# JOINT REGIONAL PLANNING PANEL
# (Sydney East Region)

| | |
|---|---|
| **JRPP No** | 2011SYE097 |
| **DA Number** | LDA2011/0485 |
| **Local Government Area** | City of Ryde |
| **Proposed Development** | Construction of a 9 storey hotel building comprising 168 hotel rooms and ancillary areas with car parking for 69 cars. The development also involves the construction of 232 residential apartments in 3 buildings of 8 storeys and parking for 315 vehicles. Landscaping works are also proposed across the site. |
| **Street Address** | 84-92 Talavera Road, Macquarie Park |
| **Applicant/Owner** | St Hillers Property SPV1 Pty Ltd |
| **Number of Submissions** | One |
| **Recommendation** | Approval with Conditions |
| **Report by** | Sandra Bailey, Team Leader Major Developments |

**Assessment Report and Recommendation**

## 1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for the construction of a mixed use development comprising four buildings at 84 to 92 Talavera Road, Macquarie Park. Three of these buildings will be used solely for residential purposes and the remaining building as a hotel. The residential component of the development will contain 232 residential apartments distributed across 3 x 8 storey buildings with car parking for 315 cars. Vehicular access is provided from Alma Road while pedestrian access is from Talavera Road as well as Alma Road. The hotel building will contain 9 storeys with 168 hotel rooms, restaurant, bar and meeting rooms. 69 car parking spaces are proposed for the hotel with access from Talavera Road.

At the time of lodgement the development was considered to be of regional significance under Clause 13B of State Environmental Planning Policy (Major Development) 2005. The consent authority for the purposes of determining the application is the Sydney East Region Joint Regional Planning Panel (JRPP).

The development application was publicly exhibited between 28 September 2011 and 28 October 2011. During this time, one submission was received which raised concerns in respect of the height of the development and increased traffic generated by the development. These matters have been discussed in detail in the report and are considered acceptable.

The development results in the following non compliances:

- Height – the building height ranges from 21.45 metres to 31.5 metres resulting in breaches to the 21.5 metre height control.
- Building separation – the development is less than the 18 metres (for all storeys above the fourth storey) between the residential buildings.
- Setbacks – the hotel building is setback 5 metres rather than 10 metres to Talavera Road. Residential Building C also encroaches onto the 10 metre setback to the M2.
- Building depth – a portion of each residential building exceeds the maximum depth of 18 metres.
- Parking – the residential component of the development has a shortfall of 1 car parking space. The hotel component requires 112 car parking spaces under Council's requirements however only 69 car parking spaces are proposed.

Each of these non-compliances has been discussed in detail in the report. Following an assessment of the proposal, it is considered that the non-compliances are acceptable on planning grounds.

The development application is therefore recommended for approval subject to appropriate conditions of consent provided in Attachment 1 of this report.

## 2. APPLICATION DETAILS

**Name of applicant:** St Hilliers Property SPV1 Pty Ltd.

**Owner of site:** St Hilliers Property SPV1 Pty Ltd.

**Estimated value of works:** $103,524,553.

**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 site is known as 84-92 Talavera Road, Macquarie Park and the legal description of the land is Lot 1 DP563745. The site area is 14,160m$^2$.

The subject site is located at the north west corner of the junction of Talavera Road and Alma Road. The site also adjoins the M2 to the north. The site location is illustrated in Figure 1.

Figure 1. The above aerial photograph demonstrates the location of the site.

Part of Shrimptons Creek runs through the site from north to south. The creek effectively divides the site into two areas. The topography of the site slopes from the west to the east of the site, with the eastern boundary of the site being relatively level.

The site currently contains an open area of land with a concrete slab and retaining wall to Shrimptons Creek and part of an internal road layout and including a car parking area and bridge over Shrimptons Creek.

The site is surrounded by:

- Macquarie Shopping Centre to the south opposite Talavera Road
- A four storey commercial building to the east opposite Alma Road
- The M2 to the north and a small parcel of land to the west which is being used for the construction of an access ramp for the M2.

The site is also within close proximity to the Macquarie University Railway Station and bus interchange.

Photographs of the subject site and surrounding developments are provided at Photographs 1 to 4.

Photograph 1. This photograph demonstrates the subject site as viewed from Alma Road. Construction on the M2 is visible in the background.


Photograph 2. This photograph illustrates the adjoining Astra Zereca building on the northeast corner of the intersection of Talavera Road and Alma Road.

Photograph 3. Alma Road showing the subject site, the Astra Zereca building and Macquarie Shopping Centre.

Photograph 4. Macquarie Shopping Centre as viewed from Alma Road near its intersection with Talavera Road.

## 4. SITE DETAILS

Total site area – 14,160m$^2$.

Frontage to Talavera Road – 106.19m.

Frontage to Alma Road – 140.85m.

Northern boundary (M2) length – 117.11m.

Western boundary length – 107.60m.

## 5. PROPOSAL

The development proposes the erection of 4 separate buildings over 2 basement level car parks. The building nearest to the corner of Talavera Road and Alma Road is a 9 storey hotel building. Three residential buildings that range from 7 to 8 storeys are also proposed. Figure 2 illustrates the position of the buildings on the site.

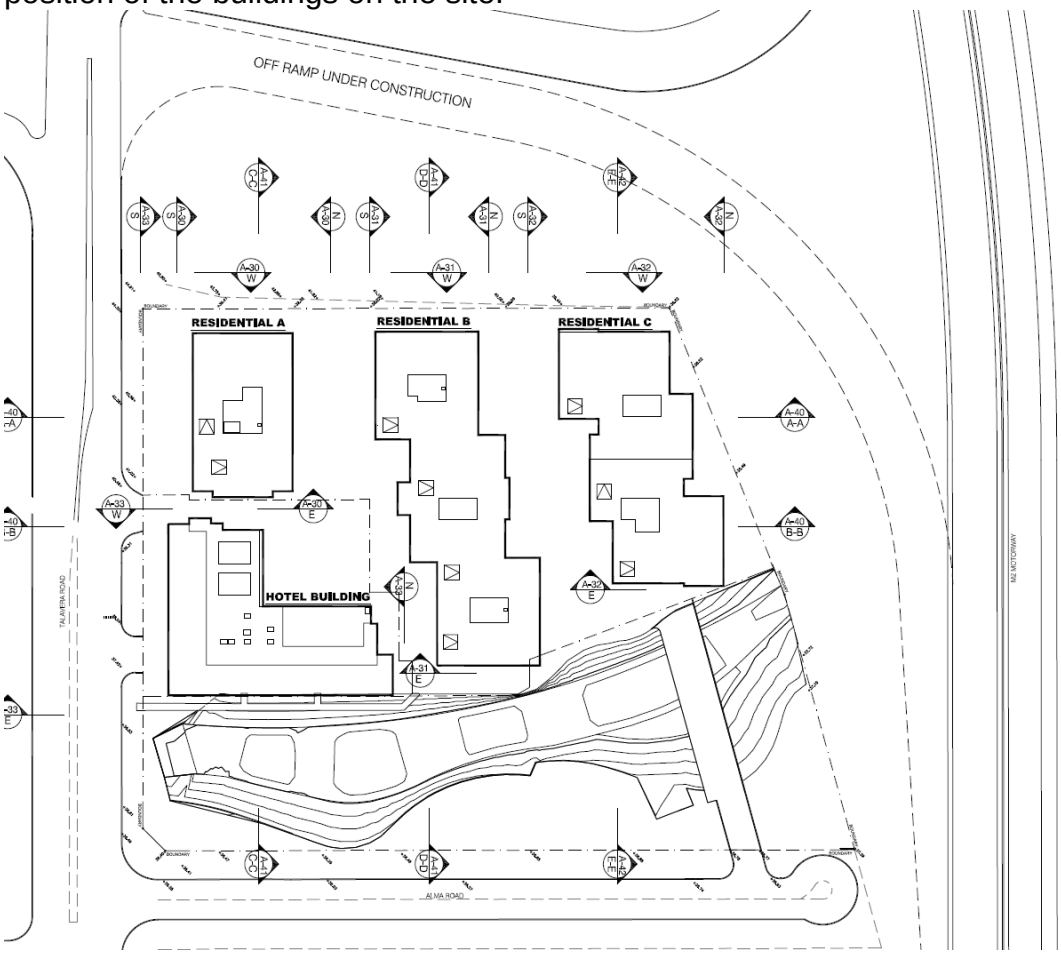


Figure 2. The above plan demonstrates the location of the 4 buildings on the site in.

The hotel building will contain a total of 9 storeys. The ground floor will contain the lobby/lounge, café/restaurant, back of house area and kitchen area. Level 1 of the hotel will contain meeting rooms, staff amenities, bar and back of house areas. A total of 168 hotel rooms are proposed on level 2 to level 8 inclusive with each floor containing 24 rooms. The plant room and lift over run are located on level 9.

The main vehicular entry and pedestrian entry to the hotel is located on Talavera Road. A drop off and pick up area is proposed at ground level with on grade parking provided for 9 vehicles. A ramp is proposed to access the basement parking. A total of 60 car parking spaces are proposed in the basement.

The ground floor of the hotel building is set back 19 metres to Talavera Road and the upper levels are set back 5 metres.

A loading dock is proposed along the western side of the hotel which is accessed directly from Talavera Road. Access to the loading dock is via level 1 of the hotel building.

The residential component of the proposed development provides 232 residential apartments within 3 buildings known as Buildings A, B and C. Building A is located adjacent to Talavera Road and will contain 8 residential floors. Building B is located in the middle of the site and contains part 7 and part 8 residential floors. Building C is also part 7 and part 8 storeys and is located at the rear of the site adjacent to the M2.

The following table demonstrates the apartment mix within the 3 buildings.

| Apartment type | Building A | Building B | Building C | Total |
|---|---|---|---|---|
| **Studio** | 1 | 12 | 13 | 26 |
| **1 bed** | 7 | 43 | 32 | 82 |
| **2 bed** | 42 | 43 | 39 | 124 |
| **Total** | 50 | 98 | 84 | 232 |

Table 1. Apartment mix within the 3 residential buildings.

Vehicular access for the residential component is via Alma Road. The development will utilize the existing bridge over Shrimptons Creek. A total of 315 car parking spaces are allocated for the residential component of the development.

The development has proposed communal open space on the eastern portion of the site. This part of the site includes Shrimptons Creek.

As part of the development it is also intended to undertake works to Shrimptons Creek to create a more natural riparian environment and improve the aesthetics of the creek. This work includes:

- Hard landscape works to form a series of ponds with feature rocks.
- Planting to include rushes, grasses and other aquatic plants.

Figures 3 and 4 demonstrate photomontages of the proposed development.

Figure 3. View of the eastern elevation of the development demonstrating the hotel building, residential Buildings B and Building C, Shrimptons Creek and the landscaped area adjacent to Alma Road is also visible.

Figure 4. View of the development looking north west. This photomontage illustrates the hotel development which is located on the corner of Talavera Road and Alma Road. Residential Building B is also visible.

## 6. BACKGROUND

Development consent 2007/377 has been previously approved by Council on 4 December 2007. This development involved the demolition of the existing buildings and the erection of a mixed use development containing retail and commercial uses. The approved development involved the erection of 3 x 6 storey buildings with car parking for 405 vehicles. The following photomontage demonstrates the approved development.

Figure 5. Photomontage of development consent 2007/377. This consent is valid until 4 December 2012.

This DA also involved the provision of a VPA which proposed to dedicate the eastern portion of the site as public open space to Council.

Demolition of the buildings on the site has occurred and this consent remains valid until 4 December 2012.

Following the submission of the DA a preliminary assessment was undertaken which identified that insufficient information was submitted to enable Council and NSW Office of Water to undertake a proper of assessment. Letters were sent to the applicant on 26 and 29 September 2011 requesting additional information. Additional information was provided to Council on 17 and 24 October, 4 November and mid December 2011.

A further letter was sent to the applicant on 24 November 2011 which raised issues in respect of the submitted information. The applicant responded on 9 December 2011.

## 7. APPLICABLE PLANNING CONTROLS

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

- Section 5A of the Environmental Planning and Assessment Act, 1979;
- State Environmental Planning Policy (Major Developments) 2005;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy (Building Sustainability Index: BASIX);
- State Environmental Planning Policy (Infrastructure) 2007
- Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2010; and

- Ryde Development Control Plan 2010.

## 8. PLANNING ASSESSMENT

### 8.1 Section 5A of the Environmental Planning and Assessment Act 1979

The applicant has provided an Ecological Assessment Report from Travers Bushfire and Ecology. The following findings have been made in this report:

- Although a *Eucalyptus nicholii*, which is a threatened tree species, was identified in the 2007 Arborist report, it is no longer present. The tree occurred on land adjacent to the site which appears to have been removed as a result of the M2 construction works. This species does not occur naturally within the Sydney Basin

- One *Eucalyptus scoparia* has been identified on the site which will be required to be removed to accommodate the proposed development. This species is also identified as a threatened tree species. This species also does not occur naturally within the Sydney Basin. The tree is a planted specimen and the loss of one tree will not have a significant impact. Additionally, propagated specimens that are grown outside of their area of natural occurrence may be marginally different genetically than the main population. The report has recommended that the loss of this tree may be compensated through replacement of one specimen within the open space area provided. This will be included as a condition of consent. (See condition number 33).

- The site also contains two species being *Eucalyptus saligna* and *Pittosporum undulatum* which are both indicators of Sydney Blue Gum High Forest and Sydney Turpentine Ironbark Forest which are both listed as endangered ecological communities under the Threatened Species Conservation Act. From the age of the trees the report has concluded that the trees have been planted on the site rather than being remnant species. Based on the local geology and soil type, as well as the previous vegetation mapping, the report has concluded that the site does not form part of either endangered ecological community.

- Given that the site contains open water, the microchiropteran bat Large-footed *Myotis macropus* and Red crowned toadlet may utilize the area however neither species were identified on the site. Both of these species are identified as vulnerable. The report has concluded that given the level of disturbance previously to the creek line, the habitat is very limited or marginal and that the final design of the creek's pool and riffle system should give consideration to providing a mixture of dense reedy areas for frog habitat and open water areas for *Myotis macropus* and water birds to forage as this would possibly encourage the bat and toadlets to this area.

The landscape plan was subsequently amended so that the Shrimptons Creek planting will provide a more suitable habitat for the toadlets and bat species.

- A review of the landscaping plan was undertaken to ensure that the plant species proposed would be appropriate to encourage native fauna and to assist in restoring any native flora that is normally found in Sydney Sandstone Gully Forest. This review found that the majority of proposed species was appropriate for the site. However given the weedy and/or potentially more invasive nature of *Alocasis macrorrhiza*, *Philodendron "Xanadu"* and *Trachelopermum jasminoides*, these species should be replaced with other species. This has been included as a condition of consent. (See condition number 32).

The report has made the following conclusion:

*"Overall, the proposal will not result in a significant impact to any threatened species, endangered population or endangered ecological community under the Threatened Species Conservation Act."*

Council's Consultant Landscape Architect has made the following conclusion in respect of the Ecological Assessment Report:

*"The 7 part test satisfactorily considers development impacts and I concur with the authors conclusions that the site has not been identified as critical habitat within the provisions of the TSC Act. Therefore the matter does not require any further consideration."*

### 8.2 State Environmental Planning Policy (Major Developments) 2005

This DA was submitted to Council on 8 September 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 $103,524,553. The proposed development is to be determined by the JRPP.

### 8.3 State Environmental Planning Policy No 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land 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 Contamination Assessment prepared by Douglas Partner dated August 2011 was submitted with the development application. The report concludes as follows:

*"Based on the results of this Phase 1 contamination assessment, it is considered that the site has a low potential for significant contamination, and is likely to be suitable for the proposed residential development. However in order to enable the provision of a more definitive statement regarding site suitability from a contamination standpoint, we recommend the following:*

- *Completion of a Phase 2 Contamination Assessment, specifically targeting areas of the site that were previously not accessible (in 2001), areas of suspected filling, and areas not proposed for bulk excavation; and*
- *Removal and disposal of the UST and associated infrastructure, followed by validation in compliance with the Underground Petroleum Storage Systems (UPSS) Regulations, 2008.*

*As the proposed development includes the excavation and construction of two basement levels, bulk excavation and removal of spoil is envisaged. Materials requiring removal from the site must be managed in accordance with the Protection of the Environment Operations Act (1997) and therefore must be classified in accordance with the Waste Classification Guidelines 2008."*

Council's Environmental Health Officer has supported the findings of the report and an appropriate condition of consent have been included in respect of this issue. (See condition number 26).

