

**JOINT REGIONAL PLANNING PANEL  
(Sydney East Region)**

<b>JRPP No</b>	<b>2012SYE032</b>
<b>DA Number</b>	<b>LDA 2012/0097</b>
<b>Local Government Area</b>	<b>City of Ryde</b>
<b>Proposed Development</b>	Demolition of all existing buildings and construction of a mixed use development comprising of residential and retail uses. The development will consist of four buildings: - <ul style="list-style-type: none"> <li>• Buildings A &amp; B, facing Porter Street being 6 to 7 storeys.</li> <li>• Buildings C &amp; D, facing Church Street being 5 to 6 storeys.</li> <li>• The development will have a retail component on the ground floor of each of the buildings.</li> <li>• A total of 269 residential apartments are proposed and 380 carparking spaces over two basement carparking levels with all vehicular access from Porter Street.</li> <li>• Construction of a central public plaza with an east-west through site link from Church Street to Porter Street.</li> </ul>
<b>Street Address</b>	125 – 135 Church Street, Ryde
<b>Applicant/Owner</b>	<b>Applicant:</b> Motive Properties <b>Owner:</b> Mr Adam Kaplan
<b>Number of Submissions</b>	Two from the original notification and two from the amended plans received 14 September 2012.
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Sandra McCarry – Senior Town Planner</b>

**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 125 – 135 Church Street, Ryde. The buildings will have 925m<sup>2</sup> of retail floor space on the ground floor primarily facing the public plaza and 155m<sup>2</sup> of retail floor space adjacent to the intersection of Porter and Well Streets. The residential component of the development will contain 269 residential apartments distributed across 2 x 6 to 7 storey buildings and 2 x 5 to 6 storey buildings with car parking for 380 cars. Vehicular access is provided from Porter Street. A central public plaza is provided with pedestrian access from Porter Street, Well Street and Church Street. The

development also includes an east-west pedestrian link through the central plaza to facilitate access from Church Street to Porter Street.

The consent authority for the purposes of determining the application is the Sydney East Region Joint Regional Planning Panel (JRPP) as the proposal has a Capital Investment Value of \$81,978,468.

The development application was publicly exhibited between 18 April 2012 to 9 May 2012 and amended plans renotified between 11 December 2012 until 6 February 2013 (extended notification). During the first notification period two submissions were received which raised concerns in respect to increased traffic generated by the development, in particular traffic along Porter Street and impact of the development to 123 Church Street. After the 2<sup>nd</sup> notification (amended plans) two submissions were received also raising concerns about increased congestion along Porter Street, the height of the building, traffic during construction stage and insufficient car parking spaces for the development. The matters raised in the submissions are discussed in detail in the report.

As part of the original assessment a number of issues were identified in respect to height, building separation, open space requirements, accessibility, amenity and non compliances with Council's Development Control Plan.

To address these issues the applicant submitted amended plans and supporting information on 14 September 2012. The supporting information included a Voluntary Planning Agreement which proposed the widening of Porter Street, contribution works for road widening and a monetary contribution. This was provided as public benefit for the increased height of the buildings.

The height of the proposed development has been lowered to range in height from five to seven storeys however the proposal is still over the maximum 15.5m height permissible under LEP 2010. A variation under Clause 4.6 of the LEP is sought for the variation and is discussed in detail later in the report. A review of the amended details indicates that the development, with the exception of the height control, is generally compliant with the planning controls. Non compliances and issues raised in the submissions have been addressed and discussed further in the report.

It is recommended that the proposed development be approved, subject to conditions of consent.

## **2. APPLICATION DETAILS**

**Name of applicant:** Motive Properties

**Owner of the site:** Mr Adam Kaplan

**Estimated value of works:** \$81,978,468 (including GST)

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

### 3. SITE DESCRIPTION

The subject site is known as 125 -135 Church Street, Ryde and the legal description of the land is Lot 1 in Deposited Plan 746089. The site has an area of 1.076ha (10,760m<sup>2</sup>) and is located at the southern gateway to the City of Ryde. The subject site has three street frontages - it is bounded by Church Street to the south-east, Well Street to the south-west and Porter Street to the north-west. The frontage to Porter Street is 155.01m, the frontage to Well Street is 45.61m and 83.17m to Church Street with a splayed corner of 66.76m at the corner of Well and Church Street.

The site is located in a region of undulating topography however the site is relatively flat. The site slopes down from the north east corner to the south western corner at the intersection of Porter and Wells Streets, towards Parramatta River.

A small parcel of Council owned land adjoins the south-east corner of Well and Church Street. The location of the site is demonstrated in Figure 1.

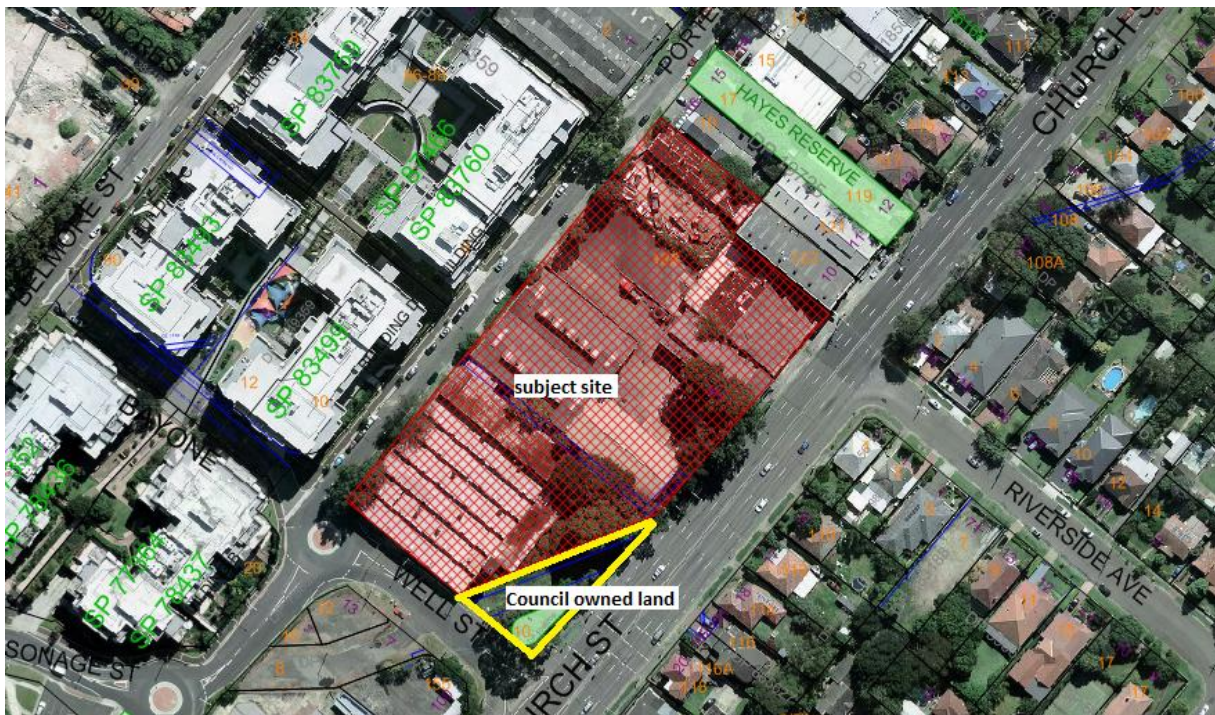


Figure 1: The subject site is highlighted in red and Council's owned land highlighted in yellow. This diagram demonstrates the variety of land uses such as high density residential, industrial and dwelling houses currently in the immediate area.

The character of Meadowbank is evolving from an industrial area to a predominantly residential area. The subject site and the immediate adjoining northern properties contain low rise industrial buildings. Opposite on 2-4 Porter Street is a recently approved two x six storey mixed use residential and commercial buildings. Another development in Porter Street, known as 82-84 Belmore Street, is a mixed residential/commercial complex containing six separate buildings ranging in height from six to seven storeys. To the south of the site, 155 – 157 Church Street, the site currently contains two to three storey industrial buildings. This site is part of a Part 3A Concept Approval (approved on 6 March 2013) for mixed use residential,

commercial/retail development ranging in height from 2 to 15 storeys. Opposite the site on Church Street are one to two storey dwelling houses. The surrounding buildings are demonstrated in the photos below.



Photograph 1: The photograph demonstrates the existing buildings opposite in 82-84 Porter Street (Bay One Development). The buildings range in height from seven storeys down to five storeys towards the foreshore.



Photograph 2: The corner of Porter and Well Streets. The existing industrial building is shown on the subject site.



Photograph 3: 2-4 Porter Street. A recent approval has been granted for a two x six storey mixed use development.



Photograph 4: Single and two storey dwellings opposite in Church Street.

Medium density residential buildings which include retail and commercial components are now a significant land use within the area. The built forms of the newer surrounding buildings vary in height from four to seven storeys.

#### **4. PROPOSAL**

The development proposes the following works:

- Demolition of the existing buildings on the site.
- Construction of four mixed residential and retail buildings ranging between five to seven storeys.

- A total of 269 apartments are proposed consisting of 1 x studio apartment, 204 x 1 bedroom apartments, 51 x 2 bedroom apartments and 13 x 3 bedrooms apartments.
- Parking for 380 car parking spaces.

The buildings are designed as perimeter style buildings around a central public plaza with each building having a ground floor retail component. Building heights have been designed with higher density adjacent to Porter Street, to match the five to seven storeys developments opposite at 82-84 Porter Street. The retail area at the corner of Porter and Well Streets is designed as a café with an outdoor seating area which will activate the corner and draw pedestrians into the plaza area.

Pedestrian access to the central public plaza will be via Porter, Church and Well Streets with a public through link through the central plaza linking Church Street to Porter Street.

The location of the proposed development is demonstrated in Figure 2.



Figure 2: The proposed four buildings are highlighted in red, with the pedestrian site through link from Church Street to Porter Street through the central plaza.

Photomontages of the proposed development are provided below.



Figure 3: Perspective image from Church Street of Buildings D (right) and C, with pedestrian access through to Porter Street.



Figure 4: Perspective image of Porter Street with Buildings A (left) and B with through site pedestrian link in between.



Figure 5: Perspective of proposed development facing Well Street of Buildings A & D with outdoor café seating area on corner of Porter and Well Street.

## Voluntary Planning Agreement

A Voluntary Planning Agreement (VPA) has been submitted with the development application. Matters proposed by the proponent to be delivered as part of the VPA are as follows:

- Land dedication to Council to allow for the widening of Porter Street in accordance with Development Control Plan 2011:
  - 295m<sup>2</sup> along Porter Street at northern boundary of property
  - 42m<sup>2</sup> to allow for splay corner at intersection of Porter and Well Street.
- Construction works for the widening of Porter Street and splay corner at intersection of Porter and Well Street including public domain upgrades, new kerb alignment, road sub-base and surfacing, line marking, street signage, stormwater diversion, tree planting, multi-function poles, granite paving and turfing.
- Provision of Through-Site-Link (50% of these costs are offset against Section 94).
- Construction of raised pedestrian threshold connecting through site link to adjacent development (Bayone Development) across Porter Street. This includes speed humps, raised painted walkway, street signage, lighting at walkway and landscaped kerb blisters at each end of the walkway.
- Embellishment of the Civic Gateway open space area located at the corner of Church Street and Well Street.
- A monetary contribution of \$113, 000.00 to Council for traffic upgrade within the Meadowbank Employment Area.



- A monetary contribution of \$877,152.96 to Council with no allocated use.
- Exclusion of the provision of section 94.

The VPA was considered by Council on 11 June 2013. At this meeting Council resolved as follows:

- (a) That Council support 'in principle' the Voluntary Planning Offer made by Motive Properties Pty Limited as part of the Development Application LDA2012/97 at 125-135 Church Street, Ryde for the construction of four mixed use residential/commercial buildings,
- (b) That the above be communicated to the Joint Regional Planning Panel at the time of determination of the application, and
- (c) That the Acting General Manager be delegated to finalise the Voluntary Planning Agreement with Motive Properties Pty Limited.

## **5. BACKGROUND**

### **Relevant Background for the Current Development Application**

Prior to lodgement the applicant undertook a pre-lodgement meeting and review by Council's Urban Design Review Panel on 8 December 2011. At this time the applicant was advised that the development should not be submitted to Council.

The development application was submitted to Council on 28 March 2012.

An Urban Design Review Panel was held on 18 May 2012. The UDRP advised that as a result of reducing the height in the pre-DA proposal the buildings have increased in depth, resulting in deeper apartments and bedrooms without windows. It was noted that whilst some improvements have been made as result of the pre-lodgement meeting there were still areas of concerns relating to Porter Street frontage, amenities to the buildings, setbacks and landscaping. The Panel did not support the new layout of the buildings.

A letter was sent to the applicant on 6 June 2012. This letter raised the matters listed below and the applicant was advised to withdraw the application and resubmit a new DA when Ryde LEP 2011 could be considered certain and imminent. Alternatively the applicant could enter into a Voluntary Planning Agreement which would provide a public benefit to offset the impact of the greater height/density proposed.

- Non-compliance with the Ryde Local Environmental Plan 2010 and Development Control Plan 2010 with regard to height. Whilst the applicant is seeking a merit based argument under Clause 4.6 of the LEP the application did not address the impact of the additional height proposed. All vehicular access will be from Porter Street and to mitigate the transport related impacts generated by the additional storey beyond the current planning controls, the widening of Porter Street needs to be considered. It was advised that given the

extent of the variation and the impacts associated with the variation the height could not be supported.

- Non-compliance with regard to building separation, amenity issues, private open space, accessibility and streetscape under the RFDC. The development also resulted in encroachment into the setback areas, inadequate landscaping and waste requirements as required by Council's Development Control Plan.
- The development was not supported by the Urban Design Review Panel. Additional information was also required by Road & Maritime Services, Council's Drainage Engineer and Council's Consultant Landscape Architect.

Following a meeting that was held with the applicant on 25 June 2012, the applicant advised that they will modify the design by lowering building heights to respond to RLEP 2010 and any variation to the height control would be offset by a VPA which would include the widening of Porter Street.

Amended plans and the VPA were submitted on 14 September 2012. The amended plans proposed the following changes:

- Reduced the number of separate buildings from six to four buildings with reduction in building heights from five to nine storeys to six to seven storeys buildings, maximum height of 25m for Building A, 27m for Building B, 23m for Building C and 21.9m for Building D.
- Provision of road widening along the Porter Street frontage and splay intersection.
- The number of apartments increased from 256 apartments to 269 apartments comprising of less than 1% studio, 76% one bedroom 19% 2 bedrooms and 5% three bedrooms.
- Modification to the pedestrian entry from Well Street to include disabled access.
- Increased the north east side setback from between three to five metres to six metres.
- Modified parking layout.
- Redesign of the ground floor apartments along Porter Street so that they address the street.
- Additional information regarding landscaping, drainage and traffic issues was also submitted as part of the amended application.

Sydney Regional Development Advisory Committee considered the development on 10 October 2012 and raised no objections to the proposal subject to conditions.

Further plans were received 30 April 2013 and 9 May 2013 to adjust the splay corner at Porter and Well Street and to provide a continuous footpath along Well Street.

Following extensive negotiations with the applicant, the VPA was considered and supported by Council on 11 June 2013.

## **6. APPLICABLE PLANNING CONTROLS**

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

- Environmental Planning and Assessment Act, 1979.
- 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 (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX);
- Deemed SEPP – Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ryde Local Environmental Plan 2010;
- Ryde Development Control Plan 2010.
  - Part 4.2 Meadowbank Employment Area – Master Plan
  - Part 7.1 Energy Smart, Water Wise
  - Part 7.2 Waste Minimisation and Management
  - Part 9.3 Car Parking

### **Draft Instrument**

- Draft Ryde Local Environmental Plan 2011.
- Draft Development Control Plan 2011 – Part 4.2 Shepherd’s Bay Meadowbank

## **7. PLANNING ASSESSMENT**

### **7.1 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 whether it is 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.

The applicant has submitted a Preliminary Environmental Site Assessment Report (ESA) prepared by Environmental Investigation Services (EIS).

The preliminary contamination report found elevated contaminants around the existing buildings and identified that a detailed report and remediation plan would need to be carried out after the demolition of the existing buildings takes place. Further assessment have been recommended requiring detailed site investigation demonstrating that the site is suitable for the proposed use and if not the site be remediated to the extent necessary. Council’s Environmental Health Officer has agreed with this recommendation. Conditions 56 & 57 have been imposed requiring this.

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

The Infrastructure SEPP applies to the subject site given its location adjacent to a classified road, being Church Street. The following provisions of the Infrastructure SEPP are applicable to this DA:

<b>Infrastructure SEPP</b>	<b>Comments</b>	<b>Comply</b>
<b>Clause 101 Development with</b>		

Infrastructure SEPP	Comments	Comply
<p><b>frontage to a classified road</b></p> <p>(1) The objectives of this clause are:</p> <ul style="list-style-type: none"> <li>• To ensure that new development does not compromise the effective and ongoing operation and function of classified roads; and</li> <li>• To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</li> </ul>	<p>Initially RMS raised concerns about the traffic impact around the development and requested further traffic modelling to be undertaken. Concerns were also raised about queuing along Porter Street and RMS requested road widening at the mouth of the roundabout at the Porter Street leg.</p> <p>Amended plans were received which proposed widening of Porter Street and a splay corner at the intersection of Porter &amp; Well Street. The amendments were referred to RMS for comment. RMS raised no objections to the proposal subject to conditions.</p> <p>A Noise Impact Assessment has been prepared by Acoustic Logic, dated 15 November 2011. The assessment measured external noise impacts and recommended acoustic treatments that will ensure a reasonable level of amenity is achieved for future occupants.</p> <p>The recommendations contained in the report have been imposed as a condition. (See condition 49).</p>	<p>Yes</p>
<p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</p> <ul style="list-style-type: none"> <li>• Where practicable, vehicular access to the land is provided by a road, other than a classified road; and</li> <li>• The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of: <ul style="list-style-type: none"> <li>– The design of vehicular access to the land, or</li> <li>– The emission of smoke or dust from the development, or</li> </ul> </li> </ul>	<p>Vehicular access is provided off Porter Street.</p> <p>Council's Traffic Consultant has reviewed the proposal and has advised that the proposed development complies with the requirements for the widening of Porter Street and from a Traffic perspective there are no objections to the proposal.</p>	<p>Yes</p> <p>Yes</p>

Infrastructure SEPP	Comments	Comply
<ul style="list-style-type: none"> <li>– The nature, volume or frequency of vehicles using the classified road to gain access to the land.</li> <li>• 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.</li> </ul>	<p>As noted earlier, an Acoustic Report has been submitted as part of the Development Application. The Acoustic Report provides recommendations to minimise adverse impacts on future occupants. These recommendations have been imposed as a condition. (See condition 49).</p>	
<p><b>Clause 102 Impact of road noise or vibration on non-road development</b></p> <ul style="list-style-type: none"> <li>• This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers likely to be adversely affected by road noise or vibration: <ul style="list-style-type: none"> <li>– A building for residential uses</li> </ul> </li> <li>• Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.</li> <li>• If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq measures are not exceeded: <ul style="list-style-type: none"> <li>– In any bedroom in the building – 35 dB(A) at any time between 10pm and 7am</li> </ul> </li> </ul>	<p>Church Street is a State classified Road. An Acoustic Report has been submitted as part of the Development Application. The Acoustic Report has provided recommendations contained in Section 4.3 of the report, to ensure compliance with the appropriate noise levels for residential development. The report concludes that <i>“Noise intrusion impact from traffic noise onto the future occupants of the development has been assessed in accordance with NSW State Environmental Planning Policy Infrastructure (2007). The acoustic treatments necessary to achieve these guidelines have been set out in Section 4.3.”</i></p> <p>The recommendations contained in the report have been imposed as a condition. (See condition 49.)</p>	<p>Could be conditioned to comply</p>

Infrastructure SEPP	Comments	Comply
<ul style="list-style-type: none"> <li>- Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.</li> </ul>		
<p><b>Clause 104 Traffic generating development</b></p> <ul style="list-style-type: none"> <li>• The proposed development, being a residential flat building with 75 or more dwellings, and with access to a road that connects to a classified road (within 90 metres) is considered traffic generating development.</li> <li>• Before determining a DA for which this clause applies the consent authority must: <ul style="list-style-type: none"> <li>- 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</li> <li>- Take into consideration any potential traffic safety, road congestion or parking implications of the development.</li> </ul> </li> <li>• The consent authority must give the RTA a copy of the determination of the application with 7 days after the determination is made.</li> </ul>	<p>The proposed development is a “traffic generating development”, as it comprises more than 75 dwellings and 50 car parking spaces.</p> <p>RMS has provided correspondence regarding this development application, and has raised no objections to the proposal subject to conditions of consent, which have been imposed.</p> <p>Traffic, road congestion and parking implications have been taken into consideration by Council’s Traffic Engineers and with the provision of widening of Porter Street, in accordance with Council’s Draft DCP, the proposal is deemed satisfactory with the above considerations.</p> <p>A copy of the determination will be provided to the RMS by the City of Ryde Council.</p>	<p>Yes</p>

### 7.3 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 is a deemed SEPP and applies to the subject site.

Clause 13 of the SEPP sets out the planning principles for land within the Sydney Harbour Catchment as follows:

	Comment
(a) development is to protect and, where practicable, improve the hydrological, ecological and geomorphological processes on which the health of the catchment	The development is located away from the foreshore with onsite detention/stormwater management to minimise runoff to Parramatta River.

depends.	
(b) the natural assets of the catchment are to be maintained and, where feasible, restored for their scenic and cultural values and their biodiversity and geodiversity.	Whilst 25 trees are to be removed, (18 of high category trees & seven low category trees) replacement trees are to be provided with replacement planting being predominantly native species, in accordance with Meadowbank Masterplan Plan.
(c) decisions with respect to the development of land are to take account of the cumulative environmental impact of development within the catchment.	The development is in accordance with the Meadowbank DCP with Porter Street to be widened to help minimise the cumulative impact of the development. In addition stormwater, soil and erosion controls have been addressed in the development which will mitigate environmental impacts to the catchment.
(d) action is to be taken to achieve the targets set out in <i>Water Quality and River Flow Interim Environmental Objectives: Guidelines for Water Management: Sydney Harbour and Parramatta River Catchment</i> , such action to be consistent with the guidelines set out in <i>Australian Water Quality Guidelines for Fresh and Marine Waters</i> .	Stormwater management, construction management and soil and erosion controls will be in place to ensure protection of the waterway.
(e) development in the Sydney Harbour Catchment is to protect the functioning of natural drainage systems on floodplains and comply with the guidelines set out in the document titled <i>Floodplain Development Manual 2005</i>	Council's Development and Drainage Engineers have reviewed the proposal and subject to conditions has raised no objections.
(f) development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour.	The height of the development is consistent with the surrounding properties to the north-west and is not considered to adversely impact on the visual qualities of the harbour.
(g) the number of publicly accessible vantage points for viewing Sydney Harbour should be increased.	The development provides for a through link from Church Street to Porter Street providing for easier access to vantage points to the foreshore.
(h) development is to improve the water quality of urban run-off, reduce the	Stormwater management, rainwater storage and landscaping will be provided

<p>quantity and frequency of urban run-off, prevent the risk of increased flooding and conserve water.</p>	<p>as part of the development which will reduce run off and improve water quality.</p>
<p>(i) action is to be taken to achieve the objectives and targets set out in the <i>Sydney Harbour Catchment Blueprint</i>, as published in February 2003 by the then Department of Land and Water Conservation.</p>	<p>The objectives/targets are, inter alia, to share access to Sydney Harbour and its tributaries and improve water quality. The proposal will facilitate new public domain improvements such as a public through accessway from Church Street to Porter Street providing better access to the foreshore. The development will also include stormwater management, on-site rainwater storage and landscaping, which will reduce runoff and improve water quality.</p>
<p>(j) development is to protect and, if practicable, rehabilitate watercourses, wetlands, riparian corridors, remnant native vegetation and ecological connectivity within the catchment.</p>	<p>The subject site is not on the foreshore however when possible, existing trees have been retained and when not possible replacement planting will be provided which are predominantly native species.</p>
<p>(k) development is to protect and, if practicable, rehabilitate land from current and future urban salinity processes, and prevent or restore land degradation and reduced water quality resulting from urban salinity.</p>	<p>Soil and water erosion controls will be imposed and a geotechnical letter from JK Geotechnics states that <i>“any control of seepage/groundwater on the site will not significantly lower groundwater outside the site and will have no adverse impact on the potential nearby acid sulphate soils of the Parramatta River.”</i></p>
<p>(l) development is to avoid or minimise disturbance of acid sulphate soils in accordance with the <i>Acid Sulphate Soil Manual</i>, as published in 1988 by the Acid Sulphate Soils Management Advisory Committee.</p>	<p>Council raised concerns about the potential for dewatering and the effect that such dewatering would have on acid sulphate soils adjacent to the Parramatta River. An addendum geotechnical letter has been submitted addressing acid sulphate:</p> <p><i>The Land and Water Conservation Acid Sulphate maps indicate that the nearest potential acid sulphate soils are the bottom sediments of the Parramatta River which is some 200m from the subject site and at elevations below RL0.0m AHD. The subject site has a lowest basement level at RL7.0m. Therefore in our opinion any control of</i></p>



	<p><i>seepage/groundwater on the site will not significantly lower groundwater levels outside the site and will have no adverse impact on the potential nearby acid sulphate soils of the Parramatta River. Council's Environmental Health Officer concurs with this.</i></p>
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The SREP requires the implementation of master plans for strategic foreshore sites. Shepherds Bay Meadowbank is identified as a Strategic Foreshore Site (Map No.17) under Division 4 of the SREP.

