

Ryde Town Centre is serviced by a number of bus routes connecting the centre to Parramatta, West Ryde, Macquarie Park and Sydney CBD. It is considered the increase in residential density in the centre is likely to provide additional patronage to local and regional public transport services.

As noted earlier, under the Ryde DCP 2011 controls, the proposed development requires 137 car parking spaces, including 97 residential spaces, 25 visitors' spaces and 8 retail/commercial spaces. The proposed development provides 152 car parking spaces including 12 disabled car parking spaces. It is also noted that 8 car parking spaces, including 1 disabled parking space and 8 bicycle parking spaces are publicly accessible, located outside the secure residential parking area. An additional 14 bicycle racks are located within the secured area of Basement Level 1. The provision of parking is considered appropriate.

The RTA and Council's Traffic Planner have also assessed the proposed development. Their comments are discussed under **Section 13** of this Report.

10.3 Solar access and overshadowing

As demonstrated by the shadow diagrams submitted by the applicant, the proposed development will not have any adverse impacts on solar access or overshadowing of adjoining properties or the public domain.

The proposal maintains at least three hours of sunlight access to the rear open space area of the adjoining property to the east at 2 Pope Street in mid-winter. This is considered an acceptable level of sunlight access.

There will be no significant impact of overshadowing to any significant public domain areas, including the Top Ryde City Shopping Centre Piazza, located to the south-east of the site opposite Pope Street.

Minimal sunlight access is provided to the internal courtyard area at the centre of the site, however the public outdoor court communal open space area (along the Blaxland Road frontage) will receive at least 3 hours of sunlight access on 21 June (mid-winter).

10.4 Public domain and activity

The subject site is located within the Ryde Town Centre precinct. Both Blaxland Road and Pope Street are nominated for active street frontages. The proposal will contribute to the public domain by providing commercial/retail frontage to the corner of Blaxland Road and Pope Street, improving street level activity at this location.

The proposed commercial/retail tenancy will also complement the retail, commercial and civic uses at the Top Ryde Shopping Centre complex directly opposite on Pope Street.

Under the Ryde DCP 2010, public art is required for all new developments within this Precinct of the Ryde Town Centre. In order to enhance and contribute to the public domain, a Condition is imposed to ensure an Arts and Cultural Plan is provided by the applicant (refer to Condition number **44**).

10.5 Heritage

An assessment of heritage impact was undertaken by Council's Heritage/Strategic Planner. The existing building on the subject site is not considered to have any heritage value, and therefore its demolition will have no impact on heritage.

The proposed development was considered by Council's Heritage/Strategic Planner to have '*little or no impact on the heritage significance of the previously named Great North Road (item No 54)*'.

It is also noted that the other nearby listed heritage items are no longer relevant, as Top Ryde Shopping Centre (item No 15) has been demolished and is soon to be removed from the LEP, and the Obelisk (item No 49) has been relocated away from Blaxland Road and is no longer located near the site.

10.6 Water

Council's Development Engineer has reviewed the proposed development with respect to Stormwater management. Conditions of Consent have been recommended by Council's Development Engineer to ensure appropriate management of Stormwater with regards to Council's DCP (refer to Condition number **66**).

The proposal achieves a score of 40 (40 to pass) for water efficiency under BASIX, therefore achieving the minimum requirement for efficiency in the use of water as part of the proposed development. Achievement of this score will ensure minimisation of unsustainable water use.

10.7 Soils and contamination

The proposed development is not affected by acid sulphate soils, and therefore there will be no impact of such soils on the proposed development or basement excavation.

A Preliminary Site Contamination Investigation, prepared by A. D. Envirotech Australia Pty Ltd has been undertaken and submitted as part of the application which concludes there is potential for a possible underground storage tank (UST) on the site and recommends that need for a targeted Stage II Detailed Site Investigation (DSI) is warranted, unless further evidence disproving the location of such a tank is provided.

The recommendations made by the Preliminary Site Contamination Investigation have been imposed as Conditions to ensure the proposal includes appropriate removal/remediation of the UST (refer to Condition number **42** and **71**).

10.8 Vegetation

The proposal will result in the removal of all vegetation on the subject site. New trees and vegetation are proposed in the internal courtyard and along the perimeter of the site, enhancing the appearance of the site, particularly at its frontage to Blaxland Road.

As noted by Council's Landscape Architect, the proposed development will provide sufficient planting and replicate the current site canopy cover through new plantings. There may be some loss of amenity between the removal of existing trees and mature growth of proposed plantings, however this would be short term.

The proposed impacts on vegetation are therefore considered acceptable.

10.9 Waste

A preliminary waste management plan has been submitted as part of this application. A Condition of Consent is imposed (refer to Condition number **49**) requiring a detailed Waste Management Plan to be prepared addressing the requirements of Part 7.2 Waste Minimisation and Management. The Condition also requires the prioritising of waste minimisation, avoidance, re-use and recycling during demolition, construction and operation.

The anticipated management of waste is not considered to have any adverse negative environmental impacts beyond what is reasonably expected of such development.

10.10 Energy

The proposal achieves an energy efficiency score of 20 (20 to pass) under BASIX, demonstrating an acceptable level of energy efficiency. Additionally, the proposal achieves a 'pass' for thermal comfort under BASIX. The achievement of appropriate levels of energy efficiency and thermal comfort will ensure that the proposal will generate acceptable and sustainable demand for energy.

10.11 Noise

The proposed development is adjacent to Blaxland Road, a major classified State road and busy north-south transport route subject to high volumes of traffic. Accordingly, the proposal will be subjected to potentially high levels of noise as a result of the operation of Blaxland Road.

The proposal has been reviewed by the RTA and Council's Environmental Health Officer who have assessed the proposal with respect to its exposure to traffic noise. An Acoustic Review Report has also been submitted with recommendations that the proposal comply with the relevant Australian Standards to ensure appropriate noise mitigation measures. A Condition of Consent has been imposed to ensure that appropriate noise mitigation measures are implemented in accordance with the Infrastructure SEPP, the relevant Australian Standards, the recommendations of the RTA and Council's Traffic Planner and the recommendations of the Acoustic Review Report prepared by Acoustic Logic (refer to Condition number **7**).

The proposal will also generate noise during the undertaking of demolition and construction works on the subject site. Accordingly, appropriate Conditions of Consent including restricting hours of demolition and construction and implementing appropriate noise minimisation measures have been imposed (refer to Condition numbers **81** to **82** and **101**).

A Condition of Consent has also been imposed prohibiting the emission of 'offensive noise' as defined under the *Protection of the Environment Operations Act 1997* (refer to Condition number **153**).

10.12 Safety, security and crime prevention

The proposal is considered to have a positive impact on safety, security and crime prevention. The active uses at the Ground Floor level will improve safety in the surrounding public domain.

Balconies and living areas will address Pope Street and Blaxland Road, providing passive surveillance opportunities to these street frontages and the surrounding public domain.

Appropriate access control is provided throughout the development to ensure all residential and car parking areas are secure.

Conditions of Consent have been imposed taking into consideration the recommendations of the NSW Police to ensure appropriate levels of safety, access control, and the potential for crime is minimised (refer to Condition numbers **125** to **137** and **151**).

10.13 Social impacts in the locality

The proposed development is considered to have a positive social impact on the locality. The proposal will provide a range of studio, one bedroom, one bedroom plus study, two bedroom and a three bedroom apartment, which will add to the variety of dwellings available in the local area. As noted earlier, the unit mix is considered acceptable to meet the current market demands of the locality.

Additionally, employment opportunities will be available within the commercial/retail space, contributing positively to the socio-economic circumstances of the local area.

10.14 Economic impacts in the locality

The proposed development is considered to have positive economic impacts in the locality.

The proposal will contribute to increasing employment opportunities in the local area. During the undertaking of demolition and construction work, temporary construction-related employment opportunities will be created. During the operation of the development, additional permanent employment opportunities will be created through future use of the commercial and retail tenancy area.

The proposal will also potentially contribute to economic wellbeing of local shops and services. An increase in the local population is likely to result in additional patronage of local shops and services, supporting their economic viability.

10.15 Demolition and construction

The proposed demolition and construction works will have air, noise, waste and traffic impacts on the surrounding area. It is necessary that these impacts be mitigated to ensure minimal nuisance and disturbance to the surrounding area, particularly residents to the north and east of the subject site.

To maintain an appropriate level of amenity to the locality during the undertaking of works, a number of Conditions of Consent have been imposed, to manage adequate air quality and dust control, stormwater quality management, noise mitigation measures, restricted hours of undertaking of works, traffic and waste management. These conditions are imposed at Condition numbers **79** to **118**).

11 SUITABILITY OF THE SITE FOR DEVELOPMENT

The subject site is considered suitable for the proposed development for the reasons outlined below.

The subject site is zoned B4 – Mixed Use under the Ryde LEP 2010, which permits the development of shop top housing and commercial and retail uses. Accordingly, the proposed development is considered suitable with respect to land use permissibility.

The proposed development is considered suitable for the subject site with respect to traffic and transport impacts. Potential impacts may be appropriately managed by imposing Conditions of Consent, including those recommended by the RTA.