### 8.4 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP applies to the subject site given its location adjacent to a classified road (The M2 Motorway). The following provisions of the Infrastructure SEPP are applicable to this DA.

| Infrastructure SEPP | Comments | Comply |
|---|---|---|
| **Clause 101 Development with frontage to a classified road**<br>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:<br>• Where practicable, vehicular access to the land is provided by a road, other than a classified road; and<br>• The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of: | Vehicular access will be provided from either Talavera Road or Alma Road, which are not defined as classified road. As there is no direct access to the M2, the safety, efficiency and ongoing operation of the classified road will not be affected.<br><br>The applicant has provided a Noise Impact Assessment prepared by Acoustic Logic. This | Yes |

| Infrastructure SEPP | Comments | Comply |
|---|---|---|
| – The design of vehicular access to the land, or<br>– The emission of smoke or dust from the development, or<br>– The nature, volume or frequency of vehicles using the classified road to gain access to the land.<br>• 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. | report has considered the impact of the M2 on the development. The report has concluded that some of the external facades of the development will be required to be acoustically treated to ensure internal noise levels comply with the specified noise levels. This treatment involves upgrading the glazing in the bedrooms and living areas on the western façade (facing future off ramp), northern façade (facing the M2) and southern façade (facing Talavera Road). A condition of consent will be imposed to ensure compliance with this report. (See condition number 28). | |
| **Clause 102 Impact of road noise or vibration on non-road development**<br>• 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 no exceeded:<br>– In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am<br>– Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time. | The Noise Impact Assessment submitted provides recommendations for noise mitigation measures in accordance with these requirements. A condition of consent has been included requiring that the recommendations of the Noise Impact Assessment be complied with (See Condition number 28). | Conditioned to comply |
| **Clause 104 Traffic generating development**<br>• The proposed development, being a residential flat building with 75 or more dwellings is considered traffic generating development.<br>• Before determining a DA for which this clause applies the consent | The development proposal has been forwarded to the Roads and Maritime Services (RMS) (Previously RTA) with comments and recommendations received. The issues raised by the RMS have been discussed below. | Yes |

| Infrastructure SEPP | Comments | Comply |
|---|---|---|
| authority must:<br>– 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 passes, the RTA advises that it will not be making a submission), and<br>– Take into consideration any potential traffic safety, road congestion or parking implications of the development. | | |

**RMS Response**

The development application was considered by the Sydney Regional Development Advisory Committee on 5 October 2011 and the following comments provided to Council. (The RMS comments are in italics and any comment by Council's Officer has been identified in regular font).

1. *Access from the subject property onto the M2 is denied.*

Comment: The development does not propose any access to the M2.

2. *The proposed development should be designed such that road traffic noise from the M2 Motorway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007.*

   *The RTA requires the development to be acoustically designed to meet appropriate internal noise requirements through property setbacks, site and architectural treatments. Please note noise walls are not supported by the RTA as noise mitigation can be best achieved through land use planning measures and building design.*

Comment: A Noise Impact Assessment has been submitted with the development application. This report recommends that some of the external facades of the development will need to be acoustically treated to ensure that the internal noise levels will comply with the specified noise levels. A condition of consent has been imposed to ensure compliance. (See condition number 28).

3. *Should the proposed development's stormwater drainage impact on the M2 Motorway, plans shall be forwarded to the RTA for review and comment. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.*

Comment: The development will not impact on the M2 Motorway. However, this requirement will be included as an advisory condition. (See advisory condition number 1).

4. *The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS2890.1-2004 and AS2890.2-2002 for heavy vehicle usage.*

Comment: This will be imposed as a condition of consent. (See condition number 11).

5. *Provision for building maintenance vehicles and removalists need to be provided on site. Vehicle size to be to Council's satisfaction.*

A condition of consent has been imposed requiring the submission of a delivery management plan which will demonstrate how loading/unloading by service vehicles will occur (see condition number 42). In all likelihood this will occur near the porte cochere near the main residential car entry.

6. *All vehicles shall enter and leave the site in a forward direction.*

Comment: The development complies with this requirement.

7. *All vehicles shall be wholly contained on the site before being required to stop.*

Comment: The development complies with this requirement.

8. *A Construction Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.*

Comment: This will be imposed as a condition on the consent. (See condition number 51).

9. *All works associated with the proposed development shall be at no cost to the RTA.*

Comment: This will be imposed as a condition on the consent. (See condition number 10).

### 8.5 State Environmental Planning Policy (Building Sustainability Index: BASIX)

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, a BASIX Certificate has been prepared (No. 389215M, 389971M and 390049M all dated 25 August 2011) which provides the development with a satisfactory target rating.

Appropriate conditions will be imposed requiring compliance with the BASIX commitments detailed within the Certificate. (See condition number 3).

## 8.6 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

This policy aims to improve the design quality of residential flat development in NSW. It recognises that the design quality of residential flat developments is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.

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

- Urban Design Review Panel;
- The 10 SEPP 65 Design Quality Principles; and
- The NSW Residential Flat Design Code guidelines.

Urban Design Review Panel

Council's Urban Design Review Panel reviewed the preliminary proposal on 3 August 2011. The following issues were raised by the Panel:

***1.0 Interface with Shrimptons Creek and Associated Open Space***

*The pedestrian path along the edge of Shrimptons Creek passes under buildings and along buildings leading to a terrace along the Creek. The interface of buildings with this path needs to be more clearly defined in both detail and use (refer to photomontage looking west) and it should be treated as frontage for the development with activated edges, such as hotel café/conference areas and communal spaces for the apartment buildings. The undercroft spaces shown in the perspective do not contribute to the use or definition of this space. The connection of the path to Talavera Road should be more direct, more generous in size and separated from the hotel drop off.*

Comment: The development has been amended to incorporate two pathways along the edge of Shrimptons Creek in the vicinity of the hotel. One pathway is immediately adjacent to the hotel drop off and extends beneath the undercroft of the hotel. The second pathway is located in the landscaped area closer to Shrimptons Creek. At various points the two pathways are connected. The width of these pathways is 2.5m and 1.5m respectively. This is demonstrated in the following diagram.

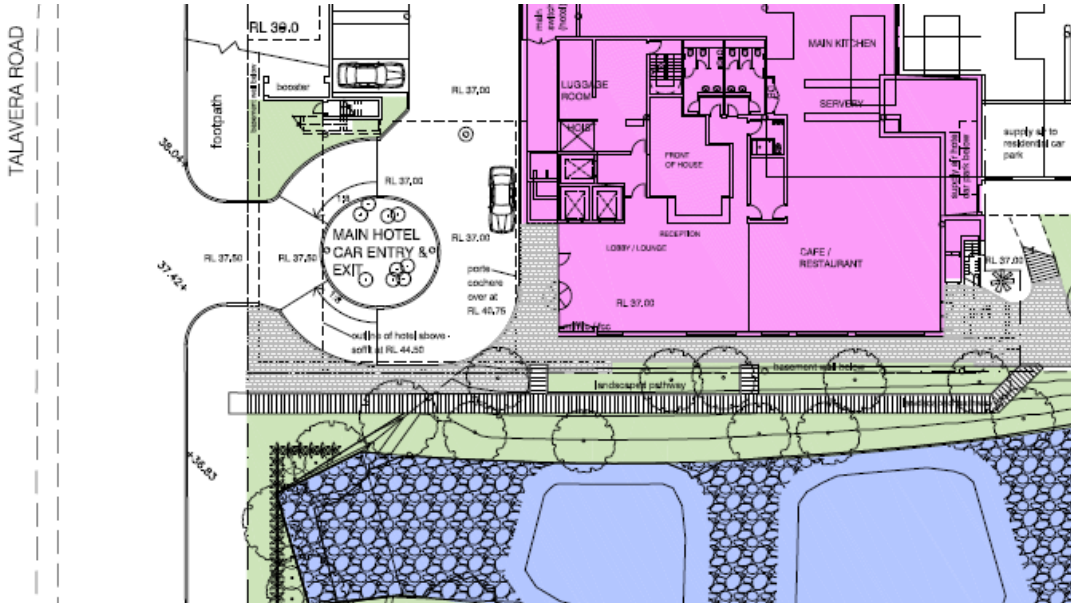

Figure 6. The above figure demonstrates the two pathways that exist adjacent to the hotel.

The design of the hotel has been amended to provide an active frontage to the pathway by providing windows to the lobby/lounge and café/restaurant. The two pathways join at the rear of the hotel and then 1 pathway extends to the main residential car entry and exit. These pathways will allow for the residents within the development to have connectivity to Talavera Road.

*The proponents have designed Shrimptons Creek open space for passive use which minimises maintenance. This assumes the space remains private and will be managed by the Body Corporate. The Panel supports this approach if the space is to remain in Body Corporate ownership. Ideally the space would be public and provide much needed open space within the Macquarie Corridor. This would increase the variety of uses that could be incorporated in the design.*

Comment: The open space adjacent to Shrimptons Creek is proposed to remain in the ownership of the Body Corporate. Council's Executive Team has previously considered a request by the applicant for this area of the site to be incorporated into public ownership in lieu of Section 94 Contributions. Due to the natural constraints of the site in respect of overland flow, this part of the site was not required by Council to be in public ownership. It is proposed to include a condition on the consent that restricts the fencing of the open space area (see condition number 101). This will still provide the benefits of open space without being required to be in public ownership.

### *2.0 Legibility and Access*

*The limited street frontage of the site is a challenge for vehicular and pedestrian access. In the current scheme, vehicle access is directly from Talavera Road and from Alma Road via a bridge to an underground car park. Pedestrian access to residential buildings is from Talavera Road both along the creek and at mid-block.*

*The panel is concerned with the lack of visual connectivity and way finding through the site. In the current proposal, a site map would be needed to*

*navigate the site and find the entrance to each building. The design could be refined to improve the spatial legibility of the site as well as the north-south connectivity, both visual and physical, across the site and to individual lobbies. The Panel recommends the proponents consider breaking Building B into two building and strengthening the north-south axis through the site. Consideration of the following scenarios could improve the design:*

- *Introduction of a street/share-way from Talavera Road that extends into the site and connects residential courtyards; or*

- *Definition of a clearer pedestrian route from Talavera Road through both courtyards to Building A.*

*This may require relocating floor space in Building B to the top of the buildings and increasing the height. The Panel supports this as increased height is within the existing DA approval heights. Solar access to units and communal open spaces will need to be considered. A through site link through/under Building B is not as spatially legible as breaking the building into two. The connections needs to be generous in both width and height, ideally open to sky, and should not require passage through a lobby.*
Comment: Building B has not been broken up into 2 separate buildings. The Urban Design Review Panel recommended that the floor space lost as a consequence of this amendment could be accommodated on the top of the other buildings on the site. This however would result in further non-compliances with the height control as well as the development most likely exceeding the height of the approved development.

To address the issue raised by the Panel, Building B has been amended by deleting floor space on the ground and first floor to provide a gap between 9m and 10m wide. This gap will allow for a pedestrian walkway and a continuation of the landscaping. It will allow for improved pedestrian connectivity, both visual and physical across the site. This solution provides the required connectivity while allowing the development to be redeveloped to the maximum permitted floor space.

### *3.0 Residential Design and Amenity*
*The Panel recommends lobbies and corridors have natural light and ventilation.*
Comment: The development does not comply with this requirement. The RFDC requires appropriate levels of lighting including the use of natural daylight, where possible to lobbies and corridors. Natural ventilation and light has only been provided to level 1 of the development. As the development has proposed a double loaded corridor the natural light and ventilation is difficult to achieve.

Amenity to the lobbies and corridors has been provided by the use of generous corridor widths and ceiling heights and limiting the number of units accessed from a single core/corridor. In the circumstances of the case, this is considered acceptable.

*Some apartments which are nominated as achieving cross ventilation need to be reviewed and confirmed as windows are not always shown in the plans. Cross ventilation and daylight are documented as being achieved across the residential apartments in total. As a result, some buildings perform better than others. A more equitable split needs to be achieved between buildings.*
Comment: In terms of natural ventilation, the RFDC requires 60% of apartments to be naturally cross ventilated. The development has proposed a total of 62% of all apartments being naturally cross ventilated. Breaking this down to each building results in Building A – 60%, Building B – 55% and Building C – 71%. Given that the total development complies, no objection is raised to the above figures.

The RFDC requires 70% of apartments to receive a minimum of 3 hours daylight. 72% of the total apartments within the development comply with this requirement. This can be broken down to 72% of apartments in Building A, 66% of apartments in Building B and 80% of apartments in Building C which comply with the requirement. Given that the total development complies, no objection is raised to the above figures.

*Studies / bedrooms without windows are not acceptable as habitable space. Where study space is provided, it should be located contiguous with living area and of a size that does not become a de facto bedroom. There are a few deep studio apartments shown in the plans. Adding windows in side walls need to be considered to improve daylight penetration into apartments and to promote cross ventilation. If additional windows are not possible then the Panel does not support the layout of these studio apartments and recommends they be redesigned.*
Comment: The layout has been amended to incorporate any studies as part of the living areas. This will prevent these rooms from used as another bedroom. The studios have also been amended to incorporate an additional window to increase daylight and natural ventilation.

*Residential courtyards provide communal open space for residents as well as shade and a pleasant microclimate for the development. The landscape plan shows planting/tree types and circulation paths but does not clearly address the use of these spaces. More information is needed. Soil depths that support the nominated trees and their potential scale need to be confirmed in relation to building structure. Detail elevations and sections showing the interface of ground floor terraces with communal open space and Talavera Road should be included in the DA documentation.*
Comment: The Landscape Architect has confirmed that the development will comply with the required soil depth as identified in the RFDC. The landscape plan has included the greater detail as requested by the UDRP.

### *4.0 Building Expression*
*The Panel understands that the façades designs are not yet finalised and that drawings demonstrate massing and broad articulation at Pre-DA. However the massing of the hotel lacks the same articulation and scale of the apartment buildings. The Panel recommends refining this building to reinforce its*

*important location as the face of the development and as a marker of the Shrimptons Creek alignment.*
Comment: To address this concern, the height of the hotel has been increased by 1 storey to assist in reinforcing the corner location of the site. Articulation has also been added to the elevations by the use of different building materials.

SEPP 65 Design Quality Principles
There are 10 design quality principles identified within SEPP 65. The following table provides an assessment of the development proposed against the 10 design principles of the SEPP.