The Meadowbank Employment Area Master plan DCP has been prepared for the site and the proposed development takes into consideration the guiding principles of the SEPP, in particular, the scale and character of the development. A full and detailed assessment of the proposal under Meadowbank Employment Area Master Plan is discussed further in the report.

The development will result in a more compatible land use within the Strategic Foreshore Site. It will promote access to the foreshore and Parramatta River through a pedestrian link and the siting and orientation of the buildings.

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

SEPP 65 requires consideration of the design quality of the residential flat building component of the proposed development. The proposal is also to be assessed against the Residential Flat Design Code.

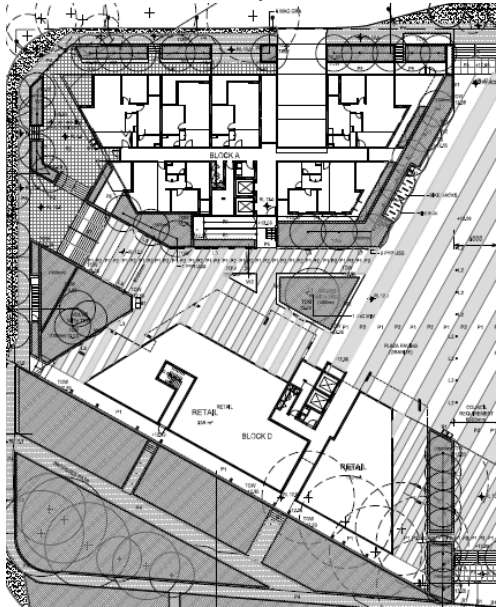
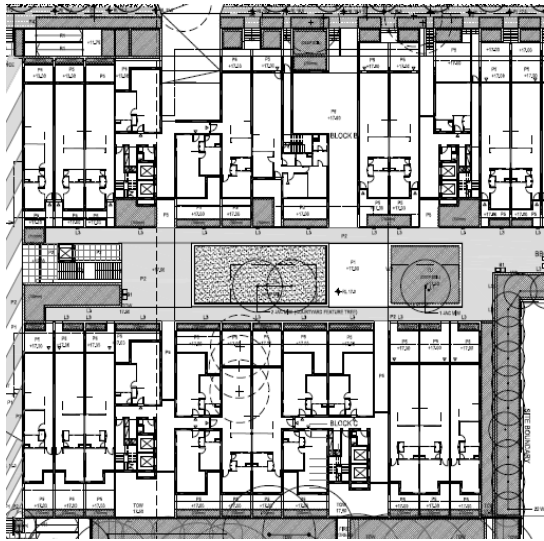
The proposal was reviewed by the Urban Design Review Panel on two occasions, one being prior to lodgement and the other post lodgement of the DA. The comments of the Panel are incorporated below following the SEPP 65 assessment table.

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.

<b>Planning Principle</b>	<b>Comment</b>
<p><b>Context</b> Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p>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</p>	<p>The redevelopment of this site will be consistent with the desired future character for the precinct as identified in Part 4.2 of DCP 2010 – Meadowbank Employment Area – Master Plan. The desired future character for this precinct is to incorporate mixed higher density residential and commercial/retail development. It is also consistent in terms of the massing and scale with the adjoining development to the north. The proposal offers an improved presentation to Porter, Well and Church</p>

<b>Planning Principle</b>	<b>Comment</b>
<p>policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>Streets and will also provide an important pedestrian link between Church and Porter Street, linking through to the Bay One pedestrian access.</p>
<p><b>Scale</b>            Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<p>The scale in terms of height is consistent with the adjoining development to the north and whilst there are areas of non compliance with the height controls identified in RLEP 2010, Council's Urban Design Review Panel has supported the scale and massing of the development. The height of the development is unlikely to adversely impact on the streetscape and the applicant has been able to demonstrate that it will have an acceptable impact on the amenity of the surrounding buildings.</p> <p>The bulk of the development is also considered to be acceptable given that the development achieves compliance with the objectives in the RDFC.</p>
<p><b>Built Form</b>            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.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The building design has been modulated and articulated to provide interest in the design and assist in providing a building with acceptable bulk.</p> <p>The built form provides a vital pedestrian link that has been identified in future planning documents and forms part of the public domain improvements in the locality.</p>
<p><b>Density</b>            Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</p> <p>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.</p>	<p>There is no applicable floor space ratio control or density control for the site. However, the density conforms to the scale of the adjoining development to the north – Bay One which comprise of 5 to 7 storeys residential development and the Part 3A approval for the Holdmark Property Group which comprises of mixed use development with buildings ranging in height of 2 to 15 storeys. The site's density is also considered appropriate given its proximity to public transports such as the ferry, Meadowbank Railway Station and to the bus stop located</p>

Planning Principle	Comment
	<p>in Church Street.</p> <p>Draft LEP 2011 introduces a floor space ratio control of 2:1. The development has proposed a floor space ratio of 2.12:1 which is a 6.2% variation. The proposed variation is supported as the overall bulk and scale of the proposed development is appropriate to its location along Church Street and the surrounding area. The proposed development is consistent with the existing and future density within the area and the site's density is also considered appropriate given its proximity to the train station and ferry.</p>
<p><b>Resource, energy and water efficiency</b>            Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</p> <p>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	<p>The applicant has provided an amended BASIX Certificate No 404521M_02, dated 12 September 2012 which indicates that the residential component of the building will meet the energy and water use targets set by the BASIX SEPP.</p> <p>A waste management plan for the demolition of existing buildings has been submitted and is considered acceptable by Council's Environmental Health Officer.</p> <p>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.</p>
<p><b>Landscape</b>            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.</p> <p>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.</p>	<p>The development makes provision for deep soil planting in the setback zones to Porter and Church Street and adjacent to the eastern boundary. The development includes the retention of several existing trees on the Church Street boundary. Trees proposed to be removed will be replaced with appropriate trees, in accordance with the DCP. Council's Consultant Landscape Architect has raised no objections to the proposed landscaping for the site.</p> <p>The landscaping of the communal open space on the upper courtyard area, as well</p>

Planning Principle	Comment
<p>It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>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.</p>	<p>as other design features such as seating and a BBQ area will ensure that this space provides a useable area for the residents.</p> <p>Each unit is also provided with a private balcony area sufficient for recreational use and amenity benefit.</p> <p>Council's Consultant Landscape Architect has no objections to the landscaping proposal with both the private upper courtyard and the lower public courtyard areas providing usable open areas that benefit the development.</p>  <p>Lower public courtyard area</p>  <p>Upper private courtyard area.</p>

Planning Principle	Comment
<p><b>Amenity</b> Good design provides amenity through the physical, spatial and environmental quality of a development.</p> <p>Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>The design of the units allows for sufficient level of amenity for occupants of the buildings and residents of surrounding properties.</p> <p>The development generally 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.</p>
<p><b>Safety and Security</b> Good design optimises safety and security, both internal to the development and for the public domain.</p> <p>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.</p>	<p>The development is consistent with the CPTED principles as follows:</p> <ul style="list-style-type: none"> <li>• The entrance to each apartment building will be clearly legible and well lit. (Conditions 116 &amp; 117 to provide appropriate signage to building entrance and lighting).</li> <li>• Access to each apartment building is via secured lobbies and carpark entry.</li> <li>• Lighting, both internal and external, will be provided in accordance with Australian Standards. See Condition 116.</li> <li>• Clear definition between public and private spaces, with residents only able to access the residential domain.</li> </ul>
<p><b>Social Dimensions and Housing Affordability</b> Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>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.</p> <p>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing</p>	<p>The development will include the following housing mix:</p> <ul style="list-style-type: none"> <li>• 1 x Studio apartments</li> <li>• 204 x 1 bedroom apartments;</li> <li>• 51 x 2 bedroom apartments;</li> <li>• 13 x 3 bedroom apartments.</li> </ul> <p>This mix will result in an affordable range of housing which should attract singles, couples and family occupants alike into an area which is highly accessible to public transport and nearby shopping centres. In this regard, as a guide the Housing NSW Centre for Affordable Housing suggests 1 and 2 bedroom apartments contribute towards achieving housing affordability. 1 &amp; 2 bedroom apartments are well represented in this proposal.</p>

Planning Principle	Comment
needs.	
<p><b>Aesthetics</b>  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.</p>	<p>The development has incorporated a variety of materials and finishes to assist in the massing of the buildings as well as providing differentiation between the uses and various elements within the development. Condition 1(d) has been imposed to require greater articulation along the north east elevation of Buildings B &amp; C by use of different material/architectural elements. Council's City Urban Designer has advised, subject to the above condition, the buildings aesthetically respond well to the desired future character of the area.</p>

### **Urban Design Review Panel comments**

The proposal was reviewed by Council's Urban Design Review Panel on two occasions, 8 December 2011 and 18 May 2012. In its first review, prior to lodgement of the application, the UDRP requested the applicant to address a number of concerns such as height, activation of the corner at Well and Porter Street, building's façade and articulation, public domain interface needed further resolution, landscape design, setback along the north east boundary and circulation throughout the site.

Following lodgement of the DA, the Panel reviewed plans dated March 2012 (2<sup>nd</sup> review on 18 May 2012) and concluded that whilst some of the issues above have been addressed, the redesign have created additional issues. Comments made by the Panel have been included in italics and a response in respect of the comment has been given.

Note: Amended plans were received on 14 September 2012 which addressed many of the issues raised by the Panel of 18 May 2012. The amended plans were not required to be referred to the Panel with Council's City Urban Designer commenting on the amendments.

#### **Height and FSR**

*All buildings within the proposal exceed the current controls (15.5m). Block A to E appears to comply with the draft height control of 21.5m. Block F is nine storeys and exceeds the draft height control. The DCP includes a clause under Precinct 5: Church Street that states: Proposals which vary from the above provisions, but which offer a superior urban design and architectural solution, will be considered on merit.*

*The nine storey building at the corner of Well Street and Church Street is justified by the proponent as a marker building that signals the location of the publicly accessible through site link and plaza. Various perspectives show the building within the broader context. From an urban design perspective the modulation of the building heights and the increased height at the through site link is logical.*

*However any increase in height and development capacity (through uplift in rezoning and additional height above the controls) should be linked to design excellence and demonstrable public benefits. The proposal includes a publicly accessible through site link and plaza but does not address the Porter Street widening. The proponent needs to demonstrate that the public benefits provided are comparable to the development increase, (refer to Porter Street comments below) and that design excellence can be achieved by addressing the comments in this report.*

Comment:

The amended plans received 14 September 2012 were not referred to the Urban Design Review Panel. The amended plans reduced the number of buildings from six to four with the height and number of storeys reduced. The development is compatible with the future and existing developments within the Shepherd's Bay Foreshore area and the locality. The proponent has entered into a Voluntary Planning Agreement to deliver public infrastructure including the widening of Porter Street, in accordance with Council's Draft DCP. Council's City Urban Designer reviewed the amended plans and advised that the amended plans have addressed many of the issues previously raised. The overall impact of the public domain is positive.

Residential Apartment Design and Amenity

*As a result of reducing the height in the Pre DA proposal, the buildings have increased in depth. This has resulted in deeper apartments and bedrooms without windows or with limited daylight access and is a reduction amenity from the previous design. Of particular concern to the Panel, are:*

- *townhouse style units at podium level which have bedroom located in the middle of the floor plan with no windows. The rooms are shown with beds and are the dimensions of a bedroom. These 11 units (without external walls and potential windows) are not supported by the Panel.*
- *2 bedroom units (2 bed A, 2 bed B and 2 bed D) which use slots for light and air to inboard bedrooms. Some of these slots are only 1m wide and the Panel questions their effectiveness. The Panel does not support these unit types. Previous unit plans which located bedrooms on the outer face of the building were more successful.*

*It is not clear how the proposal meets the 70% solar access requirements or the 60% cross ventilation requirements in the Residential Flat Design Code. There are a significant number of units facing south and south east as well as units which may be overshadowed by other buildings within the development. More detailed solar access documentation needs to be provided to demonstrate compliance with the RFDC. There is no clear strategy for the design of south facing units. Typically south facing units are best when they have dual aspect and narrow unit depths to maximise daylight in lieu of solar access.*

*The Panel assumes that cross ventilation is counted for all corner units and for units which form a corner with a slot providing light to the corridors. These slots are typically 2m wide. No documentation was provided to demonstrate the effectiveness of these slots in promoting air flow and it is difficult to see in the plans where windows*

*are located for dual aspect. Fire separation requirements may also further constrain these units from counting as cross ventilated if windows are not achievable. This is shown in Block F where a unit on a slot has a party wall separating two slots. More detailed documentation is needed to demonstrate compliance with the RFDC.*

Comment:

The amended plans received 14 September 2012 have addressed some of the above concerns. Unit types that originally contained bedrooms without windows have been re-designed to provide studies instead. These studies are not considered to be capable of being used as bedrooms due to the reduced size, in built furniture and being open on one side.

The applicant has submitted shadow diagrams and a RFDC review table outlining the total number of units receiving three hours of solar access. The majority of south facing units will not be able to achieve the required solar access however overall the development is able to achieve the required 70% of units receiving a minimum of three hours solar access between 9am and 3pm.

*Building separations have been reduced from the Pre DA design. This has resulted in blade walls and screens on corner balconies to provide privacy. This is a lost opportunity for true dual aspect corner units with sufficient air flow. The Panel reiterates its previous recommendation to rotate Block D 90 degrees. This would improve the interface with the adjacent site and increase the width of the communal open space. It would also provide better legibility to the entry for these units.*

Comment:

The amended plans have reduced the building separation however the proposal generally complies with the building separation required under the RFDC for up to the 1<sup>st</sup> four storeys. Areas where the separation is non-compliant, conditions have been imposed requiring increased window sill height for visual privacy. See full discussion below in the RFDC table.

*Some two bedroom units (Block A) have small triangular balconies that do not appear to be very useful or furnishable. Balcony sizes for two bedroom units should be at least 10m<sup>2</sup>.*

Comment:

The amended plans now propose balconies ranging from a minimum 12m<sup>2</sup> to 113m<sup>2</sup>.

*The Panel previously questioned the 4 sided retail in Block F. The proponents explained that the use is likely to be cafes/restaurants. The Panel supports this use and its link to the plaza, however remains concerned with the likely activation of the plaza and Church Street edges. This could be addressed at the tenancy fit out stage, although there is a risk that the Church Street façade will become a blank façade. The fire stair splits the retail space and may constrain its usefulness. Retail parking and loading is located under Blocks B and C and links to the plaza via a ramp. It is not clear how the retail will be serviced and how waste is managed. Patrons for the retail should not have to walk past the loading dock to access the plaza and retail outlets.*



Comment:

The amended plans still have the fire stair between a ground floor retail area however this is a tenancy issue and any future tenants will be aware of this. Council's Environmental Health and Waste Officers have reviewed the waste arrangements and have no objections. Patrons using the retail parking area can access the plaza/retail area either through a lift access to the podium courtyard or via the retail entry lobby adjacent to the retail loading area. Whilst this is not ideal, the loading dock is for retail deliveries not for putrescibles waste. To ensure that the retail facing Church Street does not become back of house for shops, Condition 8 has been imposed requiring the retail wall facing Church Street be glass with transparency through and signage not allowed to cover more than 25% of the glass wall.

Isolated Sites

Three small sites are isolated between the proposed development and an established pedestrian way to the north-east. The proponent has provided a sketch showing how these sites could be redeveloped.

Building separation between Block D and the adjacent lot is still a concern. The Panel previously recommended that the separation be increased to 9m if living rooms and balconies face the boundary.

Comment:

Three small sites are located between the proposed development and Hayes Reserve to the north (121, 123 Church Street and 19 Porter Street), as demonstrated in Figure 6. The three sites currently contain old industrial buildings and to enable redevelop on these sites the three sites will need to be amalgamated.



Figure 6: 121, 123 Church Street and 19 Porter Street marked up in red

The amalgamation of the three sites will result in a combined total area of approximately 1651.5m<sup>2</sup> allowing for a reasonable FSR of 2:1. Each of the three sites is insufficient in size and width to be redeveloped independently. Also the current and future planning policies will not encourage vehicular access from Church Street.

Accordingly 121-123 Church Street will require vehicular access via 19 Porter Street. Therefore there is a reasonable expectation that these three sites will be amalgamated to allow for redevelopment of the three sites.

The amended plans have increased the side setback from the adjoining north east properties from between three to five metres to six metres with the living rooms and balconies facing away from the common boundary. The increased setback includes the provision of a deep soil zone which will allow deep soil planting to screen and soften the development from the adjoining site. The proposed six metres separation is considered satisfactory given that the proposal can be screened and there are no habitable areas facing the common boundary. Council's City Urban Designer supported the 6m setback from the north east boundary. Condition 1(c) (iii) has been imposed requiring the dining room window facing the adjoining properties to be of obscure glass so as to minimise any overlooking potential.

The proponent has provided a sketch showing how these sites could be redeveloped (see Figure 7 below) and has increased the development's north east setback to 6m from the common boundary. The 6m setback provides an equitable separation and enables the adjoining site to reasonably redevelop the site.



Figure 7: Six metre separation between to allow for development potential.

### Public Domain

*The Panel supports the improvement of the through site link and plaza with retail activity and better sight lines. The Panel understands the constraints of car parking levels on levels within and along the edges of the site, however notes that all entries to the plaza are via stairs and ramps. The entry to the through site link at Church Street could be improved by replacing the stairs with a widened ramp at 1:20. The entry at Porter Street could be improved by widening the entry and squaring off the planter.*

*The Panel supports the addition of a retail tenancy at the corner of Well and Porter Streets. The architectural plans, perspectives and landscape plan show different solutions for the interface of this space to the street edge. It is not clear if the retail*

*tenancy and adjacent space have level access along one of the street frontages. This space appears sunken in the perspective. If this is the case, it undermines the intent of locating a retail space on the corner. A more detailed plan and section of this space should be provided that resolves these issues.*

*The substation at Church Street should be located within the building envelope and not visible from the public domain*

Comment:

The pedestrian entry at Porter Street has been widened by squaring off the planter section as suggested. Level access has been provided at the corner of Porter and Well Streets to the retail space at the corner. The substation at Church Street has not been relocated however it is proposed to screen the substation by landscaping. Whilst landscaping is shown around the substation on the landscaping plan no species has been nominated. Council's Consultant Landscape Architect has advised that the planting should be 15 x Syzigium sp. (Lilly Pilly's) that reach a height of no more than 3m, and are to be planted as per the location shown on the Landscape plan. Condition 1(a) has been imposed requiring the provision of an architecturally designed panel/ screen and shrub planting of 15 x Syzigium sp. (Lilly Pilly's) that reach a height of no more than 3m to be provided around the substation.

Porter Street

*The Porter Street façade is much improved and the Panel is supportive of the revised design however the units at the north-western corner of the site are sunk below ground level. This is a main entry and outdoor private space. The building should step up with the slope to improve the level interface of these units. The communal courtyard entry marks a logical place for this to occur. There appears to be available height within the Draft LEP controls to permit this. The interface between the footpath, planting and private terrace should also be reviewed and amended to improve visibility out and daylight into the units.*

*The Panel previously recommended widening Porter Street to better support two way traffic and parking on both sides, with generous verges and street tree planting. This would assist with managing increased traffic resulting from the development. This has not been incorporated in the DA proposal.*

Comment:

The amended plans have not stepped up the levels as suggested with the main entry and outdoor private space of four of the units still sunken below ground level. However they are north facing units and their front courtyards along Porter Street have increased in size to provide for better amenity. Given that this is only a very small number of units, the proposal is considered acceptable. Council's City Urban Designer is supportive of this.

Amenity

*Wherever possible the Panel recommends providing a clear street address and direct access from the street for all buildings. Where direct street access is not possible, then direct access from the plaza and through site link should be achieved. The proposal could be improved by:*

- *Revising the pedestrian access to Blocks B, C and D. The address for these buildings is from the communal courtyard. Pedestrian entries to the courtyard are limited to a single external stair with a 5m level change between the plaza and courtyards and to a corridor from Porter Street through Block C. The access from Porter Street should be more increased in width and be expressed better on the façade to improve its legibility.*
- *Blocks B could achieve lobby entries along the through site link. The lobby from Block B could be rationalised with the fire egress to create one break in the retail footprint. This would give the building a better address and provide an accessible entry to the upper courtyard from the ‘public’ domain.*
- *Block E may be able to reconfigure the lower units and link the lobby to the through site link. These units are not supported (see Residential Apartment Design) and their reconfiguration as corner units could assist this. This would also provide an opportunity to rationalise fire egress and support the revised ramp design at Church Street and the through site link.*
- *The stair access is steep and visually uninviting. These should be reconsidered and at a minimum widened with stepped planters to minimise the verticality and constrained proportions.*
- *Fire egress along the north-eastern boundary compromised the design of ground floor units and their private open space and should be redesigned.*

Comment:

Some of the above comments have been incorporated in the amended plans. Access from Porter Street to the public domain has been increased slightly by squaring off the adjacent planter section as suggested. Building B will have access from the upper podium garden and also from Porter Street. Due to the topography of the land it is not possible to provide access to Building D from Church Street however the stair access to the podium area has been incorporated with a lift and the front entrance widened. Condition 1(e) has been imposed requiring the ramp from Church Street to the plaza area be redesigned to be adjacent to the stairs rather than adjacent to the wall of the building. This will result in better integration with the landscaping and plaza. The fire egress along the north eastern boundary has been deleted with the side setback increased to incorporate deep soil planting adjacent to the north eastern boundary.

Landscape Design

*The landscape design is documented in a plan that overlays the architectural design with an edge planting and paving strategy. No details or sections are included. The landscape design appears to be addressed after the architecture set the levels and determined the layout. It does not assist in resolving level changes and reinforcing movement patterns and creating useful spaces, both within the plaza and the communal courtyard.*

*The Panel supports the retention of existing trees along Church Street, but is concerned that the stepped retaining walls will undermine the critical root zone of*

*these trees. This should be reviewed and consideration given to amending the stepping.*

*The communal courtyard has become narrower with the increased building depths. This has constrained the usefulness of the space. The landscape design is dominated by pathways and has limited usable space. Access to each lobby could be further enhanced within the design and assist with improving legibility.*

**Comment:**

The landscaping plans amended the podium courtyard by providing two central landscaped areas rather than several smaller landscaped strips. Council’s Consultant Landscape Architect has reviewed the proposed landscaping within the site including the retention and removal of trees along the Church Street frontage. The stepped retaining walls with landscaping in front will soften the visual impact of the ground floor parking area and is sufficient to cater for the retention and replacement of trees within that area. The landscaping within the tiered landscaping area in front of Building C is considered satisfactory to screen and soften the building.

**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 based on the amended plans submitted in September 2012.

<b>Primary Development Control and Guidelines</b>	<b>Comments</b>	<b>Compliance</b>
<b>Part 01 – Local Context</b>		
<b>Building Height</b> Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit.	There is no applicable floor space ratio for the site under the current planning controls. However draft LEP 2011 proposes to introduce a FSR of 2:1 for Meadowbank. The development has proposed a FSR of 2.12:1 which exceeds the maximum allowed by 6.2%. The proponent has amended the proposal to reduce the height of the buildings to correspond with the heights of the adjoining Bay One development opposite in Porter Street (six to seven storeys); as such the proposed development has a reasonable scale relationship with development on the opposite side of the street. The development is considered to be consistent with the urban form within the immediate and wider locality.	No – variation acceptable.
<b>Building Depth</b> In general, an apartment	The proposed building depth ranges between 18 to 20m, as shown below.	No – variation acceptable.

