

## JOINT REGIONAL PLANNING PANEL (Sydney East Region)

<b>JRPP No</b>	2013SYE002
<b>DA Number</b>	LDA2012/0471
<b>Local Government Area</b>	City of Ryde
<b>Proposed Development</b>	Construction of a residential flat building consisting of 91 apartments, 16 semi-detached dwellings, construction of internal Road 5 and associated landscaping and public domain works (known as Stage 1 Phase 4a + Phase 2H)
<b>Street Address</b>	600 Victoria Road, Ryde
<b>Applicant/Owner</b>	Frasers Putney Pty Ltd
<b>Number of Submissions</b>	4 during the original notification period. 1 during the second notification period.
<b>Recommendation</b>	Approval with Conditions
<b>Report by</b>	Holly Palmer, City Plan Strategy & Development on behalf of City of Ryde

### Assessment Report and Recommendation

#### **1. EXECUTIVE SUMMARY**

The following report is an assessment of a development application (DA) for Stage 1 Phase 4A and Phase 2H of an approved Concept Plan (MP05\_0001 Mod 1) at No. 600 Victoria Road, Ryde, known as the Royal Rehabilitation Centre, Sydney (RRCS). The overall Concept Plan is approved for a new, purpose built specialised rehabilitation and disability facility, landscaped public and private open space, associated services and infrastructure, land use distribution, building heights, densities, dwelling mixes and type, staging plan for Stage 1 and subdivision of Stage 1, Phase 2.

The subject DA is for Stage 1 Phase 4A and Phase 2H of the approved Concept Plan, comprising the construction of an eight storey residential apartment building containing 91 apartments (10 x 1 bedroom, 73 x 2 bedroom, 8 x 3 bedroom) and 16 two storey semi-detached dwellings or "row housing" located at the south-east portion of the RRCS site.

The RFB has a three level basement car park with 130 car parking spaces and 13 bicycle parking spaces. Each semi-detached dwelling has a single garage car parking space. Car parking is accessed via internal Road 5.

The DA also involves the construction of internal Road 12 and associated landscaping and public domain works, including a publicly accessible public open space area.

The proposed development is generally consistent with the modified Concept Plan Approval (MP05\_0001 Mod 1) and the applicant has provided information to satisfy the Statement of Commitments.

The development results in a number of variations in relation to the Residential Flat Design Code in respect to solar access, ventilation and storage. The deficiency in the provision of storage area within the apartments is not supported. A condition of consent is recommended to be imposed requiring the minimum requirements of storage within the apartments to be provided. Despite the variations to solar access and ventilation, the proposal provides an acceptable level of amenity and is supported.

During the original notification period, Council received 4 submissions. The applicant provided amended plans in March 2013 and the proposal was re-notified. 1 submission was received during the second notification period. 1 further submission was received following the second notification period. In summary, the submissions raised concerns to building height for an 8 storey RFB which does not agree with the Concept Plan or Council's controls, privacy, amenity, the inability of local services to accommodate the development, traffic impacts for Charles and Kenneth Streets, over-development, poor design, reduced property values, the development being out of keeping with the existing character and built form of the area, loss of solar access and the impact from headlights of vehicles using Internal Road 12. Concern was also raised with regard to the inadequacy of access and sunlight to the open space, setbacks to Victoria Road, noise impacts and the impact of the development from construction noise.

Given the proposal is generally consistent with the Concept Approval, and the applicant has demonstrated that the proposal does not result in unacceptable amenity impacts to the surrounding locality, the proposal is considered to provide an appropriate land use and built form for this site.

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

## **2. APPLICATION DETAILS**

**Name of applicant:** Frasers Putney Pty Ltd

**Owner of site:** Frasers Putney Pty Ltd

**Estimated value of works:** \$35,563,035

**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 located at No. 600 Victoria Road, Ryde. The site forms part of the former Royal Rehabilitation Centre Sydney (RRCS) site located on the south western side of Victoria Road. This portion of the site does not feature any existing buildings or structures. Figure 1 is an aerial photograph of the site.

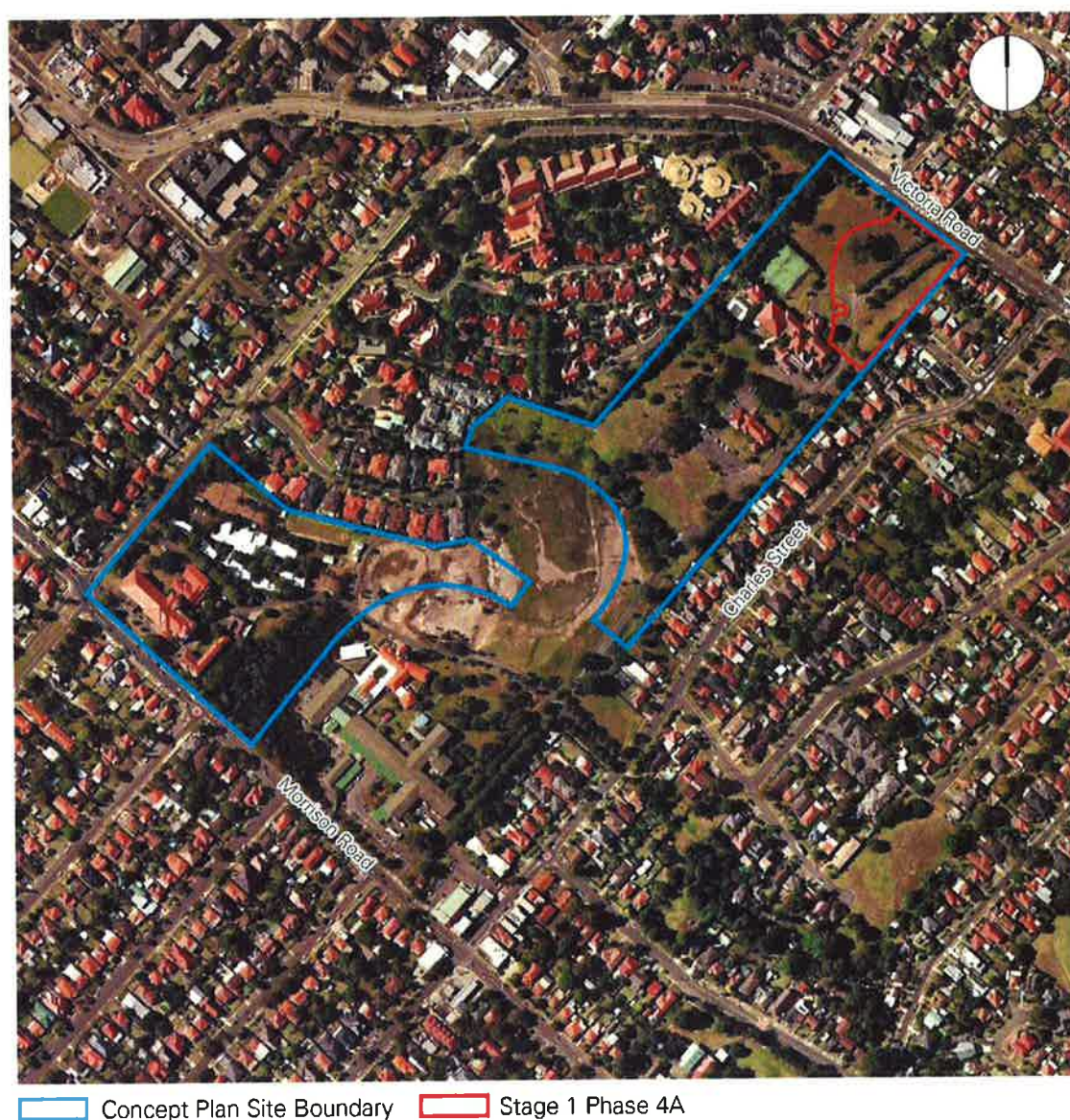


Figure 1. Aerial photograph of the site.