12 THE PUBLIC INTEREST

The proposed development achieves the following objectives of the *Metropolitan Plan for Sydney 2036*:

- **Objective A3 – To contain the urban footprint and achieve a balance between greenfields growth and renewal in existing urban areas.** The proposal provides the opportunity to redevelop an existing site and assist in containing Sydney's footprint by providing an increase of residential housing in an existing and established locality.
- **Objective B1.1 – Plan for centres to grow and change over time.** The redevelopment of the subject site will contribute to the growth and change of the Ryde Town Centre by providing an increase in the local population of the centre and providing higher density development on the site.
- **Objective D1.1 – Locate at least 70 per cent of new housing within existing urban areas and up to 30 per cent in new release areas.** The proposal will contribute to the provision of additional housing within an existing and established urban locality.

The Inner North Subregion: Draft Subregional Strategy (Subregional Strategy) identifies Ryde as a Town Centre. The proposal is consistent with the following Actions under the Subregional Strategy:

- **Action B2.1 – Plan for housing in centres consistent with their employment role.** The subject site is zoned for mixed uses, which encourages shop top housing and a mix of retail/commercial and residential development. The proposed development provides ground floor commercial/retail use, with residential uses at the ground floor and above. The increase in housing in Ryde Town Centre will result in any inconsistencies with its employment role as a Town Centre as the proposal provides employment capacity as part of the commercial/retail tenancy, and is also consistent with the mixed use zoning of the site.
- **Action C1.3 Plan for increased housing capacity targets in existing areas.** Ryde Council identified to accommodate an additional 12,000 dwellings between 2004 and 2031. The proposed development will assist in achieving these targets, by providing an additional 97 dwellings.

The proposed development is therefore considered consistent with State Government strategic planning directions for the Sydney region.

The proposal was notified for comment between 6 July and 21 July 2011, during which one submission (objection) was received. The submission was reviewed by Council and a

number of modifications to the originally submitted drawings were suggested to ensure the issues raised in the objection were addressed. These are discussed further under **Section 14** of this report.

The proposal will not have any unreasonable impacts on the locality or community, beyond what is reasonably expected from such development. Likely impacts of the proposal will be minimised or mitigated through the Conditions imposed on this consent.

Accordingly, the proposed development is considered to be in the public interest.

13 REFERRALS

External referrals

Roads and Traffic Authority (RTA)

The RTA raised no objection to the proposal, provided the recommended conditions regarding parking standards (refer to Condition number **14**), pedestrian and vehicular interface (refer to Condition number **15**), sight lines (refer to Condition number **15**), traffic efficiency (refer to Condition number **16**) and noise mitigation measures (refer to Condition number **7**) are implemented.

Gladesville Police

Gladesville Police have reviewed the proposed development in accordance with the principles of Crime Prevention through Environmental Design. Comments from Gladesville Police are summarised below:

- **Surveillance:** A number of recommendations made to ensure appropriate levels of surveillance throughout the development, including the use of CCTV security cameras and security mirrors at blind corners and car park entries. These recommendations have been included as Conditions of Consent where necessary (refer to Condition number **125** to **127**).
- **Landscaping:** Concern was raised that landscaping proposed as part of the development may provide opportunities for concealment and for intruders to access balconies and apartments. Appropriate conditions of consent have been imposed requiring the preparation of a Landscape Maintenance Plan to ensure landscaping is maintained so as to not provide opportunities for concealment or block sightlines (refer to Condition number **128**). A condition has also been imposed requiring appropriate maintenance of trees to ensure there is minimal opportunity for intruders to use trees to access units and balconies (refer to Condition number **128**).
- **Lighting:** A recommendation for the lighting and control of lighting of all common areas, car parking and stairs was made. This recommendation has been imposed as a Condition of Consent (refer to Condition number **129**).
- **Territorial reinforcement:** Recommendations are made regarding the types of signage to be provided throughout the development to assist in crime avoidance. The recommended signage has been imposed as Conditions of Consent (refer to Condition number **130**).
- **Environmental maintenance:** A recommendation is made that regular maintenance of all security equipment and devices should be prepared to ensure their proper functioning. A Condition of Consent has been imposed requiring the CCTV to be regularly maintained and tested (refer to Condition number **151**).

- **Space/activity management:** It was noted that entry and exit points and common areas such as parking should be appropriately managed and monitored. The conditions of consent imposed with regards to the issues discussed above and below adequately address space/activity management. No specific recommendations were made in the Police comments.
- **Access control:** Specific access control recommendations were made to ensure appropriate locking systems, electronic security access and parking access were installed to minimise intrusion into the development. These recommendations have been imposed as considered necessary as part of the Conditions of Consent (refer to Condition numbers **135** to **137**).
- **Other matters:** A sensor projector light and security company to monitor the site was recommended during the demolition and construction phase as a crime deterrent. This has been required as a Condition of Consent (refer to Condition number **110**).

Internal referrals

Heritage/Strategic Planner

Council's Heritage/Strategic Planner raised no objection to the proposed development and concluded that the proposal will have little or no impact on the heritage significance of the adjoining heritage item, Great North Road. It was also noted that other listed nearby heritage items, including Top Ryde Shopping Centre and the Obelisk (now at the rear of Ryde Civic Hall) have been demolished or relocated. No special heritage recommendations have been made.

Environmental Health Officer

Council's Environmental Health Officer commented on a number of areas of concern including:

- **Waste storage and handling:** Residential and commercial waste storage are considered to provide sufficient capacity for the wastes anticipated to be produced. Further waste storage area and handling conditions have been recommended and supported by the assessment officer (refer to Condition numbers **12**, **13**, **48**).
- **Future use of commercial/retail premises:** Appropriate conditions requiring further applications to be submitted for the use of this space have been recommended, considering there may be possibility for a food shop with special ventilation requirements (refer to Condition numbers **21** to **25**).
- **Traffic noise:** Recommended that the recommendations of the applicant's Acoustic Review Report be complied with. A Condition to the effect has been imposed (refer to Condition number **7**).
- **Ventilation:** Appropriate conditions recommended to ensure appropriate ventilation provided to residential and car parking (refer to Condition numbers **20** and **22**).
- **Potential for site contamination:** A Preliminary Site Investigation Report submitted with the DA noted that unless further evidence can be provided disproving the presence of an underground storage tank at the site, a targets Stage II Detailed Site Investigation (DSI) is warranted prior to the development works being undertaken. This requirement has been imposed as a Condition of Consent (refer to Condition number **42**).

Landscape Architect

Council's Landscape Architect reviewed the proposal and noted that the Tallow Wood tree located at the northeast corner of the site is the most significant tree on the site. Council's Landscape Architect concluded that there is '*no issue with the removal of all other trees [and] none of the vegetation on site has any significance in terms of urban bushland*'.

The Tallow Wood Tree is proposed for removal. The Arborist Report submitted by the applicant justifies its removal, noting that this significant tree is a single specimen only and does not form part of a significant area of trees.

Council's Landscape Architect has also made the following additional comments in relation to the proposal:

- The proposal is considered acceptable with respect to removing all trees on the subject site, as sufficient planting is proposed and these new plantings will provide a replication of the existing canopy cover on the site. No objections were raised with respect to the Landscape Plan.
- There is no requirement for a 7-Part Test, as the species of a Gum tree located along the Blaxland Road frontage of the site has been confirmed as a Brittle Gum, rather than a *Eucalyptus scoparia* (identified by the applicant's Arborist as requiring a 7-Part Test for its removal).
- No objection is raised to the proposed development, subject to Conditions being imposed to ensure protection of 'Tree 8' – a Japanese Cedar located in the rear yard of 4 Curzon Street, Ryde, close to the northern boundary of the site (refer to Condition numbers **74** to **75**).

Development Engineer

Council's Development Engineer reviewed the architectural and engineering drawings and specifications and provided an assessment on 26 September 2011. With respect to stormwater management and drainage, Council's Development Engineer stated:

"... apart from a few non-compliances, which can be conditioned the plans are considered generally adequate and in accordance with DCP 2010 Part 8.2."

The recommended conditions with respect to stormwater and drainage have been imposed as Conditions of Consent (refer to Condition numbers **66** to **69**, **76**, **139**, **143** and **144**).

The proposal was also reviewed with respect to traffic and access and compliance with the relevant controls and Australian Standards. Council's Development Engineer noted that the proposal remains inconsistent with the required sight line distance for vehicles exiting the loading dock and vehicles entering the driveway. A Condition of Consent has therefore been imposed to resolve this issue (refer to Condition number **63**).

14 PUBLIC NOTIFICATION AND SUBMISSIONS

The proposed development was exhibited between 6 July and 21 July 2011. During this period, one submission was received, objecting to the proposed development. The objection was received from the owner of the adjoining property, 2 Pope Street.

The key issues raised in this submission include the following:

Note: Following receipt of the amended drawings on 26 August 2011, the owner of 2 Pope Street was invited again to comment on the proposal however no submission was received.

- a) **Submission deficient in information provided.** *The DA does not include a public art plan, energy efficiency report and ventilation details.*

Assessment Officer's Comment:

It is noted that the requirements for BASIX override the requirement for an energy efficiency report for the proposed development.

Council requested additional information required by the applicant in its letter dated 4 August 2011. The additional information requested by Council was provided by the applicant.

Ventilation requirements have been imposed as Conditions of Consent (refer to Condition numbers **20** and **22**).

A Condition of Consent has been imposed requiring the preparation of an Arts and Cultural Plan for the subject site (refer to Condition number **44**).