<p>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.</p>	<p>Building A: - 19m          Building B – 18m          Building C – 18 to 19m          Building D – 19 to 20m          The proposed variations to the building depth of between one to two metres are considered acceptable as no individual apartment exceeds the apartment depth of 18m. 70% of the overall development is able to achieve the required solar access. The proposed building envelopes are acceptable and where the non-compliance occur a central corridor with double loaded apartments (approximately 10m in depth) is provided. It is considered that the internal layout of the buildings will not be compromised by the extra depth of the building envelopes.</p>	
<p><b>Building Separation</b>          Building separation for buildings up:  <u>Four storeys/12m</u>          -12m between habitable rooms / balconies          -9m between habitable / balconies and non-habitable rooms          -6m between non-habitable rooms and  <u>to five to eight storeys/up to 25m should be:</u>          -18m between habitable rooms / balconies          -13m between habitable / balconies and non-habitable rooms          -9m between non-habitable rooms.</p> <p>Developments that propose less distance must demonstrate that adequate daylight access, urban form and visual and acoustic privacy has been achieved.</p>	<p><u>Buildings A to B</u>          Up to four storeys:  <ul style="list-style-type: none"> <li>• 12m between balconies to balconies</li> <li>• 21m habitable windows to wall</li> <li>• 14m between habitable rooms</li> <li>• 17m between balconies to habitable rooms.</li> </ul>         Five to eight storeys:  <ul style="list-style-type: none"> <li>• 14.5 to 17m between habitable windows to habitable windows</li> </ul> <u>Buildings B to C</u>          Up to four storeys:  <ul style="list-style-type: none"> <li>• 15.4m from podium courtyard to courtyard</li> <li>• 16m to 21.5m between habitable rooms/balconies</li> </ul>         Five to eight storeys:  <ul style="list-style-type: none"> <li>• 16m to 21.5m between habitable rooms/balconies</li> </ul> <u>Buildings C to D</u>          Up to four storeys:  <ul style="list-style-type: none"> <li>• 12m between habitable rooms/balconies</li> </ul>         Five to eight storeys:  <ul style="list-style-type: none"> <li>• 12m between habitable rooms/balconies</li> </ul> <u>Buildings A to D</u>          Up to four storeys:</p>	<p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p> <p>Yes</p>

	<ul style="list-style-type: none"> <li>• 13.4m between habitable room/balconies.</li> </ul> <p>Five to eight storeys: 13.4m between habitable room/balconies</p> <p>Separation between Buildings A, B &amp; C to buildings opposite in Porter street – 23m or more.</p> <p>The proposed building envelopes generally provides for the minimum 12m separation for elements up to five storeys.</p> <p>A minimum separation of 18m is required between habitable rooms/balconies for level five and above. The separation between Buildings A &amp; B will not comply with this only having a separation of between 14.5m from a balcony to dining room window and 17m from a balcony to a dining room window. This is for one level only (Level 5) and visual privacy can be provided by increasing the sill height windows of this window, being apartment B501. Condition 1(c) (i) has been imposed requiring this.</p> <p>The separation between Buildings B &amp; C will not comply with the 18m separation required for level five as there is a section where the separation is only 16m. This is only for a small section (15m and for one level only). To provide visual privacy to the affected apartments, a condition can be imposed requiring retractable privacy screen being provided on the balconies of apartment B519 and B518. Condition 1(c) (ii) has been imposed requiring this.</p> <p>The separation between Buildings C &amp; D will not comply with the 18m separation for the upper floors only having a separation of between 12m between habitable rooms/balconies. The proponent has resolved the issue of visual privacy by side louvers to the</p>	<p>No</p>
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	<p>windows of Building D. This is considered satisfactory.</p> <p>The separation between Buildings A &amp; D will not comply with the 18m separation for the upper floors only having a separation of between 13.4m to 15.4m between habitable room/balconies. The proponent has addressed overlooking/privacy concerns by providing angled external louvers to minimize overlooking directly opposite. This is considered adequate to provide privacy between the apartments.</p> <p>Despite not complying with the building separation for the upper levels, the development, subject to the above conditions, achieves the required objectives.</p>	
<p><b>Street Setbacks</b> Identify the desired streetscape character. In general, no part of the building should encroach into a setback area.</p>	<p>The Meadowbank DCP requires a five metres setback to all the frontages – Porter, Well and Church Street.</p> <p>The setback controls are proposed to be amended in the draft DCP which will be the applicable planning control once draft RLEP 2011 is gazetted. The development provides a four metre setback on the ground floor to Porter and Well Streets in accordance with the Draft DCP 2011. Building C which faces Church Street has a setback of 12m which complies with the Draft DCP. The proposed variation in Porter and Well Streets to the current DCP controls is considered acceptable given that the development complies with the draft DCP controls.</p>	No – variation acceptable.
<p><b>Side and Rear Setbacks</b> 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.</p>	<p>The Meadowbank DCP does not provide any requirement in terms of setbacks to the side boundaries. However the RFDC stipulates a building separation requirement. Along the north east boundary the building setback has been increased from a minimum three metres to six metres with four metres of deep soil planting. This is considered sufficient and is an</p>	No



	equitable distribution of separation for future redevelopment on the adjoining north eastern site. The proposed side setback is considered adequate to ensure that visual privacy and other amenity aspects have been adequately addressed.	
<b>Floor Space Ratio</b> 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.	There is no applicable floor space ratio for the site under the current planning controls. However the proposed floor space ratio of 2.12:1 is considered acceptable as the bulk and scale of the development is consistent with recent developments adjacent to the site.	N/a
<b>Part 02 – Site Design</b>		
<b>Deep Soil Zones</b> 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. .	Council’s Consultant Landscape Architect has reviewed the area of Deep Soil Zone (DSZ) being 26% however this includes podium planting. Podium planting area should not be included within the calculation of DSZ requirements. The removal of this area from the calculations will achieve a DSZ of 24.3%. The 0.7% variation is minor, furthermore potential tree canopy will be provided as part of the podium planting. This together with the deep soil planting on Council’s own land at the corner of Church and Well Street will provide sufficient landscaping and stormwater management.	No – variation acceptable.
<b>Fences and Walls</b> Fences and walls are to respond to the identified architectural character for the street and area. They are also to delineate the private and public domain without compromising safety and security.	No fences are proposed in the street setback areas. Given that the development aims to activate the streets by providing commercial/retail uses, fences would be inappropriate.	Yes
<b>Landscape Design</b> Landscaping is to improve the amenity of open spaces as well as contribute to the streetscape character.	A detailed landscaping plan has been submitted and subject to conditions no objections are raised.	Yes
<b>Open Space</b> The area of communal open	The communal open space is provided	No – variation

<p>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.</p>	<p>as part of the plaza and podium courtyard where an outdoor BBQ and seating area is provided. The development has provided approximately 2,212m<sup>2</sup> (21.4%) of the site as communal open space. Although the development is short of the minimum 25% of communal open space, the development has demonstrated that residential amenity is provided in the form of balconies for each unit, ranging in size from a minimum of 12m<sup>2</sup> to 113m<sup>2</sup>. In addition a large public plaza is provided which contributes to the communal open space. The development is considered to provide adequate open space areas.</p>	<p>acceptable.</p>
<p><b>Orientation</b> Optimise solar access to living areas and associated private open spaces by orientating them to the north and contribute positively to the streetscape character.</p>	<p>Where possible the development has incorporated the living areas to the north.</p>	<p>Yes</p>
<p><b>Planting on Structures</b> 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 sizes: • Shrubs - minimum soil depths 500 - 600mm</p>	<p>To ensure that the development complies with the recommended standards contained in the RFDC, it is proposed to include a condition on the consent to require compliance with the relevant soil depth. See Condition 71.</p>	<p>Yes</p>
<p><b>Stormwater Management</b> Reduce the volume impact of stormwater on infrastructure by retaining it on site.</p>	<p>The development has been assessed by Council's Development Engineer and is considered to be satisfactory.</p>	<p>Yes</p>
<p><b>Safety</b> Optimise the visibility, functionality and safety of building entrances. Improve the opportunities for casual surveillance and minimise opportunities for concealment.</p>	<p>The amended proposal was referred to Gladesville Police with regard to the safety issue of the development. Gladesville Police has raised no objections subject to conditions regarding surveillance, lighting, maintenance and access control. In addition casual surveillance is provided to the street and podium areas as</p>	<p>Yes</p>

	there are balconies facing both the streets and podium/plaza areas. The residential entries to the development are visible and functional.	
<b>Visual Privacy</b> The building separation requirements should be adopted.	As discussed earlier in the report, the development does not comply with the building separation requirements in the upper storeys. However adequate visual privacy will be maintained due to window placement and conditions 1(c) (i), (ii) & (iii) for screening.	Yes
<b>Building Entry</b> 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 reinforcement between public and private space is generally acceptable and conditions have been imposed requiring lockable doors and secure access to be provided to access residential and service areas. The main residential entrance for Buildings A & D is from the public plaza area, providing a highly visible and safe entry point. Entrance to Buildings B & C is from the podium courtyard with ground floor apartments facing Porter Street with street entrances.	Yes
<b>Parking</b> Determine the appropriate car parking numbers. Where possible underground car parking should be provided.	The proposal will comply with the required number of parking spaces and Council's Public Works has no objection to the number proposed. The retail and visitor parking is provided in the publicly accessible area of the parking level.  Three levels of parking are proposed, with the ground floor level facing Church Street projecting above ground. A stepped terraced area is proposed in front to soften the hard edge. Conditions 119 & 145 have been imposed requiring the finishes to these areas to be graffiti resistant and that any vandalism is cleaned as soon as practicable by the managing body corporate. Bicycle storage is located within the central plaza area and Basement Level 1, which is provided with lift access to	Yes

	ground floor and all levels above. Condition 75 has been imposed requiring bicycle storage for minimum 38 bicycles.	
<p><b>Pedestrian Access</b> 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.</p>	<p>The development will incorporate accessible routes to the public areas via Porter, Church and Well Streets.</p> <p>The development has provided 27 adaptable apartments.</p> <p>Vehicular and pedestrian entry points are clearly separated.</p> <p>The Access Report submitted with the application has reviewed the proposal with compliance to 2010 Access to Premises Standard, AS 1428 series and AS4299-1995 Adaptable Housing Standard. The report confirms that the development provides appropriate accessibility to common areas and that the development complies with the adaptable housing requirements.</p>	Yes
<p><b>Vehicle Access</b> 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.</p>	<p>The vehicular entries to the parking areas are all located on Porter Street - with two vehicular entrances and a waste collection zone. The two driveways are greater than 6m, being 6.6m and 8.6m however Council's Development Engineer has advised that the increased width of the driveways is preferable. The two driveways are well separated (over 45m apart) with the entries located away from main pedestrian entries on Porter Street.</p>	No Variation acceptable.
<b>Part 03 – Building Design</b>		
<p><b>Apartment Layout</b> Single aspect apartments should be limited in depth to 8m from a window. The minimum sizes of the apartments should achieve the following:</p> <p>1 bedroom – 50m<sup>2</sup> 2 bedroom – 70m<sup>2</sup></p>	<p>There are no single aspect apartments which are more than 8m from a window.</p> <p>The size of the apartments range as follows:</p> <p>1 bed – 50m<sup>2</sup> to 78m<sup>2</sup> 2 bed – 68m<sup>2</sup> to 85m<sup>2</sup></p>	Yes

3 bedroom – 95m <sup>2</sup>	3 bed – 110m <sup>2</sup> to 124m <sup>2</sup>  Some two bedroom apartments are under the minimum apartment size of 70m <sup>2</sup> , being only 68m <sup>2</sup> . This is only a very minor variation of 2m <sup>2</sup> and only 12 apartments out of 269 are of this size. These apartments will provide acceptable amenity as well as offering flexibility in terms of furniture layout. The proposed variation is considered acceptable.	No – variation acceptable.
<b>Apartment Mix</b> The development should provide a variety of types.	The development has proposed 1 x studio apartments, 204 x1 bedroom units, 51 x2 bedroom units and 13 x3 bedroom units. This mix will provide a variety of unit sizes within the development.	Yes
<b>Balconies</b> Where private open space is not provided, primary balconies with a minimum depth of 2 metres should be provided.	All apartments have access to at least one primary balcony from their living area. All balconies will provide a minimum depth of 2m.	Yes
<b>Ceiling Heights</b> The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level FCL). • In residential flat building in mixed use areas: 3.3m minimum for ground floor to promote future flexibility of use. • 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.	The ground floor of Buildings B, C & D is proposed to be used for retail uses. The retail/commercial component will have a minimum floor to ceiling height of 5m. A floor to floor height of 3.1m is proposed for all other levels. The development complies with this requirement.	Yes
<b>Ground Floor Apartments</b> 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.	Building B proposed some ground floor apartments with separate entry from Porter Street. Buildings C & D is adjacent to Church Street and is not desirable to have access from Church Street. The desired streetscape is maintained with the provision of retail floor space adjacent to Porter and Well	Yes

	Street and the pedestrian walkway linking Church and Porter Streets.	
<p><b>Internal Circulation</b></p> <p>In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. Exceptions may be allowed:</p> <ul style="list-style-type: none"> <li>- For adaptive reuse buildings</li> <li>- Where development can demonstrate the achievement of the desired streetscape character and entry response</li> <li>- Where development s can demonstrate a high level of amenity for common lobbies, corridors and units (cross over, dual aspect apartments).</li> </ul>	<p>Building B exceeds the number of apartments accessible from a single corridor. The north east corridor provides access to 11 apartments for Buildings B. This is considered acceptable in this instance as a section of the corridors are “indented” to break up and articulate the corridor length. Natural light is provided to the corridor area as windows are provided at the eastern end of the corridor, hence providing an acceptable level of amenity to the corridor areas.</p>	<p>No Variation acceptable.</p>
<p><b>Mixed Use</b></p> <p>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.</p>	<p>The development proposes retail and residential uses. At this stage the retail uses are not known. However it is likely that the retail component at the corner of Porter and Well Streets will be used as a café/restaurant which will help activate and compliment the area. Furthermore, subject to any future use meeting the definition of retail premises and complying with the hours of operation, it will be compatible with the residential uses within the building.</p>	<p>Yes</p>
<p><b>Storage</b></p> <p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> <li>• studio apartments - 6.0m<sup>3</sup></li> <li>• one-bedroom apartments - 6.0m<sup>3</sup></li> <li>• two-bedroom apartments - 8.0m<sup>3</sup></li> </ul> <p>At least 50% of the above areas allocated within each respective apartment while the remaining 50% is to be located</p>	<p>The RFDC Review table submitted with the application shows that the majority of the apartments will comply with the amount of storage required to be provided. Generally 50% of the storage is location within the apartment however the majority of the one bedroom apartments will have 60% of the storage provided within the apartments.</p>	<p>Yes</p>

within the car parking area.		
<p><b>Acoustic Privacy</b> Apartments within a development are to be arranged to minimize noise transitions.</p>	<p>A Noise Impact Assessment was submitted with the application which looked at the impact of the traffic noise on the development. The report made recommendations with regard to glazing thickness needed for each building to satisfy acoustic requirements. These recommendations are imposed as condition 49 of the consent.</p> <p>With regard to internal noise, the development will be required to comply with the acoustic provisions of the BCA. The apartments are generally planned so that room types in one apartment about the same room type in the adjoining unit and whilst there are some balconies immediately adjacent to each other, there is a wall between the balconies – assisting with creating an acceptable noise environment for the units.</p>	<p>Yes</p>
<p><b>Daylight Access</b> 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.</p>	<p><u>Building A:</u> 86.8% of the apartments in Building A will receive 3 hours of sunlight and none of the apartments will have a single southerly aspect.</p> <p><u>Building B:</u> Only 67% of the apartments in Building B will receive 3 hours of sunlight.</p> <p><u>Building C:</u> Only 64% of the apartments in Building C will receive 3 hours of sunlight.</p> <p><u>Building D:</u> 70% of the apartments in Building D will receive 3 hours of sunlight.</p> <p>Whilst Buildings B &amp; C will not be able to achieve 70% of apartments receiving the required 3 hours, the overall development will have 71.9% of the units receiving the required hours of sunlight. Given that across the board the total of amount of units can achieve the minimum amount, the development is considered satisfactory.</p>	<p>Yes</p> <p>No Variation acceptable</p> <p>No Variation acceptable</p> <p>Yes</p>
<b>Natural Ventilation</b>		

<p>Building depths which support natural ventilation typically range from 10 to 18 metres. 60% of residential units should be naturally cross ventilated. 25% of kitchens should have access to natural ventilation.</p>	<p>The development has provided natural cross ventilation to 68.9% of the apartments and 31.1% of the kitchens have access to natural ventilation. The development complies with the requirements of the clause.</p>	<p>Yes</p>
<p><b>Awning</b> Awnings are to encourage pedestrian activity on streets by providing awnings to retail strips.</p>	<p>The retail strip in the central plaza have a continuous cover over their entrance as the 1<sup>st</sup> floor of Buildings B &amp; C protrude over, providing adequate pedestrian weather protection along the length of the buildings within the central plaza area. Along the Church Street frontage, the retail component area has an awning as part of the design of the building. Condition 66 has been imposed requiring appropriate under awning lighting (for along Church Street frontage and within the central plaza) being installed.</p>	<p>Yes</p>
<p><b>Facades</b> Facades are to be of appropriate scale, rhythm and proportion which respond to the building's use and the desired contextual character.</p>	<p>One of the issues raised by the Urban Design Review Panel was the use of the proportion of contrasting materials on the street elevation. The design has been amended to address the Panel's concern and Council's City Urban Designer has advised that the articulation of the facades can be commended, however the north east elevations of Buildings B &amp; C requires greater articulation. This can be achieved by use of different material/architectural elements. Condition 1(d) has been imposed requiring this.</p>	<p>Yes</p>
<p><b>Roof Design</b> Roof design is to relate to the desired built form as well as the size and scale of the building.</p>	<p>Flat roof design considered appropriate. Plant room is well set in from edge of building.</p>	<p>Yes</p>
<p><b>Maintenance</b> The design of the development is to ensure long life and ease of maintenance.</p>	<p>Condition 119 imposed requiring building materials used at ground floor (particularly where blank walls are exposed to the public domain) be graffiti resistant and that any damage</p>	<p>Yes Conditioned to comply</p>



	or vandalism is repaired/removed as soon as practicable.	
<b>Waste Management</b> A waste management plan is to be submitted with the development application.	A waste management plan has been submitted with the development application and is considered satisfactory by Council's Environmental Health Officer.	Yes

#### 7.5 **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. 404521M\_02, issued Monday 10 September 2012) which provides the development with a satisfactory target rating.

Appropriate conditions have been imposed requiring compliance with the BASIX commitments detailed within the Certificate. See Conditions 5, 6 & 124.

#### 7.6 **Ryde Local Environment Plan 2010**

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

- Clause 2.2 - Zoning

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

- Clause 2.3 – Zone Objectives

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

- To provide a mixture of compatible uses.
- To integrate suitable business, office, residential, retail and other development in accessible location so as to maximise 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 recognise topography, landscape setting and unique location in design and land use.

The development complies with the above objectives. It will be consistent with the desired future character for the precinct by introducing a mixed use building consisting of residential and retail uses. The massing and scale of the development is appropriate in terms of the existing and future built environment and the built form contributes to the character and public domain of the area. The development

provides a pedestrian link between Church and Porter Street which is an important connection between the two streets. It is also proposed to widen Porter Street. The widening of Porter Street has been identified in the draft DCP as important for improving traffic flow and providing a safe and improved environment for pedestrians.

- Clause 4.3 Height of Buildings

The height of a building on any land is not to exceed the maximum height of 15.5m.

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.

All of the buildings exceed the 15.5m height control. The following height is proposed for each of the buildings:

Building	No of Storeys	Maximum Height
A (Porter & Well Street)	6-7	Max RL 34. Max Height 23m
B (Porter Street)	7	Max RL 41.1 Max Height 27.3m
C (Church Street)	5- 6	Max RL 34.9 Max Height 23.4m
D (Church & Well Street)	6	Max RL 34.9 Max Height 22.5m

This results in a breach of the height control from 7m (Building D) up to 11.8m (Building B). Building A and C will exceed the height control by 7.5m and 7.9m respectively. The non-compliances are taken from the maximum height (plant and lift over runs).

It should be noted that Draft LEP 2011 was adopted by Council on 12 March 2013 and is currently waiting gazettal by the Department of Planning and Infrastructure, as such can be considered certain and imminent. Under the DLEP 2011 the maximum height of buildings permitted on the site is 21.5m.

The development generally complies or is over the maximum height of Draft LEP 2011 by one storey, as illustrated in the diagrams below.

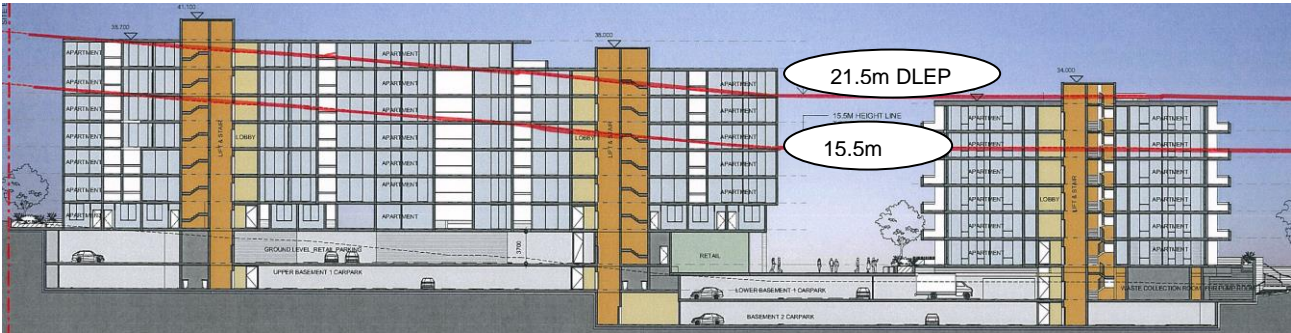


Figure 8: Cross Section of Buildings A & B height variation from 15.5m and 21.5m



Figure 9: Cross Section of Buildings C & D height variation from 15.5m and 21.5m.

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. Written request provided by the applicant.**

The applicant has provided a written request seeking to justify the variation to the development standard in Appendix 8 of the Statement of Environmental Effects prepared by McKenzie Group Consulting.

**2. Whether compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case.**

One of the major reasons provided by the applicant for the variation is that the development is consistent with the desired future character of the area as established by the adjoining contemporary mixed use development at 82-84 Belmore Street (known as Bay One development). The BayOne development opposite comprise of six buildings ranging in height of five to seven storeys. As demonstrated in the following diagram, the development on 82-84 Belmore Street occupies a large area and is important in establishing the character of the area. Furthermore, recent approvals such as the Part 3A Concept Approval along Shepherd Bay Foreshore and 2-4 Porter Street, when constructed, will establish the area as high density living with buildings ranging in height of up to 15 storeys.



Figure 10: Development Context Map – illustrating surrounding approved/proposed developments.

This development consists of four separate buildings on the site with Buildings A & B fronting Porter Street, being 7 storeys in height. To ensure greater articulation of these buildings, the upper floor of each building has been setback. The RL of the parapet on the adjacent buildings (Bay One) along the Porter Street frontage are RL32.8 and 37.9. The RLs of Buildings B and A ranges from RL 35.6 to 41.4 for Building B and RL31.9 to 34 for Building A. The Figures below illustrate the relationship between the adjoining buildings as well as the LEP 2010 and Draft LEP 2011 height controls.

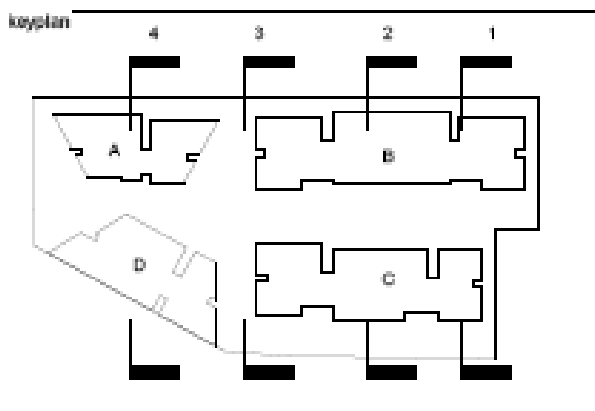


Figure 11: Illustrating the different sections where each of the figures below is taken from.

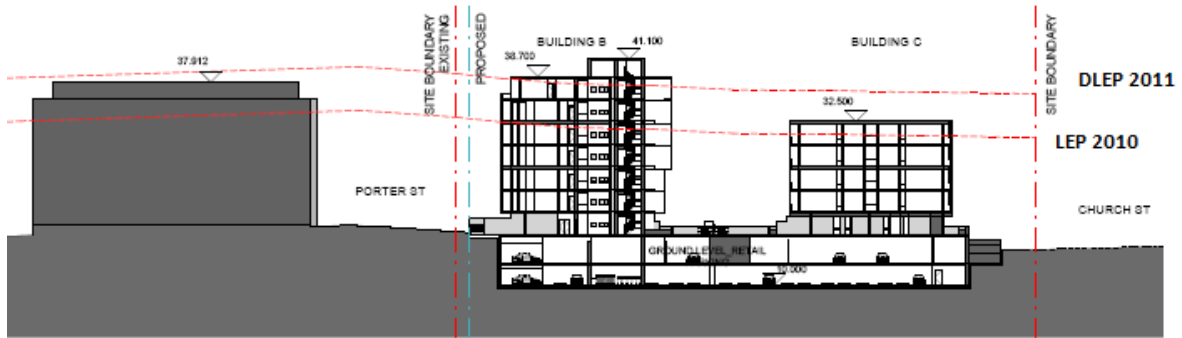


Figure 12: Section 1 showing Buildings B and C in comparison to the Bay One development located opposite.