| Planning Principle | Comment | Comply |
|---|---|---|
| **Context**<br>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.<br><br>Responding to context involves identifying the desirable elements of a 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. | Shrimptons Creek runs through part of the site with the remaining part of the site having a gradient ranging from 1:9 to 1:67. The M2 Motorway and new off ramp wrap around the north of the site connecting to Talavera Road. The site is separated from the M2 by an embankment tapering down from nominally 4 storeys above the creek to meet at grade level at the higher part of the site.<br><br>The Macquarie Shopping Centre is located to the south west of the site and would have a bulk and scale equivalent to a 6 to 8 storey building. The only other adjoining building is the Astra Zereca building to the east of the site which has a bulk and scale equivalent to a 4 storey building.<br><br>The proposed development responds to the context of the site by addressing the development towards Talavera Road and the Shrimptons Creek open space area. The design has also provided for adequate setbacks and amenity for the residential apartments adjacent to the M2 Motorway. The height of the development is consistent with the bulk and scale of the Macquarie Shopping Centre as well as the bulk and scale envisaged by the height controls in RLEP 2010. | Yes |
| **Scale**<br>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.<br><br>Establishing an appropriate scale requires a considered response to the scale of existing development. In | The scale of the development is consistent with the scale and bulk of the Macquarie Shopping Centre and is also significantly less than the previous approved development on the site. Council's Urban Design Review Panel has also supported the scale and massing of the development.<br><br>The height of the development is unlikely to adversely impact on the streetscape and the | Yes |

| Planning Principle | Comment | Comply |
|---|---|---|
| precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area. | applicant has been able to demonstrate that it will have an acceptable impact on the amenity of the surrounding buildings.<br><br>The bulk of the development is also considered to be acceptable given that the development achieves compliance with the objectives constrained in the RFDC. | |
| **Built Form**<br>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.<br><br>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. | Due to the context of the site containing Shrimptons Creek, the built form of the proposed development is restricted to the west portion of the site. The built form has allowed for 4 separate buildings on the site with each building providing acceptable amenity in terms of solar access, ventilation and building separation. The built form of the hotel has been designed to emphasis the corner aspect of the development as well as acting as a marker of the Shrimptons Creek alignment. | Yes |
| **Density**<br>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).<br><br>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality. | The floor space ratio control for the site is 2:1 and the development complies with this requirement. | Yes |
| **Resource, energy and water efficiency**<br>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.<br><br>Sustainability is integral to the design process. Aspects | The applicant has provided a BASIX Certificate (No. 389215M, 389971M and 390049M all dated 25 August 2011) which indicates that the residential component of the building will meet the energy and water use targets set by the BASIX SEPP.<br><br>A waste management plan for the demolition of existing buildings has been submitted and is considered acceptable by Council's EHO. | Yes |

| Planning Principle | Comment | Comply |
|---|---|---|
| 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 principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water. | The design has also ensured the development will comply with the passive solar design principles, soil depth, cross ventilation and reuse of water as provided in the Residential Flat Design Code. | |
| **Landscape**<br>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.<br><br>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance 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.<br><br>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management. | The landscape design has proposed 4 distinct landscaping zones being streetscape, residential courtyards, Shrimptons Creek and Alma Road open space. The streetscape landscaping will assist in providing a strong site identity and connection to the streetscape. The residential courtyards are located between the 4 buildings and will be used as private open space. These courtyards are all on slab however will provide planting zones by the use of planter beds and raised mounds. Shrimptons Creek is proposed to be realigned and a landform structure provided with the intent of improving the visual and riparian qualities of the creek. The Alma Road open space is located between Shrimptons Creek and Alma Road. This area is intended to provide passive recreational areas with turfed areas and a BBQ area.<br><br>The landscaping will assist in improving the aesthetics of the area and buildings as well as improving the amenity of the future residents.<br><br>Each unit is also provided with a private balcony area sufficient for recreational use and amenity benefit. | Yes |
| **Amenity**<br>Good design provides amenity through the physical, spatial and environmental quality of a development.<br><br>Optimising amenity requires | The design and orientation of the units allows for sufficient level of amenity for occupants of the flat buildings and residents of surrounding properties. Units are practically laid out to provide for solar access, private open space, storage space and to minimise overlooking and noise impacts. | Yes |

| Planning Principle | Comment | Comply |
|---|---|---|
| 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. | The development complies with the controls contained in the Residential Flat Design Code in respect to apartment sizes, access to sunlight, ventilation, visual and acoustic privacy, storage layout and access requirements. | |
| **Safety and Security**<br>Good design optimises safety and security, both internal to the development and for the public domain.<br><br>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 clear definition between public and private spaces. | The development is consistent with the CPTED principles as follows:<br>➢ Clearly located entries to the residential and commercial uses.<br>➢ Constant passive surveillance of Talavera Road and Alma Road as well as the open space area adjacent to Shrimptons Creek.<br>➢ Clear, well lit access from entry to private lobbies. Each lobby also provides limited entries which will encourage familiarity between neighbours.<br>➢ Clear definition between public and private spaces, with residents only able to access the residential domain. | Yes |
| **Social Dimensions and Housing Affordability**<br>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.<br><br>New developments should optimise the provision 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.<br><br>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing | The development will include the following housing mix:<br>• 26 x studio apartments;<br>• 82 x 1 bedroom apartments;<br>• 124 x 2 bedroom apartments.<br><br>This mix will result in an affordable range of housing which should attract single, couples and possibly family occupants alike into an area which is highly accessible to public transport and local shopping. In this regard, as a guide the Housing NSW Centre for Affordable Housing suggests 1 and 2 bedroom apartments contribute towards achieving housing affordability. | Yes |

| Planning Principle | Comment | Comply |
|---|---|---|
| types to cater for different budgets and housing needs. | | |
| **Aesthetics**<br>Quality aesthetics require the 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 desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area. | The development has incorporated a variety of materials and finishes to assist in reducing the massing of the building as well as providing differentiation between the uses and various elements within the development. The aesthetics respond to the desired future character of the area. | Yes |

**Residential Flat Design Code**

The SEPP also requires the Council to take into consideration the requirements of the Residential Flat Design Code. These matters have been raised in the following table.

| Primary Development Control and Guidelines | Comments | Comply |
|---|---|---|
| **Part 01 – Local Context** | | |
| **Building Height**<br>Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit. | The proposed development exceeds the maximum height control of 21.5 metres permitted under Ryde LEP 2010. Despite this non compliance with the height control, the development does not exceed the maximum floor space ratio permitted for the site.<br><br>The variation to the height control is considered acceptable in terms of the bulk and scale of the building as well as amenity impacts to the adjoining developments. | Yes |
| **Building Depth**<br>In general, an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18m must demonstrate how satisfactory day lighting and natural ventilation are to be achieved. | The building depth is as follows:<br>Building A – 15m to 20m<br>Building B – 14m, 16m, 17m to 20m<br>Building C – 16.5m, 21m to 23.5m.<br><br>A portion of each of the residential buildings exceeds the building depth requirement. The buildings will however provide satisfactory daylight and natural ventilation. These aspects are detailed further in the report. As these aspects are satisfactory, no objection is raised to the variation. | No.<br>Variation acceptable |

| Primary Development Control and Guidelines | Comments | Comply |
|---|---|---|
| **Building Separation**<br>Building separation for buildings up to 4 storeys should be:<br>-12m between habitable rooms / balconies<br>-9m between habitable / balconies and non-habitable rooms<br>-6m between non-habitable rooms.<br>Building separation for buildings 5 to 8 storeys should be:<br>-18m between habitable rooms / balconies<br>-13m between habitable / balconies and non-habitable rooms<br>-9m between non-habitable rooms.<br>Developments that propose less distance must demonstrate that adequate daylight access, urban form and visual and acoustic privacy has been achieved. | The development fails to comply with the building separation distances. The development should be separated 18 metres. The separation distance between residential Building A and residential Building B varies between 17.2m and 23.5m. The separation distance between residential Building B and residential Building C varies between 17.1m and 22.575m. These figures are demonstrated in the following figure.<br>  <br><br>Where the development does not comply with the minimum 18m separation distance, balconies and windows have tried to be offset in order to minimize overlooking. In addition, 72% of the units will receive adequate solar access. The variation to the minimum building separation requirement in this instance is acceptable.<br><br>This requirement is only applicable for residential flat buildings. The Code does not specify a building separation requirement for RFB and other uses such as a hotel. Both residential Building A and B are separated from the hotel by a minimum of 5.1m and 9 to 12m respectively. The design of the hotel has ensured that there will be no adverse amenity impacts to the residential buildings by no windows being provided in the hotel adjacent to the residential buildings. | No.<br>Variation acceptable. |
| **Street Setbacks**<br>Identify the desired streetscape character. In general, no part of the building should encroach into a setback area. | The site has a street frontage to both Talavera Road and Alma Road. Due to the water feature on the eastern portion of the site, the Talavera Road frontage is the most important street frontage. Council's DCP | Yes |

| Primary Development Control and Guidelines | Comments | Comply |
|---|---|---|
| | requires a 10m setback along Talavera Road. This has been provided for residential Building A however the hotel has been setback a minimum of 5m. During the early design stages of this development, a 5m setback was suggested by Council's Officers as this would assist in the development achieving street activation for the commercial use as opposed to the residential use. Council's Urban Design Review Panel has also supported the 5m setback. | |
| **Side and Rear Setbacks**<br>Relate side setbacks to existing streetscape patterns. These controls should be developed in conjunction with building separation, open space and deep soil zone controls. In general, no part of the building should encroach into a setback area. | The minimum side setbacks under DCP 2010 to the western boundary is 5m and 10m to the M2. The setback to the western boundary is 5m which complies with the requirement. The setback to the M2 varies between a minimum 2.4m and a maximum of 11.5m. The majority of this elevation does not comply with the 10m control. The variation to the setback is considered acceptable as the development has incorporated appropriate acoustic treatment to the apartments and there will be no overlooking or loss of privacy to the apartments as a result of the reduced setback. In addition, the reduced setback is unlikely to be perceived from any person using the M2. | No. Variation acceptable. |
| **Floor Space Ratio**<br>Test the desired built form outcome against the proposed floor space ratio to ensure consistency with building height, building footprint, the three dimensional building envelope and open space requirements. | The development complies with the maximum permitted floor space ratio. Due to the eastern part of the site not being able to accommodate development due to the overland flow that affects the site, to achieve the maximum permitted FSR, the height controls have been exceeded. This exceedence however is considered acceptable as previously discussed. | Yes |
| **Part 02 – Site Design** | | |
| **Deep Soil Zones**<br>A minimum of 25% of the open space area of a site should be deep soil zone. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. . | Approximately 71% of the site area has been proposed as landscaped area. Of this space, approximately 50% would be deep soil zone. The development complies with the requirement. | Yes |
| **Fences and Walls**<br>Fences and walls are to respond to the identified architectural character for the street and area. They are also to delineate the private and | Minimal fencing is proposed with the development. Fencing will be provided around the private courtyard areas for some of the ground floor residential units and along the landscaped path adjacent to the water feature. This fencing is required to ensure | Yes |

| Primary Development Control and Guidelines | Comments | Comply |
|---|---|---|
| public domain without compromising safety and security. | adequate safety or identification of private courtyards. The fencing will not adversely impact on the architectural character of the site and will delineate the private courtyard areas within the development. A condition of consent will be imposed to ensure that no boundary fencing is provided along Talavera Road and Alma Road. Fencing along these boundaries would be inconsistent with the streetscape as well as preventing access to the open space area along the east portion of the site. (See condition number 101). | |
| **Landscape Design**<br>Landscaping is to improve the amenity of open spaces as well as contribute to the streetscape character. | The development has proposed 4 distinct landscaped zones on the site consisting of streetscape, residential courtyards, Shrimptons Creek and the open space adjacent to Alma Road. Landscaping has been proposed in each of these areas to achieve the intended function of these areas as well as contribute positively to the streetscape character and amenity for the future residents. | Yes |
| **Open Space**<br>The area of communal open space required should generally be at least between 25% and 30% of the site area. Where developments are unable to achieve the recommended communal open space, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space. | The development has provided approximately 71% of the site area as landscaped area. The large landscaped area adjacent to Alma Road will provide passive recreational amenity to the future residents and adjacent users with BBQ and picnic furniture provided. The development complies with this requirement. | Yes |
| **Orientation**<br>Optimise solar access to living areas and associated private open spaces by orientating them to the north and contribute positively to the streetscape character. | The proposed development achieves solar access to the private and communal open spaces as well as 72% of apartments achieving adequate solar access. | Yes |
| **Planting on Structures**<br>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 following are recommended as minimum standards for a range of plant | The Landscape Architect has confirmed that the development will comply with the required soil depth as identified in the RFDC. | Yes |

| Primary Development Control and Guidelines | Comments | Comply |
|---|---|---|
| sizes:<br>• Shrubs - minimum soil depths 500 - 600mm | | |
| **Stormwater Management**<br>Reduce the volume impact of stormwater on infrastructure by retaining it on site. | The development has been assessed by Council's Development Engineer and is considered to be satisfactory subject to an appropriate condition of consent. (See condition number 48 which relates to stormwater management). | Yes |
| **Safety**<br>Optimise the visibility, functionality and safety of building entrances. Improve the opportunities for casual surveillance and minimise opportunities for concealment. | Public and private space is clearly delineated through the use of fencing and landscaping elements.<br><br>The proposed development is considered acceptable with respect to safety. The design provides for adequate passive surveillance of the streets, landscaped areas and communal spaces. Appropriate access control is provided throughout various parts of the development including the residential lobbies and the secure parking areas.<br><br>Conditions of consent have been included to reflect appropriate safety and security measures. (See condition numbers 66, 67,70,71, 72,73 and 74). | Yes |
| **Visual Privacy**<br>The building separation requirements should be adopted. | Where the development does not comply with the required building separation requirements, the design has incorporated adequate measures to ensure that visual privacy will be retained. These measures include ensuring that the balconies/windows are offset to each other, or that no windows have been provided in respect of the hotel elevations which adjoin Buildings A and B. | Yes |
| **Building Entry**<br>Ensure equal access to all. Developments are required to provide safe and secure access. The development should achieve clear lines of transition between the public street and shared private, circulation space and the apartment unit. | The development will provide equitable as well as safe and secure access to all buildings. The use of landscaping and fencing will ensure that the development will provide clear lines of transition between public and private areas. | Yes |
| **Parking**<br>Determine the appropriate car parking numbers. Where possible underground car parking should be provided. | A total of 316 car parking spaces are required in accordance with Ryde DCP 2010 for the residential development. The development proposes 315 spaces resulting in a shortfall of 1 visitor car parking space. As the site has good access to public transport, this minor variation can be supported. | No. Variation acceptable. |

| Primary Development Control and Guidelines | Comments | Comply |
|---|---|---|
| **Pedestrian Access**<br>Provide high quality accessible routes to public and semi-public areas of the building and the site. Maximise the number of accessible, visitable and adaptable apartments in the building. | The development will incorporate accessible routes in respect of the public areas. In addition, accessible access has been provided throughout the development. The development has provided 24 adaptable apartments. This number complies with Council's DCP requirements. | Yes |
| **Vehicle Access**<br>To ensure that the potential for pedestrian / vehicle conflicts is minimised. The width of driveways should be limited to 6 metres. Vehicular entries should be located away from main pedestrian entries and on secondary streets. | Access to the residential development is via Alma Road via an existing on site road and bridge over Shrimptons Creek. This access road is 6 metres in width. Pedestrian access is located adjacent to the road. This will be clearly marked as pedestrian access to minimise conflict between pedestrians and vehicles. | Yes |
| **Part 03 – Building Design** | | |
| **Apartment Layout**<br>Single aspect apartments should be limited in depth to 8m from a window.<br>The minimum sizes of the apartments should achieve the following;<br>Studio – 38.5m$^2$<br>1 bedroom – 50m2<br>2 bedroom – 70m2<br>3 bedroom – 95m2 | 36 of the 232 apartments do not achieve the minimum sizes as identified in the RFDC. 8 of these apartments are 1 bedroom apartments and the remaining 28 are 2 bedroom apartments. The variation to the control is generally 1m$^2$. However these apartments can demonstrate adequate levels of internal amenity with acceptable sized bedrooms and adequate space to allow for flexibility in furniture configuration over the life of the apartments. Accordingly, the non compliance is acceptable.<br><br>All units have open space directly accessible from the main living area with balcony dimensions of 2 metres and adequate spaces.<br><br>Kitchens are located appropriately away from the main circulation areas. | No. Variation acceptable. |
| **Apartment Mix**<br>The development should provide a variety of types. | Council's controls do not require a particular apartment mix. The development has proposed studios, 1 bedroom and 2 bedroom apartments. This mix will provide a variety of unit sizes within the development. | Yes |
| **Balconies**<br>Where private open space is not provided, primary balconies with a minimum depth of 2 metres should be provided. | All balconies will provide a minimum depth of 2 metres. | Yes |
| **Ceiling Heights**<br>The following recommended dimensions are measured from | Floor to ceiling heights are at least 2.7 metres for all residential dwellings. The ground floor of the residential buildings do not have a floor | Yes |

| Primary Development Control and Guidelines | Comments | Comply |
|---|---|---|
| finished floor level (FFL) to finished ceiling level FCL).<br>• in general, 2.7m minimum for all habitable rooms on all floors, 2.4m is the preferred minimum for all non habitable rooms, however 2.25m is permitted.<br>• Residential flat buildings in mixed use areas require 3.3m for ground floor to promote future flexibility of use. | to ceiling height of 3.3m despite the site being located within a B4 mixed use zoning. This is considered acceptable given that only one of the buildings has a street address and in all likelihood there will be no future desire for an alternative use on the ground floor. | |
| **Ground Floor Apartments**<br>Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site. | Ground floor apartments have access of a common walkway. At least 2 of the adaptable apartments are located on the ground floor. | Yes |
| **Internal Circulation**<br>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 eight.<br>Increase amenity and safety of circulation spaces by providing generous corridor widths and ceiling heights, appropriate levels of lighting including the use of natural daylight. | The apartments in Building A, B and C are accessed via 1, 3 or 2 lift cores respectively in each building. The number of apartments which are accessed off a lift corridor will not exceed 7.<br><br>The development does not allow for natural daylight or ventilation to the internal corridor areas. However this is acceptable given that the corridors and lobbies will provide adequate amenity in terms of width sizes, ceiling heights and the number of units having access from the corridors. | Yes |
| **Mixed Use**<br>The development is to choose a mix of uses that complement and reinforce the character, economics and function of the local area. The development must also have legible circulation systems. | The site is located within a mixed use zoning. The development proposes a hotel and residential uses. These uses are considered to be compatible and will be consistent with the character of the area. | Yes |
| **Storage**<br>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:<br>• studio apartments - 6.0m³<br>• one-bedroom apartments - 6.0m³<br>• two-bedroom apartments - 8.0m³ | Significant storage is provided within each bedroom. Combining this with the storage proposed elsewhere in the unit as well as the basement, ensures that the development will meet the RFDC requirements. | Yes |