The RRCS site has subdivision approval in accordance with Stage 1 Phase 1 Project Application MP10\_0189 and is made up of several allotments known

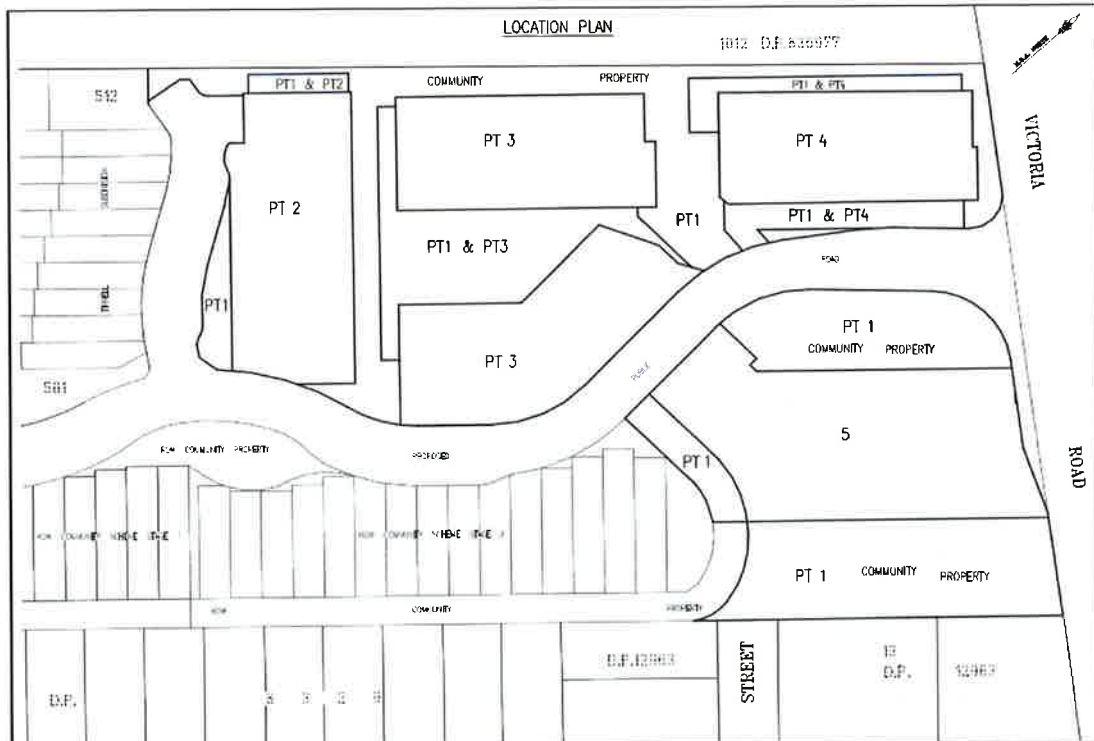
**PLAN FORM 2 (A2)**

**CONTRACT PLAN**  
Plan compiled from architectural CAD data.  
Plan is subject to final survey after completion of construction.

**DRAFT SUPERLOT SUBDIVISION PLAN - STAGE 2**  
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The staging of the development RRCS site was approved in MP05\_0001 Mod 1. The subject DA is for Stage 1 Phase 4A and 2H of the development, and comprises the south-eastern portion of the site as shown in Figure 4 below. This portion of the development comprises the RFB, 16 semi-detached dwellings, internal Road 12 and public open space area located at the south east portion of the site fronting Victoria Road.



Figure 4. Staging Plan approved in Project Application MP05\_0001 Mod 1

To the north west of the RRCS site is Little Company of Mary (Calvary Retirement Village) fronting Victoria Road, and single residential dwellings. To the south-east of the RRCS site there are single residential dwellings. Putney Village is located at the corner of Charles Street and Morrison Road to the south-west. The opposite side of Victoria Road is characterised by single residential dwellings and car yards. Further along the length of Victoria Road there are apartment buildings up to 4 storeys in height.

#### **4. SITE DETAILS**

Total site area of the RRCS site – 17.7 ha

Total site area of the residential component of the RRCS site – 11.52 ha

This DA relates to Stage 1 Phase 4a and Phase 2H of the RRCS site only.

#### **5. PROPOSAL**

The development application (DA) proposes the construction of Stage 1 Phase 4a and Phase 2H of the RRCS site which is part of an approved Concept Plan (MP05\_0001 Mod 1). The DA comprises an eight storey residential flat building (RFB) known as “Palmera Apartment” containing 91 apartments (10 x 1 bedroom, 73 x 2 bedroom, 8 x 3 bedroom) and 16 two storey semi-detached dwellings located at the south-east portion of the RRCS site.

The RFB has a two level basement car park with 130 car parking spaces and 13 bicycle parking spaces. Each semi-detached dwelling has a single garage car parking space. Car parking is accessed via internal Road 12.

The DA also involves the construction of internal Road 12 and associated landscaping and public domain works, including a publicly accessible open space area.

The location of the proposed development is demonstrated in Figure 5.

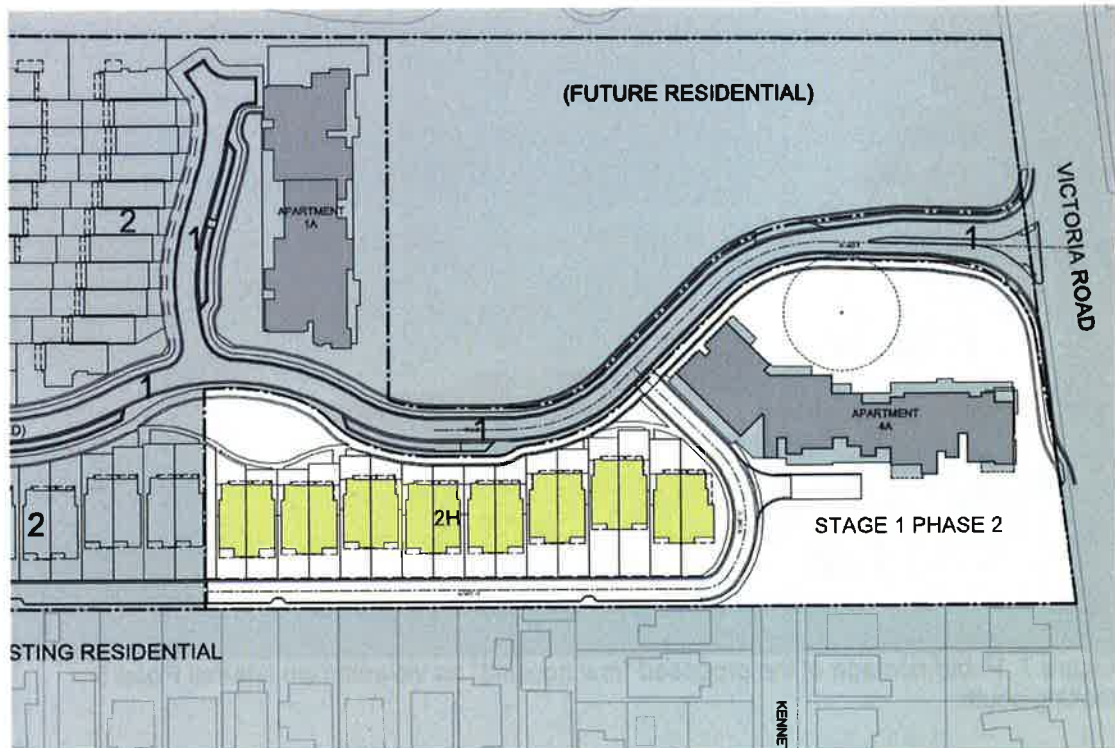


Figure 5. Site Plan showing the location of the Stage 1 Phase 2a and Phase 4a works.

Photomontages of the proposed development are provided below.



Figure 6. Photomontage of the proposed residential flat building as viewed from Victoria Road.





Figure 7. Photomontage of the proposed "row housing" as viewed from internal Road 5 looking south.

## 6. BACKGROUND

### Previous Concept Plan Approvals and Planning Controls

On 23 March 2006, the then Minister for Planning approved **Concept Plan (MP05\_0001)** for: -

- (1) *"A new, purpose built specialised rehabilitation and disability facility.*
- (2) *No more than 50 residential dwellings per hectare on land excluding the new, purpose built specialised rehabilitation and disability facility.*
- (3) *Landscaped public and private open space.*
- (4) *Associated services and infrastructure.*
- (5) *Land use distribution, building heights, densities, dwelling mixes and types."*

On 2 August 2006, the site was listed as a State Significant Site. The listing provided a range of planning controls and land use zones written into Schedule 3 of the Major Development SEPP, consistent with the Concept Plan Approval.

On 30 June 2010, the Ryde LEP 2010 was gazetted and the planning controls for the RRCS site were transferred across from Schedule 3 of the Major Development SEPP into the LEP.

On 18 March 2013, A/Director General approved a Modification Application to the Concept Plan (**MP05\_0001 Mod 1**) which relates to the portion of the site fronting Victoria Road known as Stage 1 for revised built form controls including: -



- “amendments to the layout of Stage 1 including:
  - new building envelopes and building layout;
  - changes to the internal road layouts;
  - changes to basement car parking; and
  - changes to the public domain and open space areas;
- replacement of existing density controls across the entire site with new floor space ratio (FSR) controls,
- staging plan for Stage 1;
- subdivision of Stage 1, Phase 2.”