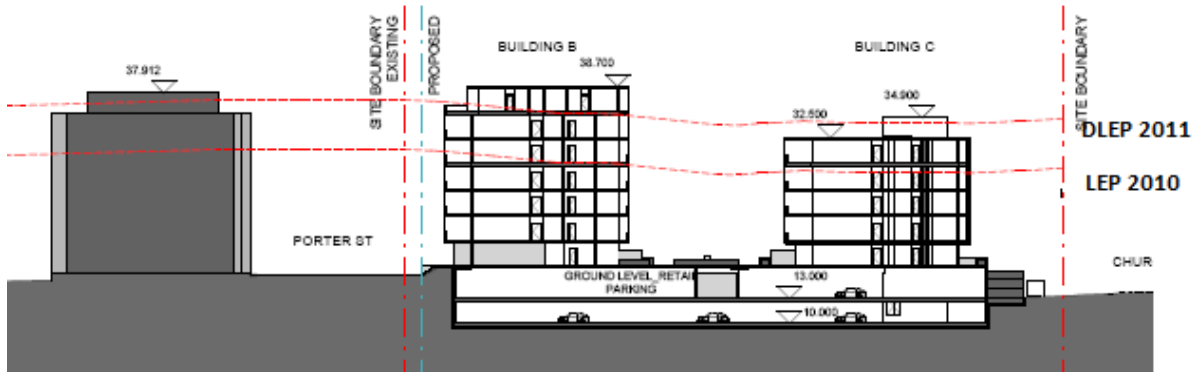


Figure 13: Section 2 showing Buildings B and C in comparison to the Bay One development located opposite.

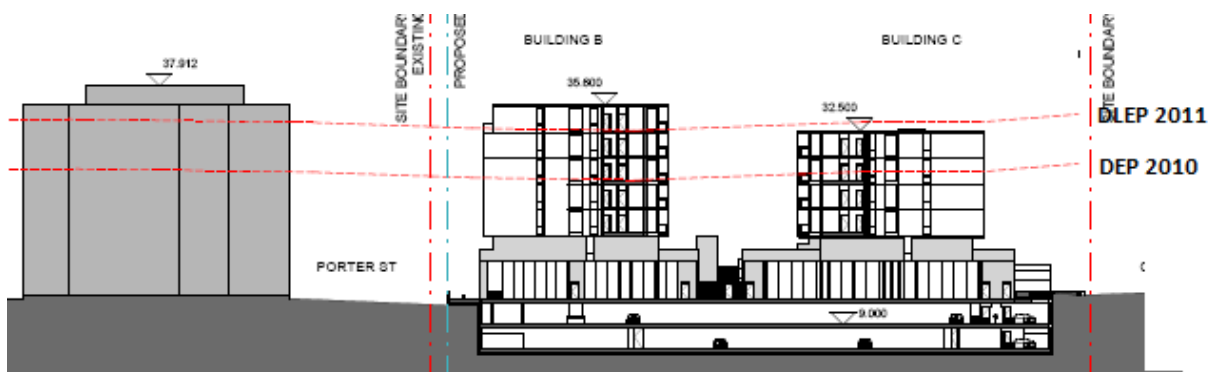


Figure 14: Section 3 showing Buildings B and C in comparison to the Bay One development located opposite.

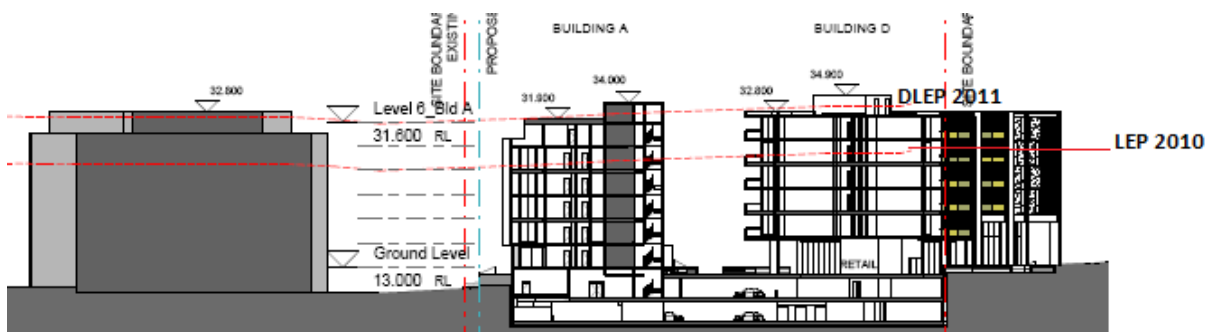


Figure 15: Section 4 showing Buildings A and D height in comparison to the Bay One development located opposite.

The proposed development is generally consistent in terms of its height and scale with the adjoining buildings. Although along the north east end of Building B the overall height is slightly higher than the building opposite, this is due to the lift wells which are located away from the frontage and are well set in from the street and will not be visible from Porter Street. Both of the proposed buildings along Porter Street have articulation at the upper level consistent with the buildings opposite and Council's Urban Design Review Panel has raised no objections to the height. As demonstrated further in the report, the development will also maintain satisfactory amenity to the adjoining buildings.

The height of the buildings is also consistent with the future planning controls proposed for Meadowbank and recently adopted by Council.

In the above circumstances, compliance with the height control would be unreasonable and unnecessary.

### **3. Environmental grounds to justifying contravening the development standard.**

As demonstrated above, the development is consistent with the existing character as well as the desired future character of the area. The built form ensures acceptable setbacks, streetscapes, scale and visual interest in the buildings.

The applicant has provided the following reasons why compliance with the standard is unreasonable or unnecessary in this case, as follows:

#### ***Urban Design***

*The proposed development supports the Building Height objectives contained in the LEP. The development has been designed as four highly articulated buildings with pedestrian connections through and around the development.*

*Setbacks, materials and landscaping have been designed to enhance the streetscape and create a high- quality public plaza. The design incorporates a large useable public plaza with retail are designed as a central space, integrated with existing and future adjoining development. The articulation of the corner buildings will mark the entry to the City of Ryde and open the development up to the south. The proposed development largely complies with the requirements of the Ryde Development Control Plan 2010. The development addresses a number of constraints including acoustic impacts from traffic along Church Street and overland flows from a catchment north of the site. The development has been designed to incorporate a number of water and energy efficient design elements.*

*The proposed commercial uses fronting the public domain, Porter Street and Well Street will increase activity at street level and within the new public plaza. Widening of Porter and Well Streets are proposed in accordance with Council's requirement. A new through site (east-west) pedestrian pathway connects Church Street through to Porter Street, linking up to a mid-block connection through the Bay One development. The improvements to pedestrian circulation in and around the development will have significant benefits for existing residents in the Meadowbank area.*

### Comment

Agreed – the bulk and scale of the development is compatible with the area and when viewed from the street is consistent with adjoining development as well as the future planning controls for the Meadowbank area. Articulation has been provided to the upper level of the buildings and to the façades of the buildings which assists in reducing the bulk of the buildings as well as adding visual interest. Furthermore the development relates to human scale by providing retail uses on the ground floor which will assist in the activation of the area, together with a through pedestrian link from Church Street to Porter Street, lining up with the pedestrian access in the adjoining Bay One development.

### **Built Form Context**

*The proposed development comprises four (4) blocks, each of varying heights. The development has been designed to align with heights of adjacent existing residential mixed use development along Porter Street.*

*The adjoining Bay One development opposite the site on Porter Street is seven storeys. The proposed Holdmark Property Group development opposite the site on Well Street is up to fifteen (15) storeys.*

*The proposed development is 5-6 storeys with part of one building on Porter Street (Block B) seven (7) storeys. The development fronting Porter Street (Blocks A and B) will relate to the adjoining Bay One development whilst the height of the development fronting Church Street (Blocks C and D) are lower and provide a transition between the Porter Street heights and the height control contained in the LEP.*

### Comment

Agreed – the development is consistent with the desired future character of the area as established by the contemporary mixed use development on 82-84 Belmore Street, located opposite. In addition, the recently approved Part 3A Concept Approval and 2-4 Porter Street when constructed will further establish the future character of the area as a high density mixed use area.

This development consists of four separate buildings on the site with Buildings A & B opposite Bay One which is comparable in height (six to seven storeys), as demonstrated in the diagrams above.

The proposed development is consistent in terms of its height and scale with the adjoining buildings. The proposed building heights are considered to be consistent with the future planning controls proposed for Meadowbank.

### **Overshadowing**

*The building heights have regard to minimizing overshadowing of public domain and private living area spaces. Shadow diagrams have been prepared and illustrate that 70% of apartments receive a minimum of 2 hours of solar access on June 21 between 9am and 3pm.*

### Comment

Agreed – The applicant has provided shadow diagrams for 9.00am 12noon and 3.00pm mid-winter. These diagrams demonstrate that despite the additional height, the adjoining southern residential properties opposite at Church Street will receive solar access from 9am through to approximately 2pm mid-winter.

The development fronting Porter Street (Buildings A and B - which has the additional height) relate to the adjoining Bay One development opposite and will have minimal overshadowing impact to the Bay One development.

A total of 187 apartments out of 269 will receive the required three hours of solar access which is 70% of the development.

The property to the west (part of the Shepherd Bay Holdmark redevelopment) has concept approval for a 15 storey building which will acts as a gateway entry building. The future redevelopment of the site will potentially limit any views towards Parramatta River from the subject site.

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 in the following table:

Objective	Comment
(a) to maintain desired character and proportions of a street within areas.	The bulk and scale of the buildings are compatible and consistent with the adjoining developments as well as the future planning controls for the Meadowbank area. Articulation has been provided to the upper level of the building which will assists in reducing the bulk as well as adding visual interest. A new public plaza area is provided with a new through site link to provide a path of travel from Church Street to Porter Street and through to the existing through site link at 82 Belmore. The development satisfies this objective.
(b) to minimise overshadowing and ensure a desired level of solar access to all properties.	The development contains four buildings with similar footprints to existing recent developments in the area. As discussed previously, the development is unlikely to result in a material loss of amenity due to overshadowing to the adjoining properties. There is adequate separation



	between the southern buildings and the properties opposite in Church Street to provide them with the required three hours solar access. The northern properties (Bay One development) will have minimal overshadowing from this development.
(c) to enable the built form in denser areas to create spatial systems that relate to human scale and topography.	The development relates to human scale by providing retail activities on the ground floor with a café and other retail uses. This together with the pedestrian through link from Church Street to Porter Street will assist in activation of the two streets.
(d) to enable focal points to be created that relate to infrastructure such as train stations or large vehicular intersections.	The site is immediately adjacent to a bus stop that serves the Bus Corridor along Church Street and is also located within walking distance to Meadowbank Railway Station and Ferry Wharf. The development has created pedestrian movements/focal points that relates to nearby infrastructures.
(e) to reinforce important road frontages in specific centres.	The retail floor space will contribute to the activation of the streets. Retail development is provided on the corner of Well and Porter Street and along the through site link to draw people into the public plaza area. The development will provide for local shopping/ dining needs and is orientated towards the local streets (Well and Porter).

The development complies with the above 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

Despite the non-compliance with the height control, the development satisfies the criteria outlined in clause 4.6 and the variation is acceptable.

- Clause 5.10 Heritage Conservation

The site is in the vicinity of two Heritage Items - "Crowle Home" at 8 Junction Street and Ryde Bridge Church Street. Council's Heritage Officer has advised:

*Following a review of the submitted documentation and a site visit, it is considered that the proposal does not encroach on the significant views of the item 33 (Ryde Bridge). It is assessed that the proposal will have minimal heritage impact.*

*The proposal is assessed as having little or no impact on the heritage significance of Item 57 – Crowle Home. The proposal is outside the view catchment (due to the slope and topography of the land) of the item and it is considered there will be minimal heritage impact.*

*There are no heritage recommendations associated with this development application.*

Accordingly, the proposed development will not affect the heritage significance of the heritage items.

- Clause 6.1 Acid Sulphate Soils

Council's Environmental Health Officer advised that the preliminary site assessment report prepared by Environmental Investigation Services (Report No. E25323Krpt dated December 2011) examined the potential for acid sulphate soils (ASS) on the site.

According to the report a review of the ASS risk map for the Ryde area indicates that the site is located in an area 'with no known occurrence of ASS'. However, the site's history review indicated that a former creek channel on the site was filled in and the occurrence of potential ASS in this part of the site cannot be ruled out without further testing. It was also noted dewatering will most probably be required during the basement excavation works and that this could have an adverse impact on nearby ASS adjacent to the Parramatta River.

Accordingly the applicant was requested to provide further information with regards to ASS. Further information was submitted from JK Geotechnics (letter dated 31 August 2012, Ref: 25323LLet) which advised the following:

*The Land and Water Conservation Acid Sulphate maps indicate that the nearest potential acid sulphate soils are the bottom sediments of the Parramatta River which is some 200m from the subject site and at elevations below RL0.0m AHD. The subject site has a lowest basement level at RL7.0m.*

*Therefore in our opinion any control of seepage/groundwater on the site will not significantly lower groundwater levels outside the site and will have no adverse impact on the potential nearby acid sulphate soils of the Parramatta River.*

Council's Environmental Health Officer has reviewed this matter and is satisfied with the above, accordingly raises no objections with regard to this matter.

## **7.7 Development Control Plan 2010**

### **Part 4.2 Meadowbank Employment Area – Master Plan**

The following clauses are applicable for this part of the DCP.

### Part 2.3 Urban Design Principles

The following urban design principles are to be applied to new development in the Meadowbank Employment Area. The principles have been provided in italics and comments provided as follows:

- *Protect the existing treed ridgeline from being obscured by development.* The intent of this design principle is to protect the treed ridgeline as viewed from Parramatta River. The proposed development is consistent with the height of the adjoining development at 82-84 Belmore Street. In addition a Part 3A approval have been issued by the Department of Planning for a mixed use residential, retail and commercial development incorporating building envelopes for buildings located adjacent to the foreshore. Accordingly, there will be no impacts on the views of the treed ridgeline.
- *Protect the existing scale of the built environment.* The development is consistent with the scale of the adjoining development and complies with this design principle.
- *Respect the existing street pattern.* The development does not propose any changes to the street pattern. It does however propose street activation by the introduction of retail uses on the ground floor.
- *Respect the bulk, height, rhythm and scale of the existing neighbourhood and topography.* This design principle is satisfied as the development is compatible with the bulk, height and scale of developments located along Porter Street and future developments along the foreshore.
- *Maintain and create views to significant points of interest, especially water vistas.* The proposed new development will currently provide some residents with future water views however it should be noted that the Holdmark Property Group (Part 3A Concept Approval) development along the foreshore will potentially block any water views from this development.
- *Provide open space and pedestrian links to the foreshore.* As the site is not adjacent to the foreshore it is not possible to provide open space and pedestrian links to the foreshore. The development does however propose a pedestrian link between Church and Porter Streets, linking up with the pedestrian link through to Belmore Street.
- *Create a significant park along the foreshore.* This design principle is not applicable to the development as the site is not located adjacent to the foreshore.
- *Ensure ecologically sustainable development principles are applied to the built environment, using materials that are robust and energy efficient.* The development will be compatible with this urban design principle as it complies with the BASIX requirements.

- *Ensure safe, user friendly pedestrian and cycle ways are provided throughout the area.* As part of the development, the public domain is proposed to be upgraded to reflect the requirements of the Town Centres Public Domain Technical Manual for Meadowbank. The pedestrian link between Church Street and Porter Street will form an important pedestrian link and will also be treated in a manner that is consistent with the Town Centres Public Domain Technical Manual for Meadowbank.
- *Provide an attractive streetscape enhanced with street trees and without the intrusion of overhead power and telecommunication lines.* This design principle can be satisfied by the imposition of various conditions on the consent. Street trees would be required to be provided in accordance with the Town Centres Public Domain Technical Manual. Any approval would also be conditioned to require the undergrounding of the overhead power lines and telecommunication lines.
- *Provide attractive commercial, retail and light industrial buildings that are compatible with residential buildings.* For this part of Meadowbank the controls are encouraging a mixed use development which will protect residential amenity while protecting the economic viability of Meadowbank. The development complies with this requirement as residential and retail land uses have been incorporated into the development.
- *Re-use and adapt existing buildings wherever possible.* The existing buildings are old dilapidated industrial buildings. These buildings do not contribute positively to the character of Meadowbank in terms of their architectural quality, industrial character, defining form and environmentally sustainable design. These buildings are not considered suitable for adaptive re-use.

### Precinct 5 – Church Street

*At the gateway to the City of Ryde, development is to be of a high calibre. Development along Church Street should be in keeping with the gateway location, be set back from the road and incorporate quality landscaping, including mature trees.*

Coming from the south, the site is visible upon entry into the City of Ryde and the corner Building D will mark the gateway entry (until such time as the Holdmark development site is constructed which will then be marked as the gateway site). The Council owned portion of land at the corner of Well and Church Street intersection adjoins the subject site and forms a landscaped splay which is to be retained and integrated into the design of the overall development with Building D well setback from Church Street.

Under the control a 5m setback is required along Church Street. Building D which is located on the corner of Well and Church Streets will have a zero setback to the property boundary. However under Figure 9 – Building Setback of the DCP, the setback is taken from where the Council owned portion of land adjoins Church Street. As such, Building D will comply with the 5m building setback.

The proposal will have a minimum setback of 12m along Church Street for Building C with some large existing trees in front of the building to be retained. However the current layout and landscape treatment does not facilitate the retention of all of the existing trees along the Church Street frontage and Council's Landscape Architect has advised that the removal of these trees are acceptable as suitable replacement tree species are proposed. With the proposed landscaping and architectural design of the buildings, the proposal is considered to present a quality designed development.

### Access Structure

*Shared pedestrian/cycle access ways:*

*Between Nancarrow Avenue and Rothesay Street;*

*Between Constitution Road and Nancarrow Avenue (subject to topography);*

*Between Belmore Street and Nancarrow Avenue;*

*Between Belmore Street and Porter Street.*

Whilst it is not required to provide any access ways between Church and Porter Street the proposal has incorporated an east west pathway to facilitate access through the site, from Church Street to Porter Street. This through link will connect with the existing adjoining shared pedestrian/ cycle access way (between Belmore Street and Porter Street) and the adjacent bus stop on Church Street.

### Variations to the Master Plan and Planning Agreements

Section 3 of the DCP provides for variations to the Master Plan. Despite any other provisions of this Plan, development consent may be granted to a development application where the:

- (a) Number of storeys proposed is one more than the maximum set out for that site on figures 11 and 16. This is subject to the maximum height of any proposed building not exceeding the recommended maximum Relative Level (RL) specified within the Plan.*
- (b) The developers enters into a planning agreement to provide a planning benefit; and*
- (c) The proposed development meets all other requirements of this Plan, including the design principles of section 2.3.*

The number of storeys referred to in figure 11 contained in the DCP is four storeys. The site is not identified in figure 16 contained in the DCP and there is no applicable RL. Under this control the development may be 5 storeys subject to points (b) and (c) being satisfied. The development has proposed an increase of two storeys rather than one. As this is a DCP requirement, it is possible for the control to be varied.

In respect of point (b), as part of this development application the applicant has prepared a VPA. Council on 11 June 2013 resolved to support 'in principle' the Voluntary Planning Offer made by Motive Properties Pty Limited. Delegation was also granted to the Acting General Manager to finalise the Voluntary Planning Agreement with Motive Properties Pty Ltd.

To ensure that the VPA is registered on the title of the land, it is proposed to include a condition on the consent for this to occur prior to the issue of any certificate. See Condition 2.

The final requirement of the clause is that the development meets all other requirements of this Plan including the design principles of Section 2.3.

The development meets these requirements with the exception that the development proposes two additional storeys rather than one. As already demonstrated, the height, bulk and scale of this development are consistent with the existing character as well as the future character of the area. For this reason, this variation is considered acceptable.

General Development Controls

The general development controls are applicable to all development within the Meadowbank Employment Area and include the public domain interface, architectural characteristics, noise and vibration attenuation and car parking. The applicable controls to this development are discussed in the following table.

Control	Comments	Compliant
<b>4.1 – The Public Domain Interface</b>		
<b><i>Mixed Use Development</i></b>		
Mixed-use development will comprise either: <ul style="list-style-type: none"> <li>▪ a combination of medium and high density residential development with compatible employment related activity; or</li> <li>▪ a combination of commercial and light industrial activity.</li> </ul>	The proposal includes high density with retail uses.	Yes
Compatible employment related activities include: <ul style="list-style-type: none"> <li>▪ restaurants and cafés</li> <li>▪ small scale retail establishments such as convenience stores</li> <li>▪ small commercial offices</li> <li>▪ professional suites</li> <li>▪ home offices</li> <li>▪ if designed as commercial premises,</li> </ul>	All retail areas located at ground floor level, with residential areas located above. The development identifies the corner retail premise (Well and Porter Street) as being utilize as a café/restaurant. The proposed future uses of the other retail spaces have not been identify however they have the ability to be utilised for a range of purposes. A condition of consent will be included on this consent to limit the hours of operation of the retail uses to ensure that the residential amenity is not adversely affected. See Condition 145.	Yes

Control	Comments	Compliant
including features such as shop fronts to ensure a clear presentation to the street / public area		
Retail developments, restaurants and cafés are to be generally located at or around street level.	The proposal provides retail floor space areas with a proposed café/restaurant on the corner of Well & Porter Streets.	Yes
Commercial uses are encouraged at the level immediately above street level, including but not confined to, professional and commercial offices, leisure uses such as a gym, places of worship or meeting rooms.	No commercial uses such as offices have been identified with “retail” activities proposed on the ground floor. The majority of the retail activities have been located where they are accessible from the public pedestrian link from Church Street to Porter street. No details have been submitted as to the proposed uses within the plaza area however it is considered that a café/restaurant will be appropriate for the corner of Well and Porter Street. No objection is raised to there being no commercial uses on the first floor of the development.	No. Variation acceptable.
Ground floor apartments are to be of flexible design to facilitate change of use and ensure privacy for occupants.	The development has incorporated residential apartments on the ground floor for Building A. These residential units do not provide the flexibility to allow them to be converted to commercial floor space in the future. This variation can be supported as due to the topography of the site, the lower ground floor of Building A has provided a retail component with the other buildings – Buildings B, C & D concentrating the retail component around the public pedestrian path. This will ensure that enough retail activities are located on the ground floor to activate the area.	No. Variation acceptable.
Where upper levels of development are used for either commercial or residential activity, the amenity of both uses must not conflict or be compromised.	Given the design, layout and scope of the proposal it is considered that the amenity of residential or retail areas will be maintained without causing conflict for each of the uses.	Yes
Private living spaces and communal or public spaces should be clearly identified and defined.	The applicant has provided adequate details to demonstrate that the communal space is clearly identified as well as being defined as being useable. Private living areas on the	Yes

Control	Comments	Compliant
	ground floor are delineated by the use of plantings and fencing.	
Pedestrian entry to the residential component of mixed-use developments should be separated from entry to other land uses in the building/s.	The residential entrances are separated from the retail floor space. The development has also incorporated separate apartment entries for apartments facing Porter Street. A residential entrance is provided from Porter Street to the podium courtyard level which provide access to the communal open space and lift to the car park and upper levels of Building B & C. A similar foyer is proposed in Building D.	Yes
<b><i>Pedestrian &amp; Cyclist Amenity, Access &amp; Linkages</i></b>		
Design of new buildings and adaptive reuse must comply with all relevant statutory requirements including the Building Code of Australia, Australian Standards and the Disability Discrimination Act.	The development will be conditioned to ensure that it complies with the BCA. The applicant has provided an Access Report that confirms that the site can comply with the appropriate AS in respect to disabled access. The development will not breach any of the requirements of the Disability Discrimination Act.	Yes
New developments must be provided with a minimum of one barrier free access point to the main entry.	All entry points are barrier free.	Yes
New pedestrian and cycleway access points, gradients and linkages are to be designed to be fully accessible by all.	Each proposed building includes elevators to 100% of apartments from the basement car park. In addition accessible pathways are provided along all three frontages – Porter, Well and Church streets.	Yes
Shared pedestrian/cycle access ways are to be located: <ul style="list-style-type: none"> <li>• between Belmore Street and Porter Street;</li> </ul>	Though not required by this control, pedestrian access is provided from Church Street to Porter street. This forms part of the VPA which includes the provision for the right of way as well as construction materials.	N/a
Shared pedestrian links, cycleways, public roads and lanes are to be of a high standard and treated in a way which indicates their shared status. The selection of paving, street furniture, lighting, bollards, signage and	The applicant has provided documentation that accompanies the VPA to demonstrate that the pedestrian walkway will be treated in accordance with the Town Centres Public Domain Technical Manual. A condition of consent will be imposed to require that the streetscapes of Porter, Well and Church Streets be treated in accordance with the requirements of this plan. See Condition 54.	Yes



Control	Comments	Compliant
paving should knit with the existing upgrade works to Shepherds Bay and Meadowbank Employment Area Public Domain Manual.		
The design and location of vehicle access to developments should minimise conflicts between pedestrian and vehicles on footpaths, particularly along high volume pedestrian streets.	It is noted that the proposal includes two separate vehicular access points and a separate pedestrian access point along Porter Street, reducing the potential for conflict.	Yes
Service vehicle access is to be combined with parking access and limited to a maximum of one access point per building.	Two access points provided along Porter Street however located within two separate building. One access (Building B) to the ground level retail and residents parking and another separate access (Building A) to the service areas. The two access points are positioned 45m apart and located in two separate buildings therefore the visual impact will not detract from the quality of the public domain along Porter Street.	Yes
Wherever practicable, vehicle access is to be a single crossing, perpendicular to the kerb alignment.	Each of the two driveways provides for one crossing each that will allow for two way movements that is perpendicular to the kerb line in Porter Street.	Yes
Vehicle access ramps parallel to the street frontage will not be permitted.	The vehicle access ramp to the basement car park from Porter Street is perpendicular to the street frontage.	Yes
Vehicle entries are to have high quality finishes to walls and ceiling as well as high standard detailing. No service ducts or pipes are to be visible from the street.	From the finishes proposed the development will comply with this requirement. A condition of consent is proposed to ensure that no service ducts or pipes are visible from the street. See Condition 70.	Yes
The ground floor of all development is to be flush with the street footpath for the predominant level of the street frontage and at the main entry to the	Due to the topography of the site – sloping down east to west, the ground floors of the buildings are generally not flush with the footpaths. Along all frontages access to the public plaza is via stairs and ramps. This is in response to the topography of the site and whilst the ground floor are not at street level	No. Variation supported.