- b) **SEPP 65 compliance** – *the proposal is inconsistent with SEPP 65 principles and guidelines including excessive height, context, overshadowing, privacy, building separation, density, natural ventilation and solar access.*

Assessment Officer's Comment:

The applicant was requested by Council in its letter dated 4 August 2011 to reconsider the building height, setbacks, solar access and built form to comply, or be consistent with principles of SEPP 65, the Residential Flat Design Code guidelines and Ryde LEP and DCP provisions. The applicant has adequately responded to requests by Council with regards to compliance with the relevant controls. These issues are addressed as part of the Planning Assessment above.

- c) **Contamination** – *The proposal fails to provide a Phase II Site Investigation Report, as recommended by the Applicant's Phase I Report.*

Assessment Officer's Comment:

A Condition of Consent has been imposed (Condition number **42**) requiring that the applicant prepare a Phase II Site Investigation Report in accordance with the recommendations of the applicant's Phase I Report and Council's Environmental Health Officer's Assessment recommendations.

- d) **Vehicular access** – *Vehicular access arrangements to the site are considered unacceptable with respect to the driveway's proximity to the intersection of Blaxland Road and Pope Street, and the potential conflict between vehicles with regards to use of the loading dock.*

Assessment Officer's Comment:

The proposed development has been referred to the RTA for assessment and comment. The RTA reviewed the proposed development, including vehicular access and recommended a number of Conditions. These Conditions have been incorporated in the Conditions of Consent. Details regarding the RTA referral and comments are provided earlier under **Section 13** of this report.

A Condition of Consent requiring a Loading Dock Management Plan and signalisation of the driveway to minimise potential conflict between loading and service vehicles and other vehicles entering and exiting the car parking area has been imposed (refer to Condition number **47**).

Additionally, Council's Development Engineer has required that the proposal be amended to comply with the relevant Australian Standards with respect to sightlines for vehicles exiting the loading dock and those entering the driveway (refer to Condition number **63**).

- e) **Zone objectives** – *The proposal is not consistent with the objectives of the zone as the development is not compatible with the site at 2 Pope Street with respect to height, setbacks and building form; and the proposal will not create a safe pedestrian environment as a result of the design of vehicular access and loading facilities.*

Assessment Officer's Comment:

The applicant was requested by Council in its letter dated 4 August 2011 to reconsider the building height, built form and setbacks in order to comply with the applicable planning controls and guidelines. It is considered the amended drawings (most recently amended 21 September 2011), appropriately respond to the issue of compatibility with the adjoining property at 2 Pope Street. The building is setback at least 6 metres from the boundary with 2 Pope Street, and the height has been reduced from seven (7) storeys to six (6) storeys adjacent to the Pope Street boundary. The reduction in height and increase in setbacks will result in reduced amenity impacts of the proposed development on the adjoining property.

Refer to submission comment (d) above with respect to vehicular access.

- f) **Height** – *The proposed height is excessive and does not comply with the maximum building height permitted under the Ryde LEP 2011.*

Assessment Officer's Comment:

The applicant was requested by Council in its letter dated 4 August 2011 to reduce the building height to comply with the Ryde LEP 2011 maximum height provisions for the subject site. The building height was reduced by one-storey at the eastern portion of the Pope Street wing and the Northern wing. Although the majority of the proposed building exceeds the maximum height of 18.5 metres, the non-compliance has been assessed and is considered acceptable. The non-compliance with the maximum height will not give rise to any substantial adverse impacts on the amenity of the adjoining property at 2 Pope Street.

- g) **Non-compliance with Ryde DCP 2010** – *the proposal is inconsistent with Ryde DCP 2010 provisions for loading and unloading arrangements and position of loading dock; building height; visual privacy; housing choice; fencing; and Precinct 6 objectives.*

Assessment Officer Comment:

With respect to loading dock non-compliances, refer to comments under (d) Vehicular Access above.

With respect to building height, refer to comments under (f) Height above.

It is considered that the proposed development incorporates appropriate mitigation measures to ensure adequate visual privacy to the adjoining property at 2 Pope Street is maintained, including screening to east facing windows, or the placement of windows to the north or south for units along the eastern boundary of the site.

The proposed development provides a mix of studio, one bedroom, one bedroom plus study, two bedroom and a three bedroom unit types. The proposed mix is considered acceptable for the site's location.

The applicant has amended side boundary fencing, so that fences do not exceed 1.8 metres in height, in accordance with the Ryde DCP fencing controls.

- h) **Isolation of 2 Pope Street** – The proposed development will isolate 2 Pope Street due to its proposed height and setbacks, rendering it undevelopable.*

Assessment Officer's Comment:

In its letter dated 4 August 2011, Council requested that the applicant demonstrate that the adjoining lot, 2 Pope Street, may be developed in accordance with the current planning controls. The applicant has since increased the side boundary setback from 2 Pope Street to a minimum 6 metres. This will increase future building separation between the site and future development on the adjoining site, allowing for sufficient development opportunity of 2 Pope Street. Additionally, where windows directly face 2 Pope Street, privacy screens are proposed. The proposed development is not considered to impact on the adjoining site at 2 Pope Street to make it undevelopable.

- i) **Public interest** – The proposal is contrary to the public interest due to the significant amenity impacts arising from the proposal.*

Assessment Officer's Comment:

The proposed development is not considered to give rise to any foreseeable adverse amenity impacts on surrounding properties and the locality. The proposal is considered to be in the public interest by being consistent with Metropolitan and subregional strategies of the State for the locality, and given the expansion of housing choice in the locality.

15 CONCLUSION

The proposed development involves the demolition of a commercial building and hardstand parking area to accommodate a new six (6) and seven (7) storey residential apartment building. The development includes 97 residential dwellings, a 200sqm commercial/retail tenancy at the Ground Floor, three (3) basement car parking levels, 152 car parking spaces and associated site landscaping.

The proposed development will result in some non-compliances with planning controls. These include being 1 to 1 and a half storeys above the Ryde LEP 2010 height limit of 18.5 metres, encroachment to the minimum 3 metre setback to Pope Street and Blaxland Road under the Ryde DCP 2010, unit mix required under Ryde DCP 2010 and provides less than the RFDC and Ryde DCP 2010 deep soil requirements. The development is also slightly less in building separation than the requirement under the RFDC of 18 metres internally between the northern and Pope Street wings. However following assessment of the proposal, these non-compliances are considered acceptable on town planning and urban design grounds, should not result in a development with unacceptable environmental, social and economic impacts and a good degree of residential amenity should be achieved.

The proposal provides an opportunity to redevelop the site with a mixed use building that is considered more responsive to the strategic intentions of both site zoning and associated planning controls, compared to the existing, outdated commercial development.

The development application is therefore recommended for **approval** subject to conditions.

16 RECOMMENDATIONS

- A. Pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, the following is recommended:
 - (a) That the Sydney East Region Joint Regional Planning Panel grant a consent to the development application LDA 2011/0303 for the construction of a mixed use development located at 219 Blaxland Road, Ryde, subject to the Conditions of Consent in Attachment 1 of this report.
- B. That the objector be notified of this decision.
- C. That a copy of the development consent be forwarded to the RTA.

Report prepared by:

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City of Ryde

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Manager Assessment
City of Ryde

ATTACHMENT 1:
CONDITIONS OF CONSENT (LDA 2011/0303)

GENERAL CONDITIONS

1. Development is to be carried out in accordance with the following plans and support information submitted to Council:

Plan Number	Title	Drawn by	Issue	Date
DA-A-000	Cover Sheet	Quattro Design Pty Ltd	C	21.09.11
DA-A-020	Demolition Plan	Quattro Design Pty Ltd	A	07.06.11
DA-A-060	Shadow Diagrams Proposed Scheme	Quattro Design Pty Ltd	B	30.08.11
DA-A-070	SEPP 65 Diagrams	Quattro Design Pty Ltd	C	21.09.11
DA-A-075	Project Schedules	Quattro Design Pty Ltd	C	21.09.11
DA-A-100	Proposed Level 3 Basement Plan	Quattro Design Pty Ltd	B	25.08.11
DA-A-101	Proposed Basement Level 2 Plan	Quattro Design Pty Ltd	B	25.08.11
DA-A-102	Proposed Basement Level 1 Plan	Quattro Design Pty Ltd	C	21.09.11
DA-A-103	Proposed Ground Floor Plan	Quattro Design Pty Ltd	C	21.09.11
DA-A-104	Proposed Level 1 Plan	Quattro Design Pty Ltd	C	21.09.11
DA-A-105	Proposed Typical Level 2-5 Plans	Quattro Design Pty Ltd	C	21.09.11
DA-A-109	Proposed Level 6 Plan	Quattro Design Pty Ltd	C	21.09.11
DA-A-110	Proposed Roof Plan	Quattro Design Pty Ltd	C	21.09.11
DA-A-150	Detail Unit Plans – Adaptable	Quattro Design Pty Ltd	C	21.09.11
DA-A-200	Elevations	Quattro Design Pty Ltd	C	21.09.11
DA-A-201	Elevations	Quattro Design Pty Ltd	C	21.09.11
DA-A-250	Sections	Quattro Design Pty Ltd	C	21.09.11
DA-A-251	Sections	Quattro Design Pty Ltd	C	21.09.11
DA-A-260	BASIX	Quattro Design	B	21.09.11

Plan Number	Title	Drawn by	Issue	Date
		Pty Ltd		
H-04	Ground and Lower Level (Hydraulic Services)	JHA Consulting Engineers	C	21.09.11
H-09	Detail Sheet 2 Detention Tank	JHA Consulting Engineers	C	21.09.11
LP01	Landscape Concept Plan	Leuchars Partners	B	25.08.11

2. **Building Code of Australia** - All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
3. **Lapse of development consent** – The term of this Consent is limited to a period of five (5) years from the date of approval. The consent will lapse if the development does not commence within this time.
4. **Construction Certificate** – Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Amendment Act 1997 are to be complied with:
 - a. A **Construction Certificate** is to be obtained in accordance with Section 81A (2) (a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A (2) (b) of the Act and Form 7 of Schedule 1 to the Regulations.
 - c. Council is to be notified at least two (2) days prior to the intention to commence building works in accordance with Section 81A (2) (c) of the Act and Form 7 of Schedule 1 to the Regulations.
5. **Accredited Certifier** – The applicant may apply to the Council or an accredited certifier for issuing of a **Construction Certificate** and to Council or an accredited certifier to monitor compliance with the approval and issue any relevant documentary evidence and/or certificate/s.
6. **Section 73 Certificate** – A Section 73 Compliance Certificate under Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building, Development and Plumbing section of the website at www.sydneywater.com.au then refer to the “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 building and charges to be paid. Please make early contact with the Coordinator, as it may take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority **prior to occupation** of the development.