## Previous Major Project Approvals

### *Subdivision*

On 12 August 2008, the then Minister for Planning approved the subdivision of the RRCS site into seven Torrens Title super lots, associated rights of carriageway and service easements (**MP07\_0100**). A modification was approved on 5 July 2010, (**MP07\_0100 Mod 1**) to reflect the zone boundaries under the SEPP and the subsequent LEP controls. A further modification was approved on 31 October 2012 (**MP07\_0100 Mod 2**) to further subdivide Lot 5 (relating to the health care facility).

### *Health Facility and Community Open Space*

On 16 December 2008, a Project Application (**MP08\_0054**) was approved for the demolition of part of the Coorabel facility and the construction of a new Health Facility and associated community open space and infrastructure works on part of the RRCS site (Lot 5). Five subsequent modifications have been approved, modifying buildings, roadways, staging and landscaping. The applicant has indicated that the Central Parklands and Detention Basin are complete, and the Central Parklands are open to the public.

### *Stage 1 Phase 1 Residential Development*

On 1 May 2012, Project Application **MP10\_0189** was approved for the development of Stage 1, Phase 1 of the residential development. This approval included: -

- demolition of existing buildings required to be removed to facilitate the Stage 1 Phase 1 works;
- subdivision;
- staged construction of a residential development including 47 apartments; 55 semi-detached / terraced and 14 detached dwellings;
- basement car parking to the residential flat building;
- public domain works including roads and utilities;
- tree removal and landscaping;

- construction of vehicular access to the site from Charles Street and Victoria Road; and
- extension / augmentation of the physical infrastructure / utilities required.

A modification was approved on 19 September 2012 (**MP10\_0189 MOD1**) to modify the approved residential flat building by increasing floor space and creating seven new apartments.

### Consistency with the Concept Plan

The subject application is based on Concept Plan MP05\_0001 MOD 1. A list of the applicable Conditions of Consent and Statement of Commitments from the Approved Concept Plan (MP05\_0001 Mod 1) has been discussed below.

Conditions of Consent	Comment
<b>A6 Determination of Future Applications.</b> The determination of future applications for development is to be generally consistent with the terms of approval of Major Project MP05_0001 as described in Part A of Schedule 1 and subject to the conditions of approval set out in Part A, B and C of Schedule 2.	The proposal is consistent with the road layout, siting of the building and basement layouts, floor space ratio, dwelling density, provision of landscaping and open space areas, pedestrian and cycle routes and building envelopes as approved in the modified Concept Plan (MP05_0001 Mod 1). Accordingly, this development is considered to be generally consistent with the approved Concept Plan.
<b>Department of Planning's Conditions of Approval</b>	
<b>B1. Development Control</b> Any significant departure from Conditions A1 and A2, Part A, Schedule 2 will require lodgement of further detailed plans and documentation to the Department addressing, and where required revising, the internal road network and associated development envelopes to reflect and extend the surrounding street pattern.	Project Approval (MP10_0189) approved a modification to the layout of Road 5.  The Concept Approval was modified in MP05_0001 Mod 1. The subject DA is fully compliant with the approved building envelopes and site layout and is supported.
<b>B2. Technical Audit</b> The proponent will undertake a technical audit to ensure absolute consistency between the plans and documentation set out at Condition A2, Part A, Schedule 2 within three months of the determination date in Part A of Schedule 1 of Major Project No. 05_0001, or as otherwise determined by the Director General, to provide consistency between the plans and documentation, to the satisfaction of the Department, in consultation with Council where appropriate.	The applicant confirms that this technical audit was submitted to the DoPI and this condition is satisfied.
<b>B3. Community Consultation (see also C11)</b> A detailed programme for community	The RRCS has undertaken appropriate community consultation in relation to the

Conditions of Consent	Comment
<p>consultation will be formalised by the proponent and agreed by the Department in consultation with Council where appropriate within three months after the determination date in Part A of Schedule 1 of Major Project No. 05_0001, or as otherwise determined by the Director General, to the satisfaction of the Department, in consultation with Council and local stakeholders where appropriate.</p>	<p>Concept Plan (MP05_001) and this condition is considered to be satisfied.</p> <p>The applicant, Frasers Putney Pty Ltd, being a separate entity to the RRCS, states that it has "been engaged in ongoing community consultation for the site since the commencement of their involvement in 2007, including ongoing liaison with neighbours, stakeholders and Council and through various other community engagement activities such as community site open days."</p> <p>This involvement is considered satisfactory.</p>
<p><b>B4. Transport and Access (see also C7)</b></p>	<p>The proposal has been referred to the RMS, who did not raise any objection. The proposal was also referred to Council's Development Engineer, who also did not raise any objection. Refer to detailed comment at C7 below.</p>
<p><b>B6. Staging Plan (see also C1 to C10)</b></p> <p>Prior to the lodgement of an initial application for residential development on the subject site a detailed staging plan showing proposed distribution of units and associated car parking, gross floor areas, unit type, and dwelling mix for the subject site will be formalised by the proponent and agreed by the Department, in consultation with Council, and other agencies where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate.</p>	<p>An updated Staging Plan was approved in the Concept Plan (MP05_0001 Mod 1).</p> <p>The subject DA is in keeping with the approved Staging Plan.</p>
<p><b>B7. Contamination Investigation (see also C13)</b></p> <p>Prior to the lodgement of an initial application for development on the subject site a contamination study for the subject site will be formalised by the proponent and agreed by the Department, in consultation with Council where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate. The contamination investigation will be prepared and undertaken by a suitably qualified person(s).</p>	<p>Site contamination studies were provided to the DoPI in relation to the previous applications, and the site is considered appropriate for residential use.</p>
<p><b>B8. Landscape and Public Domain Management (see also C13 &amp; C14)</b></p> <p>Prior to the lodgement of an initial application for development on the subject site a</p>	<p>The applicant confirms that a Landscape and Public Domain Management Plan has been submitted to the DoPI, prior to the application for subdivision on the site, and is replicated in</p>



Conditions of Consent	Comment
<p>landscaping and public domain management plan for the subject site will be formalised by the proponent and agreed by the Department, in consultation with Council where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council.</p>	<p>the Landscape Report and Plans submitted with the modified Concept Plan (MO05_0001 Mod 1). The Landscape Report and Plan submitted with this application has been reviewed by Council's City Landscape Officer and is supported. This condition is considered to be satisfied.</p>
<p><b>B9. Archaeological Investigation (see also C14)</b></p> <p>Future applications for development on the subject site will be accompanied by an archaeological investigation to be formalised by the proponent and agreed by the Department, in consultation with Council where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate. The archaeological Investigation will be prepared and undertaken by a suitably qualified person(s).</p>	<p>The applicant confirms that an Aboriginal Archaeological Assessment by Artefact Heritage Services accompanied the Stage 1 Phase 1 Project Application which addressed the whole of Site 1. The subject DA relies on the conclusions and recommendations of this report which found that: -</p> <ul style="list-style-type: none"> <li>• No aboriginal sites or places were found to be located in the site;</li> <li>• The study area is highly disturbed and has low / no archaeological potential;</li> <li>• The study area has low archaeological significance.</li> </ul> <p>Previous applications on the site were also accompanied by European heritage studies and reports. This condition is considered to be satisfied.</p>
<p><b>B10. Geotechnical Investigation (see also C13 &amp; C14)</b></p> <p>Future applications for development on the subject site will be accompanied by a geotechnical investigation to be formalised by the proponent and agreed by the Department, in consultation with Council where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate. The geotechnical investigation will be prepared and undertaken by a suitably qualified person(s).</p>	<p>The applicant states that the appropriate investigations were undertaken and approved by the DoPI in previous applications. This application has been reviewed by Council's Development Engineer and is supported. This condition is considered to be satisfied.</p>
<p><b>B11. Sub Consultant Reports (see also A2)</b></p> <p>The proponent will implement all the recommendations set out within "the Redevelopment of Royal Rehabilitation Centre Sydney Site – Secondary Consultant reports for Concept Plan Submission to DIPNR" produced by BSA Architects (August 2005) in any future applications for development on the subject site to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate. Each report</p>	<p>The SEE and supporting documentation lodged in support of this application addresses the necessary assessment requirements for this development.</p>