<b>Control</b>	<b>Comments</b>	<b>Compliant</b>
building.	the development is accessible to all people including those with mobility disabilities, aged people and people with prams.	
<b>Views &amp; Vistas</b>		
Ensure new buildings take into account in their design and orientation the existing views on the subject site and adjoining sites. New developments should be orientated to take advantage of water views and vistas.	Currently there are low industrial buildings west of the subject site as such some of the west facing apartments in Buildings A & D will enjoy water views. However a Part 3A concept approval has been issued to construct future developments in front (north west) and along the foreshore (Holdmark development) which will potentially block any water views. No submissions were received in respect to view loss.	Yes
Ensure that new development does not compromise views of the northern ridgeline of Meadowbank.	It is unlikely that the proposal will substantially compromise views of the northern ridgeline. This is due to the development being compatible with the height of the development opposite (Bay One).	Yes
<b>Landscaping &amp; Open Space</b>		
All development proposals are to be accompanied by a Landscape Plan prepared by a qualified and suitably experienced landscape architect.	The application includes a detailed landscape plan by a qualified and experienced landscape architect.	Yes
Any development located adjacent to, or immediately across the road from open space is required to address the open space by way of design and orientation.	The subject site adjoins Council's owned land at the corner of Church and Well Streets. The landscape design has integrated the area with the development. A new pathway is proposed through the splay to connect with the development and to Church & Well Streets.	Yes
Provide adequate deep planting zones above car parking and other concrete and similar structures to allow sustainable planting.	A condition of consent has been imposed to ensure planting depths comply with the requirements of the RFDC. See Condition 71.	Yes
Provide at ground floor level, where possible, open space for dwelling units and contiguous open garden areas to create common large landscaped space.	The development has incorporated communal open space on the podium area with a BBQ and seating provided. Ground floor courtyards have been provided for apartments on the ground floor.	Yes

Control	Comments	Compliant
Construction of roof areas of multi-unit developments is to make provision for useable roof gardens.	The development does not include a rooftop garden area. Given that each unit has its own private balcony plus the provision of a communal open space, it is not considered that rooftop gardens are necessary in this instance.	No. Variation acceptable.
Where appropriate, developments should incorporate landscaping like planter boxes integrated into the upper levels of building to soften building	No landscaping is proposed at the upper levels of the building. The building form has been softened through the use of articulation as well as the various materials and finishes. As no objection has been raised to the built form of the development, planter boxes are not considered applicable.	Yes
Buildings are to be set back from the street/footpath boundary by 3 metres or 5 etc. metres to allow for landscaping/planting.	<p>Figure 9 in the MEA DCP requires the development to achieve a 5m setback along both Porter, Well and Church Streets.</p> <p><u>Porter Street:</u> From the existing boundary, the setback is between 6m and 7m. However as part of the VPA and as required by Draft DCP, a 2m wide road widening has been provided, resulting in the setback being reduced to between 4m to 7m. This draft DCP also requires a minimum setback of 4m. On the upper levels there are some balcony encroachments of 3m, however this is only for some sections and the does not extend for the full frontage. The encroachment is on the upper levels (level 2 and above). As such, the development provides a sufficient setback of between 4m to 7m at ground level to provide for landscaping and planting.</p> <p><u>Church Street:</u> 9m &amp; 12m. Sufficient area for landscaping/planting at front of building to screen and soften appearance of the building.</p> <p>At the corner of Well and Church Street, Council's land has been integrated into the design of the overall development with landscaping and screening. As part of the VPA this area will be embellished and the landscaping integrated with the development. Note: Council's approval has been issued for the use of Council's land as part of this application.</p>	No. Variation acceptable.
Where a proposal involves redevelopment	The Porter Street frontage of the site is 40.235m in length. As such, pursuant to this	Yes

Control	Comments	Compliant
<p>of a site with a frontage of at least 40m to a public road, the developer shall arrange for electricity and telecommunications utilities to be under-grounded along the entire length of all street frontages. Such utility modifications will be carried out to the satisfaction of the responsible authority (eg. Energy Australia). This is to improve the visual amenity of the area and allow street trees to grow unimpeded.</p>	<p>section of the DCP, the proponent is required to make provision for the under-grounding of the identified service utilities. Conditions 54 &amp; 97 have been imposed requiring this.</p>	
<p>Where utility installations are under-grounded in conjunction with new development Council will waive 50% of the total contribution towards public space acquisition and embellishment normally payable under Council's relevant Section 94 Contributions Plan.</p>	<p>Section 94 is not proposed to be conditioned as the development has been accompanied by a VPA.</p>	<p>N/a</p>
<p>Permeable landscape surface materials should be maximised, to allow maximum penetration of stormwater and urban runoff.</p>	<p>The development complies with this requirement.</p>	<p>Yes</p>
<p><b>Street Furniture &amp; Public Art</b></p>		
<p>All development proposals are to be accompanied by a landscape plan, prepared by a qualified and suitably experienced landscape architect, indicating how street furniture will be incorporated into the</p>	<p>The application has not been accompanied by a landscape plan that addresses street furniture. Condition 54 of the consent has been imposed requiring the applicant to prepare such a plan which is to be submitted to Council for approval prior to the issue of a Construction Certificate. This plan is to be in accordance with the Town Centres Public Domain Technical Manual and will include street furniture.</p>	<p>Yes</p>

<b>Control</b>	<b>Comments</b>	<b>Compliant</b>
development.		
The style, colour and installation methods of street furniture shall be in accordance with Council's specifications.	As detailed above, this matter will be addressed by a suitable condition of consent.	Yes
Developers must examine opportunities to incorporate public art in both internal and external public spaces and indicate how public art will be incorporated into major developments.	The applicant has not incorporated public art into the development. A condition of consent has been imposed requiring a public art plan to be submitted for Council's approval prior to the issue of a Construction Certificate. See Condition 69.	Yes
Embellishment will be at developers' cost and the type and amount of embellishment will be negotiated with Council.	The embellishment to the public domain will be in accordance with the Town Centres Public Domain Technical Manual. As previously advised a condition of consent has been imposed in respect of this issue.	Yes
<b>4.2 – Architectural Characteristics</b>		
<b>Height</b>		
Building height is limited to that specified in LEP 2010.	<p>The maximum height specified in LEP 2010 is 15.5 metres.</p> <p>Building A (Porter &amp; Well Street) will be 6-7storey with max height of 23m.</p> <p>Building B (Porter Street) is 7 storeys with max height of 27.3m.</p> <p>Building C (Church Street) is 5- 6 storey with max height of 23.4m.</p> <p>Building D (Church &amp; Well Street) is 6 storeys with max height of 22.5m.</p> <p>The non-compliance with the height control has been discussed in greater detail earlier in the report. The variation to height is supported as the buildings proposed will reflect the height and scale of the adjacent developments on the adjoining north western site at 82-84 Belmore Street as well as having an acceptable impact in terms of solar access.</p>	No. Variation acceptable.
Buildings must comply with the maximum number of storeys shown on figure 11.	<p>The maximum height permissible under the DCP is 4 storeys.</p> <p>As discussed earlier in this report, the DCP does allow for variations to the height control by one storey where the developer enters into a VPA and the development satisfies all of the other requirements of the Plan</p>	No. Variation acceptable.

Control	Comments	Compliant
	<p>including the design principles.</p> <p>The buildings proposed will reflect the height and scale of the adjacent developments on the adjoining north western site at 82-84 Belmore Street as well as having an acceptable impact in terms of solar access.</p> <p>As demonstrated in the report, the variation to height is considered acceptable.</p>	
<p>Storey is defined as no greater than 3.6 metres floor to floor height. Any storey over 3.6 metres will be counted as two storeys.</p>	<p>Noted - The ground floor retail areas will have a ceiling height greater than 3.6 metres (proposed 5m) however the overall height of the development is compatible to adjoining developments. See full discussion under height above.</p>	<p>No Variation acceptable</p>
<p>Floor to ceiling heights, except ground floor, for residential use (habitable rooms) are to be a minimum of 2.7 metres (floor to underside ceiling) to ensure quality living environments.</p>	<p>All floor to ceiling heights with the exception of the ground floor will achieve a floor to ceiling height of 3 metres.</p>	<p>Yes</p>
<p>Floor to ceiling height of ground floors of commercial, retail spaces and of residential uses are to be a minimum of 3.0 metres (floor to underside of ceiling space).</p>	<p>The ground floor to ceiling height of the retail spaces will have floor to ceiling height greater than 3m.</p>	<p>Yes</p>
<p>Retail and commercial uses at ground floor are to have floor levels contiguous with finished footpath levels. On sloping sites the levels must be contiguous at entries.</p>	<p>The retail/café use on the corner of Well and Porter Street will be at ground level contiguous with the footpath levels however due to the topography access to the central plaza area will be from ramps/stairs. However the retail uses will be contiguous with the plaza area.</p>	<p>Yes</p>
<b>Roof Form</b>		
<p>Buildings that will be overlooked must have articulated roofs. Articulated roofs refer to well-designed roof zones with landscaping, useable areas and/or richly detailed roofs made of high quality</p>	<p>Building C will be overlooked by the upper storeys of Building B, however the roof area of Building C will generally not be accessible by the residents and the mechanical equipment will be enclosed. The proposed roof is considered appropriate in terms of the scale of the building and no objection is raised to the design of the roofs.</p>	<p>Yes</p>

<b>Control</b>	<b>Comments</b>	<b>Compliant</b>
materials.		
The use of solar panels on roofs is permitted where possible.	The application does not include provision for the installation of solar panel roofs. This may be considered at a future date and, if considered feasible and desirable this work would be permissible under the Infrastructure SEPP.	N/A
Roof forms should recognise and respond to the industrial history of the area – such as saw-tooth, flat and minimally pitched (15°) roofs, with parapets where appropriate.	The roof form is similar to the Bay One development opposite in Porter Street.	No – variation acceptable.
Attic roofs are to be avoided– as they are not in character with the locale.	The development does not include any attic roofs.	N/A
<b><i>Building Articulation</i></b>		
Building facades should be articulated within a 3-metre zone to provide entries, external balconies, porches, glazed balcony enclosures, terraces, verandahs, sun shading elements etc.	The proposal generally allows for a 3m articulation zone. This is primarily achieved through the use of terraces and modulation of the built form. In addition the upper floor of the building has been setback which increases the articulation of the building.	Yes
Penthouses should be set a minimum of 4 metres from any building façade.	The development has not proposed any penthouses. The development has however introduced articulation to the upper levels of the building by providing varied setbacks of the upper level that adds to the articulation of the building.	N/A
Articulate buildings to respond to orientation, views, breezes, privacy, views, acoustic requirements, street widths and the relationship of the building to external garden spaces.	The development complies with this requirement.	Yes
Articulate buildings vertically and horizontally: materials and building setbacks on the upper storeys are to	The applicant has proposed finishes and materials in accordance with the recommendations of Council’s Urban Design Review Panel. The finishes and materials will add to vertical and horizontal articulation in	Yes

<b>Control</b>	<b>Comments</b>	<b>Compliant</b>
be used to reduce the perceived bulk of buildings.	the building.	
Provide and denote entries along street frontages and public domain spaces where appropriate.	Entries will be clearly identifiable from the public domain.	Yes
Orient buildings to address streets, open spaces and the river foreshore. Street frontages are to be parallel with or aligned to the street alignment.	Street frontages are parallel with street alignment and orientated towards open spaces and streets.	Yes
Provide balconies and terraces, particularly where buildings overlook public spaces.	Each apartment has been allocated a balcony or terrace.	Yes
<b>External Finishes</b>		
Building materials, surfaces and finishes are to be environmentally sustainable, add to the texture of Meadowbank and fit within its industrial history and aesthetic. Consider treatments such as homogenous face brick and rendered wall surfaces.	The development incorporates the use of masonry block wall and sandstone clad walls. The building materials and finishes have been considered by Council's Urban Design Review Panel as being acceptable.	Yes
Avoid extensive expanses of blank glass or solid wall.	Glass walls are provided to the retail development reflecting its use and providing a visual connection between the retail and public spaces making the retail spaces more inviting. The Urban Design Review Panel had no objections to the building material and finishes.	Yes
Whilst large glazed areas will be appropriate to south-west facing orientations to take advantage of water views, large areas of glazing are to be protected from solar gain and suitably screened.	As the development has provided an acceptable BASIX Certificate, the development complies with this requirement.	Yes



Control	Comments	Compliant
<p>New buildings will require solar protection to openings in the form of screening, window hoods and overhangs is required for all new buildings.</p>	<p>As the development has provided an acceptable BASIX Certificate, the development complies with this requirement.</p>	<p>Yes</p>
<b>Noise and Vibration Attenuation</b>		
<p>New residential developments, including those within a mixed-use building, are required to consider noise attenuation and acoustic treatment in their design.</p>	<p>The site is impacted from Church Street traffic noise. Mitigation measures have been incorporated into the design including window glazing, external walls, roof/ ceiling construction, external doors and mechanical ventilation.</p> <p>The applicant has submitted an Acoustic Report in respect of the proposed development prepared by Acoustic Logic dated 15/11/2011. The acoustic report has considered that the main source of noise that will affect this development will be from Church Street, on the south-eastern property boundary, which carries high traffic flows.</p> <p><i>Internal noise levels will primarily be as a result of noise transfer through the windows and doors and roof, as these are relatively light building elements that offer less resistance to the transmission of sound.</i></p> <p>The report has provided recommendations for glazing, minimum STC rating, external doors requirements and conclude that:</p> <p><i>Noise intrusion impact from traffic noise onto the future occupants of the development has been assessed in accordance with NSW State Environmental Planning Policy Infrastructure (2007). The acoustic treatments necessary to achieve these guidelines have been set out in Section 4.3.</i></p> <p>A condition of consent has been imposed requiring that the development comply with the recommendations of this report. See Condition 49.</p>	<p>Yes</p>
<p>New residential developments must be designed so that the repeatable maximum L</p>	<p>Subject to the development satisfying condition 49 in respect to noise levels, the development will comply with these requirements.</p>	<p>Yes</p>

Control	Comments	Compliant
Aeq (one hour) level does not exceed 45dBA inside living or bedroom areas, with windows closed.		
Balconies and other external building elements are to be located, designed and treated to minimise infiltration of noise into the building and reflection of noise from the façade.	The development complies with this requirement.	Yes
New units are to be constructed in accordance with: - AS 3671-1989 and -AS 3671-1987.	A condition of consent will be imposed to ensure that the development complies with this requirement. See Condition 49.	Yes
<b>3.4 – Car Parking</b>		
As a rule all car parking associated with new development is to be provided underground, within the fall of the land or within the foot print of the building. Where parking is provided at grade for existing development, it is to be screened from roads and public areas by landscaping to Council's satisfaction. Large areas of car park are required to have landscaping dispersed throughout. A landscape plan, prepared by a qualified landscape architect, is to be submitted with Development Application.	All carparking is contained within the building over two basement levels and a ground floor level. The carpark is sited within the footprint of the buildings above however as a result of the topography of the site; along Church Street section of the carpark will be visible at ground level. This area has tiered landscaping in front to ensure that the raised carpark area does not detract from the building and streetscape. Council's Consultant Landscape Architect has reviewed the landscaping proposed and has verbally advised that the proposed landscaping will provide adequate screening of the development with the existing and proposed trees along Church Street maintaining the landscaping character of the area.	Yes
All major retail and commercial development shall be required to provide parking facilities for disabled persons.	The proposal includes retail development and provides disabled car parking spaces within the basement parking. A condition of consent will be imposed to ensure that these spaces are provided in accordance with AS2890.1. See Conditions 73 & 74.	Yes.

Control	Comments	Compliant
Facilities should be in accordance with the standards laid down in Australian Standard 2890.1.		
Council will take the following factors into account in determining car parking provision for a particular development: <ul style="list-style-type: none"> <li>- the size and type of the development and its traffic generation;</li> <li>- traffic volumes on the street network, including expected future traffic volumes;</li> <li>- hours of operation and any other specific characteristics of the development proposal;</li> <li>- the location of the development and access to public transport.</li> </ul>	The proposal provides car parking in accordance with the requirements of the DCP. As such, the proposed number of car parking spaces is considered acceptable.	Yes.

### Precinct Specific Development Controls

The Meadowbank Employment Area consists of eight precincts that are differentiated by land-use, urban form and district character. Each precinct has additional and specific planning principles and planning and urban design controls that are to be applied to the precinct. The site is located within Precinct 5: Church Street. The planning principles and controls are contained in the following table.

Control	Comments	Compliant
Height Height of built form in this precinct is to comply with Ryde LEP 2010.	The height control in LEP 2010 is 15.5m and the proposed heights seek a departure from Ryde LEP. The breach in height however is acceptable for the reasons detailed earlier in the report. The proposed height will be more in keeping with Draft LEP 2011 and a VPA has been supported by Council which provide additional benefits for the departure in height. A Clause 4.6 has also been submitted and assessed (detailed in further above in the report) which supports the departure as the proposed height of the buildings are consistent with	No – variation acceptable

Control	Comments	Compliant
	surrounding site and with the future planning controls recently adopted by Council.	
Views and Vistas New development in this precinct is to respond to, and consider views from, the Parramatta River.	Views to and from the site to Parramatta River will be blocked by the future development of land south of Well Street. However the current situation - Buildings A & D will potentially have views to the river.	Yes
Landscaping Retain existing mature trees that add to the high quality of the area. Minimum permeable (or planted) landscaped area is to be 25%. New development is to be responsive, and add, to the landscape quality by providing adequate deep planting zones above carparking to allow sustainable planting that takes into account solar access and views.	Trees on the Council owned land adjoining the site are to be retained and integrated into the Landscape Design concept for the site. Some trees along Church Street will be removed however Council's Landscape Architect has advised that <i>"the current layout and landscape treatment does not facilitate the retention of these trees, this is considered acceptable as suitable replacement tree species will be planted as part of the proposed landscape plans."</i> The proposed landscaping for the site includes native screening trees along Church Street and locality trees along Porter Street. Council's Landscape Architect has advised that the Deep Soil Zone (DSZ) shown on the site, comprise 1250m <sup>2</sup> of the total site area (26%). This includes an area located on the podium level. The podium planting area should not be included within the calculation of DSZ requirements. It is noted that with the removal of this area from the calculations that the revised DSZ area (1137.5m <sup>2</sup> ) only achieves 24.3%. Considering this is such a minor deviation and the potential tree canopy that will be provided as part of the podium planting shown on the landscape plans, it is considered to be an acceptable deviation.	Yes
Building Footprints New commercial buildings in this precinct are to have a maximum depth from window to core of 12 metres to ensure adequate natural	Some retail areas will have a depth greater than 12m however the intent of natural light and ventilation will be achieved as the retail areas will have glazed frontages which will provide natural light.	No – variation acceptable.

Control	Comments	Compliant
light and ventilation. For retail ground floor areas larger footprints are allowable.		
<p>Amenity and Environmental Considerations</p> <p>Development must take into account the context of the site and accordingly provide acoustic treatment, such as high performance glazing / double-glazing, for buildings fronting Church Street.</p> <p>The building adjoining the southern boundary of Hayes Reserve should take advantage of the northerly aspect and provide visual surveillance of pedestrians utilising Hayes Reserve</p>	<p>An Acoustic Assessment has been prepared which made recommendations for acoustic treatments such a glazing for each of the buildings. Condition 49 has been imposed requiring compliance with the recommendations contained in the report.</p> <p>The site does not adjoin Hayes Reserve.</p>	Yes
<p>Adaptive Re-Use</p> <p>Adaptive re-use of buildings dating back to the early 1900's is encouraged.</p>	Not applicable as the subject site does not contain a heritage item nor is identified for adaptive reuse.	N/A
<p>Access</p> <p>Due to the traffic volume on Church Street, vehicular access from Church Street will be discouraged unless there is no other alternative.</p>	Vehicle entries to the basement car park are from Porter Street. No vehicular access will be provided from Church or Well Streets.	Yes
<p>Gateway Location</p> <p>Development on Well Street and along Church Street is to be of an architectural quality that acknowledges the gateway location to the City of Ryde and the Meadowbank Employment Area.</p>	<p>The proponent contends that Building D (Corner of Well and Church streets) has been designed to reflect it role and prominent location at the gateway to the City of Ryde.</p> <p>However the southern site adjoining the development, on the Holdmark development site is deemed as a more suitable location for the provision of a "gateway" development. A requirement has been imposed by the Department of Planning that future application/s for the signature building fronting Church Street shall demonstrate design excellence in accordance with the Director General's Design Excellence Guidelines. This has been imposed as a condition under the Part 3A Concept Approval.</p>	Yes

## Part 7.1 - Energy Smart, Water Wise

This DCP provides a strategic framework for achieving sustainable development and new developments are required to comply with the minimum energy performance standard.

Due to the introduction of the BASIX legislation, any provisions of the Council's DCP that intends to reduce the consumption of mains supplied potable water, or reduce emissions of greenhouse gases or improve the thermal performance of a building have no effect. This is only applicable to the residential component of the building as such there is no additional requirements that impact on the residential component.

The following table demonstrates the requirements for the retail uses.

Control	Comment	Compliance
<b>New Shops, Industrial and Commercial Premises</b>		
The total anticipated energy consumption for the base building is no greater than 450MJ/am <sup>2</sup> for commercial uses and 900MJ/am <sup>2</sup> for retail uses.	An ESD report by Solution Consultants Ltd has been submitted with the application. The Solution Consultant report has assessed the proposal for compliance with the BCA provision for energy efficiency under NSW Section J of the BCA. The objectives of NSW Section J are to reduce greenhouse gas emission by efficiently using energy in the buildings. The report concludes that the proposed development will comply with the deemed to satisfy requirements of Section J of BCA. Condition 68 has been imposed to ensure compliance with Council's requirement.	Yes

## Part 7.2 - Waste Minimisation and Management

As the development involves the demolition and construction of buildings the applicant submitted a Waste Management Plan (WMP) which has been reviewed by Council's Environment Health Officer and is considered satisfactory.

Appropriate conditions of consent will be imposed to ensure that the waste materials will be disposed of satisfactorily.

This DCP also requires that development provide an appropriate space for the storage of wastes. This space is to be separated for the commercial and residential uses. The development complies with these requirements and no objections have been raised by Council's Waste Management Co-ordinator.

## Part 9.2 - Access for People with Disabilities

This DCP requires that for residential development it is necessary to provide an accessible path of travel from the street to and through the front door to all units on each level of the building. Also 10% of the units are to be adaptable units in terms of AS4299. The commercial component of the development is required to comply with all of the applicable provisions of the DCP.

An Accessibility & DDA (The Disability Discrimination Act) Report by OneGroup Ltd has been submitted with the application.