7. Road traffic noise

- a. The proposed development is to include materials that satisfy the requirements for habitable rooms under Clause 102, Subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007.
- b. The residential units must be designed and constructed so that the road traffic noise levels inside the buildings comply with the satisfactory design sound levels recommended in Australian/New Zealand Standard *AS/NZS 2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors*, when the windows and doors are closed. The recommendations outlined in the report from consultant Acoustic Logic, dated 22.03.2011 are to be implemented.

8. Building identification signage – Building identification signage is to be located close to the building entries, be flush with the building wall and not be illuminated.

9. Signage – Any signage, other than those considered exempt or complying development or building identification signage, requires separate development consent.

10. Glazing reflectivity – All external glazing is to have a maximum reflectivity of 20%.

11. BASIX – The development is to incorporate the requirements and commitments provided in BASIX Certificate No 374195M dated 21 September 2011.

12. Garbage and recycling storage – The storage areas for garbage and recycling carts must be provided on the premises in accordance with Council's *Standard Requirements for the Construction of Garbage and Recycling Cart Storage Areas*.

13. Construction of garbage rooms – All garbage rooms must be constructed in accordance with the following requirements:

- a. 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.
- b. The floor waste must be provided with a fixed screening in accordance with the requirements of Sydney Water Corporation.
- c. 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.
- d. The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with light coloured washable paint.
- e. 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.

- f. 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.
 - g. The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation.
 - h. The room must be provided with adequate artificial lighting.
 - i. A hose cock must be provided in or adjacent to the room to facilitate cleaning.
14. **Layout of car parking** – The layout of car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements and parking bay dimensions) is to be in accordance with AS 2890.-2004.
 15. **Sight lines** – The required sight lines to pedestrians and other vehicles in or around the car park or entrances are not to be compromised by landscaping, signage, fencing or display materials.
 16. **No stopping zones** – The existing ‘No Stopping’ restrictions along the northern side of Pope Street shall remain.
 17. **No cost to RTA** – All works associated with the development shall be at no cost to the RTA.
 18. **Commercial/retail tenancy shop front** – No metal or roller shutter doors are to be installed to the shop front of the commercial/retail tenancy. The shop front may incorporate see-through security grills or translucent barriers to ensure maximum light is transmitted to footpath areas.
 19. **Ventilation of rooms** – Every habitable room, sanitary compartment or other room occupied by a person for any purpose must be provided with adequate natural ventilation or an approved system of mechanical ventilation.
 20. **Ventilation of car park** – The basement car park must be provided with an adequate system of permanent ventilation or an approved system of mechanical ventilation.
 21. **Provision for installation of kitchen exhaust systems** – Adequate provision must be made for the possible future installation of kitchen exhaust systems to the proposed commercial occupancy.
 22. **Car park exhaust vent** – The car park exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and at least 6 metres from any fresh air intake vent, natural ventilation opening or neighbouring property boundary.
 23. **Plumbing and drainage work** – All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.
 24. **Installation of a 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 specially constructed grease trap room and be readily accessible for servicing.

25. **Access through food areas** – Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.
26. **Under-awning lighting** – Lighting is to be provided to the underside of building entry awnings.
27. **Basement lighting** – Basement car park lighting is to comply with Australian Standards AS 1680.2.1 and 2890.1:2004.
28. **Fire Safety Statement** – A six-monthly Fire Safety Statement (Form 15A under the Environmental Planning and Assessment Regulation 1994) must be given to Council and the NSW Fire Brigade commencing within 6 months after the date on which Council receives the initial Fire Safety Certificate.
29. **Telephone installations** – Advice should be obtained from the local telecommunications office regarding any telephone lines to be installed in concrete floors.
30. **Australia Post** – Approval for the site and sizes of proposed household mailboxes must be obtained from Australia Post.
31. **Glazing safety** – Glass doors and fixed panels so located in relation to other parts of the building as to be capable of being mistaken as a doorway of unimpeded path of travel shall be provided with a Grade “A” Safety Glazing in accordance with AS 2208 Safety Glazing Materials for use in buildings (Human Impact Consideration). All other glazing shall be installed in accordance with the Table 1A Appendix “A” or AS 1288 Glass Installation Code.

General Engineering Conditions

32. **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 publication, *Environmental Standards Development Criteria* and relevant Development Control Plans, except as amended by other conditions in this consent.
33. **Service alterations** – To protect existing public utility services, all public utilities which 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 sign off at completion from the relevant Public Authority shall be submitted to Council.

34. **Restoration** – To ensure public areas will be safely maintained at all times and 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 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 crossing with kerb and gutter will be carried out by Council following receipt of payment for the works.
35. **Road Opening Permit** – To ensure all works within the public road reserve will be 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 proposed connections 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 site.

PRIOR TO CONSTRUCTION CERTIFICATE

36. **Stratum Subdivision Plan** – A stratum subdivision plan in accordance with the approved architectural drawings is to be prepared and submitted to Council for approval prior to the issue of a **Construction Certificate**.
37. **Section 94 Contribution** – A contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of the **Construction Certificate**.

A	B
Community and cultural Facilities	\$216,291.10
Open Space and Recreation Facilities	\$514,588.87
Civic and Urban Improvements	\$186,567.71
Roads and Traffic Management Facilities	\$25,500.82
Cycleways	\$15,894.36
Stormwater Management Facilities	\$49,648.63
Plan Administration	\$4,286.72
The total contribution is	\$1,012,778.21

This contribution is a contribution under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in the Section 94 Development Contributions Plan 2007 (2010 Amendment) 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 contribution rates that are applicable at the time of payment.

38. **Security deposit** – A security deposit (category: other buildings with delivery of bricks, concrete or machine excavation) is to be paid to Council (Public Works and Services

Group) as well as the Infrastructure Restoration and Administration Fee. Please refer to Council's Management Plan for the current fee amounts.

39. **Enforcement Levy** – An enforcement levy is to be paid to Council on lodgement of the **Construction Certificate** application in accordance with the requirements of Council's Management Plan (scheduled fees).
40. **Long Service Levy** – Documentary Evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Levy Payments Act 1986 is to be received prior to the issuing of the **Construction Certificate**.
41. **Fees** – 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**.
Documentary evidence of compliance with Conditions **38** to **41** to the satisfaction of Council or an accredited certifier is to be submitted to the Council prior to the issuing of a **Construction Certificate**.
42. **Stage II Detailed Site Investigation** – A further, targeted site investigation is to be carried out to determine the presence or otherwise of an underground storage tank (UST) – possibly identified on site in the initial report. The Stage II Detailed Site Investigation is to be submitted to Council or the accredited private certifier with the application for the **Construction Certificate**.
43. **BASIX Commitments** – The **Construction Certificate** plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
44. **Arts and Cultural Plan** – Prior to the issue of a **Construction Certificate**, a site specific Public Arts Plan is to be submitted for approval by Council. This plan is to be prepared by an arts and cultural planner and will be required to address the following:
 - a. Identify opportunities for the integration of public art in the proposed development;
 - b. Identify themes for public art;
 - c. Durability, robustness and longevity of the public art; and
 - d. Demonstrate how public art is incorporated in the site and built form design.
45. **Detailed Landscape Plan** – A detailed Landscape Plan is to be submitted and approved by Council in accordance with the approved Landscape Plan (Plan No LP 01 Issue B, prepared by Leuchars Partners dated 25.08.11) prior to the issue of a **Construction Certificate**. The detailed Landscape Plan must also incorporate the following:
 - a. **Street tree planting** – Trees planted along Blaxland Road and Pope Street are to be frangible species.
 - b. **Soil depth over structures** – Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Residential Flat Design Code. Information verifying that the development complies with these requirements is to be provided on the **Construction Certificate** plans.

- c. **Outdoor furniture** – Outdoor furniture and fixtures such as bench seating, tables and bicycle racks (or the like) are to be incorporated into the outdoor court communal open space areas to allow passive recreational use of this space. Such furnishings should be shown on the detailed landscape Plan.
- d. **Stormwater and drainage tank screening** – Any underground stormwater tank which projects above the ground floor level at the street frontage is to be screened from view by plantings or other suitable treatment.