| Primary Development Control and Guidelines | Comments | Comply |
|---|---|---|
| 50% of the above areas may be allocated within each respective apartment while the remaining 50% is to be located within the car parking area. | | |
| **Acoustic Privacy**<br>Apartments within a development are to be arranged to minimise noise transitions. | Appropriate building separation is provided to ensure acoustic privacy is maintained between the buildings proposed and development on adjoining properties.<br><br>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. | Yes |
| **Daylight Access**<br>Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid winter. In dense urban areas a minimum of two hours may be acceptable.<br>Limit the number of single aspect apartments with a southerly aspect to a maximum of 10% of the total units proposed. | 72% of the apartments within the development will achieve a minimum of 3 hours daylight access. The development complies with this requirement. The development has proposed 10% of units with a southerly aspect. | Yes |
| **Natural Ventilation**<br>Building depths which support natural ventilation typically range from 10 to 18 metres.<br>60% of residential units should be naturally cross ventilated.<br>25% of kitchens should have access to natural ventilation. | 62% of the apartments within the development will be naturally cross ventilated. At least 25% of kitchens will have access to natural ventilation. | Yes |
| **Awning**<br>Awnings are to encourage pedestrian activity on streets by providing awnings to retail strips. | The development does not propose any awnings on the residential buildings. This is consistent with the DCP for Macquarie Park. | Yes |
| **Facades**<br>Facades are to be of appropriate scale, rhythm and proportion which respond to the building's use and the desired contextual character. | The design of the facades incorporates a number of different building elements including recessed balconies, lourves across windows and glazed balustrades. The building finishes will be rendered masonry / concrete with paint finish. The majority of the paint finish has a neutral colour palette, however the development incorporates a range of contemporary colours to each building which will add interest to each | Yes |

| Primary Development Control and Guidelines | Comments | Comply |
|---|---|---|
| | building as well as assisting in building identification. This will also enhance the aesthetics of the building when viewed from the public domain. | |
| **Roof Design**<br>Roof design is to relate to the desired built form as well as the size and scale of the building. | The roof is well integrated with the overall building design. Materials, colours and finishes of the roof and top floor complement the overall aesthetics. | Yes |
| **Maintenance**<br>The design of the development is to ensure long life and ease of maintenance. | The proposal is considered to be acceptable in terms of building maintenance. | Yes |
| **Waste Management**<br>A waste management plan is to be submitted with the development application. | A waste management plan has been submitted with the DA. | Yes |

### 8.7 Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway (as defined by this planning instrument) and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2010. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

### 8.8 Ryde Local Environmental Plan 2010

The following is an assessment of the proposed development against the applicable provisions from the Ryde Local Environmental Plan 2010.

#### Clause 2.3 Zone Objectives and Land Use Table

The site is zoned B4 Mixed Use under the provisions of the LEP 2010. The development is permitted in this zoning.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within that zone. The objectives for the B4 Mixed Use zone are as follows:

- To provide a mixture of compatible land uses;
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximize public transport patronage and encourage walking and cycling;
- To create vibrant, active and safe communities and economically sound employment centres.
- To create safe and attractive environments for pedestrians.
- To recognize topography, landscape setting and unique location in design and land use.

As demonstrated in the assessment, the proposed development satisfies the zone objectives.

**Clause 4.3 Heights of Buildings**

The height of a building on any land is not to exceed the maximum height of 21.5 metres.

Building height is defined in this planning instrument as meaning the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The following table demonstrates the height of the proposed buildings:

| **Building** | **Min. height to roof parapet (m)** | **Max. height to roof parapet (m)** | **Min.height to top of roof plant (m)** | **Max. height to top of roof plant (m)** |
|---|---|---|---|---|
| **Residential A** | 22.5 | 25.5 | 26.5 | 29.5 |
| **Residential B** | 21.45 | 25.45 | 25.45 | 29.45 |
| **Residential C** | 21.45 | 24.45 | 22.45 | 28.45 |
| **Hotel** | 25.4 | 28.4 | 28.5 | 31.5 |

These variations are represented on the following diagram:

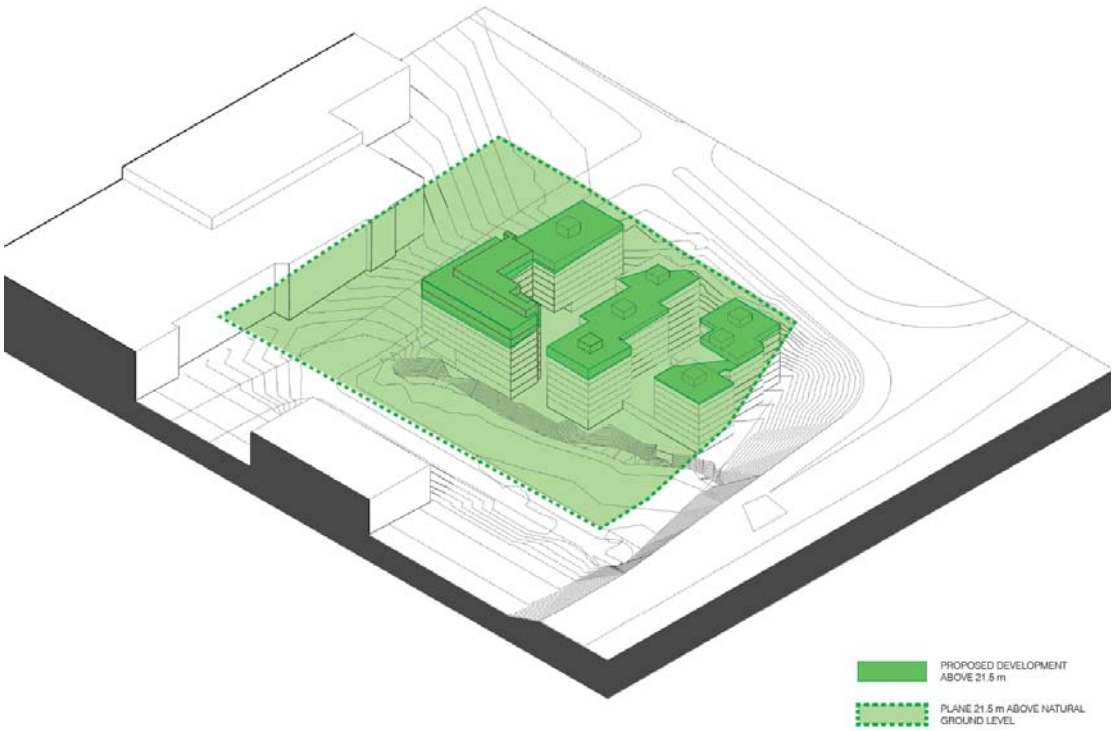


Figure 7. The above diagram demonstrates the extent of the variation to the height control.

Clause 4.6 of LEP 2010 allows exceptions to development standards. 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 that 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. The consent authority must be satisfied that the applicant's written request has satisfied the above criteria and that the proposed development will be in the public interest as it is consistent with the zone objectives as well as the objectives of the particular development standard. In addition, consent cannot be granted unless the concurrence of the Director-General has been obtained. These matters are discussed below.

1. <u>Written request provided by the applicant.</u>

The applicant has provided a written request seeking to justify the variation to the development standard in Section 8.41 of the Statement of Environmental Effects prepared by Urbis Pty Ltd.

2. <u>Whether compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case.</u>

As demonstrated below, the development will not result in any adverse impacts to the amenity of the adjoining properties or public domain areas. In addition, the non-compliance will not adversely contribute to the bulk and scale of the building. The development is also consistent with the zone objectives and height objectives.

In these circumstances, compliance with the development standard would be unreasonable and unnecessary.

3. Environmental grounds to justifying contravening the development standard.

In considering the variation to the height control, the applicant has made a comparison of the proposed development with the previous development consent issued for this site. As detailed in the background report, development consent was granted on 4 December 2007 for the erection of a commercial development on the site comprising three office buildings. This consent is valid until 4 December 2012. At the time of this consent the height control was measured in storeys rather than metres. The following diagram illustrates the approved development and the extent of the variation to the current 21.5 metre height control.

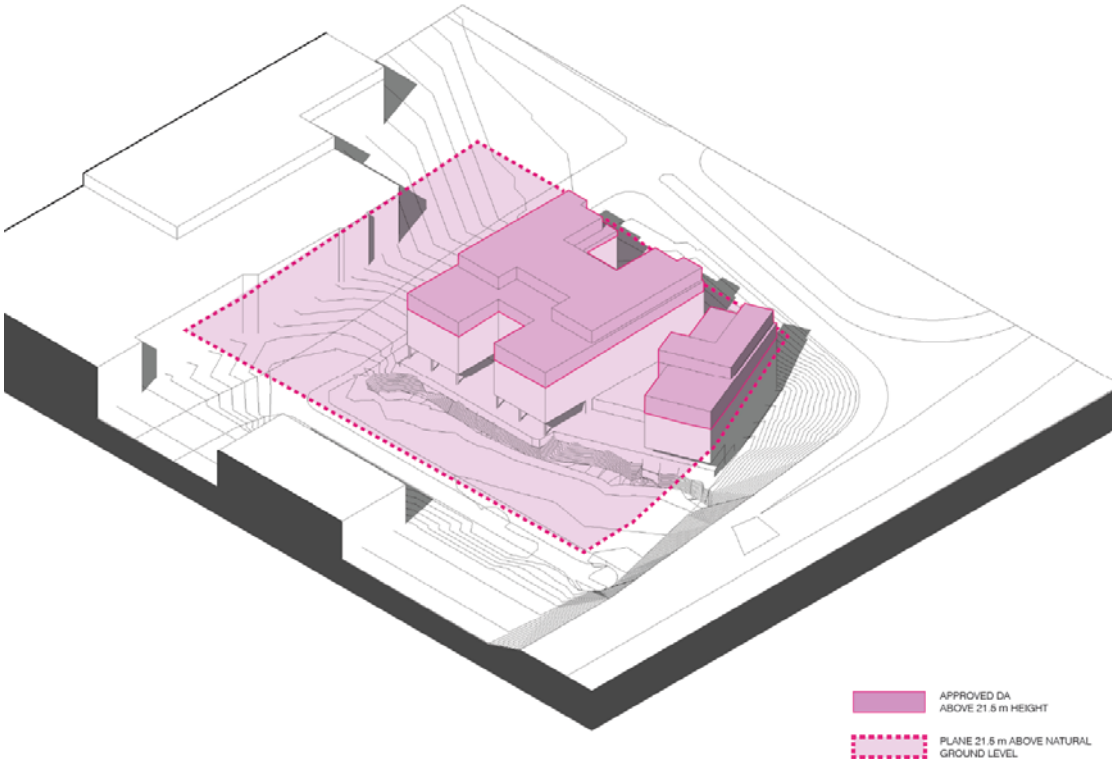


Figure 8. This diagram demonstrates the footprint and building envelope of the previous approved development on the site and illustrates the breaches to the current 21.5m height control.

The following diagrams demonstrate the height comparison between the proposed development (green) and the approved development (pink) in addition to showing the breach to the height control.

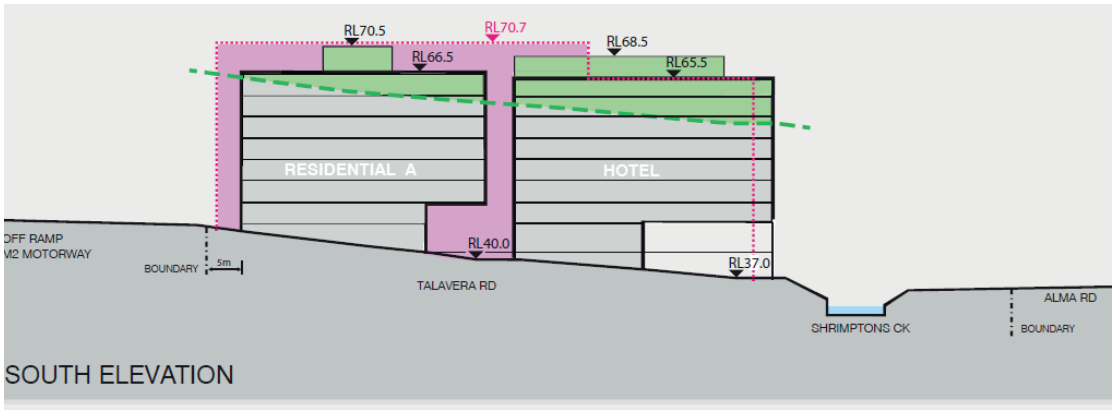


Figure 9. This diagram demonstrates the approved and proposed development as viewed from Talavera Road boundary.

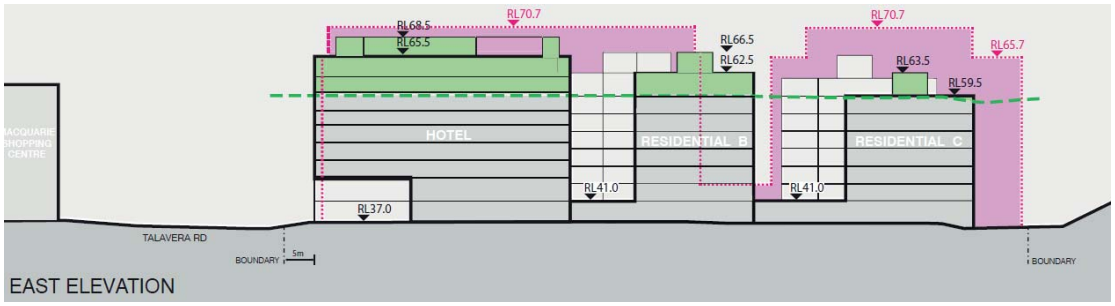


Figure 10. This diagram demonstrates the approved and proposed development as viewed from Alma Road boundary.

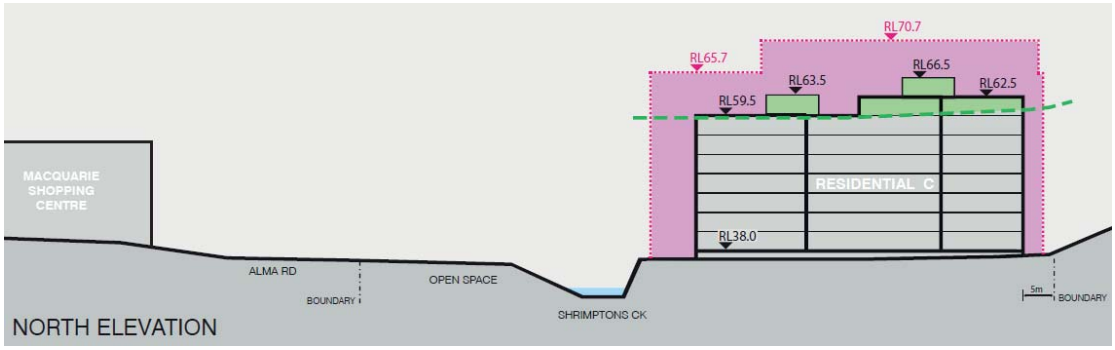


Figure 11. This diagram demonstrates the approved and proposed development as viewed from the M2 boundary.


Figure 12. This diagram demonstrates the approved and proposed development as viewed from the western boundary.

In addition to the above, the applicant has also given consideration to overshadowing, solar access and views. These matters will be discussed in greater detail below.

Despite the breach of the control, the development does not result in unacceptable impacts on the environment.

4. Consistent with the zone objectives and objectives of the development standard.

The zone objectives have already been identified in an earlier section of the report. As previously concluded, the development complies with the objectives of the zone.

The objectives of the height clause are discussed below:

*(a) to maintain desired character and proportions of a street within areas.* The site has a frontage to Talavera Road, Alma Road and the M2. When viewed from Talavera Road, the site is within the visual catchment of the Macquarie Shopping Centre. The height of the shopping centre in the vicinity of the development ranges from approximately 22m to approximately 25m. Along Talavera Road, the height of Building A ranges from 22.5m to 25.5m which is consistent with the height of the Macquarie Shopping Centre. The hotel development ranges in height from 25.4m to 28.4m. Although this exceeds the height of the Macquarie Shopping Centre it is consistent with the height envisaged by LEP 2010 for the shopping centre which is 30m.

The only other development in Alma Road is the 4 storey Astra Zereca building. This site also has a 30 metre height control under LEP 2010. Due to the extensive landscaping and Shrimptons Creek, the height of the proposed development will not adversely impact with the desired character or proportions of the street.