The report by One Group summarise the following:

Comment/Issue(s)	Recommendation(s)	Compliance
Car Parking and Transport • Accessible carparking for accessible units	<ul style="list-style-type: none"> <li>• Each adaptable residential unit will require an access carparking space to comply with AS2890.6-2009. 2.4m + 2.4m shared zone.</li> <li>• Based on 10% of the total apartments 27 accessible carparking spaces would be required - 28 accessible parking spaces are provided</li> </ul>	Yes
External Walkways • Kerb ramps	<ul style="list-style-type: none"> <li>• Ensure kerb ramps comply with AS 1428.1-2009. Further assessment and review will be carried out at detail design phase.</li> </ul>	Yes
Entrances • Accessible entry is provided at each building entry by way of level grade, ramp or lift access	<ul style="list-style-type: none"> <li>• Entrance doorway to buildings - door features to be reviewed at detail design stage.</li> <li>• Accessible continuous path of travel has now been provided on Well Street (Due to the difficult and steep gradient on the Councils footpath along Well Street, the level entry has been provided at the most appropriate location on the boundary adjacent to the stairway on Well Street).</li> </ul>	Yes
Vertical Travel: Lifts, Stairs and Ramps • Lifts are proposed within the development. The lifts are well located for anyone to gain direct access to all required levels. • Stairways and ramps are proposed within the development. • Landings in front of Lifts	<ul style="list-style-type: none"> <li>• No detail of lift dimensions and features are provided at this stage, this will be reviewed at detail design stage.</li> <li>• Handrails to be provided on both sides of stairs and ramps including tactile ground surface indicators, (except within fire isolated stairways) as per AS 1428.1-2009. To be reviewed at detail design stage.</li> <li>• Ensure circulation space in front of lifts are provided with 1500mm x 1500mm.</li> </ul>	Yes
Common Area Internal	<ul style="list-style-type: none"> <li>• Ensure a minimum of 1000mm is</li> </ul>	Yes

Walkways and Surfaces • Pathways • Internal corridor widths	provided between any obstructions and objects • Ensure corridor widths are provided with a min 1m wide, and turning space at the end of corridors 1540mm x 2070mm	further review at detail design
Common Area Doorways	Specific dimensions have not been provided at this stage but doorways in the common areas appear to provide sufficient clear opening widths, circulation spaces and latchside clearances.	Yes
Common Area Sanitary Facilities • Accessible sanitary facility to common area are proposed • Ambulant toilets in common sanitary facilities areas are proposed	• Accessible unisex sanitary facility adjacent to each bank of toilets. Further review will be provided at detail design stage. • Where gender toilets are provided an ambulant sanitary compartment is required in each bank of toilets. Further review will be provided at detail design stage	Yes

#### COMPLIANCE SUMMARY

*One Group ID has completed a review of provided documentation to evaluate the compliance and functionality of the development. This is inclusive of the 2010 Access to Premises Standard and pertinent Australian Standards, inclusive of the AS1428 series and City of Ryde DCP 2010 part 9.2– Access for People with disabilities.*

*Following this review, One Group ID is able to confirm that at the DA stage of design the Proposed Mixed Use Development at 125-135 Church Street; Meadowbank can provide appropriate accessibility to common areas from pedestrian entrances and continuous path of travels including adaptable apartments.*

*In the next phase of the design process it is anticipated that as additional detail is provided, particularly dimensions and features, the accessibility of this development can be further detailed.*

Condition 51 has been imposed requiring compliance with the recommendations contained in the Accessibility & DDA (The Disability Discrimination Act) by One Group ID Pty Ltd.

#### Part 9.3 – Car Parking

Part 9.3 specifies a maximum of:

Residential Development - High Density (Residential Flat Buildings)

- 0.6 to 1 space / one bedroom dwelling
- 0.9 to 1.2 spaces / two bedroom dwelling
- 1.4 to 1.6 spaces / three bedroom dwelling
- 1 visitor space / 5 dwellings

Retail Premises and Industrial Retail Outlet

- 1 space / 25 m2 GFA



The residential development will contain a total of 269 units comprising of:

- 1 x Studio Apartment
- 204 x One Bedroom
- 51 x Two Bedroom
- 13 x Three Bedroom and 1080m<sup>2</sup> of retail.

The proposed development requires off street car parking to be provided at the following rates:

	Lower Limit	Upper Limit
One bedroom units/ Studio Apartments x 205	123	205
Two bedroom units x 51	46	62
Three bedroom units x 13	19	21
Visitors' spaces 1 / 5 units	54	54
Retail / Restaurant 1 / 25m <sup>2</sup>	43	43
	<b>285</b>	<b>385</b>

The proposal will provide for 380 car parking spaces (including 28 spaces designed for accessible use). The parking for the retail component is located on the ground level and will be isolated from the residential parking by electronic carpark barriers. Visitors to the residential component will require access from residents to access the marked visitors' spaces scattered throughout the ground and first basement levels.

The breakup between the uses is as follows:

- 43 x Retail spaces
- 283 x Residential spaces
- 54 x Visitors' spaces
- 380 spaces

The DCP states that: *in every new building, where the floor space exceeds 600m<sup>2</sup> GFA (except for dwelling houses and multi-unit housing) provide bicycle parking equivalent to 10% of the required car spaces or part thereof.*"

Based on the above, 29 to 38 bicycle spaces are required to be provided.

The development incorporates bicycle spaces on the ground and lower basement 1 levels and Condition 75 has been imposed requiring minimum of 38 bicycle spaces to be provided.

The proposal complies with Council's car parking and bicycle requirements.

## 7.8 **Draft Local Environmental Plan 2011**

Draft LEP 2011 was adopted by Council on 12 March 2013 and is waiting gazettal by the Department of Planning and Infrastructure as such LEP 2011 can be considered certain and imminent.

The relevant provisions of DLEP 2011 are considered below:

### Zoning and Permissibility

The subject site is earmarked to remain within land zoned B4 Mixed Use under the provisions of DLEP 2011 (same as existing). The use and objectives of the B4 Mixed use zone is unaltered and is the same as assessed above.

### Clause 4.3 - Height of Buildings

The maximum height of buildings permitted on the site under DLEP 2011 is 21.5m. The proposal will exceed the height ranging between maximum 22.5m to 27.3m (inclusive of lift overruns). The height of each building varies across its length due to the sloping nature of the site. Building heights are measured to the highest point.

The building heights are consistent with the emerging character that is being established in the area. Along Porter Street, Buildings A & B are consistent with the height of the adjoining Bay One development. The height of Buildings C & D (along Church Street) provides a transition between the established heights along Porter Street and the current LEP height control. Although the height of parts of the buildings seeks a variation to the maximum building height the proposal is not considered to adversely impact on adjoining properties in terms of overshadowing. Any overlooking concerns have been addressed by conditions.

### Clause 4.4 - Floor Space Ratios

The Floor Space Ratio Map indicates the site has a maximum floor space ratio of 2:1. The proposed development has a floor space ratio of 2.12:1 (total floor area of 22856m<sup>2</sup>, variation of 6.2%). The departure is considered in the Voluntary Planning Agreement with regard to the height departure allowing for additional apartments. The overall bulk and scale of the development is appropriate for the area (has a reasonable scale relationship with development on the opposite side of the street and is considered to be consistent with the urban form within the immediate and wider locality). The higher density is appropriate given that the site is strategically located within close proximity to public transport and retail services (Ryde and Rhodes Shopping centres). Furthermore, the proposal is not considered to adversely impact in terms of overshadowing, as such the variation is considered acceptable.

## **7.9 Draft Development Control Plan 2011**

### **Part: 4.2 Shepherd's Bay, Meadowbank**

#### General Development Controls

The general development controls have been discussed above under the current DCP however controls which have been added or amended as part of the draft DCP are discussed in the following table.

<b>Control</b>	<b>Comments</b>	<b>Compliant</b>
<b>4.0 General Development Controls</b>		
<b><i>Mixed Use Development</i></b>		
<ul style="list-style-type: none"><li>New large scale warehousing is not appropriate in the area.</li></ul>	No warehousing proposed.	Yes

Control	Comments	Compliant
<ul style="list-style-type: none"> <li>The Church Street frontage should be used for commercial uses with residential uses setback at 12m and fronting Porter Street.</li> </ul>	Residential component setback 12m along Church Street.	
<b><i>Pedestrian &amp; Cyclist Amenity, Access &amp; Linkages</i></b>		
<ul style="list-style-type: none"> <li>The achievement of maximum heights and density is contingent on meeting the public domain provisions of this plan and all public domain items being provided by the proponent.</li> <li>Publicly accessible pedestrian and cycle ways must be provided through large sites. (even if not envisaged by this plan) (refer to Figure 4.2.03)</li> <li>New roads, shared ways, pedestrian and cycle paths shall be provided in accordance with Figure 4.2.03.</li> <li>Constitution Road, Faraday Lane and Porter are to be widened.</li> <li>The design of new roads, shared ways footpaths and cycle paths shall be in accordance with Figure 4.2.03, Figure 4.2.04, Figure 4.2.05 and Figure 4.2.06).</li> <li>Pedestrian links must be a minimum width of 3.5 m, clear of buildings and open 24 hours a day. Pedestrian links identified in Figure 4.2.03 must be dedicated to Council.</li> <li>Developments must be setback from the corner on blocks with poor site lines. The setback distance will be at the discretion of Council.</li> </ul>	<p>As part of the VPA the proponent will provide widening of Porter Street, public access through the site by way of a right of way through the plaza as envisaged by this Plan.</p> <p>Figure 4.2.03 shows an upgraded Link 4 – new/improved footpaths through the middle of the site. Whilst the development does not provide a footpath through the site, a proposed site-through link from Porter St to Church St is provided. This forms part of the VPA which includes the provision for the right of way as well as construction materials.</p> <p>Porter Street will be widened as required.</p> <p>The pedestrian link through the plaza is 6m wide and accessible 24 hours a day. Condition 7 has been imposed requiring that a ROW be created over the pedestrian link.</p> <p>Council’s Traffic and Development engineers have not raised any concerns about poor sight lines and have raised no objections to the development.</p>	Yes

Control	Comments	Compliant
<b>Implementation - Infrastructure, Facilities and Public Domain Improvements</b>		
<ul style="list-style-type: none"> <li>The public land such as the road verge adjoining a development site is to be embellished and if required dedicated to Council as part of any new development. The design and construction of the works are to be undertaken in accordance with section Figure 4.2.03, Figure 4.2.04, Figure 4.2.05, Figure 4.2.06 and Figure 4.2.08.</li> <li>The Access Network being the roads, pedestrian connections and open space network as shown Figure 4.2.03 is to be embellished if required and dedicated to Council as part of the new development. The design and construction of the works are to be undertaken in accordance with Ryde Public Domain Technical Manual and section 4.1.2 of this DCP</li> <li>S94 contributions still apply throughout area, notwithstanding any land dedications, public domain improvements, infrastructure provision etc. as required by this DCP.</li> </ul>	<p>The road widening along Porter St and the corner splay at the intersection of Porter Street and Well Street is in accordance with Council's requirement.</p> <p>The upgrading of public domain areas to meet the requirements of the Public Domain Manual will be imposed as Condition 54.</p> <p>Condition 7 has been imposed requiring a ROW being created over the pedestrian connection to ensure that the pedestrian through link is accessible at all times to members of the public.</p>	Yes
<b>Landscaping &amp; Open Space</b>		
<ul style="list-style-type: none"> <li>Building setbacks are to allow for landscaping/planting as in section 4.2.2 Setbacks</li> </ul>	Section 4.2.2 indicates a 6m landscape buffer along Church Street. An 8.8m landscape buffer is provided in front of Building C facing Church Street.	Yes
<b>Safety</b>		
<ul style="list-style-type: none"> <li>Public spaces need to be designed to meet Crime Prevention Through Environmental Design (CPTED) principles (DUAP</li> </ul>		

Control	Comments	Compliant
<p>2001).</p> <ul style="list-style-type: none"> <li>Open sightlines and landscaping needs to be provided that allows for high levels of public surveillance by residents and visitors.</li> <li>Lighting is to be provided to all pedestrian ways, building entries, corridors, laundries, lifts, stairwells, driveways and car parks to ensure a high level of safety and security for residents and visitors at night. Further, external lighting including street lighting if necessary (in accordance with pedestrian lighting AS1158 is to be provided which makes visible potential hiding spots at night.</li> <li>Entrances to public open spaces will need to encourage pedestrian use and establish clear sightlines to improve visual security.</li> <li>The design of public domains must not result in dead ends or similar design outcomes.</li> </ul>	<p>The proposal was referred to NSW Police who has recommended conditions of consent to improve surveillance, lighting within the site and security. Conditions 115 to 122 have been imposed.</p> <p>The proposed buildings overlook Porter, Well and Church Street. The communal recreation and public plaza area is located in the middle of the site which will be overlooked by apartments. The design has provided adequate casual surveillance.</p> <p>The development complies with the requirements of this clause.</p>	<p>Yes</p>
<b>4.2 – Architectural Characteristics</b>		
<b>Height</b>		
<ul style="list-style-type: none"> <li>The ground floor height shall be 4 m floor to floor regardless of use.</li> <li>Any car parking above ground will have a minimum 3 metres (floor to underside ceiling) to allow for potential future conversion</li> </ul>	<p>The ground floor retail areas will have a ceiling height 5m.</p> <p>The ground floor carpark area will have a floor to ceiling height of 4m.</p>	<p>Yes</p>
<b>Setbacks</b>		
<ul style="list-style-type: none"> <li>Setbacks must be consistent with the setback map (see Figure</li> </ul>	<p>Figure 4.2.12 illustrates a setback of 4m along Porter and Well Street with a 6m</p>	

Control	Comments	Compliant
<p>4.2.12):</p> <ul style="list-style-type: none"> <li>• New development to have 4 m setbacks</li> <li>• Development fronting Church Street to have 6 m landscaped buffer setbacks</li> <li>• A 6 m setback is to be provided along Church Street. The setback: <ul style="list-style-type: none"> <li>i. Can only be used for driveways with the concurrence of the RTA (access is preferred from Porter Street)</li> <li>ii. Must be planted with large native trees. Species must be chosen in consultation with Council.</li> <li>iii. Native street trees to be planted at 8 m spacing in the landscaped setback along Church St</li> </ul> </li> <li>• Residential development must be setback at least 12m from Church Street.</li> <li>• Setbacks for buildings of four storeys and above to be consistent with Figure 4.2.13.</li> <li>• Low native shrubs should be provided within all setbacks with the selection.</li> </ul>	<p>landscape buffer zone along Church Street.</p> <p>The development complies with the 4m and 6m setback. Note: some balconies encroachment on the upper levels within the 4m setback (discussed in detail above under DCP 2010).</p> <p>No vehicular access is proposed along Church Street and Council's Landscape Architect has raised no objections to the proposed landscaping along Church Street, noting that the planting will be of native trees.</p> <p>Building C setback 12m from Church Street</p> <p>The storeys above the 4<sup>th</sup> floor have not been setback the extra 4m from the building façade along Porter Street. The proposal has the upper floor setback in 3m which is consistent with the BayOne development opposite in Porter Street.</p>	<p>Yes</p> <p>Yes</p> <p>No – variation acceptable</p>
<b>Building Facades and Articulation</b>		
<ul style="list-style-type: none"> <li>• All facades visible from the public domain are to be durable, low maintenance and of high quality.</li> <li>• External glass to be non-reflective and have a maximum of 20% tint.</li> </ul>	<p>The development incorporates the use of masonry block wall and sandstone clad walls. The building materials and finishes have been considered by Council's Urban Design Review Panel as being acceptable. Condition 64 has been imposed external glass to be low glare and reflectivity.</p>	<p>Yes</p>
<b>Private and Communal Open Space</b>		
<ul style="list-style-type: none"> <li>• Private open space with sunlight access, ventilation and privacy shall be provided for apartments in accordance with SEPP65.</li> </ul>	<p>The development complies with these requirements.</p>	<p>Yes</p>

Control	Comments	Compliant
<ul style="list-style-type: none"> <li>No more than 50% of communal open space provided at ground level shall be paved or of other non-permeable materials;</li> <li>Landscaping to be in accordance with approved landscape plan.</li> </ul>		
<b>Noise and Vibration Attenuation</b>		
<ul style="list-style-type: none"> <li>Church Street has been identified as a commercial strip to provide a buffer between Church Street and residential uses along Porter Street.</li> </ul>	Retailing is proposed along the ground floor fronting Church Street. The retail component will provide a buffer between Church Street and the residential buildings along Porter Street.	Yes
<b>3.4 – Car Parking</b>		
<p>On-Site Loading &amp; Unloading Facilities</p> <ul style="list-style-type: none"> <li>All new buildings are required to provide on-site loading and unloading facilities. Buildings on Church Street will be accessed from Porter Street. This is to be addressed in Staged development applications for these sites.</li> <li>Loading docks shall be located in such a position that vehicles do not stand on any public road, footway, laneway or service road and vehicles entering and leaving the site move in a forward direction.</li> </ul>	<p>Vehicular access is from Porter Street with onsite loading/unloading on site.</p> <p>The loading dock is located within the building and vehicles can enter and leave in a forward direction. Council's Development Engineer has raised no objections to the proposed layout of the loading docks.</p>	Yes

Precinct Specific Development Controls

The site is located within Precinct 4 - Church Street. The development controls have been discussed above under the current DCP however controls which have been added or amended as part of the draft DCP are discussed in the following table.

Control	Comments	Compliant
<ul style="list-style-type: none"> <li>For retail ground floor areas larger footprints are</li> </ul>	No details have been submitted with	

<p>allowable. Retail development is to be limited to showrooms. Supermarkets are not permitted.</p> <ul style="list-style-type: none"> <li>• Due to the traffic volume on Church Street, vehicular access will be from Porter Street for buildings fronting Church Street</li> <li>• Council seeks contributions from developers along Church Street for the upgrade of the public domain on the opposite side of the street.</li> <li>• Residential development must be setback at least 12m from Church Street.</li> </ul>	<p>regards to the use of the ground floor retail area. Condition 21 has been imposed requiring a separate DA being submitted for the use of the retail areas.</p> <p>All vehicle access will be from Porter Street.</p> <p>The proponent has not been requested to upgrade opposite Church Street as the application was submitted in early 2012 when draft LEP 2011 &amp; DCP had not been adopted by Council.</p> <p>Residential component setback 12m from Church Street.</p>	<p>Yes</p>
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### **Section 94 Development Contributions Plan 2007 (2010 Amendment)**

A Voluntary Planning Agreement (VPA) between Ryde City Council and the proponent was agreed to by Council on 11 June 2013. The VPA commits the developer to contributions which included the design, construction/widening of Porter Street frontage, the public domain works, pedestrian link between Porter and Church Street and a monetary contribution. S94 contribution is not applicable in this instance.

## **8. LIKELY IMPACTS OF THE DEVELOPMENT**

### Built Form

The proposed development will not have any significant adverse impacts on the existing built environment or the amenity of the surrounding area.

Whilst the development exceeds the maximum height and storeys control applicable for the site, it is however consistent with the height and scale of the adjoining development. The proposed built form and character of the development will contribute to an attractive public domain.

### Access and Traffic

The development has proposed entry / exit driveway located off Porter Street and will provide car parking for a total of 380 cars. A Traffic Impact Assessment was submitted and it was concluded by Council's Traffic Engineer that with the widening of Porter Street and amendment to the roundabout at Well and Porter Street (as required by the VPA) from a traffic perspective the development will not result in any unacceptable traffic implications to the road network. The proposal was also referred to Roads and Maritime Services who raised no objections to the proposal.



### Overshadowing and Solar Access

The extent of overshadowing is an important consideration in terms of amenity to the proposed development as well as adjoining developments.

The overall development complies with 70% of apartments receiving the required three hours solar access as required by SEPP 65. It is noted that Buildings B & C fall short of the required 70% of units for three hours solar access due to their south facing apartments, however overall the development achieve the required 70%. The development will comply with the requirements of Council's codes and the SEPP 65 requirements in terms of providing acceptable amenity within the development as such the extent of solar access to the development is considered adequate.

### Visual Privacy

Visual privacy is another important consideration in respect of amenity.

Although the development does not achieve the required building separation distances as specified in the Residential Flat Design Code, it does provide adequate privacy between the proposed development and the adjoining development. This has been achieved by designing building layouts and conditions have been imposed which will minimise direct overlooking of the adjacent building.

### Construction Impacts

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2010. Council's standard conditions of consent have been imposed to control the impact of the construction activities.

### Hours of Operation

The applicant has not proposed any hours of operation for the retail uses. At this stage, although the intended uses of the retail spaces is not known, it is considered appropriate to impose a condition of consent to restrict the hours of operation of the retail component of the development. This will ensure that the future uses within this building will need to operate within the times specified as well as ensuring the amenity of the future and surrounding residential uses is maintained. Given the number of residential properties in the vicinity, appropriate hours of operation would be 8.00am to 8.00pm seven days a week. This has been imposed as Condition 145.

### Public Domain

Council has a Public Domain Technical Manual that applies to Meadowbank. This document specifies the landscaping, paving and street furniture required to be provided as part of an upgrade of the existing public domain. A condition of consent has been recommended to ensure that the public domain is upgraded as part of this development consent for the land immediately adjacent to the site. The VPA also proposes construction works for the widening of Porter St and splay corner at intersection of Well St and Porter St including public domain upgrades. All of this work will contribute positively to the streetscape.

## **9. COMMENTS FROM COUNCIL DEPARTMENTS**

### **Development Engineer, 30 October 2012:**

The proposed development has been reviewed from an engineering perspective and *is considered to be generally satisfactory in accordance with DCP 2010 Part 8.2, with minor matters to be conditioned.*

*Internal driveways and access have also been assessed and is also considered to be generally satisfactory in accordance with AS 2890.1-2004.*

*It is also understood that the application has been referred to public works in relation to access and external drainage and public infrastructures and they have gave concurrent to the proposal. Their conditions should be incorporated into any consent issued.*

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

**Environmental Health Officer, 15 January 2013:** No objection has been raised to the development subject to appropriate conditions of consent.

**Public Works - Drainage:**

*According to available information the overland flows from Pit 4E passes through the subject property.*

*Barker Ryan Stewart has been commissioned by Artro Management to prepare the stormwater drainage diversion system report for this development. It is proposed to demolish the existing drainage pipeline 1050mm $\phi$  which runs through the subject site. The new drainage system is proposed around the site via Church Street to be connected with the existing drainage system on the corner of Well Street and Porter Street. The proposed pipe line is to be 1350mm $\phi$ .*

*The rainfall data used in the submitted DRAINS model were the 1 in 100 year ARI storm event only. This DRAINS model has been utilised for additional storm event such as 1 in 20 year ARI. The overland flows pass down Church Street during the 1 in 100 and 1 in 20 year storm events are 3.74m<sup>3</sup>/s and 2.45m<sup>3</sup>/s respectively.*

*Issue –*

- 1. There is a significant amount of overland flow passes through the property in existing condition. According to the consultant's flood study, this overland flow to be diverted through Church Street around the subject site. There is potential for the overland flow to pass down Church Street during more frequent storm events, which is not acceptable.*
- 2. The stormwater consultant has not documented detailed information of the proposed system (Pit lintel and grate size, No. of grates etc.).*

*From a stormwater perspective there are no objections to approval of this application subject to conditions:*

**Comment:** As Church Street is a classified road, the above concerns were conveyed to RMS and the applicant requested to consult with the RMS. RMS has responded by imposing a condition requiring detailed design plans of the impact of the development

works on the existing stormwater drainage system at Church Street and the adequacy of the current design to cope with these impacts.

**Waste:**

*The residential section will dispose of waste via a chute system housed in a room. A 240L recycle bin will also be stored in the chute room on each floor. 10 x 1100L bins will be supplied by the contractor to go under the chutes for the waste as well as 65 x 240L recycling bins to be serviced weekly.*

*The 1100L waste bins will be serviced from the bin storage room within the basement, while the caretaker will be responsible for taking the recycling bins out to the kerbside by 5.00am on Monday morning for servicing.*

*A hard waste storage area has been allocated for residents to place unwanted household goods for the cleanup. This room will be accessed from Porter St by a door/roller shutter by the collection contractor.*

*Issue - A Council mains key to the hard waste storage room will need to be supplied for easy access. The rear loader vehicle is 3.5 metres in height so a clearance allowance needs to be taken into consideration for servicing the 1100L bins from within the loading dock area.*

Comment: The applicant was advised of the above comments with regard to the height clearance and advised that this is only a minor adjustment which could be dealt with by Condition. Condition 9 has been imposed requiring a minimum height clearance of 3.8m be provided to the Basement 1 area, under Building A.

**Traffic:**

**PORTER STREET REQUIREMENTS**

*The proposed development (latest plans dated 11.09.12) complies with the requirements for the widening of Porter Street as shown in the City of Ryde's Draft Development Control Plan 2011 - Part: 4.2 Shepherd's Bay, Meadowbank, Figure 4.2.04. The Porter Street road reserve is currently 15m wide (nominally) and needs to be widened by 1m (nominally) into the property to achieve the DCP's 16m reserve. In addition, the DCP requires a 4m set-back to buildings. Whilst the 1m strip appears to have been provided for the road reserve widening, the additional 4m set-back to the building frontage does not appear to be provided when scaling off Plan No. 1010ZE5.01 Rev C.*

*Furthermore, Porter Street is identified as comprising of one lane of parking and two traffic lanes. Along the site frontage, this parking should ideally be provided on the western side of the road with a no stopping lane marked along the eastern side of the road (i.e. the site frontage). Some "no stopping" areas would also be required opposite the site access driveways and the on street parking may therefore benefit as being configured as parking "pockets" on the western side of Porter Street either side and between the site's accesses.*

**SERVICE VEHICLE ACCESS**

*Refuse vehicles are not proposed to enter the site but rather collect from Porter Street which is considered satisfactory.*

*The loading zones for the development are located in the Lower Basement 1 and the Ground Floor. The access to the loading zone in the Lower Basement for a SRV and MRV design service vehicles has a ramp grade of 1:6 with 1:12 transitions. This gradient does not comply with AS2890.2 for these service vehicles.*

*AS2890.2 specifies that for a MRV to access the proposed loading zone a maximum ramp grade of 1:6.5 with a maximum transition of 1:16 over 7.0m of travel is required. Amendments are required to the ramp to provide gradients adequate for service vehicle access to the Lower Basement loading dock catering for the MRV design vehicle. Additional information is therefore required to prove compliance for access ramp grades/transitions, vehicle height clearances and MRV swept path manoeuvring for the Lower Basement loading zone.*

#### **PORTER STREET/WELL STREET ROUNDABOUT**

*The Traffic Impact Assessment (TIA) report includes assessment of the Porter Street/Well Street roundabout and the inclusion of an additional left turn lane approach on Porter Street functioning as a left slip lane. It is assumed in the TIA report that the additional lane on Porter Street as a result of road widening as specified in Ryde City Council's Draft DCP is to be used as a traffic lane, requiring an additional lane approach into the roundabout to alleviate any merging issues. The TIA report shows (using swept path analysis) that the Porter Street/Well Street roundabout can incorporate the additional left turn lane approach.*

*The additional left slip lane configuration on the roundabout is not warranted for capacity reasons as mentioned in the TIA report. SATURN modelling undertaken by Bitzios Consulting as part of the Meadowbank Traffic Study confirms that there is no need to upgrade the number of lanes on the roundabout. The average queues on the approaches to the roundabout taken from the "with the DCP and Part 3A development" SATURN model for both the AM and PM peak period in 2031 are provided in Table 1.*

*There is however an existing geometrical issue with the orientation of the Porter Street approach to the roundabout. To overcome this issue, the existing splitter island on approach to the roundabout should be widened, as shown in the alternative concept in Attachment 2, with the approach lane (minimum 3.7m wide lane) making use of the widened pavement area (towards the site) to improve the orientation of the approach.*

*This alternative arrangement requires a slightly larger splay area off the south-west corner of the site than shown on the development plans. Such an area would be required to maintain a minimum 3.0m verge/footpath around the corner.*

*From a traffic perspective there are no objections to approval of this application subject to conditions:*

**Comment:** The above issue of the slip land has been deleted and the splay area off the south west corner of the site has been dealt with as part of the VPA. Furthermore, Council's Traffic Engineer has since agreed that kerbside parking should be retained along the western side of Porter Street as a speed management measure for Porter Street and the VPA plan for the widening of Porter Street will be

amended to illustrate such. Condition 86 has been imposed to requiring the widening of Porter Street to be in accordance with the approved VPA plan.