46. **Ryde Town Centre public domain** – All hard landscaping, paving, soft landscaping including species selection, street furniture and the like within the public domain shall be in accordance with the Ryde Town Centre Public Domain Plan. Full details, including samples, schedules and plans are to be submitted and approved by Council prior to the issue of any **Construction Certificate**.

Where soft landscaping is proposed, including species selection, the applicant must ensure that species health is guaranteed for a minimum of two (2) years to ensure the character and appearance of the streetscape is established and maintained. Any species that die within two (2) years of planting must be replaced by the applicant with a specimen of a similar size and maturity.

47. **Loading Dock Management Plan** – A loading dock management plan will be required outlining safe operation of the loading dock and minimising potential conflict between use of the loading dock and vehicles entering and exiting the site. The Loading Dock Management Plan is to include the following details:

- a. Operation hours of the loading dock.
- b. Signals or other means of managing vehicles using the driveway whilst service and delivery vehicles are entering or exiting the loading dock.
- c. Maximum sized vehicle permitted to use the loading dock.
- d. Any necessary measures required to maintain appropriate levels of amenity to surrounding residences both on the subject site and adjacent properties.

48. **Garbage room details** – Details of the garbage rooms must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**. Such details must include:

- a. The specifications and layout of the garbage room and all proposed waste containers and equipment; and
- b. The access to the collection point.

49. **Waste Management Plan** – A Waste Management Plan is to be prepared by the applicant in accordance with the requirement of Part 7.2 of the Ryde DCP 2010. The Waste Management Plan must also be consistent with any other conditions contained in this consent and prioritise the re-use, recycling, avoidance and minimisation of waste during demolition, construction and operation.

50. **Car park ventilation details** – Details of the proposed method of ventilating the basement car park must be submitted to Council or an accredited private certifier for approval with the application for the **Construction Certificate**.

51. **Mechanical ventilation details** – Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier for approval with the application for the **Construction Certificate**. Such details must include:
- a. Certified plans of the proposed work, with an alterations coloured to distinguish between new and existing work;
 - b. A site survey showing the location of all proposed air intakes and exhaust outlets on the site, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity;
 - c. A completed Mechanical Services Design Certificate (Form M1), together with a copy of the certifier's curriculum vitae; and
 - d. Documentary evidence in support of any departures from the deemed-to-satisfy provisions of the *Building Code of Australia*.
52. **Acoustical consultant's report** – A report from a qualified acoustical consultant detailing the measures required to comply with the relevant noise and vibration criteria (Australian Standards, BCA, any guidelines and relevant planning controls) must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**.
53. **Disabled access** – Prior to the issue of a **Construction Certificate**, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate Drawings fully comply with Development Control Plan 2010 – Access for People with Disabilities. The report is to be provided to the PCA and Council (if Council is not the PCA).
54. **Engineering detail** – The applicant is to submit to and have approved by Council or an accredited certifier engineer's details for all concrete work and structural steel work prior to the issue of a **Construction Certificate**.
55. **Geotechnical requirements** – All footings, slabs and structural members are to be designed taking into account the recommendations stipulated by a Geotechnical Engineer.
56. **Design verification** – Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.
57. **Essential fire services** – A "Fire Safety Schedule" must be provided prior to issue of the **Construction Certificate**; specifying the fire safety measures (both current and proposed) to be implemented in the building premises in accordance with Clause 168 of the *Environmental Planning and Assessment Regulation 2000*.

58. **Site works plan** – A site works indicating compliance with the Ryde DCP 2010, Part 8.1 – Construction Activity, in relation to:
- a. Sediment and pollution controls;
 - b. Security fencing;
 - c. Builder's identification signage and demolition in progress signage; and
 - d. Provision of site toilets,
- to the satisfaction of Council or an accredited certifier is to be submitted to Council with the **Construction Certificate**.
59. **Service infrastructure/utilities** – All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to the issue of the **Construction Certificate**.

Engineering Conditions prior to issue of Construction Certificate

60. **Boundary Levels** – To ensure 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, car parking areas, landscaping, stormwater drainage etc and shall be clearly shown on plans submitted with the **Construction Certificate** application.
61. **Dilapidation Report** – To determine the extent of restoration works that may be required, the applicant shall submit to Council a pre and post construction dilapidation report on the status of existing public infrastructures in the vicinity of the proposed development. The report is to include photographic records, description and location of any existing observable defects of the following infrastructure and others where applicable:
- a. Road pavement.
 - b. Kerb and gutter.
 - c. Constructed footpath.
 - d. Drainage pits.
 - e. Traffic signs.
 - f. Any other relevant infrastructure.

These reports shall be submitted to Council, prior to the issue of the **Construction and Occupation Certificate**. The report shall be used by Council as Roads Authority under the Roads Act to assess whether restoration works are required prior to the issue of the Occupation Certificate. All restoration works deemed necessary by Council's engineer are to be completed to Council satisfaction prior to the issue of **Occupation Certificate**.

62. **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 where they are required as a condition of consent. A driveway plan including longitudinal and cross-sections from the centreline of the public road to the proposed garage floor and/or parking space shall be submitted to and approved by the Principal Certifying Authority prior to the issue of **Construction Certificate**.

63. **Internal Car Parking** – To ensure safe and satisfactory access to the proposed development all internal driveways, vehicle turning areas, garage opening widths, parking spaces dimensions, safe sight distances and gradients etc shall be designed and constructed in accordance with relevant sections of Australian Standards AS 2890. The design shall ensure all vehicles using the site can enter and exit in a forward direction and that safe sight distances are available to all vehicles using the site.

Accordingly, to facilitate safe sight distance for vehicles exiting the loading dock and those entering the driveway off Pope Street, **the plant room south eastern wall shall be relocated further northwest by a minimum 2.5 m as marked in red architectural plan No. DA-A-103 C Revision C dated 21/9/11 prepared by Quattro.**

Amended plans including engineering certification from a traffic engineer indicating compliance with this condition are to be submitted with the **Construction Certificate** application.

64. **Excavation** – To ensure the proposed site excavation will not impact on the adjoining property structures foundations and services. The applicant shall submit to the Principal Certifying Authority for approval a geotechnical report prepared and certified by a chartered practicing geotechnical/structural engineer addressing, but not be limited to the following items:

- a. The likely impacts of the proposed excavations will have on structures and services of adjoining properties;
- b. Detail what measures are to be taken to protect the structures and services of adjoining properties from structural damage and undermining during construction; and
- c. A copy of the report including geotechnical/structural engineer certification should be submitted to Council.

The above matters shall be completed prior to the issue of the **Construction Certificate** and all recommendations of the Geotechnical Engineer 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.

65. **Council Inspections** – To ensure all proposed stormwater connections to Council's drainage system will be completed satisfactorily, a Council's engineer must inspect stormwater connection(s) to Council's existing stormwater system prior to backfilling. Council shall be notified when the collar connection has been completed to Council's pipeline in accordance with standard details shown in City of Ryde, Development Control Plan 2010 - Part 8.2 - Stormwater Management and an inspection must be

made before the property service line is connected to the collar. Inspection fee(s) in accordance with Council's Management Plan of \$150 shall be paid to Council prior to issue of **Construction Certificate**.

66. **Site stormwater system** – To ensure satisfactory stormwater disposal and minimise downstream stormwater impacts, stormwater runoff from the site shall be collected and piped by gravity flow Council's stormwater pipeline located in Blaxland Road via an on-site stormwater detention system. Accordingly, the site stormwater drainage plans are to be prepared by a chartered civil engineer in accordance with City of Ryde, Development Control Plan 2010 - Part 8.2 - Stormwater Management and shall incorporate but not limited to amendments as marked in red on approved revision C concept plans prepared by JHA dated 20/9/11.

Engineering plans, including certification prepared by a chartered civil engineer with NPER registration with Engineers Australia, indicating compliance with this condition are to be submitted with the **Construction Certificate** application.

67. **Pump System** – To ensure safe and satisfactory drainage disposal, the wet well and pumps shall be designed and constructed in accordance with section 7.3 of Australian Standards AS 3500.3.

Direct connection of the pumps rising main into the kerb will not be permitted. The rising main is to be connected to the on-site detention tank where possible or to a silting pit prior to discharging via gravity to the kerb and gutter.

68. **Water Tank & First Flush** – A minimum 30m³ rainwater shall be provided to collect runoff from at least 60% of the site roof area with water collected being connected for internal reuse at a minimum for use in the toilet, laundry and garden irrigation. Additionally, to screen the water tanks from gross pollutants a first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the **Construction Certificate** application.

69. **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 **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.
70. **Traffic Management Plan** – To ensure safe construction traffic flow on site a Traffic Management Plan (TMP) and report shall be prepared by an appropriately accredited person and submitted to for approval with the **Construction Certificate** application.
- The TMP shall be prepared in accordance with 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 where applicable. 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.