The breach along the M2 and M2 ramp is mostly due to the plant room on residential Building C. (see figure10). The plant room is setback from the western elevation which will reduce its appearance from the M2. Given that the M2 is elevated above the site, the lower levels of the development will not be visible from the M2. The non-compliance in height is unlikely to be noticeable as viewed from the M2 and the breach is unlikely to have an adverse impact on the M2.

*(b) to minimise overshadowing and ensure a desired level of solar access to all properties.* The non compliance will not contribute to any additional overshadowing to any adjoining property. This is due to the site being surrounded by roads. In addition, the development will achieve an acceptable level of solar access to all residential apartments within the development.

(c) *to enable the built form in denser areas to create spatial systems that relate to human scale and topography.* The non compliance in terms of the height of the building will not affect how the development relates to the human scale and topography of the site. The development relates to the human scale by providing various design elements including active frontages to the ground floor, building overhangs, articulation and

extensive landscaping. The extensive landscaping includes the area east of Shrimptons Creek. This part of the site will be maintained as open space which will help soften the appearance of the development.

*(d) to enable focal points to be created that relate to infrastructure such as train stations or large vehicular intersections.* This objective is not considered to be applicable to the development as the site is not adjacent to either a train station or large vehicular intersection.

*(e) to reinforce important road frontages and specific centres.* The hotel results in the greatest height variation. This height will help to distinguish the hotel from the residential buildings as well as emphasizing the active frontage to Talavera Road which has been identified as a primary frontage in Part 4.5 of DCP 2010.

In addition to the above objectives, the Macquarie Park Corridor has the following objectives for height:

a) *To provide effective control over the scale and bulk of future development.* The additional height will not affect the bulk and scale of any future development. The Macquarie Shopping Centre and the Astra Zereca sites both have a 30 metre height control which is greater than what is proposed by this development.

   The site located to the west has a 21 metre height control. The western part of the development predominantly complies with the height control with the variation being predominantly restricted to a plant room of each residential building which is well setback from the western elevation.

   The greatest height variation occurs along the eastern elevation and in the southeastern corner of the site. This part of the site is adjacent to adjoining sites that have a 30 metre height control. Given the above, the development is unlikely to adversely impact on the bulk and scale of future development.

   In addition, the proposed development has a bulk and scale less than that of the previously approved development consent LDA2007/377.

b) *To concentrate building heights around railway stations.*
c) *To provide focal nodes that clearly highlight the role of railway stations.* The site is located approximately 350 metres from the Macquarie University Railway Station. However, given the topography of the immediate area, this site is not visible from the railway station. The above two clauses are not considered applicable to the development.

d) *To reinforce the important road frontages of Waterloo Road and Lane Cove Road.* The development will not have any impact on the road frontages of Waterloo Road or Lane Cove Road.

The development is consistent with the zone objectives as well as the height objectives.

5. Concurrence of the Director General.

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.

Conclusion

The variation to the control is largely due to the topography of the site and the fact that no development is occurring on a large portion of the eastern part of the site. In order to comply with the maximum FSR, variations have occurred to the heights of the buildings. Despite the non-compliance with the height control, the development satisfies the criteria outlined in clause 4.6 and the variation is acceptable.

**Clause 4.4 Floor Space Ratio**

The floor space ratio of a building is not to exceed the maximum floor space ratio as specified on the Floor Space Ratio Map. The floor space ratio map identifies the site as having a 2:1 floor space ratio.

Based on the above, the site may accommodate a maximum permitted floor space of 28,320m$^2$. The development proposes the following floor space:

Hotel – 9,412m$^2$
Residential – 18,632m$^2$
Residential common area – 256m$^2$
Total – 28,300m$^2$

This results in a floor space ratio of 2:1 which complies with the maximum floor space ratio.

**Clause 4.5E Macquarie Park Corridor**

Subclause (1) identifies that the maximum off-street parking spaces permitted for commercial and industrial development in the Macquarie Park Corridor are those shown on the appropriate map. As the development involves the erection of a hotel and residential buildings, this clause is not applicable. Car parking for these components must be determined by the Council's DCP for car parking. This aspect is discussed further on in the report (Part 9.3 of DCP 2010 – Car Parking).

**Clause 6.1 Acid Sulphate Soils**

The site is not identified on the Acid Sulfate Soils Map. Accordingly, this clause is not applicable to the development.

**Clause 6.2 Earthworks**

Development consent is required for the earthworks associated with the development. Before granting consent for earthworks the consent authority must consider the following matters:

- The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality.
- The effect of the proposed development on the likely future use or redevelopment of the land.
- The quality of the fill or the soil to be excavated, or both.
- The effect of the proposed development on the existing and likely amenity of adjoining properties.
- The source of any fill material and the destination of any excavated material.
- The likelihood of disturbing relics.
- Proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

The proposed development includes excavation for a 2 level basement car park. Council's Development Engineer requires that a number of conditions be included in the consent to address engineering issues such as a sediment and erosion control plan to be submitted prior to the issue of a construction certificate.

The site is not known to contain any relics or any other item of heritage significance.

The development is considered satisfactory in respect of this clause.

**Clause 6.6 Macquarie Park Corridor Objectives**

The consent authority must not grant consent for development on the land to which this clause applies unless it has considered whether the proposed development is consistent with the following objectives:

- To promote the corridor as a premium location for globally competitive businesses with strong links to the Macquarie University and research institutions and an enhanced sense of identity.
- To implement the State Government's strategic objectives of integrating land use and transport, reducing car dependency and creating opportunities for employment in areas supported by public transport.
- To guide the quality of future development in the corridor.
- To ensure that the corridor is characterised by a high-quality, well-designed and safe environment that reflects the natural setting, with three accessible and vibrant railway station areas providing focal points.
- To ensure that residential and business areas are better integrated and an improved lifestyle is created for all those who live, work and study in the area.

The development satisfies the above objectives.

## 8.9 City of Ryde DCP 2010

Council adopted City of Ryde DCP 2010 on 16 June 2009 and its provisions became effective on 30 June 2010. The following sections of DCP 2010 are relevant to the proposed development:

### Part 4.5 of DCP 2010 – Macquarie Park Corridor

This part of the DCP provides a framework to guide future development in the Macquarie Park Corridor, North Ryde. The DCP specifies built form controls for all development within the Corridor and sets in place urban design guidelines to achieve the vision for Macquarie Park as a vibrant community, as a place to live, work and visit.

The DCP is divided into four sections. The first section is the structure plan and this sets out the broad framework for development within the Macquarie Park Corridor. The second section deals with special precincts and provides character statements, objectives and development controls for the areas. This section is not relevant to the current development as it is not located within a special precinct. The third section of the DCP deals with controls applicable for the public domain. The final section contains controls in respect to the siting and planning design. The following table demonstrates the proposals compliance with these requirements.

| Control | Comments |
|---|---|
| **s3.0 – Structure Plan** | |
| **Street Network**<br>1. Provide new public streets as shown in the Street Network Structure Plan.<br>2. New streets are to be dedicated to Council.<br>3. All major development shall utilise the Macquarie Park Integrated Traffic and Movement Study. | The Street Network Structure Plan does not contain any new streets on the site. |
| **Open Space Network**<br>1. Provide public open space as shown in Figure 4.5.06 Open Space Network.<br>2. Refer to s5.1 for detailed information regarding the design requirements for each park.<br>3. Parks are to be in public ownership. | Part of the site is identified as open space on the Open Space Network Structure Plan. The open space is proposed to remain in the ownership of the Body Corporate rather than public ownership. The DCP does not provide any information regarding the design requirements for this particular park.<br><br>The applicant has previously written to Council to propose public access and/or ownership of that part of the site that has been identified as open space. In making this offer, the applicant was seeking to offset the provision of the open space against a monetary contribution generated by the |

| Control | Comments |
|---|---|
| | proposed development under Council's Section 94 plan. This offer was considered by the Council's Executive Team on 4 November 2011. At this meeting the Executive Team advised that due to the constraints imposed on the site in respect to overland flow, the open space is not required to be in public ownership.<br><br>Due to the water features as well as the slope of the site, this part of the site can only be used for landscaping and passive areas. By imposing a condition on the consent that restricts the fencing of this area, this part of the site will still provide the benefits of open space without being required to be in public ownership. (See condition number 101). |
| **Built Form Network**<br>1. Buildings are to be designed in accordance with s6.0. | This matter is discussed further in the assessment report and the development is considered to satisfy these requirements. |
| **s5.0 – Public Domain** | |
| ***5.3 – General Public Domain Controls*** | |
| **Cycle Strategy**<br>1. Provide dedicated cycle access in accordance with Ryde Bicycle Strategy & Master Plan 2007.<br>2. Provide cycle/pedestrian paths as shown in Figure 4.5.78 of the Plan.<br>3. Provide lockable bicycle storage and end-of-trip facilities at train stations and within development. | Talavera Road is identified as a local bike route and the M2 as a regional bike route. The development does not involve any changes to either of these bike routes.<br><br>Bicycle storage is proposed within the basements for 97 bicycles. This is consistent with Council's requirements.<br><br>No bicycle parking is proposed for the hotel. This is similar to the recently approved development for a serviced apartment building at 63-71 Waterloo Road. The extent of bicycle parking is adequate for the proposed development. |
| **Street Furniture**<br>1. Design and build streets in accordance with the details provided in the Macquarie Park Public Domain Technical Manual.<br>2. Utilise paving materials, furniture and lighting standards as identified in the Macquarie Park Public Domain Technical Manual. | As part of the development it will be necessary to upgrade the public domain within Talavera Road and Alma Road. This includes the street furniture. A condition of consent will be imposed to require the street furniture to be provided in accordance with the Public Domain Technical Manual. (See condition number 34). |
| **Street Tree & Front Setback Tree Planting**<br>1. Street trees and front setback must be provided in accordance with the Street Tree Key Plan in the Macquarie Park Public Domain Technical Manual, and | As part of the development it will be necessary to upgrade the public domain within Talavera Road and Alma Road. This includes street trees. A condition of consent will be imposed to require the street trees to |

| Control | Comments |
|---|---|
| their health guaranteed for a minimum of 5 years. | be provided in accordance with the Public Domain Technical Manual. (See condition number 34). |
| **Community Facilities**<br>1. Community facilities are to be provided as required by the Ryde City Council's Section 94 Plan. | Any development consent would include a condition requiring the payment of Section 94 Contributions. Part of this contribution will be towards the provision of community facilities. (See condition number 19). |
| **Public Art**<br>1. Public art must be included in all new development on sites over 15,000sqm. | As the subject site is less than 15,000m$^2$ public art is not required for the development. |
| **Implementation – infrastructure, facilities and public domain improvements**<br>1. Public land such as the road verge adjoining a development site is to be embellished and dedicated to Council as part of any new development.<br>2. The Access network, being the roads and open space, is to be dedicated to Council and as part of a new development is to conform with LEP 2010 – Macquarie Park Corridor – Access Network.<br>3. Council may consider granting consent to a development where the building height and FSR are in excess of the control if:<br>• The development provides a community benefit such as works in kind, monetary contribution, development agreement or VPA.<br>• The additional height and FSR proposed does not exceed the controls shown on the Centres Map – Macquarie Park Corridor Incentive Height of Buildings Map and the Macquarie Park Corridor Incentive FSR map.<br>4. New community and public domain space, roads, pedestrian ways and infrastructure, shall be dedicated to Council. Where this is not practicable, easements and rights of ways may be created. | Conditions of consent will be imposed to ensure that the public domain is upgraded as part of the development consent. (See condition number 34).<br><br>As discussed earlier in the report, part of the site is identified as open space on the relevant plan. This space will be retained as open space by the body corporate rather than being dedicated to Council. |
| **s6.0 – Site & Building Design** | |
| ***6.1 – General Built Form Controls*** | |
| **Height Controls**<br>1. Building heights are to comply with the RPSO and Ryde LEP 2008, Amendment 1. | This issue has already been addressed in the report. |
| **Floor Space Ratio Controls**<br>1. Floor space ratios are to comply with the | This issue has already been addressed in the report. |

| Control | Comments |
|---|---|
| RPSO and Ryde LEP 2008, Amendment 1. | |
| **Site Planning & Staging**<br>1. Sites are to be planned to allow for the future provision of new streets and open spaces in accordance with Ryde LEP 2008 Amendment 1 – Access Network.<br>2. Buildings are to be sited to address existing and new frontages in the following order of precedence:<br>a) Primary frontages: These are located along existing streets (typically Type 1 or 2 streets).<br>b) Secondary frontages: these are generally existing, or new Type 2 or 3 streets.<br>3. Front door and street address is to be located on the primary frontage. Loading docks, vehicular access is not permitted to be located on the primary frontage unless it can be demonstrated that there is no alternative. | Talavera Road is identified as a primary frontage and Alma Road as a secondary frontage.<br><br>The hotel and residential Building A address Talavera Road. The hotel has been designed with the main car park entry and drop off as well as pedestrian entry to address Talavera Road. This design will improve the street activation of a primary frontage.<br><br>There is no suitable alternative to provide vehicular access to the hotel other than Talavera Road. This is due to the existing water feature on the eastern portion of the site.<br><br>A pedestrian entry/portal is proposed from Talavera Road that will provide access to all of the residential buildings. This structure is proposed with a zero setback to Talavera Road. It will assist in providing a street address for the residential development on Talavera Road. |
| **Street Setbacks & Built-To Lines**<br>1. Minimum setbacks and build-to lines must be provided as shown in Figure 4.5.83 of the DCP.<br>a) Where minimum setbacks are shown, buildings may be set back further from the street according to specific site conditions.<br>2. Underground parking is not permitted to encroach into the setback areas unless it can be demonstrated that the basement is designed to support significant mature trees and deep root planting.<br>3. Awnings, canopies, balconies, sun shading and screening elements can project forward of the street setback line.<br>4. <u>10m Green setbacks</u><br>80% of the street setback area is to be soft landscaping. Existing mature trees are to be retained where possible and additional trees planted. At grade car parking must not be located within this setback. | The DCP requires a 5 metre setback to Alma Road. Due to the water feature on the eastern portion of the site, the development is set back a minimum of 31 metres from Alma Road.<br><br>The DCP also requires a 10 metre setback to Talavera Road. Residential Building A and the hotel have a frontage to Talavera Road. Residential Building A is set back 10 metres and complies with the DCP requirement. The hotel is set back 5 metres from Talavera Road. The variation to the DCP is warranted as it will enable more street activation of Talavera Road which is identified as a primary frontage as well as providing a clear distinction between the residential uses on the site. The intent of the setback control is to provide a green setback for 80% of the required setback area. The development has achieved this objective with extensive landscaping to the east of the site as well as in the setback area of residential Building A. The hotel proposes some at grade car parking as well as a drop off area within the |

| Control | Comments |
|---|---|
| | setback. Given the nature of the development this cannot be avoided. However the hard paving is softened by the provision of a water feature and landscaping. This area is unlikely to adversely impact on the streetscape. |
| **Side & Rear Setbacks**<br>1. Buildings are to be set back 10m from a rear and 5m from a side site boundary.<br>2. Awnings, canopies, balconies, sun shading and screening elements can project into the side to rear setback zones.<br>3. Basement car park structures should not encroach into the minimum required side or rear setback zone unless the structure can be designed to support mature trees and deep root planting. | The development is required to provide a 5m setback to the western side boundary. This has been provided.<br><br>The development is also required to provide a 10m setback to the M2. The development is set back between 3m to a maximum of 12.5m. The majority of the elevation fails to comply with the required setback. The reasons given by the applicant are as follows:<br>• No loss of amenity to residential neighbours.<br>• The existing M2 motorway and its raised buffer/embankment would not be impacted upon.<br>• At its closest the M2 ramp is 20m from the boundary and the main part of the M2 is further away. The area between the ramp and the building is landscaped.<br>The reasons given by the applicant are supported. It should also be noted that a similar variation occurred with the approved commercial development. |
| **Building Separation**<br>1. Provide a minimum 20m separation between buildings facing each other within a site.<br>2. Provide a minimum 10m separation between buildings perpendicular to each other within a site. This reduced building separation control only applies where the width of the facing facades does not exceed 20m. | The building separation for the residential component of the development has been addressed in accordance with the Residential Flat Design Code.<br><br>The hotel building and part of the residential Building B are considered to be perpendicular to each other and require a 10m separation. The separation ranges from 9m to 12.2m. That part of the building which only has a 9m building separation distance occurs for a length of 4.3m. This is considered a minor variation and it will not adversely impact on the amenity of either building. Due to the large separation between the building and Alma Road, this non compliance will not contribute to the perceived bulk or scale of the development. The variation is acceptable. |
| **Building Bulk**<br>1. All buildings must comply with Section 6.1.15 of the DCP (Environmental Performance). | Section 6.1.15 of the DCP refers to environmental performance and the development complies with these requirements. |