Conditions of Consent	Comment
may require updating as determined by the Department.	
<p><b>B12. Stormwater Management (see also C8)</b></p> <p>Prior to the issuance of certificates of occupancy for any building on the site, with the exception of temporary improvements to facilitate the temporary relocation of RRCS, the proponent will provide a detention storage facility to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate, subject to conditions.</p>	<p>The Detention Basin is subject to the Concept Plan MP05_0001, and is not located within the subject Stage 1 Phase 4A and Phase 2H. Stormwater detention and management measures for the overall site are also previously approved in Project Application MP08_0054.</p> <p>The DA is accompanied by a detailed Civil Engineering Design Report and Plans which has been reviewed by Council's Development Engineer and no objection is raised.</p>
<p><b>B13. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (see also C10)</b></p> <p>Future applications for development on the subject site will be in accordance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 to be formalised by the proponent and agreed by the Department, in consultation with Council where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council.</p>	<p>The applicant has submitted BASIX Certificates for the buildings (Nos. 439070M_04 for the RFB and 439106M for the row houses) which provide the development with a satisfactory target rating. Appropriate conditions will be imposed requiring compliance with the BASIX commitments as detailed within the Certificate. (See condition numbers 3, 32 and 92).</p> <p>It is noted that the requirement to provide photovoltaic panels has been deleted pursuant to the Concept Plan (MP05_0001 Mod 1).</p>
<p><b>B14. Riding for the Disabled Association (NSW) Ryde (see also B5 &amp; C12)</b></p> <p>The proponent will continue to work with all relevant stakeholders to seek a timely relocation to the satisfaction of the Department, in consultation with Council and other agencies where appropriate.</p>	<p>The applicant has confirmed that RDA has been successfully relocated.</p>
<b>Proponent's Statement of Commitments</b>	
<p><b>C1. Health and Community Facilities</b></p> <p>The proponent will provide a new multi-functional Health and Disability Centre, recreational facilities, a child care centre and community meeting room, negotiate a Planning Agreement under s93 of the Act and/or provide Development Contributions under s94 of the Act for community facilities and infrastructure demand, commit to staged development of the site to enable RRCS to continue its operations.</p>	<p>The RRCS Health Facility was the subject of a previous Project Application (MP08_0054).</p> <p>The contributions were arranged in accordance with a Deed of Agreement established on 15 July 2010 between Ryde City Council, RRCS and Frasers Putney Pty Ltd, which offered community facilities and infrastructure as material public benefit in lieu of a cash payment.</p>
<p><b>C2. Density and Relationship to Surrounding Community</b></p>	<p>The proposal is considered to satisfy these design elements given the following: -</p>

Conditions of Consent	Comment
<p>The proponent will implement the State Government's objectives for a sustainable and compact city by adhering to the following design elements:</p> <ul style="list-style-type: none"> <li>• The mix of dwelling types, to provide for a range of housing choice;</li> <li>• The maximum densities in the development parcels, to ensure that there is a sustainable and environmentally sensitive distribution of residential density across the subject site;</li> <li>• The location of detached houses and town houses in the peripheral transition zones, to create a buffer to the surrounding residential communities, maintaining a good amenity, solar access, light and privacy for the existing residents;</li> <li>• The location of medium density residential development in the interior of the subject site, to afford increased opportunities for liveable communities within the metropolitan fabric, close to regional employment opportunities and to existing retailing, educational and community facilities, and well serviced by public transport.</li> <li>• The integration of open space, recreational facilities, childcare and community and health facilities with the residential development, to ensure that not only will the newly created communities be sustainable, both socially and environmentally, but that existing residents in the local community will also benefit from the total development.</li> </ul>	<ul style="list-style-type: none"> <li>• The provision of 91 apartments and 16 semi-detached dwellings, when considered in light of the housing mix across the RRCS site, will provide suitable housing options to the area, which predominantly consists of single residential dwellings.</li> <li>• The overall provision of 107 dwellings is consistent with the distribution and density of dwellings in the Concept Plan (MP05_0001 MOD 1), which is within the overall density control of 50 dwellings per hectare.</li> <li>• Semi-detached dwellings are located along the south-western boundary of the RRCS site. This provides a suitable transition of the built form in relation to the adjoining single residential dwellings at Charles and Kenneth Streets. In addition, there is appropriate separation between the proposed RFB and these adjoining dwellings. The existing residents of the adjoining dwellings are afforded satisfactory amenity, solar access, light and privacy.</li> <li>• The proposed residential development is well integrated with the urban fabric of the area, and benefits from retail, employment, educational and community facilities. Public transport is also available.</li> <li>• The various components of the RRCS site service the needs of the new community, as well as being readily accessible to service the surrounding community.</li> </ul> <p>The proposed development is considered to provide a contributory role to the benefit of its future residents and the surrounding community.</p>
<p><b>C3. Urban Design</b></p> <p>The proponent will accord with the maximum heights, maximum number of dwellings, maximum floor space and minimum setbacks in the development parcels in the plans and documentation described in Condition A2, Part A, Schedule 2.</p> <p>The proponent will submit subsequent applications in accordance with the maximum development parameters in the plans and</p>	<p>The proposal is in keeping with the maximum heights, maximum number of dwellings, maximum floor space and minimum setbacks as approved in the Concept Plan (MP05_0001 Mod 1).</p> <p>The proposal demonstrates general compliance with the RFDC, however solar access, ventilation and storage do not meet the rules of thumb. Refer to discussion at</p>



Conditions of Consent	Comment
<p>documentation described in Condition A2, Part A, Schedule 2 and in accordance with the urban design principles set down in State Environmental Planning Policy 65 – Design Quality of Residential Flat Development, Residential Flat Design Code (DIPNR) and the Residential Flat Design Pattern Book (DIPNR). The proponent will adopt the following urban design principles which:</p> <ul style="list-style-type: none"> <li>• Maximise the northern aspect for solar access to dwellings.</li> <li>• Respond to the microclimate of each location and to the varying topography.</li> <li>• Set back buildings from the street frontages to create landscaped settings.</li> <li>• Introduce view corridors through the subject site to maximise visual permeability.</li> <li>• Share views by stepping buildings down the slope.</li> <li>• Diversify building forms to create variety and visual interest.</li> <li>• Limit overshadowing to 50% for 2 hours per day for private open space.</li> <li>• Minimise overshadowing of public open space.</li> <li>• Maintain privacy by ensuring adequate distances between dwellings - windows of habitable rooms be a minimum of 12m apart or if these distances are not achievable other design measures, such as appropriate window and balcony locations and screening, being incorporated.</li> </ul>	<p>Section 8.6 below.</p> <p>Consideration of the urban design principles is as follows: -</p> <ul style="list-style-type: none"> <li>• Due to the orientation of the building which was approved in MP05_0001 Mod 1, there are a large proportion of dwellings which have located their living areas to the south to take advantage of the outlook across the park and district views. Although some units have dual frontages to the north and south elevations, bedrooms are generally located to the northern aspect. In addition, the units with a north-east orientation have been designed to balance the impacts of noise and traffic generation from Victoria Road. This design has resulted in limited solar access to these units.</li> </ul> <p>For these reasons, the proposal does not numerically comply with the RFDC in terms of solar access. However, the applicant has demonstrated that on balance, where units received inadequate solar access, they benefit from superior amenity in terms of layout, privacy, building separation and a feeling of openness gained from the outlook to the park and district views. The proposal is supported;</p> <ul style="list-style-type: none"> <li>• The applicant has demonstrated that 60% of the POS terraces / balconies of each dwelling achieves at least 3 hours of solar penetration. 53% of living areas achieve at least 3 hours of solar penetration. And 45% of dwellings achieve at least 3 hours of solar penetration to both the living areas and POS areas;</li> <li>• It is recognised that the apartment building is regarded as a high density residential development, which would achieve more than 60% of apartments receiving solar access for at least 2 hours during midwinter;</li> <li>• The development is responsive to the existing topography and the character of the location;</li> <li>• The street frontages allow for sufficient landscaping;</li> </ul>