PRIOR TO COMMENCEMENT

71. **Hazardous Materials Audit/Survey** – A Hazardous Materials Audit/Survey should be undertaken prior to the demolition of the building present on the site and a report prepared and submitted to Council or an accredited private certifier.
- Australian Standard 2601 Demolition of Structures requires that before commencement of any stripping or demolition, the site structures should be examined to determine the presence of hazardous materials including asbestos, lead in paint, lead in dust, synthetic mineral fibre (SMF) and polychlorinated biphenyls (PCB5).
72. **‘Dial 1100 Before You Dig** – Underground pipes and cables may exist in the area. In your own interest and for safety, telephone 1100 before excavating or erecting structures. Information on the location of underground pipes and cables can be obtained by fax on 1300 652 077 or through the following website www.dialbeforeyoudig.com.au.
- If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development Consent (or a new development application) may be necessary. Council’s Assessment Officer should be consulted prior to the lodgement of an application for a **Construction Certificate** if this is the case.
73. **Security deposit for demolition only** – A security deposit (Category: demolition) is to be paid to Council (Public Works and Services Group) **prior to the commencement of**

any demolition works. Please refer to Council's Management Plan for the applicable fee amount.

74. **Minimising impacts on trees to be retained** – Tree 8 (as identified by the Arboricultural Development Impact Assessment for 219 Blaxland Road Ryde, prepared by Urban Forestry Australia and dated August 2011) on the adjoining property, 4 Curzon Street, is to be retained and protected in accordance with the following:
- a. **Prior to any works commencing** on the site, the project arboriculturist and the principal site contractor must meet on site to discuss appropriate tree protection devices, and the location of those devices.
 - b. **Prior to any works commencing** on the site, including demolition of trees to be removed, the tree to be retained is to be provided with the appropriate tree protection devices.
 - c. The tree protection devices cannot be removed, altered or relocated without the project Arborist or Council approval.
 - d. At the point where the Tree Protection Zone protection devices are to be removed to allow works to the boundary, an Australian Qualification Framework Level 5 (AQF5) arboriculturist is to be present to supervise the works within the Tree Protection Zone.
 - e. Any roots that must be severed must be cut cleanly with a sharp handsaw. Tearing of roots is not acceptable.
 - f. The exposed soil at the boundary and within the Tree Protection Zone radius must be kept moist to prevent drying out. This may be achieved by carefully pinning layers of hessian against the cut face and regular light watering as advised by the project arboriculturist.
75. **Tree Protection Zones** – The Tree Protection Zone (TPZ) of Tree 8 (as identified by the Arboricultural Development Impact Assessment for 219 Blaxland Road Ryde, prepared by Urban Forestry Australia and dated August 2011) is to be established in accordance with the following **prior to the commencement of works**:
- a. Any recommendations of the project arboriculturist provided at the initial pre-demolition site meeting with the project manager/principal site contractor.
 - b. The most appropriate fencing for fencing for tree protection is 1.8 metre chainlink with 50mm metal pole supports. During installation, care must be taken to avoid damage to significant roots. The practicality of providing this fencing on this site must be addressed by the arboriculturist.
 - c. Locate any large primary roots by careful removal of soil within the fencing area. Do not drive any posts or pickets into tree roots. Replace soil back over tree roots.
 - d. Tree protection devices must be in place prior to any site works commencing, including demolition or grading.
 - e. Any areas of the TPZ outside fenced protection areas must, where practicable, be covered in thick, coarse mulch to a depth of 100mm to reduce soil compaction and soil moisture losses.

- f. Construction traffic areas (including foot traffic) within the TPZ are to be protected by wide timber planks over the mulch, or similar means of providing access whilst avoiding soil compaction.
- g. Nothing should occur inside the TPZ, so therefore all access to personnel and machinery, storage of fuel, chemicals, cement or site sheds is prohibited.
- h. No washing or rinsing of tools is to be carried out within 5 metres of the tree.
- i. Signage should explain exclusions from the area defined by TPZ and carry a contact name for access or advice.

Engineering conditions prior to commencement of works

- 76. **Sediment and Erosion Control** – To protect the existing environment from pollutants runoff arising from proposed on site construction activities, the applicant shall install sediment and erosion control devices in accordance with an approved plan **prior to commencement of construction** on the site. These devices shall be maintained during the construction period and replaced when and where considered necessary to maintain them in operable condition at all times.
- 77. **Compliance Certificate** – To ensure satisfactory sediment and erosion control has been implemented, a certification should be obtained from an appropriately qualified person to confirm that the erosion and sediment control measures installed comply with the approved plan and City of Ryde, Development Control Plan 2006: - Part 8.1 - Construction Activities.
- 78. **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. 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 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. Accordingly, an application shall be made to and approved by Council, **prior to commencement of the works**.

DURING DEMOLITION AND CONSTRUCTION

- 79. **Demolition works** – In relation to demolition, all work is to be carried out in accordance with the requirements of AS 2601 (*The Demolition of Structures*).
- 80. **Stormwater quality** – Only unpolluted water is to be discharged to Council's stormwater drainage system.
- 81. **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.
- 82. **Noise** – Noise must be minimised by the selection of appropriate methods and equipment and the use of screening or barriers where practical.

83. **Recyclable wastes** – All wastes nominated for recycling or re-use in the approved waste management plan must be segregated from other wastes and be transported to a place or facility where they will be recycled or re-used.
84. **Asbestos work** – All work involving asbestos products and materials, including asbestos-cement sheeting (i.e. fibro) must be carried out in accordance with the guidelines for asbestos works published by WorkCover New South Wales.
85. **Storage of asbestos wastes** – All asbestos wastes must be stored separately from other wastes in a secure area and be removed from the site as soon as practicable.
- Friable asbestos waste must be sealed in heavy-duty (200um) plastic bags marked with the words 'CAUTION ASBESTOS' in lettering at least 40mm high which complies with Australian Standard AS 1319-1994 *Safety Signs for the Occupational Environment*.
- All bags of asbestos waste must be placed in a leak-proof contained marked with the words 'DANGER – ASBESTOS WASTE ONLY – AVOID CREATING DUST' in lettering at least 50mm high, which complies with Australian Standard AS 1319, and be covered with a close fitting lid to prevent escape of the waste.
- Bonded asbestos waste must be wetted with a fine water sprat and wrapped in heavy-duty (200um) plastic sheeting to prevent the emission of dust.
86. **Demolition waste** –
- Demolition wastes must not be placed on public roads, footpaths or reserves, or be allowed to enter any street gutter, stormwater drain, or waterway.
 - The burning of demolition waste is prohibited under the *Protection of the Environment Operations (Clean Air) Regulations 2002*.
 - All demolition waste must be stored in an environmentally acceptable manner and be removed from the site at such intervals as may be necessary to ensure that no nuisance or danger to health, safety or the environment is created.
87. **Transportation of wastes** – All wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility in for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
88. **Disposal of asbestos wastes** – All asbestos wastes, including uses asbestos-cement sheeting (i.e. fibro) must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive asbestos waste.
89. **Demolition and construction vehicles** – All demolition and construction vehicles should be contained wholly within the site and vehicles must enter the site before stopping. A works zone on Devlin Street or Lane Cove Road or Blaxland Road is not permitted.
- Construction vehicles may not queue along Blaxland Road, or interfere with general traffic along Blaxland Road.
90. **Hoardings** – Where the site adjoins a public thoroughfare, the common boundary must be fenced with a hoarding, unless the horizontal distance between the boundary and the structure being demolished is more than twice the height of the structure. All hoardings

must be constructed of solid materials and be at least 1.8 metres high. Hoarding should also comply with the requirements of Part 4.4, provision 3.10 – Hoardings of the Ryde DCP 2010.

91. **Protection of Public Places –**

- a. If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- b. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c. The work site must be kept lit if it is likely to be hazardous to persons in the public place.
- d. Any such hoarding, fence or awning is to be removed when the work has been completed.

92. **Overhead protection** – Where the site adjoins a public thoroughfare with a footpath alongside the common boundary, the footpath must be provided with overhead protection in accordance with the requirements of Australian Standard 2601-1991 *The Demolition of Structures*, unless:

- a. The vertical height of the structure being demolished is less than 4 metres above the footpath; or
- b. The horizontal distance between the boundary and the structure being demolished is more than half the height of the structure.

93. **Security fencing** – Security fencing shall be provided around the perimeter of the building/demolition site and precautionary measures taken to prevent unauthorised entries of the site at all times during demolition/construction.

94. **Site signage** – The following signage is to be installed on the subject site:

- a. A rigid, durable sign showing the demolition contractors name, address and telephone contact details must be displayed in a prominent position on the site so that they can be read by anyone in any public road or other public place adjacent to the site.
- b. Notices lettered in accordance with Australian Standard AS 1319-1994 *Safety Signs for the Occupational Environment* and displaying the words '**DANGER! DEMOLITION WORK IN PROGRESS**' must be fixed to the security fencing/hoardings at appropriate intervals to warn the public.
- c. Where the work involves the demolition or removal of asbestos products and materials, including asbestos-cement sheeting (i.e. fibro), notices lettered in accordance with Australian Standard AS 1319-1994 *Safety Signs for the Occupational Environment* and displaying the words '**WARNING! ASBESTOS REMOVAL IN PROGRESS**' must be fixed to the security fencing/hoardings at appropriate intervals to warn the public.