### **Public Domain**

*This Development is within the Meadowbank Town Centre and public domain improvements are to be carried out in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank.*

*Issue – There are major utility services within the splay corner of Church Street and Well Street that control the type of improvements on that corner. Landscaping the corner should be a condition of consent by the Environment and Planning Group and be appropriately designed as the southern gateway into Ryde.*

*From a public domain perspective there are no objections to approval of this application subject to conditions.*

**Heritage Officer, 19 April 2012:** There are no heritage recommendations associated with this development application.

### **External Referrals**

#### **Roads and Maritime Services: 15 December 2012.**

*I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of this application at its meetings on 26 April 2012 and 10 October 2012. Below are RMS's requirements from the meeting held on 10 October 2012 for the subject application.*

Comments: The conditions imposed by RMS have been included in the draft conditions.

**NSW Police, 11 May 2011:** NSW Police have raised no objections to the development however they have provided comments and recommendations with regard to:

1. Surveillance
2. Landscaping
3. Lighting
4. Environmental Maintenance
5. Space/activity management
6. Access Control
7. Other matters

Generally, the proposed development is capable of addressing each of the above criteria in an acceptable manner and conditions have been imposed as recommended.

## **10. PUBLIC NOTIFICATION & SUBMISSION**

The development application was notified and advertised between the period of 13 April 2012 and 9 May 2012. During this period, two submissions were received.

The amended plans and VPA were notified and advertised between 11 December 2012 and 6 February 2013. During this period two additional submissions were received.

The submissions in the 1<sup>st</sup> notification period raised the following:

- *The sole vehicular access to all 6 proposed buildings lies on Porter St. Porter St in its current state will not be able to facilitate the traffic conditions caused by these entries.*

*Porter Street is current fully parked on both sides between 5:30pm and 7am by residents/visitors of the BayOne buildings. During other times, the southern side of the street is still heavily parked. Porter Street is only wide enough for 1 car to drive through with 2 sided parking. I hear cars screeching to a stop every day when drivers had to come to a sudden stop to manoeuvre around each other. Many drivers use Porter Street as a short cut, bypassing a section of Church St. This adds to the local traffic.*

*When the 125 - 135 Church St buildings are released to the public, it can be expected that the entire street up to the northern tip will be fully parked during peak AND non-peak hours. Porter Street cannot facilitate two way traffic when this occurs. The street is too long and there are no side streets for cars to diverge into.*

*The council needs to look at widening Porter St to 4 lanes (eg: like Belmore Street 2 parking, 2 transit) before approving this development so that future traffic chaos can be avoided. If Porter Street is not widened, it is likely that 1 side of the street will eventually need to be made NO PARKING to avert accidents.*

Assessment Officer's Comment:

Porter Street will be widened as part of this application (provided under the VPA), in accordance with the requirements of the draft DCP. The widening of Porter will help alleviate some of the traffic problems currently being experienced along Porter Street. Porter Street will be widened to "three" lanes (two lanes of transit and one parking). The submitted Traffic & Parking Impact Assessment prepared by Barker Ryan Stewart states: *SIDRA analysis of the key intersections shows that traffic generated by the development up to the year 2022 is not expected to have any significant impact on the performance of either the Porter Street/Junction Street intersection, Church Street / Well Street intersection or the Well Street/Porter Street roundabout as well as the rest of the local street network. Overall it can be concluded that the development will not have an adverse impact on the efficiency of the existing local road network.* Council's Traffic Engineer and RMS have raised no objections to the proposed development with regards to increase traffic within the immediate area.

- *The proposed basement car parking area will adjoin the western boundary of 123 Church Street. The matters that will have an impact upon my client's property and need to be considered as part of the assessment of this development application are:*

- Due to the substantial excavation required on my client's western property boundary, to damage to my client's building foundations.
- Noise Generation & Loss of Privacy, numerous balconies will face from Building D onto my client's property. Also note the potential loss of privacy to any future redevelopment or potential reuse of this property by my client. Air conditioning plant for these units will be placed on the roof. Therefore having the air conditioning plant on the roof could have a tremendous impact on any future redevelopment of my client's site from the noise generated that will be directed towards by client's site.
- Deep soil planting will be unavailable due the basement car parking level. Screening of my client's western façade through substantial deep soil planting is unachievable.

Assessment Officer's Comment:

Since the original application, amendments have been made to the design of the development, amending the proposal from six to four buildings, with reduced height and increased setback to the adjoining eastern boundary (123 Church Street). The amended proposal has increased the side setback from 4m to 6m with deletion of side balconies; therefore no balconies will face the adjoining site. The basement car parking has been setback from the common boundary by a minimum of 4m which will allow for deep soil planting to be provided adjacent to the side boundary.

With regards to the extent of excavation a Geotechnical Report by Jeffery and Katauskas Pty Ltd was submitted which made comments and recommendations in relation to geotechnical issues such as excavation, retention/batters, dilapidation reports etc. Condition 50 has been imposed requiring compliance/certification with the recommendations contained in the report.

With regard to noise, Condition 157 has been imposed stating that *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).*

Submissions from the 2<sup>nd</sup> notification period:

- *We have serious concerns with the safety of the residents of Porter Street due to the extremely heavy flow of traffic during peak hour periods.*

*Porter Street is used as a thoroughfare by traffic travelling northbound on Church Street. The vehicles that regularly take this short cut seldom travel at the speed limit which is serious safety concern for our staff, Porter Street residents and the residents and special needs adults in Crowle Home. Consideration should be taken to make this street one way (southbound only).*

*In most parts of the road, there is not enough room for two vehicles to pass each other when there are vehicles parked on either side of the road.*

Assessment Officer's Comment:

See discussion above with regards to Porter Street and the widening of street, as required by Council.

- *Increased congestion along Porter St due to the increase in residents and limited proposed car parking spaces in the proposed development. A significant increase in the number of residents without sufficient car parking spaces within the developments would result in even more cars parked along both these streets and surrounding streets and also restricted parking for garbage trucks..... Therefore overall traffic will increase in the area along with increased noise pollution from the number of cars driving through the area. If the proposed development were to go ahead, Porter Street would need to be widened to cope with the increased traffic. The proposed development also includes the ground floors to be for commercial use, which would also increase traffic and require additional car parking spaces which do not appear to be catered for in the plan.*

Assessment Officer's Comment:

See discussion above with regards to Porter Street and the widening of street, as required by Council.

- *The proposed height of the building (21.5m) is significantly higher than any of the surrounding apartment blocks that have a height limit of 15.5m, and would be imposing and an eyesore to the local area. While this height is in accordance with the Draft LEP 2011, it is a 6 metre (2 storeys) increase from the previous LEP 2010 to which the surrounding buildings are in accordance with. In addition to this, the opposite side of Church St has a height limit of 9.5m and consists of detached housing, to which the proposed 21.5m buildings would be even more imposing. This would negatively affect both the value of properties opposite and adjacent to the proposed development, as well as negatively affect the ambiance and balance of the surrounding area.*

Assessment Officer's Comment:

Whilst it is acknowledged that the proposal is over the maximum height limit currently allowed, the proposal has been designed to align with heights of adjacent existing residential mixed use development along Porter Street. The adjoining Bay One development opposite the site on Porter Street is seven storeys. The proposed Part 3A Concept approval for the Holdmark Property Group development opposite the site on Well Street is up to fifteen (15) storeys.

The development fronting Porter Street (Buildings A and B) will relate to the adjoining Bay One development whilst the height of the development fronting Church Street (Buildings C and D) are lower and provide a transition between the Porter Street heights and the height control contained in the LEP.

The development is consistent with the desired future character of the area as established by the contemporary mixed use development on 82-84 Belmore Street, located opposite and by the recently approved Part 3A Concept Approval - Holdmark Property Group located along Shepherd Bay foreshore.



- *Blocking of Porter St during the construction of the proposed development appears to be highly likely due to the additional traffic for construction vehicles including cranes and large trucks. The development plan should account for sufficient space on the building site for all of the construction vehicles to park during construction of the development, sufficient widening of the Porter St (if this street is to be used for large vehicles), the creation of safe entrances that do not impede traffic and allow for sufficient street parking for current residents.*

Assessment Officer's Comment:

Construction impacts are controlled by Part 8.1 of the Ryde DCP 2010. Council's standard conditions of consent have been imposed to control the impact of the construction activities. In addition Condition 77 has been imposed requiring a Construction Traffic Management Plan to be submitted detailing traffic management procedures and systems. This will ensure that traffic management will be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems.

- *The number of car parking spaces within the proposed development does not seem adequate given that the development plans for 269 apartments and additional commercial retail components. This appears to be a very small number of carparking spaces if this also includes resident visitor carparking spaces.*

Assessment Officer's Comment:

The proposal will provide for 380 car parking spaces (including 28 spaces designed for accessible use). The breakup between the uses is as follows:

- 43 x Retail spaces (including 3 disabled spaces)
- 283 x Residential spaces (including 8 disabled spaces)
- 54 x Visitors' spaces (including 3 disabled spaces)

The development provides adequate car parking, in accordance with Council's Part 9.3 Car Parking requirement.

## **11 CONCLUSION**

The Meadowbank Employment Area is undergoing transition from a former waterfront industrial area to a mixed residential, retail and commercial precinct. This is reflected in the future planning instruments for the area and recent developments have contributed to the revitalisation and transformation of the industrial area.

The proposed development comprises four (4) separate buildings and provides a high degree of amenity for future occupants in terms of access to public transport, educational facilities, commercial and shopping centre & recreational facilities.

The proposed development has been modified and designed to address some of the Council Officers' initial concerns such as height, amenity, accessibility and traffic along Porter Street. The Proponent has undertaken negotiations with Council officers to confer a public benefit addressing the impact of the additional heights proposed

i.e. widening of Porter Street, contribution works for road widening, pedestrian footpaths, lighting and pedestrian walkway across Porter Street and public through-site link through the plaza. The VPA has also been accepted by Council.

The issues raised in the public submissions have been adequately considered. Refusal of the applications is not warranted based on the reasons contained in the submissions.

It is recommended that the application be approved subject to conditions.

## **RECOMMENDATIONS**

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 LDA2012/97 for the demolition of all existing buildings and construction of a mixed use development comprising of:
  - Four mixed residential and retail buildings consisting of Buildings A to D ranging in height from 5 to 7 storeys.
  - Retail component totalling 1,080m<sup>2</sup> on the ground floor of each of the buildings and fronting a public plaza.
  - A total of 269 apartments and 380 car parking spaces over 3 levels with vehicular access from Porter Street.
- b) That the objectors be notified of this decision.
- c) That a copy of the development consent be forwarded to the RMS.

### **Report Prepared By:**

Sandra McCarry  
Senior Town Planner – City of Ryde

### **Report Checked By:**

Sandra Bailey  
Team Leader – Major Development Team

**Report Approved By:**

Liz Coad  
Manager Assessment

Dominic Johnson  
Group manager Environment & Planning

**ATTACHMENT 1  
PROPOSED CONDITIONS OF CONSENT**

1. **Approved Plans** - Development is to be carried out in accordance with the following plans and supporting documentation as submitted to Council, except where amended by these conditions of consent:

<b>Document</b>	<b>Author</b>	<b>No. and Revision</b>
Site Plan – Site Analysis	Architectus	DA0006 Issue C
Site Plan - Demolition	Architectus	DA0010 Issue C
Demolition Work Plan	Architectus	DA0011 Issue B
Site Plan – Ground Floor	Architectus	DA0020 Issue C
Building Heights	Architectus	DA0021 Issue C
Basement 2	Architectus	DA1000 Issue B
Basement 1	Architectus	DA1001 Issue D
Ground Floor	Architectus	DA1002 Issue D
Level 1	Architectus	DA1003 Issue D
Level 2	Architectus	DA1004 Issue B
Level 3	Architectus	DA1005 Issue B
Level 4	Architectus	DA1006 Issue B
Level 5	Architectus	DA1007 Issue B
Level 6	Architectus	DA1008 Issue B
Level 7	Architectus	DA1009 Issue B
Level 8 Roof	Architectus	DA1010 Issue B
Sections Sheet 1	Architectus	DA0040 Issue A
Sections Sheet 2	Architectus	DA0041 Issue B
Sections Sheet 1	Architectus	DA3000 Issue B
Sections Sheet 2	Architectus	DA3001 Issue B
Elevations Sheet 1	Architectus	DA2000 Issue B
Elevations Sheet 2	Architectus	DA2001 Issue A
Schedule Area	Architectus	DA6000 Issue B
Landscape Plan	Scott Carver	001 Issue F
Landscape Plan	Scott Carver	002 Issue E
Landscape Plan Sections	Scott Carver	003 Issue B
Landscape Plan Details and Sections	Scott Carver	004 Issue B
Landscape Specifications	Scott Carver	005 Issue B
Acoustic Report	Acoustic Logic	15 November 2011
Geotechnical Investigation	Jeffery and Katauskas Pty Ltd	30 November 2011

Prior to the issue of a Construction Certificate, the following amendments shall be made:

- a) The provision of an architecturally designed panel/ screen and shrub planting of 15 x Syzgium sp. (Lilly Pilly's) that reach a height of no more than 3m to be provided around the substation located within the Church Street frontage. Details of compliance are to be provided in the plans for the Construction Certificate.
- b) To suit the narrow space, the tree planting located on the southern side of Block A shown as Pyrus Usseriensis is to be substituted for Pyrus Calleryana Fastigate Cultivar.
- c) Visual Privacy:
  - i. The west facing dining room window of apartments B501 on Level 5 of Building B is to have a minimum window sill height of 1.6m so as to minimise overlooking to the balcony opposite.
  - ii. Retractable privacy screen is to be provided on the balconies of apartments B518 & B519 on Level 5 of Building B. Details of compliance are to be provided in the plans for the Construction Certificate.
  - iii. The dining room windows along the north east elevations of Buildings B & C are to be obscure glass so as to minimise any potential overlooking to future development on the adjoining lots at 19 Porter Street and 123 Church Street, Ryde. Details of compliance are to be provided in the plans for the Construction Certificate.
- d) Greater articulation of the north eastern elevation of Buildings B & C is required. This is to be achieved by the use of different contrasting materials and/or use of decorative architectural elements. Details of the amended treatment/material are to be submitted and approved by Council's City Urban Designer prior to the issue of the Construction Certificate.
- e) The ramp from Church Street to the plaza area is to be redesigned to be adjacent to the stairs rather than adjacent to the wall of the building. Details are to be submitted on the Construction Certificate plans.

2. **Voluntary Planning Agreement** - Pursuant to Section 80A (1) of the Environmental Planning and Assessment Act 1979, the Voluntary Planning Agreement between the City of Ryde and Motive Properties Pty Limited that relates to the development application the subject of this consent, must be registered on the title of the property prior to the lodgement of any application for a certificate under section 109C of the Environmental Planning and Assessment Act 1979.

3. **Building Code of Australia** - All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.

4. **Construction Certificate Required** - Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Amendment Act, 1997 are to be complied with:

- a) A **Construction Certificate** is to be obtained in accordance with Section 81A (2) (a) of the Act.

- b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A (2) (b) of the Act and Form 7 of Schedule 1 to the Regulations.
  - c) Council is to be notified at least two (2) days prior to the intention to commence building works, in accordance with Section 81A (2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.
5. **Compliance with BASIX** - The development is to be carried out in compliance with BASIX Certificate No. 404521M\_02 dated 10 September 2012.
6. **Changes That Require a New BASIX Certificate** - Any architectural and/or fixture changes to the development will require the submission of a new BASIX certificate. Please note that modifications may require the submission of a Section 96 application in accordance with the Environmental Planning & Assessment Act.
7. **Right of Way** - A Right of Way for public access shall be created over the 6m wide pedestrian access link, as shown on the Site Plan – Public Domain Area DA0013 Issue C. The R.O.W should be accessible at all times to members of the public. Terms regarding the creation of the R.O.W are to be submitted to and approved by Council prior lodgement at the Lands and Property Information Office with evidence regarding effective registration being submitted to Council prior to issue of ANY Occupation Certificate.
8. **Retails facing Church Street** - To ensure that the retail facing Church Street does not become back of house for shops, the retail wall facing Church Street be glass with transparency through. Signage is not allowed to cover more than 25% of the glass wall.
9. **Clearance height of Basement 1** - The height of Basement 1 under Building A is to have a minimum clear height of 3.8m so as to allow for a rear loader truck to service the 1100L bins from the basement area. The overall height of the building is not to be increased.
10. **Excavations and Backfilling** -
- a) All excavations and backfill associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
  - b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
11. **Retaining Walls and Drainage** - If the soil conditions require it:
- a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided.
  - b) adequate provision must be made for drainage.
12. **Support for Neighbouring Buildings** - If the soil conditions require it:

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

### 13. Protection of Public Places -

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

14. **Security Grilles** - The commercial/shop fronts may incorporate only see-through security grilles or translucent barriers to ensure maximum light is transmitted to footpath areas. Metal or roller shutter doors are not permitted. Development consent is required for any security grilles or translucent barriers.

15. **Waste Management Plan** - Should you wish to vary the information provided in the Waste Management Plan you submitted to Council with your Development Application involving demolition and construction works, you are required to give written advice to Council of any changes.

Council’s DCP 2006, Part 7.2 – Waste Minimisation and Management, sets out your obligations for waste management.

16. **Signage** - No approval has been granted for any signage or signage zones on the external elevations of the building .Separate approval must be obtained from Council for any signs, unless such signage is “exempt development”. Any signs will need to meet the requirements of State Environmental Planning Policy

(SEPP) 64 – Advertising and Signage, in particular Part 3 – Clause 22 Wall Advertisements and/or Clause 23 Freestanding Advertisements. The Department’s Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007) is also required to be taken into consideration. Any signage must demonstrate how the signs are of a size and proportion which will complement the scale of the existing façade.

17. **Signage** - Signs shall be constructed entirely within private property and shall not encroach or overhang into the road reserve. Any proposed sign must not have/use:

- Flashing lights
- Electronically changeable messages
- Animated display, moving parts or simulated movements
- Complex displays that hold a drivers attention beyond “glance appreciated”
- Display resembling traffic signs or signals, or giving instruction to traffic by using works such as “halt” or “stop and
- A method of illumination that distracts or dazzles.

18. **Materials, Colours and Finishes Schedule** - The development materials, colours and finishes to be in accordance with the architectural plans and the sample board prepared by Architectus except as varied by any other condition on this consent.

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

20 **Roads Act.** - Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.

21. **Submission of Development Applications** - A separate Development Application is to be submitted to Council for the use of each of the retail areas.

22. **Access for Waste Collection Vehicles** - Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and manoeuvring areas must be designed for maximum legal dimensions and weights and allow collection vehicles of maximum 9.8m in length and 2.5m in width, to enter and leave the premises in a forward direction.

Additional clearances must be provided for overhead and side loading where appropriate.

23 **Road Maritime Services (RMS)** - All works/regulatory signposting associated with the development are to be at no cost to RMS. The developer shall be



responsible for all public utility adjustment/relocation works, necessitated by the works and as required by the various public utility authorities and/or their agent.

- 24 **RMS - Redundant driveway** - The redundant driveways along Church Street MUST be removed and replaced with Kerb and Gutter to match existing.
- 25 **RMS** - Vehicular access is not allowed from Church Street.
- 26 **RMS** - Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.

Details should be forwarded to:  
The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta NSW 2124.

A plan checking fee will be payable and a performance bond may be required before any RMS approval is issued. With regard to the Civil Works requirement please contact RMS' Project Engineer, External Works PH: 8849 214 or Fax: 8849 2766.

The applicant is to address the following in the detailed design plans:

- Full details of the impact of the development on the existing stormwater drainage system at Church Street and the adequacy of the current drainage to cope with these impacts.
- Details of the proposed collection of the stormwater from the upstream catchment in Church Street to the localized low point in Church Street. The condition of the pit (if existing) at this low point and its capacity needs to be included. Alternatively, details of the proposed low point collection system are to be provided.
- Details of any upgrades to the inlet configuration within the vicinity of the low point in Church Street.
- Details of the proposed "large" pit system and any required upgrades to the pit rather than the inlet grate as proposed.

27. **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.
28. **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.
29. **Service Alterations** - All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.

30. **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.
31. **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.

## DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

32. **Provision of contact details/neighbour notification** - At least 7 days before any demolition work commences:
- a. Council must be notified of the following particulars:
    - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
    - (ii) The date the work is due to commence and the expected completion date
  - b. A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
33. **Compliance with Australian Standards** - All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
34. **RMS** - No demolition, remediation or other work is to occur on site until such time as RMS has been provided with and approved a Demolition Traffic Management Plan detailing vehicles routes, number of trucks, and hours of operation, access arrangement and traffic control arrangements associated with the demolition and/or remediation of the site.

No Construction Certificate is to be issued by the Certifying Authority until such time as evidence is received by the Certifier confirming that the Traffic Management Plan has been approved by RMS and copy submitted to Council.

- 35 **RMS** - If not already in place, full time “No stopping” restrictions are to be implemented along the full Church Street frontage of the development site. This restriction should be implemented prior to the commencement of any demolition works relating to the proposed development. Prior to the installation of the parking restrictions the applicant is to contact RMS’s Traffic Engineering Services on phone (02) 88492367 for a Work Instruction. This signage is to remain in place for the entire construction process.
36. **Demolition-**
- (a) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.
37. **Asbestos - Where** asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
38. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal docket must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
39. **Storage of Asbestos Wastes** - All asbestos wastes must be segregated from other wastes and stored in a secure area in accordance with the requirements of the *Protection of the Environment Operations (Waste) Regulation 2005*.
40. **Concrete Wastes** - Concrete wastes must be collected, stored and treated in accordance with the *Concrete Wastes* guide published by the Environment Protection Authority.
41. **Waste management plan** - Demolition material must be managed in accordance with the approved waste management plan.
42. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.
43. **Signage** - Signage is to be provided on the site as follows:
- a) During the demolition process notices lettered in accordance with AS1319 displaying the words “**DANGER - DEMOLITION IN PROGRESS**” or a similar message shall be fixed to the security fencing at appropriate places to warn the public.
44. **Demolition Work** - In relation to demolition, all work is to be carried out in accordance with the requirements of AS 2601 (*The Demolition of Structures*).

45. **Security Fencing** - Security fencing shall be provided around the perimeter of the building/demolition site and precautionary measures taken to prevent unauthorized entries of the site at all times during demolition and construction.
46. **Dust Control** - Adequate precautions must be taken to control the emission of dust from the site during demolition and construction work. These precautions could include minimizing soil disturbance, use of water sprays, erecting screens and not carrying out dusty work during windy conditions.
47. **Demolition and Building Wastes** - Adequate arrangements must be made for the storage and disposal of demolition and building waste generated on the premises. In this regard the demolishers and builders are encouraged to maximize the re-use and recycling of materials (e.g. Concrete, bricks, roof tiles, timber, doors, windows, fittings, etc.) by separating these materials from other wastes.

## **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 the relevant 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.