Conditions of Consent	Comment
<p>The proponent will adopt a design philosophy to create a traditional Australian residential living setting in a contemporary urban environment, through:</p> <ul style="list-style-type: none"> <li>• Articulated buildings with an interplay of planes, with balconies and pergolas.</li> <li>• An interplay of self-finishing building materials, brick, stone and tiles.</li> <li>• Variations in colour and texture.</li> <li>• Human scale in the design of facades and spaces between buildings.</li> <li>• Accessible, planted rooftops.</li> <li>• Ceiling height of the parking areas beneath residential flat buildings not to exceed 2.1m above natural ground level at any point.</li> </ul> <p>The proponent will create a leading-edge architectural design for the new RRCS centre and associated health facilities. This will establish an urban design benchmark for development over the remainder of the subject site.</p> <p>The proponent will encourage the broader community to use the open space and community facilities on the subject site, by ensuring that the design of the pedestrian network encourages access to these facilities.</p> <p>The proponent will include a condition of sale for the residential stages of the subject site, which states that gates are not permitted on the access roads to Charles Street, Morrison Road, Princes Street and Victoria Road.</p>	<ul style="list-style-type: none"> <li>• The development offers suitable view corridors and visual permeability, in particular to the central open space as viewed from Victoria Road,</li> <li>• The proposed dwellings benefit from view sharing;</li> <li>• The built forms include two storey semi-detached dwellings ('row housing') and an 8 storey RFB. The developments provide suitable architectural articulation and visual interest;</li> <li>• The public open space area receives direct solar access until 2pm on 21 June which is suitable; and</li> <li>• The dwellings achieve a minimum of 12m separation. The proposal also provides appropriate screening measures, balcony locations and landscaping to assist in providing privacy.</li> </ul> <p>The development exhibits the elements specified in the design philosophy by providing buildings with suitable architectural articulation which is enhanced by balconies and a mix of colours and materials. The presentation of the facades and siting of the buildings exhibits a suitable relationship with the human scale. The RFB basement parking levels do not exceed 2.1m above NGL. It is noted that the Concept Plan MP05_0001 Mod 1 has removed the requirement for accessible and planted rooftops.</p> <p>The new RRCS centre is not the subject of this DA, and was addressed in MP08_0054.</p> <p>Pedestrian and cycle linkages are provided which connect to the remainder of the RRCS site.</p> <p>No gates are proposed on the access roads.</p>

Conditions of Consent	Comment
<p><b>C4. Landscaping</b></p> <p>The proponent will adopt landscaping designs being in accordance with the following principles:</p> <ul style="list-style-type: none"> <li>• To create a variety of landscaped public open spaces which respond to the existing topography and landscaped features, and are appropriate for the intended purpose of each area of open space.</li> <li>• To create accessible, landscaped roof-tops for use as private open space.</li> <li>• To create a unique sense of place in different precincts of the development, and landscaping on the collector roads which harmonises with Council's public domain landscape strategies.</li> <li>• To preserve mature trees and landscaping features.</li> <li>• To provide shade along pedestrian pathways and streets through the planting of street and park trees. When selecting species, consideration to be given to drought tolerance, winter solar access, summer shade and provision of habitats.</li> <li>• To provide a high quality, low maintenance suite of street furniture that is located to provide amenity for walkers and park users.</li> <li>• To provide shade for parking areas so that cars can be parked in the shade - ideally reducing the need for intensive air conditioning.</li> <li>• To reduce crime in public places by creating safe open spaces that are overlooked by dwellings and that have at least two access points.</li> <li>• To minimise water usage and maintenance by selecting hardy, drought tolerant native and exotic plants, including those listed on the Sydney Water Plant Selector.</li> <li>• To reduce environmental weeds by selecting plants that are non-invasive or indigenous.</li> <li>• To treat stormwater on subject site through landscape techniques such as wetlands and planted swales.</li> <li>• To provide a range of habitats for indigenous fauna including birds and arboreal mammals, insects, reptiles and amphibians through selection of plant species and planting composition.</li> <li>• To increase water penetration by the use of permeable car parking bays.</li> </ul>	<p>The proposal provides landscaping in the form of a publicly accessible open space area at the south-eastern portion of the site, the retention and protection of a Blackbutt tree (T4) as a natural feature to the west of the RFB development, the transplanting of the existing Palm trees to the Victoria Road and Charles Street boundaries to provide a landscape buffer and landscaped private open space areas. The proposal provides a suitable mix and variety of landscaping which is responsive to the existing conditions, and complement the proposal.</p> <p>It is noted that the Concept Plan (MP05_0001 Mod 1) has removed the requirement for accessible and planted rooftops.</p> <p>The landscaping will provide a cohesive presentation which relates to the public domain.</p> <p>Tree planting is provided along pedestrian pathways and streets. These species are appropriate for drought tolerance, winter solar access, summer shade and provision of habitats.</p> <p>Street furniture is provided in the form of low sitting walls around the public open space grass area.</p> <p>All parking areas for the RFB are underground. The driveways to the semi-detached dwellings are sufficiently shaded by landscaped trees.</p> <p>The open spaces benefit from casual surveillance from dwellings and have multiple points of access.</p> <p>The planting species are suitably selected for drought tolerance and are non-invasive.</p> <p>An OSD system is provided for the RRCS site, including centrally located Detention Basin. Stormwater is appropriately treated.</p> <p>The development encourages a habitat for fauna.</p> <p>No permeable car parking bays are proposed.</p> <p>The open space network provides an accessible path of travel which is integrated into the design of the site.</p> <p>The landscaping is provided in a simple design which can be appropriately managed and cared for.</p> <p>The wet Detention Basin is subject to the</p>



Conditions of Consent	Comment
<ul style="list-style-type: none"> <li>• To provide accessible paths of travel wherever possible as an integrated part of the open space network;</li> <li>• To provide a landscape that can be maintained without excessive labour, water or nutrient inputs.</li> <li>• In the event that approval is given for a wet detention basin, the design to avoid the need for fencing, by maintaining a depth of less than 300mm for the first two metres from the edge of the permanent water line. Plant species along the edges of the detention basin to be selected for the ability to withstand periodic inundation and periods of prolonged drought. Species in areas that will be permanently wet to be selected with consideration given to provision of habitat for birds, frogs and insects.</li> </ul> <p>The proponent will adopt a design philosophy for elements in the public domain, including landscaping and street furniture, which will reflect the character of Putney, to be developed in consultation with Council to the satisfaction of the Department.</p> <p>The proponent will design the proposed Central Parkland area to function as both usable public open space and a stormwater detention basin.</p>	<p>Concept Plan MP05_0001, and is not located within the subject Stage 1 Phase 4A and Phase 2H area.</p> <p>The design of the landscaping is considered to be in keeping with, and enhance the character of the Putney locality. The proposal has been review by Council's City Landscape Architect and is supported.</p> <p>The Detention Basin is subject to the Concept Plan MP05_0001, and is not located within the subject Stage 1 Phase 4a and Phase 2H area.</p>
<p><b>C5. Heritage</b></p> <p>In the event a future approval is granted to demolish buildings on the subject site, the impacts will be mitigated by the following procedures:</p> <ul style="list-style-type: none"> <li>• The important historic, social and cultural significance of RRCS to be commemorated through a professionally written history of the subject site;</li> <li>• Archival photographic recordings to be made of the significant buildings, the subject site and the landscape elements on the subject site, in accordance with NSW Heritage Council's guidelines;</li> <li>• The original sandstone gateposts at the entrance to Weemala to be retained in situ;</li> <li>• An interpretation strategy to be developed, in order to recognise the important historical and social significance of the subject site to NSW</li> </ul>	<p>The subject site does not consist of any existing buildings, and no demolition is proposed.</p> <p>A Statement of Heritage Impact prepared by Artefact dated 23 April 2013 was submitted in support of this development application.</p> <p>The proposal has been review by Council's Heritage Officer and no objection is raised, subject to a condition of consent. (See condition number 75).</p> <p>It is noted that several supporting documents and strategies have been lodged by the applicant to satisfy this requirement in relation to the Concept Plan MP05_0001. These strategies are considered to be satisfactory.</p>