| Control | Comments |
|---|---|
| Commercial:<br>2. The floor plate of buildings above 8 storeys is not to exceed 2000sqm unless it can be demonstrated that slender building forms are achieved through courtyards, atria, articulation or architectural devices.<br>3. Buildings over 8 storeys are to be slender in form.<br>4. The preferred distance of any point on a habited floor from a source of natural daylight is 12m.<br>Residential:<br>5. Provide maximum building depth as recommended in the NSW Residential Flat Design Code. | The hotel and the residential buildings are either 7 or 8 storeys in height, accordingly part of the requirements of the clause are not applicable. The hotel building complies with the requirement of 12m measured from the core to a window.<br><br>The building depths for the residential building exceeds the requirements of the RFDC, however as previously discussed this variation is considered acceptable. |
| **Site Coverage & Deep Soil Areas**<br>1. A minimum 20% of a site must be provided as deep soil area.<br>2. Deep soil must be at least 2m deep. | The deep soil area is located to the east of the site. The development provides approximately 35% deep soil area. |
| **Building Articulation**<br>1. Facades are to be composed with an appropriate scale, rhythm and proportion, which respond to the building use and the desired character by:<br>a) Defining a base, middle and top related to the overall proportion of the building.<br>b) Expressing key datum lines in the context using cornices, a change in materials or building setback.<br>c) Expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall divisions.<br>d) Expressing the variation in floor to floor height, particularly at the lower levels.<br>e) Articulating building entries with awnings, porticos, recesses, blade walls and projecting bays.<br>f) Incorporating architectural features which give human scale to the design of the building at street level. These can include entrance porches, awnings, pergolas and fences using recessed balconies and deep windows to create articulation and define shadows thereby adding visual depth to the façade. | Appropriate articulation has been added to each of the buildings. Articulation has been provided in respect of balconies, screening devices and the use of different materials and colours. Architectural features have been added to the entries of each building that will assist in identifying the entry of the building as well as providing a human scale to the design of the building at street level. |

| Control | Comments |
|---|---|
| 2. Building services such as roof plant and parking ventilation are to be coordinated and integrated with the overall façade and building design, and screened from view. Roof forms, building services and screening elements are to occur within the overall height control. | |
| **Ceiling Heights**<br>1. Maximum ceiling heights are to be provided as follows: Minimum dimensions are measured from finished floor level to finished ceiling level:<br>• Ground level – 3.6m<br>• Upper levels – 2.7m<br>2. Upper levels which are predominantly plant or parking may vary the minimum floor to ceiling height. | These controls are only applicable for the hotel. The hotel complies with the required ceiling heights.<br><br>To determine the minimum floor to ceiling height for the residential development, it is necessary to refer to the RFDC. The ground floor does not comply with these requirements however as previously discussed, the variation is considered acceptable. The upper residential levels comply. |
| **Active Frontages**<br>1. Continuous ground level active uses must be provided where primary active frontages are shown in figure 4.5.94 of the DCP. | The site is not identified as a primary or secondary active edge. Accordingly, this clause is not applicable. |
| **Awnings & Canopies**<br>1. Continuous awnings must be provided where primary active frontages are shown in Figure 4.5.94 of the DCP. Entry canopies and discontinuous awnings and entry canopies are permitted elsewhere in the corridor. | An awning is not required to be provided on the site. |
| **Topography & Building Interface**<br>1. Level changes across sites are to be resolved within the building footprint.<br>2. Where buildings are set back from the street boundary, entries are to be provided at street level wherever possible.<br>3. An accessible path of travel is to be provided from the street through the main entry door of all buildings.<br>4. Where necessary, stairs and ramps are to be integrated with the landscape design of front setbacks.<br>5. Publicly accessible open spaces under private ownership must be provided at footpath level. | The development has incorporated level changes within the footprint of the building. All pedestrian entries are provided at street level and an accessible path of travel is provided throughout the buildings. |
| **Advertising Signage**<br>1. Signage shall comply with Part 9.1 of the DCP. | Signage is not included as part of this development application. |
| **Environmental Performance** | The hotel building is not subject to BASIX |

| Control | Comments |
|---|---|
| 1. Commercial development is required to achieve a 4 Star Green Star Certified Rating.<br>2. Development is required to comply with Section 6.1.7 of the DCP (Building Bulk).<br>3. Residential development is to comply with BASIX requirements. | requirements and it does not fall into a category for commercial development. This building has been designed to achieve a NaBERS rating of 4 star for energy and 3 star for water. A report has not been submitted which verifies this rating, however a condition of consent will be included to require verification that this rating will be achieved at Construction Certificate stage. (See condition number 29).<br><br>Residential buildings A, B and C all satisfy the BASIX requirements. |
| **Wind Impact**<br>1. Buildings shall not create uncomfortable or unsafe wind conditions in the public domain which exceeds the Acceptable Criteria for Environmental Wind conditions.<br>2. All applications for buildings over 5 storeys in height shall be accompanied with a wind environment statement. Buildings over 9 storeys and for any other building which may be considered an exposed building, applications shall be accompanied by a wind tunnel study report. | A wind assessment report has been submitted with the development application. This report has concluded that the development is not expected to generate wind conditions in excess of the recommended criteria on the ground as long as landscape plantings are provided before the underpass contained in Building B on the southern side.<br><br>The landscape plan does propose some plantings in this area; however, from the assessment report it is not clear if the consultant saw the landscaping plan. It is proposed to include a condition which requires the recommendation of this report to be adopted and verification by the wind consultant being submitted at the Construction Certificate stage. (See condition number 27). |
| **Noise & Vibration**<br>1. An Acoustic Impact Assessment report prepared by a suitably qualified acoustic consultant is required to be submitted with all development applications for commercial, industrial, retail and community buildings, with the exception of applications minor building alterations.<br>2. Development is to comply with all relevant statutory regulations.<br>3. Loading and unloading facilities must not be located immediately adjacent to residential development. | The applicant has provided an acoustic report which has identified the required glazing requirements for each elevation of the building which will ensure that the development meets the requirements of the Infrastructure SEPP and DECCW's Industrial Noise Policy. A condition of consent will be imposed to ensure all of the recommendations of the Acoustic Report are adopted. (See condition number 28). |
| ***6.2 – Private & Communal Open Space*** | |
| **Landscaping & Communal Courtyards**<br>1. A minimum 30% of the developable area of the site is to be provided as Landscaped Area.<br>2. Solar access to communal open spaces | The development exceeds the minimum landscaped area with approximately 71% of the site being landscaped. The largest communal open space area is along the eastern portion of the site. This space will |

| Control | Comments |
|---|---|
| is to be maximised. Communal courtyards must receive a minimum of 3 hours direct sunlight between 9am and 3pm on 21 June.<br>3. Appropriate shading is to be provided so that communal spaces are useable during summer.<br>4. Communal open spaces are to incorporate the primary deep soil area where possible. The landscaping of courtyard spaces is to provide for the growth of mid to large sized trees.<br>5. Landscaped areas are to incorporate trees, shrubs and ground covers endemic to the area where appropriate. | receive significantly more than the minimum amount of direct sunlight. Shading has been provided which will benefit this area in summer. The development complies with all of the requirements of this clause. |
| **Pedestrian Through-Site Links**<br>1. Pedestrian through site links must be provided:<br>a) Where Pedestrian Access Corridors are shown in the Ryde LEP 2008 Amendment 1 – Access Plan. | This clause is not applicable to the development as the site does not contain any pedestrian through site links. |
| **Planting on Structures**<br>1. Provide optimum conditions for plant growth by providing appropriate irrigation and drainage methods.<br>2. Design planters to provide the largest possible volume of soil in accordance with recommended standards. | The development will comply with the required soil depth as recommended by the RFDC. The development complies with the requirements of this clause. |
| ***6.3 – Services & Site Management*** | |
| **Floodplain Management**<br>1. All stormwater leaving the site, at any time, up to a 1-in-20 year stormwater event, is treated/filtered in accordance with ANZECC Guidelines for Urban Stormwater management.<br>2. Development must not increase peak stormwater flows for rainfall events of up to 1-in-2 year storm. | The development has been assessed by Council's Engineers and has been found to be satisfactory. (refer to the Referral section of the report for further information). |
| **Stormwater Drainage**<br>1. Development shall comply with the requirements outlined in the Stormwater Drainage Section of the DCP and is to provide a stormwater drainage system in accordance with the "major/minor" system concept set out in Australian Rainfall and Runoff. | The development has been assessed by Council's Engineers and has been found to be satisfactory. (refer to the Referral section of the report for further information). |
| **Waste Management**<br>1. All applications for demolition and development must be accompanied by a Waste Management Plan that specifies | An amended Waste Management Plan was submitted with the development application. This document was considered satisfactory and satisfies the provisions of this clause. |

| Control | Comments |
|---|---|
| the type of waste to be produced and the proposed arrangements for ongoing waste management, collection and disposal. | |
| **Soil Management**<br>1. Development is to be designed and constructed to integrate with the natural topography of the site to minimum the need for excessive sediment disturbance and prevent soil loss.<br>2. Effective soil management and maintenance practices are to be followed to prevent soil loss. | The development has been conditioned to ensure that appropriate sediment and erosion control measures will be implemented. (See condition number 53). |
| **Site Contamination**<br>1. Prior to the submission of subdivision and development applications, a suitably qualified environmental engineer on behalf of the applicant is to assess whether the subject land is contaminated. | A Phase 1 contamination assessment has been submitted with the development application. This assessment has concluded that the site has a low potential for significant contamination and is likely to be suitable for the proposed residential development. Appropriate conditions of consent have been included in respect of contamination. (See condition number 26). |
| **Site Facilities**<br>Commercial<br>1. Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible.<br>2. Rubbish and recycling areas must be provided in accordance with the DCP. These areas must:<br>a) Be integrated with the development.<br>b) Minimise the visibility of these facilities from the street.<br>c) Be located away from openable windows to habitable rooms.<br>3. Barrier free access is to be provided to all shared facilities.<br>Residential<br>4. Provide either communal or individual laundry facilities to each dwelling and at least one external clothes drying area. Clothes drying is only permitted on balconies that are permanently screened from view from the public domain.<br>5. Provide storage to dwellings as required by the RFDC.<br>6. Lockable mail boxes are to be provided in a location visible from the public domain. | The commercial requirements have been applied for the hotel development. Vehicular access to the loading dock is along Talavera Road. Due to the site constraints with Shrimptons Creek it would not be possible to provide this access in a different location.<br><br>The hotel has incorporated adequate garbage and recycling areas.<br><br>Barrier free access is provided to all aspects of the hotel.<br><br>Each residential apartment contains individual laundry facilities. No details have been provided in respect of clothes drying. As the majority of the balconies can be seen from the public domain, it is proposed to include a condition on the consent to prevent clothes drying occurring on the balconies. (See condition number 100).<br><br>Residential storage space has been provided in accordance with the RFDC.<br><br>No details have been provided in respect to the location of the mail boxes. These will most likely be provided in Alma Road adjacent to vehicle entry. No objection is raised to this |

| Control | Comments |
|---|---|
| | location. |
| **Vehicular Access**<br>1. Vehicular access is not permitted along streets identified as 'Active Frontages'.<br>2. Where practicable, vehicle access is to be from secondary streets.<br>3. Potential pedestrian/vehicle conflict is to be minimised by:<br>a) Limiting the width and number of vehicle access points.<br>b) Ensuring clear site lines at pedestrian and vehicle crossings.<br>c) Utilising traffic calming devices.<br>d) Separating and clearly distinguishing between pedestrian and vehicular accessways.<br>4. The width of driveways is to be determined in accordance with the requirements of the DCP and Australian Standards. | Talavera Road and Alma Road are not identified as active frontages. Vehicular access is proposed from Talavera Road for the hotel complex and the residential component will be accessed from Alma Road. The Alma Road entrance will ensure that there is minimal potential for pedestrian and vehicle conflict. |
| **On-Site Parking**<br>1. Safe and secure 24 hour access to car parking areas is to be provided for building users.<br>2. Parking areas must not be located within the front, side or rear setbacks.<br>3. Parking areas are to be screened from view from the street, public domain and communal open space areas, using site planning and appropriate screen planting or structures.<br>4. Provide safe and direct access from parking areas to building entry points.<br>5. Basement parking areas should be located directly under building footprints to maximise opportunities for deep soil areas unless the structure can be designed to support mature plants and deep root plants.<br>6. Along active frontages, basement parking must be located fully below the level of the footpath.<br>7. Basement parking should be contained wholly beneath ground level along public streets. Where this cannot be achieved due to topography, the parking level must protrude no more than 1.2m above ground level for no more than 60% of the building frontage along the public street.<br>8. Ventilation grills or screening devices of | The development has incorporated safe and direct access from the basement car parking areas to the building entry points as well as providing 24 hour access to the car parking areas.<br><br>The basement car parking will not be visible and it does not extend within the setbacks of the development.<br><br>The development has proposed some of the car parking within the street setbacks. Along Alma Road, visitor parking is proposed for the residential component of the development. This parking is located at the end of Alma Road and has been softened with some landscaping around the hard paving. This part of the site has previously been used as parking with previous developments and the area is unlikely to impact on the streetscape of Alma Road.<br><br>Parking is also proposed within the setback of Talavera Road for the hotel. As discussed previously, there is some landscaping that will assist in softening the appearance of the car parking. |

| Control | Comments |
|---|---|
| car park openings are to be integrated into the overall façade and landscape design of the development. | |
| **Work Place Travel Plan (WPTP)**<br>1. A WPTP is required for all developments that exceed 15,000sqm floor space or 300 employees. | A WPTP is not required to be submitted for either the residential development or the hotel development as the hotel will contain less than 300 employees. |

**Part 7.2 Of DCP 2010 - Waste Minimisation and Management**

A concept waste management plan has been submitted with the development application. The information provided satisfies the requirements of this part of the DCP. Appropriate conditions of consent have been incorporated into the recommendation to ensure compliance with the general objectives of the DCP (see condition numbers 38 and 39).

**Part 8.1 of DCP 2010 - Construction Activities**

The main construction issues relevant to this proposal will be managing water quality by preventing soil erosion, the management of construction traffic and parking of builder's vehicles, construction noise, dust and the like.

These matters have been addressed by way of appropriate conditions of consent. (See condition numbers 42, 45, 46, 47, 48, 49, 50, 51 and 52).

**Part 8.2 of DCP 2010 - Stormwater Management**

Council's Development Engineer has reviewed the proposed development and advised that the stormwater design complies with the requirements of Part 8.2 of DCP 2010.

**Part 9.2 of DCP 2010 - Access for People with Disabilities**

The DCP requires that the hotel building must be accessible to people with disabilities via a continuous accessible path of travel to and through the entrances as well as the entire ground floor being accessible. The residential buildings must also provide an accessible path of travel to all units as well as the provision of 23 adaptable units. The applicant has provided an Access Review Report which demonstrates that the development will comply with the access requirements or information will be required to be submitted with the Construction Certificate drawings to verify compliance. A condition of consent has been imposed to ensure that the development complies with the access report and the appropriate standards. (See condition number 30).

**Part 9.3 of DCP 2010 - Car Parking**

At the time of lodgement of the DA the car parking rates applicable for the development in accordance with Part 9.3 of DCP 2010 were as follows:

| | |
|---|---|
| Residential | Studio and one bedroom apartments – 1 space per dwelling<br>Two bedroom apartment – 1.2 spaces per dwelling<br>Visitors – 1 space per 4 dwellings. |
| Hotel | 1 space per suite<br>1 space per 10m$^2$ of dining areas, bar areas etc if such space is available to the public<br>1 space per 2 employees. |

Based on the above rates, the residential component of the development is required to provide 258 resident spaces and 58 visitor spaces. The development has provided 315 car parking spaces of which 258 are allocated for residents and 57 allocated for visitors. This represents a shortfall of 1 visitor car parking space. Given that the site has good access to public transport, this variation can be supported.

The hotel component would be required to provide 173 car parking spaces, however only 69 spaces are proposed. On 22 November 2011, Council adopted a new car parking DCP which has reduced the car parking requirement to 1 space per 1.5 units. Applying this rate results in the hotel being required to provide 112 car parking spaces. This represents a shortfall of 43 car parking spaces. The parking rate for the hotel is to 1 space per 2.4 rooms. The applicant has provided the following arguments to support the variation:

- The RTA Guidelines recommends a rate of 1 space per 4 rooms for 3-4 star accommodation which includes business hotels. Applying this rate will result in a parking requirement for 42 spaces.