- d. During the entire construction phase, signage shall be fixed to the site identifying the PCA and principle contractor (the coordinator of the building work), and providing phone numbers.
95. **Toilet facilities** – Toilet and hand washing facilities must be provided for workers in accordance with the Code of Practice: Amenities for Construction Work (WorkCover, 1996). Where practicable, the toilets must be standard flushing toilets connected to the sewerage system.
96. **Protection of underground services** – Before work commences the location of any underground services (e.g. gas, water, electricity, telecommunications cables, etc.) must be identified and appropriate measures taken to protect those services.
97. **Demolition work** – All demolition work must be carried out in accordance with the requirements of Australian Standard AS 2601-1991 *The Demolition of Structures*.
98. **Licences contractor to carry out work** – All demolition work must be carried out by an appropriately licensed contractor.
99. **Building and demolition material** – No building or demolition material is to be placed on any public road, footpath, park or any Council owned land.
100. **Dust control** – Appropriate measures must be undertaken to control the generation of dust during demolition work:
- a. Any existing accumulations of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter.
 - b. Any materials that are likely to generate dust during demolition or removal must be wetted down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system.
 - c. All stockpiles of materials that are likely to generate dust must be kept dam or covered.
 - d. Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.
101. **Hours of work** – All demolition and construction work must be restricted to between the hours of 7.00am and 7.00pm Mondays to Fridays (inclusive) and 8.00am to 4.00pm on Saturdays. No work is to be carried out on Sundays or public holidays.
102. **Contaminated soil** – All potentially contaminated soil excavation soil excavated during demolition work must be stockpiled in a secure area and be assessed and classified in accordance with the *Environmental Guidelines: Assessment Classification and Management of Liquid and Non-Liquid Wastes* (EPA, 1999) before being transported from the site.
103. **Surplus excavated material** – All surplus excavated material must be disposed of at a licensed landfill facility, unless Council approvals an alternative disposal site. No fill is to be placed above the natural ground level, unless approved by this consent.

104. **Covering of loads** – All vehicles transport demolition materials from the site must have their loads covered.
105. **Mud and debris from vehicles** – All practicable measures must be taken to ensure that vehicles leaving the site do not deposit mud or debris on the road.
106. **Removal of mud and debris from roadway** – Any mud or debris deposited on the road must be cleaned up immediately in a manner that does not pollute waters (i.e. by sweeping or vacuuming).
107. **Concrete waste** – Concrete wastes must be collected, stored and treated in accordance with the *Concrete Wastes* guide published by the Environment Protection Authority.
108. **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.
109. **Further contamination requirements** – If any additional information is discovered above site contamination, the proposed must comply with any reasonable requirements of Council.
110. **Site security** – A sensor projector light should be installed during the undertaking of works so that the site is illuminated at night to deter crime. Such lighting should not be of a level or direction so as to cause nuisance to any adjoining residential properties. A security company is to be engaged to monitor the site during the undertaking of works outside of working hours.
111. **Work within a 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 AS 1742.3-1996 “Traffic Control Devices for Work on Roads”.
112. **Essential services** – Essential services must be provided within the development to the requirements of the Building Code of Australia, the Environmental Planning and Assessment Act 1979, and the Regulations.
113. **Excavation and backfilling** –
 - a. All excavation and backfill associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
 - b. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life and property.
114. **Retaining walls and drainage** – If the soil conditions require it:
 - a. Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided.
 - b. Adequate provision must be made for drainage.

115. **Support for neighbouring buildings** – If the soil conditions require it:

- a. If an excavation associated with the erecting or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - i. Must preserve and protect the building from damage, and
 - ii. If necessary, must underpin and support the building in an approved manner, and
 - iii. Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- b. The owner of the adjoining allotment of land is not liable for any part of the cost of works carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or an adjoining allotment of land.
- c. In this clause, “allotment of land” includes a public road and any other public place.

116. **Inspections** – The occasions on which building work must be inspected are:

- a. After excavation for, and before the placement of, any footings, and
- b. Prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
- c. Prior to covering any stormwater drainage connections, and
- d. After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council’s approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the Principle Certifying Authority and made available to Council officers upon request.

Prior to occupation of the building, an occupation certificate must be obtained. Prior to the issue of the occupation certificate, **the critical stage inspections must be carried out.**

117. **Additional inspection** – In addition to the above stated inspections, the Principal Certifying Authority is required to ensure that adequate provision is made for the following measures at each stage of construction, to ensure compliance with the approval and City of Ryde’s DCP 2010, Part 8.1 – “Construction Activities”:

- a. Sediment control measures;
- b. Tree preservation and protection measures;
- c. Security fencing;
- d. Materials or waste containers upon the footway or road; and

- e. PCA and principle contractor (the coordinator of the building work) signage and site toilets.
118. **Surveyor Check of the Building** – Council recommends that a Registered Surveyor check survey certificate be submitted to the Principle Certifying Authority (*and Council if Council is not the PCA*) detailing compliance with Council’s approval at the following stages:
- a. Prior to construction of the first completed floor/floor slab showing the area of the land, proposed building and the boundary setbacks.
 - b. Prior to the construction of the first completed floor/floor slab showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
 - c. Prior to construction of each floor showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
 - d. On completion of the proposed building showing the area of the land, completed building and the boundary setbacks.

PRIOR TO OCCUPATION CERTIFICATE

119. **Occupation Certificate required** – An **Occupation Certificate** must be obtained from the Principle Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the *Environmental Planning and Assessment Regulation 2000* prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.
120. **Fire Safety Certificate** – A Fire Safety Certificate (form 15 under the Environmental Planning and Assessment Amendment Regulation 1998) must be furnished to the Principal Certifying Authority (PCA) (Council in this instance) for all items listed in the Fire Safety Schedule forming part of this approval for prior to any consent for occupancy/partial occupancy being granted.
121. **BASIX Commitments** – Prior to the issue of the **Occupation Certificate**, the Principle Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the approved BASIX Certificate. Note: Certificates from suitably qualified persons are to be submitted to the Principle Certifying Authority (if Council is the PCA) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.
122. **Design Verification** – Prior to an **Occupation Certificate** being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential flat development achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is

imposed in accordance with Clause 154 of the *Environmental Planning and Assessment Regulations 2000*.

123. **Certification of mechanical ventilation work** – A Mechanical Services Completion and Performance Certificate (Form M2) must be submitted to the Principal Certifying Authority on completion and commissioning of all mechanical ventilation work approved under this consent and before the issue of an **Occupation Certificate**.
124. **Lot consolidation** – All land titles within the site must be consolidated into one allotment. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to the issue of an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
125. **Security mirrors** – Convex mirrors are to be installed at Basement Car Park Level 1 to alert residents to unauthorised people attempting to follow residents into car park when they are leaving or entering the secured residential car park via the roller door and around the driveway ramp leading from the ground floor down to the basement parking levels.
126. **CCTV** – CCTV cameras are to be installed to monitor:
 - a. Pope Street ground floor commercial and residential lobby.
 - b. Outside the Pope Street entrance to monitor the entrance doors and footpath.
 - c. The public outdoor court area.
 - d. The Blaxland Road entrance off the public outdoor court area.
 - e. All lift lobbies and circulation galleries on the ground floor and all residential levels.
 - f. The car park entry/exit point on Pope Street and the Basement Car Park Level 1 roller shutter door.
 - g. Throughout all basement car parking levels including commercial parking, residential visitor's parking and residential parking areas. These cameras should be strategically placed to provide as much surveillance as practicable in these areas.

Note: Installation of such equipment should ensure that the requirements of any relevant privacy and surveillance legislation are adhered to.

127. **CCTV cameras and recording** – Appropriate cameras and image recording is required, as follows:
 - a. Digital technology is to be installed to record images from the cameras.
 - b. Recording equipment is to be stored in a secure area to avoid tampering.
 - c. Installed surveillance equipment must be able to zoom in on a person without loss of focus.
 - d. Any surveillance system is to be manufactured and installed by a qualified and reputable company and regularly function tested.

128. **Landscape Maintenance Plan** – A Landscape Maintenance Plan is required is required prior to the issue of an Occupation Certificate. The Landscape Maintenance Plan should include the following requirements:
- a. Regular maintenance and trimming of shrubs and plantings.
 - b. Shrubs and plantings be appropriately maintained to allow for clear lines of sight over the shrubs from pathways and pedestrians areas, and to avoid any plantings being used as a natural ladder to gain access to any higher parts of the building.
 - c. Mature shrubs along pathways, surrounding the public outdoor court and around the Blaxland Road entrance are to be no more than 1 metre in height.
 - d. Trees along the Blaxland Road boundary are to be appropriately pruned, trimmed and maintained so that surveillance between the public outdoor court and the public domain is not compromised and there is no opportunity for climbing of these trees to gain access to balconies.
 - e. Trees within the internal courtyard are to be appropriately pruned, trimmed and maintained so that passive surveillance from units to the internal courtyard is not compromised and there is no opportunity for climbing of these trees to gain access to any balconies or units.
 - f. All other trees on the site are to be appropriately pruned, trimmed and maintained so that passive surveillance is not compromised and there is no opportunity for climbing of trees to gain access to balconies or units.
129. **Lighting** – All lighting is to comply with the following requirements:
- a. Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
 - b. A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
 - c. To reduce power consumption and comply with the relevant Australian and New Zealand Standards for Lighting, car park walls and ceilings are to be painted a light colour.
 - d. Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors, the public outdoor court and communal gardens.
 - e. Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.
130. **Safety and warning signage** – The following safety and warning signs are to be installed prior to the issue of an Occupation Certificate:
- a. '*Warning: These premises are under constant surveillance*' and '*Warning: Trespassers will be prosecuted*' signs are to be displayed the building entrances.
 - b. Signage (if required) outlining any applicable restrictions in private communal or semi-private communal spaces.