Conditions of Consent	Comment
<p>and Ryde;</p> <ul style="list-style-type: none"> <li>• The history of the RRCS to be commemorated in naming of new facilities, parks and roads.</li> <li>• Archival material to be held by RRCS, displayed where appropriate in the new facility and be made available as a public record in the local city library;</li> <li>• A "History Walk" to be created as a key feature of the parkland amenity, including commemorative stones along the public access track displaying the origins of the site in the context of the history of the Putney Village Community and the City of Ryde;</li> <li>• An investigation to be conducted to determine the extent and nature of any remnants of the original Weemala building, including a sampling of surface shard scatters.</li> </ul>	
<p><b>C6. Utilities Infrastructure</b></p> <p>The proponent will:</p> <ul style="list-style-type: none"> <li>• Obtain confirmation from utility providers, that existing infrastructure, particularly sewer and water, are capable of supporting the proposed development or can be amplified without detrimentally affecting the existing amenity of the area.</li> <li>• Obtain all necessary approvals from authorities to implement the augmentation and/or reticulation of the utilities infrastructure.</li> </ul>	<p>The applicant has advised that the necessary consultant's reports have been submitted in support of the Concept Plan (MP05_0001 Mod 1). The applicant confirms that the site is able to be adequately serviced with site infrastructure and utilities, however the existing utilities will be augmented to meet service demands. The applicant will satisfy these requirements and obtain approval from the necessary authorities prior to any work being undertaken.</p>
<p><b>C7. Traffic &amp; Transport</b></p> <p>The proponent will work with all traffic and transport authorities and Council to optimise the design and safety of roads and intersections, both within and surrounding the subject site, and to upgrade public transport, including:</p> <ul style="list-style-type: none"> <li>• Review of bus-stops and access to these.</li> <li>• Design of intersections on external roads, including roundabouts.</li> <li>• Improvement in pedestrian safety within the locality.</li> <li>• Reduction in vehicular speeds.</li> <li>• Design of the subject site's internal road network in accordance with the Australian Model Code for Residential Development Guidelines (AMCORD), with limited access points, discouraging through-traffic and ensuring safety for pedestrians and cyclists.</li> <li>• Design of the internal road network in</li> </ul>	<p>The proposal has been referred to the RMS, who did not raise any objection. The proposal was also referred to Council's Development Engineer, who did not raise any objection.</p> <ul style="list-style-type: none"> <li>• The applicant advises that the existing public bus stop located 200m from the site on Victoria Road is sufficient and the provision of another bus to is not required.</li> <li>• The Deed of Agreement signed between the City of Ryde Council, RRCS and Frasers Putney Traffic required traffic calming measures to be implemented.</li> <li>• Dedicated pedestrian pathways are provided throughout the RRCS site.</li> <li>• The applicant has committed to a 40km/h speed limit for all internal roads.</li> <li>• The applicant has confirmed that the internal road network satisfies the AMCORD requirements.</li> <li>• Parking is provided in accordance with</li> </ul>

Conditions of Consent	Comment
<p>accordance with a road hierarchy, to provide a sense of place in different locations and to improve safety for pedestrians and cyclists.</p> <ul style="list-style-type: none"> <li>• Provision of parking and storage in accordance with Council's codes and/or RTA guidelines.</li> <li>• Provision of pathways accessible for people with disabilities between the RRCS health facilities, the Recreation Circle and the Central Parkland.</li> <li>• Provision of a cycleway network.</li> </ul> <p>The proponent will negotiate a planning agreement under Section 93 of the Act, and/or providing Development Contributions under Section 94 of the Act, to provide for infrastructure.</p> <p>The proponent will implement the following recommendations and conditions set out in the Sydney Regional Advisory Committees letter to the Department dated 5 October 2005 to the satisfaction of the Department:</p> <ul style="list-style-type: none"> <li>• A left turn deceleration lane off Victoria Road will be provided for the left turn in to the proposed development, on road safety and efficiency grounds. The length and width of the left turn deceleration lane shall be in accordance with the Authority's Road Design Guide and may require localised road widening, which shall be at no cost to the RTA.</li> <li>• Concern was raised with regard to traffic wishing to proceed east on Victoria Road. Vehicles may turn left from the access onto Victoria Road and weave across two westbound lanes in Victoria Road (over a short distance), to turn right into Irvine Crescent then u-turn and proceed east on Victoria Road. A Safety Audit (by a qualified auditor) will be undertaken in relation to the proposed left out arrangement.</li> <li>• The proposed development will generate significant pedestrian volumes on the surrounding road network. Pedestrian facilities will be investigated and provided if required on Victoria Road to allow suitable access to the bus stops in Victoria Road. Council will be consulted to determine the need for additional pedestrian facilities on the local road network.</li> <li>• The proposed development will be designed such that road traffic noise from Victoria Road is mitigated by durable materials, in accordance with EPA criteria for new land use</li> </ul>	<p>Council's car parking rates pursuant to the Ryde DCP 2010. Each apartment is provided with a secure storage area adjoining their allocated car parking space.</p> <ul style="list-style-type: none"> <li>• Accessible paths of travel are provided throughout the site and to the adjoining public areas.</li> <li>• A cycleway network is provided.</li> </ul> <p>A Deed of Agreement has been established between the City of Ryde Council, RRCS and Frasers Putney Traffic to provide public domain works in lieu of cash contributions.</p> <p>The design of the deceleration lane was approved in Project Approval MP10_0189 for Stage 1 Phase 1. The proposal has been referred to the RMS, who did not raise any objection.</p> <p>The application is accompanied by a Transport Review prepared by Colston Budd Hunt &amp; Kafes P/L dated December 2012, and an additional Traffic Letter dated 8 March 2013, which confirms that this proposal is not only in keeping with the traffic generation demonstrated in the approved Concept Plan (MP05_0001) which accounted for 900 dwellings, it actually results in lower traffic generation due to the overall provision of dwellings being reduced to 791 dwellings. This report states that Condition C7 was satisfied in the review undertaken by Traffic and Transport Associates – Royal Rehabilitation Centre Ryde, Rezoning for Redevelopment – Resolution of Conditions of Approval (May 2006). The proposal has been referred to the RMS, who did not raise any objection. The traffic arrangement is supported.</p> <p>The pedestrian network and connections to the public domain and bus stops is satisfactory.</p>



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<p>developments (The Environmental Criteria for Road Traffic Noise, May 1999). The Authority's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.</p> <ul style="list-style-type: none"> <li>Where the EPA external noise criteria would not practically or reasonably be met, the proponent will apply the following internal noise objectives for all habitable rooms under ventilated conditions complying with the requirements of the Building Code of Australia: All habitable rooms other than sleeping rooms: 45 dB(A) Leq(15hr) and 40 dB(A) Leq(9hr) and sleeping rooms: 35 dB(A) Leq(9hr)</li> <li>The proponent will ensure that post development storm water discharge from the subject site into the RTA drainage system will not exceed the pre-development discharge. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system will be submitted to the RTA for approval, prior to the commencement of any works.</li> <li>The layout of the car parking areas associated with the subject development (including, driveways, turning paths, grades, aisle widths, sight distance requirements, and parking bay dimensions) will be in accordance with AS 2890.1-2004 and AS 2890.2 - 2002.</li> <li>All work associated with the proposed development will be at no cost to the RTA.</li> </ul>	<p>An Acoustic Report prepared by Renzo Tonin &amp; Associates dated 1 December 2012 was submitted with the application, and demonstrates the development is capable of complying with all relevant codes and criteria. The development is satisfactorily treated to mitigate road traffic noise and external noise intrusion and is supported.</p> <p>The Detention Basin for the RRCS was approved in Project Approval MP08_0054. The subject DA is accompanied by a detailed Civil Engineering Design Report and Plans which has been reviewed by Council's Development Engineer and no objection is raised.</p> <p>The applicant confirms that the proposal satisfies the relevant Australian Standards. The proposal has been reviewed by Council's Development Engineer and no objection is raised.</p> <p>The applicant notes that all works associated with the development are at no cost to the RTA (RMS).</p>
<p><b>C8. Stormwater Management</b></p> <p>The proponent commits to working with Council to develop the design for the stormwater management system, which will operate effectively to the standards for infrastructure, safety and public health set down by Council, and to the satisfaction of the Department.</p> <p>Design of the layout of the detention basin is yet to be finalised, and will be subject to a detailed hydrologic and hydraulic analysis. The proponent will achieve a design that resolves the issues noted in Council's submission.</p> <p>The proponent will:</p> <ul style="list-style-type: none"> <li>Provide sufficient stormwater storage on the subject site, for Council's Flood Mitigation Strategy for the western part of the Gladesville drainage catchment, including increased</li> </ul>	<p>The Detention Basin is subject to the Concept Plan MP05_0001, and is not located within the subject Stage 1 Phase 4a and Phase 2H. Stormwater detention and management measures for the overall site are also previously approved in Project Application MP08_0054.</p> <p>The DA is accompanied by a detailed Civil Engineering Design Report and Plans which has been reviewed by Council's Development Engineer and no objection is raised.</p>