- The current car parking is provided at a rate of 1 space per 2.4 rooms. A comparison was made with two similar hotel developments in Ryde being the Marriott Hotel at 7 Talavera Road and the Quest Serviced Apartments at 85 Delhi Road. These hotels were found to have car parking rates equivalent to 1 space per 2.4 rooms and 1 space per 2.2 rooms respectively. Accordingly, the proposed parking rate of 1 space per 2.4 rooms lies between the rates previously approved for the other hotels.

- The DCP applies across the entire Council LGA and does not take into account specific locations of sites. In this regard, the subject development is located within the Macquarie Park precinct and in close proximity to public transport (both bus and rail).

- No objection was raised by the RTA at the Sydney Regional Development Advisory Committee Meeting held on 5 October 2011 to the reduced car parking rate.

The justifications given by the applicant are considered to be reasonable. In addition, the reduction in car parking for the hotel is supported by Council's Traffic Engineer.

## 8.10 Section 94 Development Contributions Plan 2007 (Amendment 2010)

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 increased floor area are based on the following figures being inside Macquarie Park:

- The hotel has been determined based on the commercial rate of occupancy.

| Contribution Plan | Contributions | Total |
|---|---|---|
| Community and Cultural Facilities | $660,928.04 | |
| Open Space and Recreation Facilities | $2,125,576.48 | |
| Civic and Urban Improvements | $401,788.35 | |
| Roads and Traffic Management Facilities | $359,565.73 | |
| Cycleways | $55,527.04 | |
| Stormwater Management Facilities | $41,159.82 | |
| Plan Administration | $14,954.17 | |
| **Grand Total** | | **$3,659,499.63** |

Notes:
- The December 2011 rates have been applied to the development.

Condition 19 requiring the payment of a Section 94 contribution has been included in the recommendation of this report which will further be indexed at the time of payment if not paid in the same quarter.

## 9. LIKELY IMPACTS OF THE DEVELOPMENT

Many of the impacts associated with the proposed development have already been addressed in the report. Other likely impacts include:

### 9.1 Traffic Generation

The traffic generation rates for the proposed development have been based on the RTA Guidelines and have adopted a trip generation rate of 0.29 trips per dwelling per peak hour and 0.4 trips per room per peak hour. This results in an am and pm peak generation rate of 135 vehicles per hour. This generation rate is a significant reduction in generation when compared with the previously approved development which generated in the order of 280 vehicles per hour during the peak periods.

The impacts of the development on the surrounding road networks has been assessed based on the Macquarie Park Corridor Paramics Model. The additional volumes and delays are summarized in the following two tables.

| Intersection | Additional traffic, all approaches (veh/hr) | Change (%) | Additional delay, all approaches (s/veh/hr) |
|---|---|---|---|
| Herring Road/ Talavera Road | 98 | 4% | 1 |
| Talavera Road/ Khartoum Road | 42 | 1% | 5 |
| Talavera Road/ Alma Road | 111 | 11% | 3 |

Table 1. AM development Traffic Impact.

Talavera Road and Alma Road experienced the highest overall percentage increase in traffic volumes and delay. However, it is noted that the overall delay was only increased by 3 seconds. In general, the additional traffic due to the development does not appear to be affecting the overall traffic network significantly in the morning peak due to the relatively small increase in traffic generated by the development.

| Intersection | Additional traffic, all approaches (veh/hr) | Change (%) | Additional delay, all approaches (s/veh/hr) |
|---|---|---|---|
| Herring Road/ Talavera Road | 20 | 1% | -14s |
| Talavera Road/ Khartoum Road | 507 | 13% | 13s |
| Talavera Road/ Alma Road | 60 | 8% | -5s |

Table 2. PM development traffic impact.

Two of the intersections influenced by the development traffic actually marginally reduce in traffic volumes due to traffic re-assignment effects. It is noted that Talavera Road and Khartoum Road intersection traffic volume increased by 507 movements per hour. This increase per hour resulted in an overall increase in delay by 13 seconds at this intersection. This is not considered to be a major impact to the overall traffic performances at the intersection and when observed in the Paramics model, did not appear to significantly extend queues in any approach.

On the basis of the Paramics modeling it is recognized that the proposed development will not impact the network to an extent that would allow specific mitigation works to be identified.

## 9.2 Tree Removal

The development involves the removal of 71 trees from the existing 112 trees on the site. Of the trees to be removed the majority are River Sheoaks, Southern Mahogany, Lilly Pillys and Spotted Gums (64%). The majority of

these trees have been assessed in the Arborist Report as being of low value due to the health rating of the trees.

It is proposed to remove a few species that have been identified as either a threatened tree species or indicators of an endangered ecological community. Despite the removal of these trees, the proposed development will not have a significant impact under the Threatened Species Conservation Act.

The remaining 41 trees that have been identified for retention are largely located along the Alma Road frontage and there is a cluster of trees on the corner of Talavera Road and Alma Road. The Arborist Report has outlined a satisfactory program of construction management and tree protection. A condition of consent will be imposed to ensure that these measures are implemented. (See condition number 64).

The landscape plan is proposing the replacement planting of 119 species including 50 Spotted Gums, 20 Rough-bark Apples and 213 Water Gums. In addition, there are 55 local endemic trees specified to be planted in the restored riparian zone, including: Turpentine, Sydney Blue Gum, Smooth-bark Apple, Blueberry Ash, Lilly Pilly and Sydney Golden Wattle. The replacement planting will compensate for the loss of the existing trees as well as improving the long term landscape treatment of the site.

### 9.3 Flooding

The applicant was required to investigate pre and post development flooding conditions, 100 Year ARI and the probable maximum flood across the site and in the vicinity of the proposed development using a 2-dimensional modeling (TUFLOW model).

The TUFLOW results showed that there will generally be no change in peak flood levels along Talavera Road, Alma Road and the M2 ramp. Peak 1 in 100 Year ARI flood levels have dropped significantly (in the order of 1.5 to 2m) along Shrimpton's Creek through the site. This has occurred due to the channel being realigned to a new location and the widening of the channel so that there is a subsequent increase of capacity upstream of the access road and downstream of Talavera Road and the removal of the weir structure upstream of the access road.

The flood impact assessment confirmed that the proposed development will not exacerbate the existing flood conditions in the vicinity of the site.

## 10 SUITABILITY OF THE SITE FOR THE 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 proposed development. 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. In addition the development will not adversely impact on the amenity of the area.

## 11 THE PUBLIC INTEREST

The development is considered to be in the public interest as it is reasonably consistent with the relevant planning controls. Where variations to the planning controls occur, the development still complies with the objectives of the particular control.

## 12 REFERRALS

**External referrals**
**NSW Office of Water**
The NSW Office of Water has provided their General Terms of Approval which have been included in the conditions of consent (see conditions numbered 110 to 123).

**NSW Police**
NSW Police were advised of the development application on 24 October 2011 and requested to provided comments within 21 days. No response has been received. However conditions of consent have been imposed based on requirements previously issued by NSW Police for similar applications.

**Internal Referrals**
**Development Engineer:** No objections subject to conditions of consent. (See condition numbers 15-18, 45-50 and 94-95).

**Environmental Health Officer:** No objections are raised to the proposed development.

**Traffic Engineer:** No objections were raised to the development subject to one condition of consent. (See condition number 42).

**Consultant Landscape Architect:** The following comments have been provided:

*"Given that the present planting scheme consists of an eclectic assemblage of native trees and shrubs, with only limited merit and amenity value; and that the arborist has recommended retention of the most worthwhile specimens, in conjunction with a comprehensive landscape proposal which includes significant replacement tree planting; and that the ecological significance of the site has been duly considered, I have no objections to the development subject to 2 conditions of consent."* (See condition numbers 1, 32-33).

**Infrastructure Integration (Flooding):** No objection subject to two conditions of consent being imposed. (See condition numbers 43-44).

## 13 PUBLIC NOTIFICATION AND SUBMISSIONS

The proposed development was exhibited between 28 September 2011 and 28 October 2011. During this time, one submission was received, objecting to the development. The objection was received from the owner of 44/2 Leisure Close, Macquarie Park. The issues raised in the submission included the following:

- *Concerned about the height of the development. This will have an unpleasant visual impact and will cast substantial shadows.*

The height of the development is less than the previous development consent issued for the site. The development will exceed the permitted height control of 21 metres; however, the height of the buildings will be compatible with the heights of the future surrounding developments. The visual impact of the development has been reduced due to appropriate design as well as the site containing a significant amount of landscaped area. The development will create overshadowing; however, this overshadowing will not adversely affect any of the adjoining properties.

- *The development provides parking for 365 vehicles. These large numbers will have a significant impact on traffic in adjacent streets.*

The development is likely to generate significantly less traffic than the previously approved development on this site. Based on the RTA trip generation rates, the development is likely to result in an am and pm peak generation rate of 135 vehicles per hour. The increased traffic have been modeled using the Macquarie Park Corridor Paramics Model. This modeling has demonstrated that the proposed development will not adversely impact the existing traffic network.

## 14 CONCLUSION

The development involves the erection of 4 buildings on the site. Three of these buildings will be 8 storeys and used for residential purposes containing 232 residential apartments. The remaining building will be a 9 storey hotel building containing 168 hotel rooms. The development also involves extensive landscaping.

The development will result in some non-compliances with the planning controls. One of these non-compliances is height. The site has a maximum height control of 21.5 metres and each building will breach this control. The breach occurs due to the slope of the site as well as the development being restricted to the western portion of the site. Despite the breach, the bulk and scale of the development is consistent with the intended future character of the area.

Other non-compliances with the planning controls include setbacks to Talavera Road and the M2 under Ryde DCP 2010, building separation and depth under RFDC and the required car parking numbers under Ryde DCP 2010. However, following assessment of the proposal these non-compliances

are considered acceptable on town planning and urban design grounds and will not result in the development having any unacceptable impacts.

The development is therefore recommended for approval subject to conditions.

## 15 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 consent to development application LDA2011/0485 for the construction of a mixed use development at 84-92 Talavera Road, Macquarie Park, 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 Roads and Maritime Services and NSW Office of Water.

**Report prepared by:**

Sandra Bailey
Team Leader Major Developments

**Report approved by:**

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager – Environment and Planning

# ATTACHMENT 1

# CONDITIONS OF CONSENT

## GENERAL

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

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

| **Document Description** | **Date** | **Plan No/Reference** |
|---|---|---|
| Plan Location | 26/8/11 | A-0002 Rev 01 |
| Plan Basement 1 | 8/12/11 | A-0003 Rev 04 |
| Plan Level G | 8/12/11 | A-0004 Rev 06 |
| Plan Level 1 | 8/12/11 | A-0005 Rev 04 |
| Plan Level 2 | 26/8/11 | A-0006 Rev 01 |
| Plan Levels 3-6 | 26/8/11 | A-0007 Rev 01 |
| Plan Level 7 | 26/8/11 | A-0008 Rev 01 |
| Plan Level 8 | 26/8/11 | A-0009 Rev 01 |
| Plan Level 9 | 26/8/11 | A-0010 Rev 01 |
| Plan Roof Level | 26/8/11 | A-0011 Rev 01 |
| | **26/8/11** | **A-0140 Rev 01** |
| | **26/8/11** | **A-0141 Rev 01** |
| Section AA Section BB | 26/8/11 | A-0040 Rev 01 |
| Section CC Section DD | 26/8/11 | A-0041 Rev 01 |
| Section EE | 26/8/11 | A-0042 Rev 01 |
| Street Elevations | 26/8/11 | A-0181 Rev 01 |
| Street Elevations | 26/8/11 | A-0182 Rev 01 |
| Materials Elevation A | 26/8/11 | A-0130 Rev 01 |
| Materials Elevation B | 26/8/11 | A-0131 Rev 01 |
| Materials Elevations C | 26/8/11 | A-0132 Rev 01 |
| Materials Elevation Hotel | 26/8/11 | A-0133 Rev 01 |
| Elevations A | 26/8/11 | A-0030 Rev 01 |
| Elevations B | 26/8/11 | A-0031 Rev 01 |
| Elevations C | 26/8/11 | A-0032 Rev 01 |
| Elevations Hotel | 26/8/11 | A-0033 Rev 01 |
| Cover Sheet | D | 000 |
| Colour Landscape Plan | D | 001 |
| Landscape Plan | D | 101 |
| Detail Landscape Plan | B | 102 |
| Landscape Details | D | 501 |

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

3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 389215M, 389971M and 390049M all dated 25 August 2011.

   The fittings, fixtures and materials installed in association with the development (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council's DCP. Details are to be noted on the plans submitted with the Construction Certificate.

4. **Hours of Work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

5. **Hoardings.**
   (a) A hoarding or fence must be erected between the work site and any adjoining public place.

   (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

   (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

6. **Protection of the Public Way.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

7. **Works on Public Roads.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, Roads and Maritime Services, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

8. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the Construction Certificate.

9. **Bicycle Parking.** A minimum of 97 bicycle parking rails or lockers designed and installed in accordance with Australian Standard AS2890.3.

10. **No Cost to Roads and Maritime Services.** All works associated with the proposed development shall be at no cost to the Roads and Maritime Services.

11. **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 and AS 2890.2-2002 for heavy vehicle usage. Details demonstrating compliance are to be submitted on the Construction Certificate plans.

12. **Controlled Activity Approval.** A Construction Certificate is not to be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Controlled Activity Approval has been provided to the Principal Certifying Authority and Council.

13. **Garbage and Recycling Rooms.** Separate garbage and recycling rooms must be provided on the premises for the storage of residential and commercial waste.

14. **Pollution Incidents.** Pollution incidents causing or threatening harm to the environment must be reported immediately to all relevant authorities in accordance with Section 148 of the Protection of the Environment Operations Act 1997.

15. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.

16. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.

17. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

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

**PRIOR TO CONSTRUCTION CERTIFICATE**

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

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

| **A – Contribution Type** | **B – Contribution Amount** |
|---|---|
| Community & Cultural Facilities | $660,928.04 |
| Open Space & Recreation Facilities | $2,125,576.48 |
| Civic & Urban Improvements | $401,788.35 |
| Roads & Traffic Management Facilities | $359,565.73 |
| Cycleways | $55,527.04 |
| Stormwater Management Facilities | $41,159.82 |
| Plan Administration | $14,954.17 |
| **The total contribution is** | **$3,659,499.63** |

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website http://www.ryde.nsw.gov.au.

20. **Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

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

22. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan:

    (a) Infrastructure Restoration and Administration Fee
    (b) Enforcement Levy

23. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.

24. **Reflectivity of Materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority.

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

26. **Remediation of the Site.** The land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

    No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.

    All remediation work must be carried out in accordance with:

    (a) *State Environmental Planning Policy No. 55 - Remediation of Land*;

    (b) any relevant guidelines published under the *Contaminated Land Management Act 1997*; and

(c) any council policy or development control plan relating to the remediation of land.

27. **Pedestrian Level Wind Assessment Report.** To ensure compliance with the Pedestrian Level Wind Assessment Report prepared by Vipac Engineers and Scientists Ltd dated 10 October 2011, the landscaping plan is to be amended to provide additional landscaping on the southside of the underpass of Building B. The revised landscaping plan is to be approved by an appropriately qualified person to verify that the development will achieve the requirements of the above report. This information is to be provided with the Construction Certificate drawings.

28. **Compliance with Noise Impact Assessment Report.** The development is to comply with the recommendations contained in the Noise Impact Assessment prepared by Acoustic Logic dated 14/7/11. Details of compliance is to be submitted on the Construction Certificate plans.

29. **Energy Rating for the Hotel.** The hotel is to achieve a minimum NABERS rating of 4 stars for energy and 3 stars for water. A report from an appropriately qualified person is to be submitted with the Construction Certificate verifying that this rating can be achieved.

    Certification of the energy efficiency performance of the hotel must be submitted to the PCA by a suitably qualified consultant prior to the Final Occupation Certificate being issued

30. **Disabled Access.** Disabled access is to be provided to and within the development in accordance with the recommendations contained within the Access Review prepared by Accessible Building Solutions dated 24 August 2011. Details indicating compliance with these recommendations are to be submitted to the Principal Certifying Authority (PCA) prior to the construction certificate being issued. Prior to occupation of the development, a suitably qualified access consultant is to certify that the development complies with Australian Standard 1428 and the Building Code of Australia.

31. **Landscaping Plan.** A detailed landscape plan for the site and the required area of the public domain is to be submitted and approved by Council prior to the construction of the development. The landscape plan is to include details of plant selections as well as details of all hard surfaces. The design and documentation of the landscape plan is to be completed by a qualified landscape architect. All of the landscaping is to conform with the Council's Macquarie Park Public Domain Technical Manual and Part 4.5 of Development Control Plan 2010.