48. **Design Verification in Respect of SEPP 65** - Prior to a Construction Certificate being issued with respect to this development, the Principal Certifying Authority (PCA) is to be provided with a written Design Verification from a qualified designer. The statement must include verification from the designer that the plans and specifications 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 143A of the Environmental Planning and Assessment Regulation 2000.
49. **Acoustical Assessment Report** - The development is to incorporate all of the recommendations contained in Section 4.3 of the Acoustic Report prepared by Acoustic Logic dated 15 November 2011 with regards to glazing construction, external walls, roof/ceiling construction, external doors and mechanical ventilation. To ensure acceptable acoustic amenity within the development, the development is to be constructed in accordance with AS3674-1989 and AS3671-1987. The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*, when the windows and doors are closed. Details of the measures to be undertaken as recommended in the Acoustic report are to be submitted to the Principal Certifying Authority prior to release of the **Construction Certificate**. Copy of the report by Acoustic Logic P/L is attached as Attachment 1 of the consent.
50. **Geotechnical Assessment Report** - The development is to incorporate all of the recommendations contained in Sections 4 and 5 of the Geotechnical Investigation Report prepared by Jeffery and Katauskas Pty Ltd dated 30 November 2011. The recommendations presented in the report include specific issues to be addressed such as geotechnical issues, dilapidation reports, excavation, vibrations, groundwater, retention/excavation batters, footings, floor slabs and lateral earth pressures. Details of the measures to be undertaken as recommended in the report are to be submitted to the Principal Certifying Authority prior to release of the **Construction Certificate**. Copy of the report by Jeffery and Katauskas P/L is attached as Attachment 2 of the consent.
51. **Accessibility & DDA Report** - The development is to incorporate all of the recommendations on pages 4 through to 8 contained in the Accessibility and DDC Report prepared by OneGroup ID dated 11 September 2012. A copy of the Accessibility and DDA Report is attached as Attachment 4 of the consent. A suitably qualified access consultant is to verify that the Construction Certificate drawings fully comply with Development Control Plan 2006 Part 9.2 Access for People with Disabilities.
52. **Arborist Report** - The development is to incorporate all of the recommendations/requirements contained in the Arboricultural Impact Appraisal and Method Statement Report by Naturally Trees dated 7 November 2011. Details of the protections measures to be undertaken as recommended in the

report are to be submitted to the Principal Certifying Authority prior to release of the **Construction Certificate**. A copy of the Arborist Report is attached as Attachment 3 of the consent.

53. **Adaptable Units** - Adaptable units are to comply with the provisions of a Class A adaptable unit as specified in AS 4299. Details are to be submitted on the Construction Certificate drawings.
54. **Public domain** - The public domain is to be upgraded in Church Street, Well Street and Porter Street in accordance with the City of Ryde Public Domain Technical Manual Section 5- Meadowbank. This work is to include but not be limited to paving, multifunction light poles, street furniture and plantings. A Public Domain plan is to be submitted to Council for approval prior to the issue of the Construction Certificate. The work is to be completed to Council's satisfaction prior to the issue of the Occupation Certificate.
- (a) All telecommunication and utility services are to be placed underground along the Church Street, Well Street and Porter Street frontages. Plans prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network are to be submitted to Council and Ausgrid for approval prior to commencement of work.
  - (b) New street lighting serviced by underground power and on multifunction poles shall be designed and installed to Australian Standard AS1158.3.1-1999 Road Lighting vehicular luminance category V3 and pedestrian luminance category P2 (Church Street and Well Street) and categories V5 and P2 (Porters Street if required to supplement existing MFP lighting). Lighting upgrade to be in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank and plans submitted to Council and Ausgrid for approval as part of the approval process for placing the electrical supply underground.

Full engineering details, including plans, sections, finished levels and schedule of materials and finishes complying with the Public Domain Technical Manual must be submitted to Council and approval obtained prior to the issue of a **Construction Certificate** for the ground floor and above of any of the Residential Flat Building.

55. **Fire Safety Schedule** - A "Fire Safety Schedule" must be provided prior to issue of the Construction Certificate; specifying the fire safety measures (both current and proposed) to be implemented in the building premises. The fire safety schedule must deal with the whole of the building (not merely part of the building to which this development consent relates), in accordance with Clause 168 - Environmental Planning & Assessment Regulation 2000.
56. **Contaminated Land** - A detailed site investigation assessment, including soil and groundwater must be carried out and a report complying with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) be prepared, following the demolition of the existing structures on the site, demonstrating

whether the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use.

If required by the detailed site investigation assessment, 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.**

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.

57. **Remediation Work** - 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.

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

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

60. **Fees** - The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:

- a. Infrastructure Restoration and Administration Fee
- b. Enforcement Levy

61. **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**.

62. **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**.
63. **Sydney Water – quick check** - The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

64. **Reflectivity of materials** - Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
65. **Fencing** - Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.
66. **Lighting of common areas (driveways etc.)** - Details of lighting for internal driveways, visitor parking areas, within the central plaza and the communal open space and underawning lighting (including the lighting along Church Street awning and the central plaza awning) 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.
67. **Details of BASIX Commitments** - The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
68. **Energy Efficiency** - The retail component of the building must be in accordance with the City of Ryde's DCP in terms of energy efficiency and the following:
- (a) The total anticipated energy consumption for the base building is no greater than 450 Mega Joules / annum / metre square for commercial uses and 900MJ/am<sup>2</sup> for retail uses.



- (b) The use of electrical appliances such as dishwashers, refrigerators, freezers and washing machines are to be provided with a minimum star of 3.5.
- (c) The development is to incorporate energy-efficient lighting, motion detectors and dimmers.
- (d) AAA or AAAA rated fittings and fixtures are to be used to ensure high levels of water efficiency. Where fittings cannot be AAA or AAAA, self-regulating flow restrictors will be provided on the supplies to limit the discharges to levels equivalent to AAA ratings.

The Construction Certificate plans are to demonstrate compliance with the above.

- 69 **Arts and Cultural Plan** - Prior to the issue of a Construction Certificate, a site specific Arts and Cultural Plan is to be submitted for approval by Council. This Plan is to be prepared by an arts and cultural planner and will be required to address the following:
- a) Identify opportunities for the integration of public art in the development.
  - b) Identify themes for public art.
  - c) Durability, robustness and longevity.
  - d) Demonstrate how public art is incorporated in the site and build form design.
- 70 **Location of Service Infrastructure / Utilities** - All service infrastructure/utilities including fire hydrants, gas meters and the like shall be located within the building envelope. No service ducts or pipes are to be visible from the street. 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 issue of the Construction Certificate.
- 71 **Soil Depth over Structures** - Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision as contained in the Residential Flat Design Code. Information verifying that the development complies with these requirements is to be provided on the Construction Certificate plans.
72. **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.
73. **Car Parking** - All internal driveways, vehicle turning areas, grades, parking space dimensions, headroom clearance etc. shall be designed comply with relevant sections of Australian Standards AS 2890 where applicable. Accordingly, internal carparking layout shall be modified where required to demonstrate compliance. Detailed plans including engineering certification confirming compliance with this condition is to be submitted with the Construction Certificate application.

- 74 **Disabled Car Parking** - A minimum of 27 parking spaces in both the commercial parking area and the residential parking area are to be wide-bay spaces for people with a disability. The width of these spaces is to be a minimum of 3.6 metres and a vertical clearance of 2.55 metres.
- 75 **Bicycle Parking** - A minimum of 38 bicycle parking rails or lockers designed and installed in accordance with Australian Standard A52890.3, must be provided in a suitable location for the convenience of residents and visitors to the site.
- 76 **Traffic & Parking Management Plan** - A comprehensive Traffic and Parking Management Plan (TPMP) (including Loading Dock Management Plan Traffic management plans must be prepared to show all possible vehicular movements to and from the site, as well as in and out of the loading dock area. 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.

The plan should visually show all heavy vehicle movements as well as internal management system to prevent general public from entering and exiting from the residential parking area. Measures to be included (but not limited to) are as follows (as subheadings) and properly indexed via a contents table:

(a) Loading Dock Management Plan

- (i) Movement of vehicles to be fully confined within the development site
- (ii) Heavy vehicle entry/egress management
- (iii) Operating hours of Loading Dock
- (iv) Details of truck sizes (MRV minimum) and number of heavy vehicle movements, including swept path analysis. Loading dock operation (in/out) must comply with AS2890.2 requirements (ramp grades transitions et cetera) for a MRV design vehicle to AustRoads standards. Swept path plots to AustRoads standards are to be included which demonstrate MRV access to loading docks can be achieved prior to the issue of Construction Certificate (CC).
- (v) Delineated storage/ collection areas (eg. garbage bin collection)

(b) General Vehicle Management

- (i) General vehicle entry/egress management – system to prevent general public from entering and exiting residential parking areas
- (ii) Advisory signs and line marking at the entry and exits of the car park on Porter Street.

Signs to be included (but not limited to) in accordance with Australian Standard AS1742:

- NO ENTRY
- EXIT ONLY
- ENTRY

Line marking to be included (but not limited to) in accordance with Australian Standard AS1742:

- Directional arrows at the entry and exit of the development site

**77 Construction Traffic Management Plan** - A Construction Traffic Management Plan is to be submitted to Council. Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 and City of Ryde, Development Control Plan 2010: - Part 8.1: Construction Activities.

The Construction Traffic Management Plan is to detail construction vehicle routes, number of truck, hours of operation, access arrangement and traffic controls. The CTMP is to be submitted to Council and RMS for approval prior to issue of Construction Certificate. The CTMP must detail the traffic impact of the construction works on the local area and the means proposed to manage construction works to minimise such impact. In particular the report must consider the impact on any on street parking during construction, the movement of trucks to and from the site, the location of any site sheds and the use of any cranes and concrete pumps. All materials and plant are to be store on-site unless prior permission is received from Council to use the footpath.

**78 RMS** - All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Church Street.

**79 Dilapidation Report.** A dilapidation report/ survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work as detailed in the Geotechnical Investigation Report submitted with the application. Also to determine the extent of restoration works that may be required, the applicant shall submit to Council a pre and post construction dilapidation report on the status of existing public infrastructures in the vicinity of the proposed development. The report is to include photographic records, description and location of any existing observable defects of the following infrastructure and others where applicable:

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

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

- 80 **Stormwater Runoff** - Stormwater runoff from site shall be collected and piped to the public road underground stormwater drainage system designed in accordance with the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management.

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.

- 81 **External Engineering Works** - To facilitate stormwater disposal and access to and from the proposed development the public infrastructures works as detailed in this consent shall be completed at no cost to Council. Accordingly, detailed engineering plans for all public infrastructure works prepared by a Civil engineer in accordance with City of Ryde Environmental Standards - Development Criteria - 1999 Section 4 - Public Civil Works shall be submitted to Council for approval. Engineering plans approval and work inspection fee in accordance with Council's Management are payable to prior to approval being granted by Council.

- 82 **Road Anchors** - Where road anchors are used to support the proposed excavation, structural plans together with engineering certification shall be submitted to Council detailing the number of ground anchors required together with payment of ground anchors fee as per Council's Management Plan.

- 83 **Maintenance Bond** - To ensure satisfactory performance of the completed external public infrastructure engineering works, a maintenance period of six (6) months shall apply to all external engineering works completed in relation to this application. The performance period shall commence from Council's Compliance Certificate issue date.

The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. **A bond in the form of a cash deposit or Bank Guarantee of \$60000 shall be lodged with City of Ryde prior to issue of the Construction Certificate to guarantee this requirement will be met.** The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period

- 84 **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.
- 85 **Stormwater Drainage works** - Council stormwater drainage works on Council roads and development site shall be constructed generally in accordance with plan 1001102SK1 revision B dated 29-08-2012 prepared by Barker Ryan Stewart.
- a. The proposed Council drainage system shall be designed to convey the critical duration, 1 in 20 year ARI storm event from the contributing catchment without surcharge.
  - b. Kerb inlet pits (sag and on grade) shall be cast-in-situ and conforming to Council's standard drainage pit details.
  - c. Drainage pipelines shall be minimum Pipe Class 4, Rubber Ring Jointed, Reinforced Concrete with Type HS2 bedding support and conforming to AS 4058.
  - d. Drainage pipelines shall be designed to have a minimum longitudinal gradient of 1%
  - e. The details of Pipe and pit (Pit 4E to Pit N30) must be shown on the drawings.
  - f. The developer to provide additional grated pit in Church Street adjacent to the Pit4E to capture more water and reduce the overland flows running down Church Street. The stormwater system calculations after inclusion of additional grated pits must be prepared by the stormwater consultant and submitted to Council for concurrence prior to the issue of the construction Certificate.
- 86 **Porter Street widening** - The existing pits in Porter Street are to be relocated along the new kerb line. Prior to the issue of the Construction Certificate the applicant is required to provide drawings including the site plan, road longitudinal

section and cross sections, kerb & gutter profile with the pit locations(including type and size), longitudinal section of the pipe system in Porter Street, hydraulic grade line etc. The design and layout is to be generally in accordance with the approved Voluntary Planning Agreement Plans – General Arrangement Plan No. 10102E.01 Rev H, Signage & Linemarking Plan No 10102E.02 Rev A and Details 10102E5.03 Rev A except as amended to delete the “No Stopping” signs along Porter Street. The plans must satisfy the requirements in the following condition no 87 and are to be submitted to Council for approval.

**87 Engineering Documentation** - Prior to the issue of a Construction Certificate, the Council shall be provided, to its satisfaction, with engineering documentation addressing the following: -

- a. A drainage system layout plan shall be drawn at a scale of 1:100, 1:200 or 1:250 and shall show drainage pipe locations, drainage pit locations and number and road centreline chainage, size of opening and any other information necessary for the design and construction of the drainage system (i.e. utility services).
- b. A drainage system longitudinal section shall be drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and shall show pipe size, class and type, pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline road chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system (i.e. utility services).
- c. Special details including non-standard pits, pit benching and transitions shall be provided on the drawings at scales appropriate to the type and complexity of the detail being shown.
- d. The drainage system layout plan shall be documented on a detailed features survey base that describes all existing structures, utility services, vegetation and other relevant features.
- e. The splitter island along Porter Street at the Well Street intersection shall be reconstructed to facilitate a pedestrian refuge with associated line marking and signage attributes; details to be submitted and approved by Council.
- f. A raised pedestrian crossing to RMS requirements shall be constructed approximately mid-way along Porter Street to assist with traffic calming at the pedestrian ‘through-link’ connection to Belmore Street with associated line marking and signage attributes. Construction details to be submitted and approved by Council.

**88 Waste Storage and Handling Facilities** - 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 (Trade Waste)
- (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;
- (j) a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning and
- (k) The bins will need to be lined up in the loading dock area for servicing, as per loading dock management plan requirements.

Details are to be submitted on the Construction Certificate plans.

**89 Mechanical Ventilation** - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**. Such details must include:

- (a) Plans (coloured to distinguish between new and existing work) 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.

## **PRIOR TO COMMENCEMENT OF CONSTRUCTION**

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

## **90 Site Sign**

- a. A sign must be erected in a prominent position on site, prior to the commencement of construction:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- b. Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

**91 Excavation adjacent to adjoining land**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

**92. Pre-commencement dilapidation report** - The submission of a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties as detail in the Geotechnical Investigation Report and public infrastructure (including roads, gutters, footpaths, etc.). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining private properties, prior to the commencement of construction.

**93. Safety fencing** - The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

**94. Sediment and Erosion Control** - The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

**95. 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



96. **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.
97. **Services** - All telecommunication and utility services are to be placed underground along the Church Street, Well Street and Porter Street frontages. Plans prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network are to be submitted to Council and Ausgrid for approval prior to commencement of work.

## 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.

98. **Critical stage inspections** - The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
99. **Construction noise** - The L<sub>10</sub> 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.
100. **Paving to Collection Point** - The paving from the garbage room or waste storage area must be moderately graded so that the waste containers can be safely and easily manoeuvred to the collection point.
101. **Survey of footings/walls** - All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
102. **Plumbing and Drainage Work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.
103. **Grease Trap** - A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access

through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.

Any 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.
- (f) Where necessary, a fixed pump out line must be provided in accordance with the requirements of Sydney Water Corporation to facilitate servicing of the grease trap.

104. **Regulated Systems** - All air-handling and water systems regulated under the *Public Health Act 2010* must be installed, operated and maintained in accordance with the requirements of the *Public Health Regulation 2012*.

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

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

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

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

108. **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.

109. **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.

110. **Work within public road** - At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

111. **Tree protection – no unauthorised removal** - This consent does not authorise the removal of trees unless specifically identified in the submitted report - Arboricultural Impact Appraisal and Method statement by Naturally Trees or otherwise necessary as a result of construction works approved by this consent. All other trees listed on the site are to be retained and protected as per the report.

112. **Tree protection – during construction** - Trees that are shown on the approved plans as being retained must be protected against damage during construction. All works are to conform to the Arboricultural Method Statement and plans provided in Appendix 4-7 of the Arboricultural Impact Appraisal and Method statement.

Tree protection measures as indicated on the Tree Management Plan (Appendix 4) are to include:

- Tree protection fencing (1.8m high chainmesh), signage ('Tree Protection Zone' and 'Prohibited Activities') and rumble board ground protection.
- All works within the TPZ are to be carried out under supervision of the Project Arborist.

113. **Tree works – arborist supervision** - A Consultant Arborist must be appointed to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site. The following items require supervision by the Consultant Arborist:

- Installation of tree protection fencing, signage and rumble board ground protection prior to site establishment.
- Ongoing maintenance of the Tree Protection Zone (TPZ) during the construction phase including soil amelioration, mulching, irrigation, and weed control.
- Installation of scaffold and associated ground protection.
- Realignment of the tree protection fencing for construction of the proposed landscape retaining walls adjacent Church Street.
- Supervision of post construction landscaping within TPZ.

The Consultant Arborist is to approved/signed off the various development stages as provided in The Arboricultural Method Statement (section 4). This is to be completed progressively and included as part of the final certification. A copy

of the final certification is to be made available to Ryde City Council at completion of the project.

114. **Tree works – provision of arborist details** - Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist change, Council is to be notified, in writing, within seven working days.
115. **CCTV Surveillance** - cameras must be installed in and around the property to maximise surveillance opportunities. CCTV should be used throughout the retail complex and communal areas such as lobbies, lifts etc., and paying particular attention to the internal area of the communal plaza especially entry and exit points. CCTV should also be used around the loading dock area and car park entry and exit points. CCTV should be placed on the external area of the building capturing the area outside the retail stores and communal areas.

CCTV cameras to be installed to monitor and record:

- All residential lobbies on all levels within all buildings A to D
- Podium area (level 1)
- All lift and shuttle lift lobbies
- The loading bays
- All car park entry/exit points
- Throughout (strategically placed) the parking levels
- Throughout (strategically placed) the retail car park levels

Digital technology should be used to record images from the cameras. Installed surveillance equipment needs to be able to zoom in on a person without loss of focus. Recording equipment should be installed in a secure area to avoid tampering.

Any surveillance system should be manufactured and installed by a qualified and reputable company and regularly function tested.

Management must ensure that the requirements of the Surveillance and Privacy Act are adhered to.

116. **Lighting** - shall be provided to all common areas including underawning lighting, the car parking levels as well as the stairs and access to and including the public outdoor courtyard, communal gardens and the bin storage rooms. Such lighting to be automatically controlled by time clocks, and where appropriate, sensors to provide an energy efficient and controlled environment for residents. Lighting, both internal and external, will be provided in accordance with Australian Standards.
117. **Signage** - Signage must be provided at:
- entry/exit points, buildings entrance and throughout the development to assist users and warn intruders that they will be prosecuted.  
**Warning:** these premises are under constant surveillance.  
**Warning: trespassers** will be prosecuted.

- Signage needs to identify the private and semi public area within the complex and any applicable restrictions.
  - Signage needs to be provided within the residential car park and the retail car park where spaces are allocated for residential visitors, to provide way finding to users of these areas.
  - Signage also needs to be provided on the fire exit doors warning users that the doors are to be used for emergency purposes only.
118. **Security Signs** - Signs should be erected in the car parks and near entry and exit points which details security measures and reminds people to lock their vehicles and remove valuables from their vehicles.
119. **Graffiti** - All surfaces on the street frontages that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.
120. **Intercom Facility** - The entry to the car park should have a ticket/boom gate system. Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
121. **Access control to residential lifts** - Access should be restricted to residents only to the lifts and stairs leading to the apartments.
122. **Installation of Locksets** -
- a. The main entry/exit points for this development should be fitted with single cylinder locksets (Australia and New Zealand Standards - Locksets), which comply with the Building Code of Australia.
  - b. An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.
  - c. Fire exit doors to the development should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the development.
  - d. The main entry/exit doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.
  - e. The balcony doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.
  - f. The windows to individual units should also be fitted with key operated locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.

## **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.

123. **Documentary evidence** – Prior to any Occupation Certificate, the monetary contribution as required in the VPA is to be paid to Council and documentary evidence of the payment is to be provided to the PCA and/or Council prior to the issue of any Occupation Certificate.
124. **BASIX** - The submission of documentary evidence of compliance with all commitments listed in. NOTE: Certificates from suitably qualified persons are to be submitted to the Principal Certifying Authority (*if Council is the PCA*) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.
- 125 **Landscaping-** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**. The Landscape Architect is to provide a practical completion certificate (on completion of the landscape works) and a final completion certificate at the end of the maintenance period.
- 126 **VPA works** - Prior to the issue of any Occupation Certificate all of the roadworks as required by the VPA are to be completed to Council's satisfaction.
- 127 **Disused Gutter Crossing** - All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
- 128 **Parking Lanes** - Parking lane "pockets" should be implemented on Porter Street fronting the site. The locations and details for these parking lanes MUST be determined in consultation with Council, prior to occupation certificate.
- 129 **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 design verification from a qualified designer. The statement must include verification from the qualified designer that the residential flat development achieves the design quality of the development as shown on plans and specifications in respect of any Construction Certificate issued, 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 154A of the Environmental Planning and Assessment Regulation 2000.

- 130 **Undergrounding of Telecommunication Services** - The developer shall submit to Council a letter from Telstra and Optus confirming that satisfactory arrangements have been made for the provision of underground telephone service, prior to the release of the Subdivision Certificate or Occupation.
- 131 **Disabled Access** - Prior to the issue of an Occupation Certificate a report is to be provided from a suitably qualified access consultant to confirm that the development complies with DCP 2010 Part 9.2 Access for People with Disabilities, the Building Code of Australia and AS1428.
- 132 **Connection to Sewer** - The premises must be connected to the sewerage system by gravity flow and documentary evidence of compliance must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
- 133 **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 (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management.
  - 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 public road reserve have been completed to Council's satisfaction.
- 134 **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.

135 **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**.

136 **Sydney Water – Section 73.** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://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.

137 **Post-construction dilapidation report** - The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of the **Occupation Certificate**.

138 **Public domain – work-as-executed plan** - A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of the **Occupation Certificate**. All public domain works are to be completed to Council’s satisfaction prior to the issue of any Occupation Certificate.

139 **Notice of Regulated System** - All water-cooling and warm-water systems regulated under the *Public Health Act 2010* must be registered with Council within one (1) month of installation.

140 **Letterboxes and street/house numbering** - All letterboxes and house numbering are to be designed and constructed to be accessible from the public



way. Council must be contacted in relation to any specific requirements for street numbering.

- 141 **Connection to Sewer** - All sanitary fixtures must be connected to the sewerage system by gravity flow and documentary evidence of compliance must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.
- 142 **Mechanical Ventilation** - Where any mechanical ventilation systems have been installed or altered, 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**.

## 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.

143. **Allocation of Car Parking** - Car parking is to be provided in accordance with the following:

- 43 x Retail spaces
- 283 x Residential spaces
- 54 x Visitors' spaces

144. **Graffiti Control** - Graffiti should be removed and cleaned within 48 hours. This is considered the most effective strategy for the reduction and deterrence of graffiti.
- 145 **Hours of Operation for the Commercial uses** - To ensure that the residential amenity of the nearby residential apartments are not adversely impacted on, the hours of operation for the commercial uses are to be restricted between the hours of 8.00am and 8.00pm Monday to Sunday. Any extension beyond these hours would require the approval of Council.
- 146 **Maintenance of ROW** - The maintenance of the right of public footway as identified in the Voluntary Planning Agreement is to be at all times to Council's requirements.
- 147 **Landscape maintenance plan must be prepared for the site** - Landscaping close to the building should be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the building and trimmed to ensure concealment opportunities are eliminated.
- 148 **Waste Containers** - An adequate number of suitable waste containers must be provided on the premises for the storage of all wastes generated on the premises between collections.

- 149 **Waste Management** - All wastes generated on the premises must be stored, collected and disposed of in an environmentally acceptable manner. All waste storage areas, including any collection areas, must be maintained in a clean and tidy condition at all times.
- 150 **Hours of Collection** - Where any waste collection occurs outside of the property, collection times should be restricted to between 6am-10pm to minimise night time disturbance to residents and neighbouring premises.
- 151 **Waste Collection** - Where it is necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must indemnify Council and its contractor in writing against claims for damage to the driveways and manoeuvring areas.
- 152 **Waste Collection** - Staff or contractors must be employed to take the waste containers from garbage and recycling room(s) to the container emptying point for servicing and to return the containers to the garbage room(s) after servicing.
- 153 **Disposal of Liquid Waste** - All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the requirements of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.
- 154 **Provision of Installation of Kitchen Exhaust** - Adequate provision must be made for the installation of kitchen exhaust systems in any future food shops.
- 155 **Trade Waste Permit** - The applicant must contact the Wastewater Source Control Branch of Sydney Water Corporation on Tel. 13 11 10 to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
- 156 **Noise Pollution** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
- 157 **Noise Pollution** - 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.