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<p>provision in storage to detain run-off generated by the development on the subject site.</p> <ul style="list-style-type: none"> <li>• Conserve and protect or re-locate (as appropriate) the existing services passing through the subject site, including stormwater and sewerage.</li> <li>• In the event that Council approves irrigation storage, wetlands or water features on the subject site, increase the stormwater detention volume to accommodate this retention.</li> <li>• In the event that approval is given for a wet detention basin with a lake and/or other water features, provide consultancy confirmation, including Hydrogeological analysis or equivalent that the proposed lake system and wetland will survive and operate effectively in the manner proposed and the mitigation measures to prevent potential for eutrophication, odours, and mosquito breeding and related concerns.</li> <li>• Provide consultancy confirmation on the required level of flushing of the system.</li> <li>• Install suitable stormwater quality improvement devices and measures such as GPT's, screens/baskets, swales and wetlands to form part of the overall stormwater management scheme.</li> </ul>	
<p><b>C9. Construction Management</b></p> <p>The proponent will lodge a Construction Management Plan, prior to development being undertaken on the subject site, including (but not limited to):</p> <ul style="list-style-type: none"> <li>• Traffic management</li> <li>• Noise and vibration management</li> <li>• Dust control</li> <li>• Construction waste management</li> <li>• Erosion and sediment control</li> <li>• Flora and fauna management</li> <li>• Archival recording of heritage</li> <li>• Hazardous materials removal</li> </ul> <p>The proponent commits to carrying out any required remediation prior to developments being undertaken on the subject site, in accordance with the findings of the Contamination Study.</p>	<p>The applicant proposes to submit a Traffic Construction Management Plan which addresses the requirements of this condition prior to the issue of the relevant Construction Certificate. This is considered appropriate and conditioned accordingly. (See condition number 46).</p>
<p><b>C10. State Environmental Planning Policy Building Sustainability Index (BASIX)</b></p> <p>The proponent will comply with the NSW Government Building Sustainability Index</p>	<p>The applicant has submitted BASIX Certificates for the buildings (Nos. 439070M_04 for the RFB and 439106M for the row houses) which provide the</p>

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<p>targeting 40% reduction for potable water consumption, 25% reduction for greenhouse gas emissions and improvement in the thermal performance of all new residential buildings.</p> <p>The proponent will commit to sustainability initiatives, including:</p> <ul style="list-style-type: none"> <li>• Subject to approval by Council, creation of a detention basin for stormwater management and the retention of part of the water in this basin for the irrigation of the Central Parkland.</li> <li>• Landscaping in accordance with the Oculus recommendations with nominated water resistant plant species suited to the Wianamatta Shale soils, and soft landscaping to be minimised.</li> <li>• Building envelopes oriented to maximise solar access and cross ventilation, in order to minimise heating and cooling costs.</li> <li>• Use of WSUD initiatives – permeable car parking spaces, grassed swales in place of kerb and guttering.</li> <li>• Rainwater harvesting, collected on the subject site with rainwater tanks in houses and townhouses and detention tanks in apartments.</li> <li>• Solar access – photovoltaic electricity generation and solar panels for water heating.</li> <li>• Fittings and whitegoods to reduce energy and water usage.</li> <li>• Use of recyclable materials.</li> </ul>	<p>development with a satisfactory target rating. Appropriate conditions will be imposed requiring compliance with the BASIX commitments as detailed within the Certificate. (See condition numbers 3, 32 and 92).</p> <p>It is noted that the requirement to provide photovoltaic panels have been deleted pursuant to the Concept Plan (MP05_0001 Mod 1).</p>
<p><b>C11. Public Consultation Process</b></p> <p>The proponent will:</p> <ul style="list-style-type: none"> <li>• Provide a monthly information update to keep residents informed of progress.</li> </ul> <p>This will be published in the local press, in the RRCS newsletter and displayed on the RRCS web-site.</p> <ul style="list-style-type: none"> <li>• RRCS has a public relations officer on staff and her details will be published to enable the community to contact her during office hours, and she will be available at specified times to liaise with the community.</li> </ul>	<p>The RRCS has continued to provide updates to the public for the progress of the development. The applicant, Frasers Putney Pty Ltd, being a separate entity to the RRCS, states that it has “been engaged in ongoing community consultation for the site since the commencement of their involvement in 2007, including ongoing liaison with neighbours, stakeholders and Council and through various other community engagement activities such as community site open days.”</p> <p>This involvement is considered satisfactory.</p>
<p><b>C12. Riding for the Disabled Association – Ryde (RDA Ryde)</b></p> <p>The proponent will continue to work with RDA Ryde, the Department and Council to achieve a timely relocation within the next two years.</p>	<p>The applicant has confirmed that RDA has been successfully relocated.</p>
<p><b>C13. Staging of Development and Actions to be carried out prior to Subsequent</b></p>	<p>The applicant has provided the following measures to satisfy the lodgement</p>

Conditions of Consent	Comment
<p><b>Applications</b></p> <p>Prior to the lodgement of subsequent applications, the proponent will undertake the following measures to the satisfaction of the Department:</p> <ul style="list-style-type: none"> <li>• Staging program for the intended progressive development of the subject site.</li> <li>• Heritage Interpretation Strategy to recognise the important historical and social significance of the subject site, including actions to be carried out by proponents of subsequent applications.</li> <li>• Negotiation with the Department, in consultation with Council on the delivery of a Section 93 Planning Agreement, and/or Section 94 Development Contributions to provide for community and infrastructure demand.</li> <li>• Consultation with Council to develop the design for the stormwater management system, which will operate effectively to the standards for infrastructure, safety and public health to the satisfaction of Council.</li> <li>• Detailed traffic studies in conjunction with, and to the satisfaction of, the RTA and Council, for the design of all pedestrian and vehicular access points to the subject site, including new roundabouts and pedestrian safety measures.</li> <li>• Contamination Study in accordance with State Environmental Planning Policy 55 – Remediation of Land; the study to include a comprehensive preliminary assessment of the subject site with clear conclusions and recommendations showing that the subject site is suitable, or can be made suitable, for the proposed uses.</li> </ul>	<p>requirements for this DA:-</p> <ul style="list-style-type: none"> <li>• An updated Staging Plan was approved in the Concept Plan (MP05_0001 Mod 1).</li> <li>• A Heritage Interpretation Strategy was previously submitted to the DoPI.</li> <li>• A Deed of Agreement has been established between Ryde City Council, RRCS and Frasers Putney Pty Ltd providing public works in lieu of contributions.</li> <li>• A detention basin and stormwater management system for the whole site was approved in MP05_0001 and MP08_0054. Civil engineering plans were submitted with this DA and no objection is raised from Council's Development Engineer.</li> <li>• A Transport Review was submitted with this DA which addressed the traffic calming measures required in the Deed of Agreement and the traffic impacts of this site. No objection is raised from Council's Development Engineer or the RMS.</li> <li>• Site contamination studies were provided to the DoPI in relation to the previous applications, and the site is considered appropriate for residential use.</li> </ul>
<p><b>C14. Submission of Subsequent Applications</b></p> <p>The proponent will submit subsequent applications for the development of the subject site in accordance with the conditions of approval to Project No. 05_0001.</p> <p>The proponent will submit further documentation for the subsequent applications which will include (but not be limited to):</p> <ul style="list-style-type: none"> <li>• Detailed landscape survey and design.</li> <li>• Archaeological survey, where required in accordance with the Heritage Interpretation</li> </ul>	<p>The subject DA has been submitted to satisfy this condition and is accompanied by the necessary supporting documentation.</p> <p>The following documents have been submitted and are considered satisfactory: -</p> <ul style="list-style-type: none"> <li>• A detailed Landscape Report and Plans;</li> <li>• Aboriginal Archaeological Assessment and Heritage Interpretation Strategy have been submitted for previous</li> </ul>



Conditions of Consent	Comment
<p>Strategy.</p> <ul style="list-style-type: none"> <li>• Heritage interpretive elements in the public domain</li> <li>• BASIX compliance</li> <li>• Sediment and Erosion Control Plan</li> <li>• Waste Management Plan</li> <li>• Car parking provision, loading and subject site access in accordance with the relevant codes.</li> <li>• Construction Management Plans</li> <li>• Compliance with the utility authorities' standards and reticulation requirements, and approval/permit processes.</li> </ul>	<p>applications;</p> <ul style="list-style-type: none"> <li>• Statement of Heritage Impact</li> <li>• BASIX Certificates;</li> <li>• Sediment and Erosion Control Plans;</li> <li>• Site Waste Minimisation and Management Plan;</li> <li>• Addressed in Transport Review;</li> <li>• The applicant requests a condition of consent is imposed requiring a TCMP to be submitted prior to the issue of the relevant Construction Certificate. (See condition number 46).</li> <li>• The applicant confirms that all necessary approvals will be attained from utility providers prior to the commencement of works where necessary.</li> </ul> <p>The DA is considered to satisfy the submission requirements where relevant, and appropriate conditions of consent will be imposed where necessary.</p>

### Current Development Application

A letter was sent to the applicant on 14 February 2013 requesting further consideration of several issues as follows: -

- The subject Stage 1 Phase 4A DA does not agree with the Concept Plan (MP05\_0001 Mod 1) which is currently with the Department of Planning and Infrastructure (the 'Department') for approval. The Department's Recommended Instrument of Approval recommends the setbacks for the RFB including its basement, are increased from 2m to 5m. The applicant has been advised that the subject DA will be required to be amended to reflect the outcome of the Concept Plan, and any amended plans will be re-advertised.
- The submitted documents provide inconsistent references to the staging. The staging is to be clarified.
- Demonstration of compliance with requirements of the Residential Flat Design Code in relation to the RFB development receiving solar penetration to both the private open space and living space.
- Where relevant, demonstration that the proposal achieves compliance with Council's Development Control Plan, and justification for any variations.
- Amended BASIX Certificates which provide references for the current Lot and DP with the commitments provided on the plans where necessary.
- Landscaping Plans which provide details for the entire Stage 1 Phase 4A site, specifically the area between Dwellings 24-27 and Road 5.
- The applicant was advised that the Marketing Showroom would be appropriately conditioned in relation to requiring suitable access and

parking arrangements subject to Council's minimum parking rates for 'office uses.'