32. **Amendments to the Landscaping Plan.** The landscape plan is to be amended by the deletion of Alocasis Macrorrhiza, Philodendron 'Xanadu' and Trachelopermum jasminoides. These species are to be replaced with any of the following species:

Dichondra repens (ground cover)
Viola hederacea (ground cover)
Geranium solanderi (ground cover)
Clematis glycinoides (vine)
Pandorea pandorana (vive)
Ozothamnus diosmifolius (small shrub)
Indigofera australis (small shrub)
Syncarpia glomulifera (tree).

The amended landscaping plan is to be submitted with the Construction Certificate to the satisfaction of the PCA.

33. **Replacement Plantings.** One Eucalyptus scoparia is to be provided within the open space area on the eastern portion of the site. This specimen is to have a minimum pot size of 45 litres. Details are to be shown on an amended landscaping plan with the Construction Certificate to the satisfaction of the PCA.

34. **Macquarie Park Public Domain Technical Manual.** The public domain along the entire site frontage of Talavera Road and Alma Road is to be upgraded in accordance with the Macquarie Park Public Domain Manual. This includes street lighting, footpath paving, street furniture and street tree planting. Full details, including samples, schedules and plans are to be submitted and approved by Council prior to the issue of any Construction Certificate for the development.

    Where soft landscaping is proposed, including species selection, the applicant must ensure that species health is guaranteed for a minimum of 5 years to ensure the character and appearance of the streetscape is established and maintained. Any species that die within five years of planting must be replaced by the applicant with a specimen of a similar size and maturity.

35. **Design verification** – Prior to a Construction Certificate being issued with respect to the residential component of 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*.

36. **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**.

37. **Food Premises within the Hotel.** The food premises within the hotel must comply with Food Safety Standard 3.2.3: *Food Premises and Equipment* and Australian Standard AS 4674 - 2004 *Design, construction and fit-out of food premises*.

    Details of all food handling areas must be submitted to and approved by Council before the issue of a **Construction Certificate**. Such details must include:

    (a) the layout and use of each room or area;

    (b) the construction and finishes of all floors, walls and ceilings; and

    (c) the location and details of all fixtures, fitting and equipment (including the method of installation).

38. **Garbage and Recycling Rooms.** All garbage and recycling rooms must be constructed in accordance with the following requirements:

    (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;

    (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;

    (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;

    (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;

    (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;

    (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;

    (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;

    (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;

    (i) The room must be provided with adequate artificial lighting; and

(j) a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning.

Details demonstrating compliance must be submitted on the Construction Certificate plans.

39. **Garbage Chute.** A garbage chute must be provided to convey garbage from the residential floors to the garbage and recycling room. A service compartment with a garbage chute hopper and containers for the intermediate storage of recyclables must be provided on each residential floor. Details demonstrating compliance must be submitted on the Construction Certificate plans.

40. **Mechanical Ventilation Systems.** Details of all proposed mechanical ventilation systems must be submitted to Council or an accredited private certifier with the application for the Construction Certificate. Such details must include:

(a) Plans and specifications of the mechanical ventilation systems;

(b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity; and

(c) A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and setting out the basis on which the certificate is given and the extent to which the certifier has relied upon relevant specifications, rules, codes of practice or other publications

41. **Grease Trap.** A grease trap must be installed for the hotel kitchen. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.

The grease trap room must be constructed in accordance with the following requirements:

(a) The floor, walls and ceiling must be constructed of solid materials finished to a smooth even impervious surface free of any cracks, holes or other openings that may allow the escape of odours.

(b) The room must be fitted with an air-tight (eg. coolroom type) door.

(c) The room must be provided with an approved system of mechanical exhaust ventilation.

(d) The room must be provided with intrinsically safe artificial lighting.

(e) A hose tap with a backflow prevention device must be provided in or adjacent to the room to facilitate cleaning.

A fixed pump out line must be provided in accordance with the requirements of Sydney Water Corporation to facilitate servicing of the grease trap.

Details demonstrating compliance with the above must be submitted with the Construction Certificate plans.

42. **Delivery Management Plan.** A delivery management plan is to be prepared which demonstrates how loading/unloading by service vehicles equivalent to a Medium Rigid Vehicle can occur for the residential component of the development for tenants moving into and out of the development. Movements for heavy vehicles must be in a forward direction and reversing along the access road is not acceptable. As part of the delivery management plan, it will be necessary to show clearly on a site plan where loading/unloading is to be provided for residents. The delivery management plan is to be submitted for approval by Council prior to the issue of the Construction Certificate.

43. **Design Details for Flooding of RMS Land.** Prior to the issue of the Construction Certificate, a detailed design shall be submitted to and approved by Council demonstrating that the risk of flooding will not increase at the Roads and Maritime Services land for the post developed conditions.

44. **Verification of the Flood Model.** Prior to the issue of the Construction Certificate, the hydraulic model shall be independently verified and certified by a qualified engineer confirming that the rehabilitation of the Shrimptons Creek will lower the flood levels by 1.58 m to 2.09 m at the site. A copy of the verification and certification is to be submitted to Council's satisfaction prior to the issue of the Construction Certificate.

45. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps etc shall comply with relevant section of AS 2890.1 & AS2890.2 where applicable. Detailed engineering plans including engineering certification indicating compliance with this condition are to be submitted with the Construction Certificate application.

46. **Car Parking.** All internal driveways, vehicle turning areas, grades, parking space dimensions, headroom clearance, safe sight distance etc shall be designed comply with relevant sections of Australian Standards AS 2890 where applicable to ensure all vehicles patronizing the site can enter and leave in a forward direction. Accordingly, the design shall be amended incorporate but not be limited following matters:

    **a.** The proposed building wall adjacent to the loading dock area is to be amended to allow a safe sight triangle of 2.5 x 2m as amended in red on the approved architectural plans No A005/02 dated 28.11.11 by PTW Architects.
    **b.** The proposed hotel access ramp width shall be widen and the parking space No. 61 and any adjacent column shall be deleted

and/or relocated as shown in red on the approved architectural plan No. A0003/03 dated 28.11.11 by PTW architect.

Detailed engineering plans including engineering certification confirming compliance with this condition is to be submitted with the Construction Certificate application.

47. **Traffic Management**. Traffic management plans must be prepared and procedures must be in place and practised during the construction period to ensure safety and minimise construction traffic conflict on adjoining pedestrian and vehicular traffic movement. These procedures and systems must be in accordance with AS 1742.3 1985 and the RMS's Manual – "Traffic Control at Work Sites" where applicable.

    Accordingly, a detailed plan of traffic management prepared by a traffic engineer including certification indicating compliance are to be submitted with the Construction Certificate application.

48. **Stormwater Runoff**. Stormwater runoff from site shall be collected and piped to Council's underground drainage system in accordance with DCP 2010 part 8.2. OSD is not required for the site however, a rainwater tank collection system is required. The system shall be designed to collect all roof water runoff from the site and connected for internal reuse in the toilets, laundry and irrigation.

    The rainwater tank volume required shall be the equivalent On-site detention (OSD) volume that would normally be required for the site under Development Control Plan 2010: - Part 8.2; Stormwater Management. This volume is additional to any rainwater tank volume that may be required under any legislative requirement.

    The stormwater system design shall ensure all gutters, down pipes and pipelines conveying runoff to the rainwater tanks system are be designed for a 1 in 100 year 5 minutes storm.

    Accordingly, detailed engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition are to be submitted for approval with the Construction Certificate application.

49. **Road Anchors.** Where road anchors are proposed, fees are payable to Council in accordance with Council Management Plan prior to the issue of Construction Certificate.

50. **Hoarding Fees**. Where erection of protective hoarding along the street frontage of the property is proposed applicable fees in accordance with Council's Management Plan are to be paid to Council prior to the issue of the Construction Certificate. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works.

51. **Construction Management Plan**. A Construction Management Plan which details construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control is to be submitted to Council for approval prior to the issue of any Construction Certificate.

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

52. **Site Sign**

(a) A sign must be erected in a prominent position on site:
   (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
   (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
   (iii) stating that unauthorised entry to the work site is prohibited.

(b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

53. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan* **(ESCP)** shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual *"Managing Urban Stormwater, Soils and Construction"* prepared by the Landcom**.** These devices shall be maintained during the construction works and replaced where considered necessary.

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

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

(l) Details for any staging of works
(m) Details and procedures for dust control.

54. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities

55. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council where applicable. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

56. **Dilapidation Report.** Submit a dilapidation report on existing public infrastructure in the vicinity of the proposed development. The report is to include a description of the location and nature of any existing observable defects to the following infrastructure including a photographic record.

(a) Road pavement
(b) Kerb and gutter
(c) Constructed footpath.
(d) Drainage pits.
(e) Traffic signs
(f) Any other relevant infrastructure.

The report is also to be submitted to Ryde Council, attention development engineer, prior to the issue of the construction 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.

A second Dilapidation Report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the items specified in the earlier report. A copy of the report shall be submitted to Ryde City Council

**DURING CONSTRUCTION**

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

57. **Critical Stage Inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the critical stage inspections are undertaken, as required under

clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000.*

58. **Noise and Vibration.** The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations. The $L_{10}$ 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.

59. **Control of Dust.** No sediment, dust, soil or similar material shall leave the site during construction work.

60. **Excavated Material.** Excavated material must not be reused on the property except as follows:
    (a) Fill is allowed under this consent;
    (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997;*
    (c) the material is reused only to the extent that fill is allowed by the consent.

61. **Council Owned Land.** All materials associated with construction must be retained within the site.

62. **Site Facilities.** The following facilities must be provided on the site:
    (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
    (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

63. **Site maintenance.** The applicant must ensure that:
    (a) approved sediment and erosion control measures are installed and maintained during the construction period;
    (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
    (c) the site is clear of waste and debris at the completion of the works.

64. **Works 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 Australian Standard No. AS1742.3-1996 “Traffic Control Devices for Work on Roads”.

*65.* **Tree Protection.** The schedule of removal of trees is to be in accordance with the arborist’s report prepared by Anna Hopwood of Treescan Urban Forest Management, dated August 2011. Construction management of trees to be retained shall be as outlined in *Appendix 4 Tree Protection Specification,* and tree protection measures are to be

installed prior to the commencement of site works and maintained for the construction period.

66. **Anti-Graffiti Coating.** All ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed immediately.

67. **CCTV.** CCTV cameras are to be installed to monitor:

    a. The ground floor of the hotel.

    b. The Talavera Road pedestrian entry to the residential buildings.

    c. All lift lobbies and circulation galleries on the ground floor and all residential levels.

    d. The car park entry/exit point on Alma Road and Talavera Road and the entry to the car parking areas.

    e. Throughout all basement car parking levels including the hotel 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*.

68. **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.

69. **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, and the communal open space areas.

e. Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.

70. **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.

71. **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.

72. **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.

73. **Video intercom.** A video intercom system providing remote door operation is to be installed at the residential building entrances. 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.

74. **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.

75. **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.

76. **Water Proofing of Floors and Walls in Food Handling Areas.** The floors and wall junctions of all food handling areas where hosing is carried out must be water-proofed with a suitable membrane before the floor finish is laid.

77. **Electrical Circuit for New Street Lighting.** The electrical circuit of the new street lighting on the multifunction poles (MFP) shall be metered through the existing MFP circuit in Waterloo Road.

78. **All existing street lighting along the frontages of the development site is to be removed.**

79. **Footpath Crossings.** Footway crossings (driveways) for the development shall be designed and constructed in accordance with the

Ryde Development Control Plan 2010. Kerbs are not to be returned to property boundaries.

**PRIOR TO OCCUPATION CERTIFICATE**

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

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

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

80. **BASIX Commitments.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 389215M, 389971m and 390049M all dated 25 August 2011.

81. **Completed Landscaping Works.** All landscaping works approved by condition 1 are to be completed.

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

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

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

83. **Sydney Water.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

84. **Public Domain Works.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council.

85. **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*.

86. **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 receive is to be placed on the PCA file.

87. **Landscape Maintenance Plan.** A Landscape Maintenance Plan 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 being 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. 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.

d. 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.

88. **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, hotel, lifts and exits.

d. '*These doors are to be used for emergency purposes only*' on fire exit doors.

89. **Site Maintenance Plan.** A Site Maintenance Plan is required prior to the issue of an Occupation Certificate to ensure regular maintenance and monitoring of security devices (including CCTV cameras, security communications devices, card readers) and lighting, lighting and signage.

90. **Letterboxes.** All letterboxes are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

91. **Site Audit Statement.** If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the site validation report.

92. **Inspection of the Food Premises.** Council's Environmental Health Officer must inspect and approve the completed fit-out of any food premise when the hotel before the issue of an Occupation Certificate.

93. **Mechanical Ventilation System.** Where any mechanical ventilation systems have been installed, a certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.

94. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.

95. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal

Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and submitted to the PCA:

- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4.*
- Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.
- 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 section 4 and* Development Control Plan 2010: - Part 8.2; Stormwater Management
- Confirming that the site drainage system servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- From Council confirming that all external works in the existing and including any new public roads have been completed to Council's satisfaction.

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

**OPERATIONAL CONDITIONS**

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

97. **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.*

98. **Waste Storage/Disposal.** Waste and recyclable material generated by these premises must not be collected between the hours of 9pm and 8am on any day.

99. **Deliveries and Loading/Unloading.** No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 7am on any day. Loading areas are to be used for

the loading and unloading of goods, materials etc. only and no other purpose.

100. **Balconies not to be used for clothes drying.** At no stage are the balconies to be used for the drying of clothes.

101. **Boundary Fencing.** No boundary fencing is to be erected along the Talavera Road or Alma Road frontage or around the open space area to the east of the site.

102. **Off Street Car parking.** 384 off-street car spaces being provided in accordance with the submitted plans. Such spaces to be paved, line marked and made freely available at all times during business hours of the site for staff and visitors. These spaces are to be allocated as follows:

    - 69 spaces for the hotel.
    - 258 spaces for the residents of the residential buildings.
    - 57 residential visitor spaces.

103. **NSW Food Premises to be Notified**. The operator of any food premise within the hotel must notify their business details to the NSW Food Authority before trading commences. Notifications may be lodged on-line at www.foodnotify.nsw.gov.au.

104. **Air Handling and Water Systems.** All air-handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.

105. **Water Cooling and Warm Water Systems.** All water-cooling and warm-water systems regulated under the *Public Health Act 1991* must be registered with Council within one (1) month of installation.

106. **Use of the Premises.** The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.

107. **Discharge to the atmosphere.** Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

108. **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.*

109. **Operation of Plant or Machinery.** The operation of any plant or machinery 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 the most affected noise sensitive location in the vicinity. 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.

**General Terms of Approval issued by the NSW Office of Water**

**Plans, standards and guidelines**

110. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2011/0485 and provided by Council:
    i. Site plan, map and/or surveys.

    Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

111. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

112. The consent holder must prepare or commission the preparation of:
    (i) Vegetation Management Plan
    (ii) Works Schedule
    (iii) Soil and Water Management Plan

113. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Waters guidelines located at www.water.nsw.gov.aulWater-Licensing/Approvals/default.aspx
    (i) Vegetation Management Plans
    (ii) Riparian Corridors
    (iii) In-stream works
    (iv) Outlet structures
    (v) Watercourse crossings

114. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any

controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

**Rehabilitation and maintenance**

115. The consent holder must carry out a maintenance period of three (3) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.

**Reporting requirements**

116. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

**Security deposits**

117. The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to the NSW Office of Water as and when required.

**Access-ways**

118. The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.

**Bridge, causeway, culverts, and crossing**

119. The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other then in accordance with a plan approved by the NSW Office of Water.

**Disposal**

120. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

**Drainage and Stormwater**

121. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

**Maintaining river**

122. The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and

geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.

**River bed and bank protection**

123. The consent holder must establish a riparian corridor along the Creek Name in accordance with a plan approved by the NSW Office of Water.

**ADVISORY NOTES**

1. If the proposed stormwater drainage has any impacts on the M2 Motorway, it will be necessary to refer detailed design plans and hydraulic calculations of any changes to the Roads and Maritime Services for approval prior to the commencement of any works.

2. Council officers may carry out periodic inspections of the food premises to ensure compliance with relevant environmental health standards and Council may charge an approved fee for this service in accordance with Section 608 of the *Local Government Act 1993*.

   The approved fees are contained in Council's Management Plan and may be viewed or downloaded at www.ryde.nsw.gov.au.