- c. Way finding signage in basement car parking levels to locations including residential parking, residential visitor's parking, commercial parking, lifts and exits.
 - d. *'These doors are to be used for emergency purposes only'* on fire exit doors.
131. **Site Maintenance Plan** – A Site Maintenance Plan is required to ensure regular maintenance and monitoring of security devices (including CCTV cameras, security communications devices, card readers) and lighting, lighting and signage.
132. **Fire exit doors** – Fire exit doors are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to the development. Fire exit doors directly accessible from the public domain are to be fitted with metal covering plates to prevent forced entry and manipulation of locks.
133. **Balcony doors to units** – Balcony doors to units are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units.
134. **Unit windows** – The windows to individual units are to be fitted with key operated locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units.
135. **Video intercom** – A video intercom system providing remote door operation is to be installed at the residential building entrances including the Pope Street entrance, the Pope Street foyer entrance into the circulation gallery and the Blaxland Road entrance. The video intercom system is to include night time lighting and should allow electronic access control, which allows residents to allow access from units. Residents should be able to communicate and identify persons prior to admitting them into the development.
136. **Lift access and security** – Electronic access controls are to be installed on the lift. The equipment should include card readers to restrict access to the level a resident residents on, to the car parking levels and to the Ground Floor.
137. **Car parking security** – Vehicular entry to residential parking and visitor's parking areas is to be through a secured roller shutter with an intercom system for visitor's access. The doors are to be controlled by locksets such as remote or card operating electronic lock sets. The phasing of the roller door needs to minimise the opportunity for unauthorised pedestrian access after a vehicle enters/exits the car park.

138. **BASIX completion** – Within 2 days of issuing a final Occupation Certificate, the Principle Certifying Authority (PCA) is required to generate a BASIX Completion Receipt in accordance with the provisions of the EP&A Regulation 2000. The PCA is to refer to the BASIX Completion Receipt tool at www.basix.nsw.gov.au/administration/login.jsp in order to generate the BASIX Completion Receipt and a printed copy of the receipt is to be placed on the PCA file.

Engineering conditions prior to issue of Occupation Certificate

139. **Compliance Certificates – Engineering** – To ensure the development will be completed in accordance with approved plans, current specifications and applicable Australian and Council's standards the Principal Certifying Authority shall ensure the following will be met:
- a. Compliance Certificate should be obtained from an accredited certifier Confirming that the constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.
 - b. Compliance Certificate should be obtained from an accredited certifier confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
 - c. Compliance Certificate should be obtained to confirm that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
 - d. Compliance Certificate shall be obtained from Council confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.
 - e. Compliance Certificate shall be obtained from Council confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999*
 - f. Compliance Certificate shall be obtained from Council confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 1990 (National Plumbing and Drainage Code).
 - g. Compliance Certificate shall be obtained from Council confirming that all external works within the public road reserve including all restoration works have been completed to Council's satisfaction.

Please be advised that all Compliance Certificates issued by Council is subject to the payment of an inspection fee in accordance with Council's schedule of fees if Council is not the appointed Principal Certifying Authority (PCA).

140. **Works-as-Executed Plan** – To ensure stormwater drainage works are completed in accordance with approved plans, a Work-as-Executed plan for the site drainage system

certified by a registered surveyor is to be submitted to the Principal certifying Authority and Council (If Council is not the appointed PCA) prior to issue of **Occupation Certificate**.

The Work-as-Executed plans is to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from a qualified and experienced civil engineer should be submitted to support all variations from approved plan

141. **On-Site Stormwater Detention System - Marker Plate** – To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The plate may be purchased from Council's Customer Service Centre at Civic Centre, Devlin Street, Ryde.

142. **Positive Covenant, OSD** – To ensure the constructed On-site detention system will be maintained in operable condition a Positive Covenant under Section 88 E of the *Conveyancing Act 1919*, shall be created and registered on the subject land requiring the proprietor of the land to maintain the stormwater detention system on the property.

The terms of the 88 E instruments are to be generally in accordance with the Council's draft terms for Maintenance of Stormwater Detention Systems as specified in City of Ryde, Development Control Plan 2010: - Part 8.2 - Stormwater Management and to the satisfaction of Council.

143. **Positive Covenant, Pumps** – To ensure the stormwater pump-out system will be maintained in operable condition a Positive Covenant under Section 88 E of the *Conveyancing Act 1919*, shall be created and registered on the subject land requiring the proprietor of the land to maintain the pump-out system on the property.

The terms of the 88 E instruments are to be generally in accordance with the Council's draft terms for Maintenance of stormwater pump-out systems as specified in City of Ryde, Development Control Plan 2010 - Part 8.2 - Stormwater Management and to the satisfaction of Council.

144. **Drainage Construction** – To ensure satisfactory stormwater disposal, the site stormwater drainage system shall be constructed in accordance with the construction certificate version of approved concept plan Job No. 2568 – H04 & H09, Revision C, prepared by JHA, dated 20/9/11 as amended in red.

OPERATIONAL REQUIREMENTS

145. **Noise and vibration from plant** – Unless otherwise required by any other condition of 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.
146. **Storage and disposal of wastes** – All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
147. **Cleanliness of garbage containers** – The occupier of the premises must keep all garbage containers as clean as practicable (having regard to their use).
148. **Maintenance of waste storage areas** – All waste storage areas must be maintained in a clean and tidy condition at all times.
149. **Vehicular entry and exit** – All vehicles shall enter and leave the site in a forward direction.
150. **Vehicular entry** – All vehicles should be wholly contained on site before being required to stop.
151. **CCTV maintenance** – CCTV equipment is to be maintained in working order and regularly tested. Staff should be trained in the correct use of the system.
152. **Use of study rooms** – No areas identified on the approved architectural drawings as 'study rooms' are to be used as bedrooms.
153. **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*.
154. **Lighting** – The lighting of the premises shall be directed so as not to cause nuisance to the owners or occupiers of adjacent/adjoining premises or to motorists on adjoining or nearby roads. All proposed lights shall comply with the Australia Standard AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting.
155. **Bicycle parking** – A minimum 14 bicycle parking rails or lockers designed and installed in accordance with Australian Standard AS 2890.3, must be provided in a suitable location for the convenience of employees and visitors to the site. Suitable change facilities for cyclists must also be provided within the development.

156. **Car parking spaces** – 152 off-street car parking spaces being in accordance with the submitted plans.
157. **Loading and unloading** – All loading and unloading in relation to the premises is to take place wholly within the property.

ATTACHMENT M1

MECHANICAL SERVICES DESIGN CERTIFICATE

Mechanical Ventilation, Fire Precautions, Smoke Hazard Management, Microbial Control

Address:

Development Application No.:

Construction Certificate No.:

Pursuant to the Provisions of Section 93 of the Local Government Act 1993⁽ⁱ⁾, I hereby certify that the design of the new/altered mechanical services complies with the current requirements of the Building Code of Australia ⁽ⁱⁱ⁾ and the Public Health Act 1991 and in particular are design in accordance with the following:

- (a) The approved architectural plans (see attached drawing list)
- (b) AS 1668.1, AS 1168.2 and the NSW Code of Practice for the Control of Legionnaires' Disease
- (c) Any recommendations of the NSW Fire Brigade

I am an appropriately qualified and competent person to certify that the design and performance of mechanical services complies with the requirements of the Building Code of Australia and Public Health Act 1991.

I possess the indemnity insurance to the satisfaction of the building owner or my principal.

Full name of Certifier:

Qualifications and Experience ⁽ⁱⁱⁱ⁾:

Address of Certifier:

Phone numbers: Business:

Mobile:

Fax:

Signature:

Name of employer (Self or Company):

Certified Mechanical Drawing numbers and revision list (attach a separate list if necessary):

Notes:

- (i) The Local Government Act 1993 exempts Council from liability by relying on this certificate.
- (ii) Departures from the deemed-to-satisfy provision must be justified in writing and validated when the Completion and Performance Certificate (Attachment M2) is submitted.
- (iii) Please attach Curriculum Vitae.

ATTACHMENT M2

MECHANICAL SERVICES COMPLETION AND PERFORMANCE CERTIFICATE Mechanical Ventilation, Fire Precautions, Smoke Hazard Management, Microbial Control

Address:

Development Application No.:

Construction Certificate No.:

Pursuant to the Provisions of Section 94 of the Local Government Act 1993 (i), I hereby certify that the mechanical services at the above premises have been inspected, commissioned and tested and have been installed/alterd and perform in accordance with the Certified Mechanical Drawings and Documentation specified in Attachment M1 dated _____ and approved for construction on _____

Details of the performance tests carried out are submitted in the documentation listed below:

Proof of registration under Public Health Act 1991:

Is there a cooling tower or other system on the premises requiring registration under the Public Health Act 1991?

Yes

No

If yes, please attach a copy of the registration certificate.

I am an appropriately qualified and competent person to certify that the installation and performance of mechanical services complies with the requirements of the Building Code of Australia and the Public Health Act 1991 (ii).

I possess the indemnity insurance to the satisfaction of the building owner or my principal.

Full name of Certifier:

Qualifications and Experience (iii):

Address of Certifier:

Phone numbers: Business:

Mobile:

Fax:

Signature:

Name of employer (Self or Company):

Notes:

- (i) The Local Government Act 1993 exempts Council from liability by relying on this certificate.
- (ii) Departures from the deemed-to-satisfy provision must be justified in writing and validated when the Completion and Performance Certificate (Attachment M2) is submitted.
- (iii) Please attach Curriculum Vitea.