- Additional information is required for the semi-detached dwellings in relation to solar access to the end houses, privacy and amenity from the RFB, and gate and fencing details.
- Comments / recommendations from Council's City Urban Designer (in light of the Urban Design Review Panel notes dated 13 June 2012) include moving the semi-detached dwellings further south to increase the size of the north facing courtyards, improvements to the direct lines of sight for the main entries and lift core in the RFB, in particular to the south west corridor of Level 1, and enhanced articulation and detailing of the eastern façade facing Victoria Road such as the corners and roof form of the development.
- Response to the issues raised in the public submissions.

A further letter was sent to the applicant on 21 February 2013 requesting consideration of further issues as follows: -

- Detailed plans for the Apartment Car Park Layout demonstrating full compliance with the relevant Australian Standards, swept path analysis, details of the proposed delineation lines, sign posting and sight line improvements, access for service and delivery vehicles, and details of line-marking and a signage plan for internal Road 12;
- Detailed plans for the semi-detached dwellings demonstrating full compliance with the relevant Australian Standards, parking bay and driveway dimensions and further details of the access arrangements for Dwelling 39 in regard to sight distance;
- Details of the line-marking and signage plan for the entire length of Road 12;
- Details of traffic calming measures for Road 12;
- Re-design the intersection of Roads 5 and 12 to be a road intersection rather than a driveway access;
- An amended flood study, OSD Calculations and an e-copy of the DRAINS model file that takes into consideration the rainfall data on Council's DCP 2010;
- The submission of details and amended stormwater drawings with regard to the proposed drainage system on the north-western side of Road 5 including long sections, pipe, pits including pit KK1; and
- The submission of additional information which explains or details the effect of the proposed development on the heritage listed items within close proximity to the site.

A meeting was held on 2 April 2013 with the applicant to discuss the issues raised by Council Officers. The applicant was requested to provide further details and clarification with regard to the following items: -

- Detailed landscaping of the row houses, the southern boundary which adjoins internal Road 12 and the pocket park to the north of row houses 24-27;

- Details nominating which two units will be utilised as display units and parking and access arrangements;
- A section of internal Road 12 and the adjoining dwellings to the south of the site to demonstrate the potential impact of headlights on the amenity of the adjoining dwellings;
- A solar access compliance schedule of the RFB development and justification for any non-compliance with the RFDC;
- Clarification of the provision of storage for each unit within the RFB. The applicant was advised that each dwelling is expected to comply with the RFDC requirements, including providing 50% of the storage area within the unit; and
- A Statement of Heritage Impact.

The applicant has addressed these matters and amended plans were submitted to Council on 27 March 2013 and 23 April 2013. These issues have been discussed in further detail further in Section 8.6 of the report.

## **7. APPLICABLE PLANNING CONTROLS**

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

- Section 5A of the Environmental Planning and Assessment Act, 1979
- State Environmental Planning Policy (Major Developments) 2005
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX)
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy (Infrastructure) 2007
- Ryde Local Environmental Plan 2010
- Draft Ryde Local Environmental Plan 2011
- City of Ryde Development Control Plan 2010

## **8. PLANNING ASSESSMENT**

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

The applicant has provided sufficient supporting documentation which demonstrates that the proposal satisfies the objects of the Act and will not result in unreasonable adverse impacts on threatened species and the environment. The subject development is consistent with the Concept Plan Approval (MP05\_0001 MOD 1) which considered the suitability of this form on development on the site relevant to threatened species.

### **8.2 State Environmental Planning Policy (Major Developments) Amendment 2011**

On 13 May 2011, State Environmental Planning Policy (Major Development) 2005 (SEPP Major Development) was amended by State Environmental Planning Policy (Major Development) Amendment 2011 (SEPP Amendment). The changes meant that proposals for residential, commercial and retail development or for coastal subdivision that were within the classes formerly included in the SEPP Major Development will now require a development application to be lodged with Council for assessment and determination under the appropriate provisions of Part 4 of the EP&A Act. Accordingly, it was necessary to lodge the DA for Stage 1 Phase 4A and Phase 2H.

In assessing development under Part 4 where there is an approved Concept Plan, the provisions of the SEPP Amendment are a relevant consideration under section 79C of the EP&A Act. In particular, the SEPP provides that, where there is an approved Concept Plan: -

- *Development within the terms of the Concept Plan can be carried out with consent.*
- *The development standards in the Concept Plan will have effect.*
- *A consent authority must not grant consent unless the development is generally consistent with the provisions of the Concept Plan Approval.*
- *Consent can be granted without complying with the requirements under any relevant environmental planning instrument or masterplan.*

As previously detailed the proposal is generally consistent with the approved Concept Plan.

### **8.3 State Environmental Planning Policy (State and Regional Development) 2011**

As the proposed development has a Capital Investment Value of \$35,563,035, the development application is required to be determined by the Joint Regional Planning Panel.

### **8.4 State Environmental Planning Policy No 55 – Remediation of Land**

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

A 'Report to Royal Rehabilitation Centre Sydney on Preliminary Environmental Site Assessment for the Proposed Royal Rehabilitation Centre Sydney Re-development at 600-642 Victoria Road, Ryde' dated November 2006 was submitted in support of this application.

This report was reviewed by Council's Environmental Health Officer who provided the following comment: -

*"The finding of the said contamination report indicate that the land proposed for redevelopment was once used for market gardens, a linen service and residential premises, with an underground storage tank thought to be located in the vicinity of the former linen service buildings and potentially contaminated fill was also found to have been imported onto the site at some stage in the past. Whilst the contamination report states that the "site is suitable for the proposed development provided the recommendations in this report are undertaken and that inspections of the site are undertaken during the development process" it also states that "should the tank or tankpit be found, further assessment of the area may be required."*

Council's Environmental Health Officer has raised no objections to this development subject to conditions of consent. (See condition numbers 33 to 38).

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

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, BASIX Certificates have been prepared (Nos. 439070M\_04 for the RFB and 439106M for the row houses) which provides the development with a satisfactory target rating.

Appropriate conditions will be imposed requiring compliance with the BASIX commitments detailed within the Certificate. (See condition numbers 3, 31 and 91).

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

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

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

- Urban Design Review Panel (prior to lodgement);
- The 10 SEPP 65 Design Quality Principles; and
- The NSW Residential Flat Design Code guidelines.

##### Urban Design Review Panel

Council's Urban Design Review Panel reviewed the preliminary proposal on 13 June 2012. The Panel provided comments with the intention of enhancing



the proposal's design quality in relation to site planning, building form and massing, waste handling and removal for the apartment building, the layout and floor plans of the apartment building and environmental performance.

The applicant lodged the Development Application with Council on 14 December 2012 and generally integrated these comments into their design. The proposal was reviewed by Council's City Urban Designer who raised the relevant concerns (as indicated in italics below). The applicant submitted further amended plans in response to comments raised by Council's City Urban designer. Consideration of these issues is provided below.

**1. "Location and Building Form**

- *The urban design review panel (UDRP) was supportive of the building form. However it recommended that the some duplex buildings be moved southwards to maximise the size of north facing courtyards. This has not occurred. The original recommendation is supported."*

**Applicant's response:**

"Council's City Urban Designer Officer has questioned the siting of the semi-detached dwellings and noted that a number of these could be shifted to allow for larger areas of private open space on the northern side of the lots. Whilst it is understood that this would ordinarily be the desired layout, site constraints such as the site's relatively steep topography have limited the siting of these dwellings. In order to provide driveways consistent with Australian Standards, the siting of the buildings has needed to occur further to the north of the lots.

Potential purchasers of these dwellings have also confirmed that they desire larger areas of open space on the southern side of the lots, away from the central, more trafficked Road 5 and fronting the quieter Road 12."

**Comment:**

The location of the row house dwelling is supported given they are provided with private open space areas to the front (north) and rear (south) of each dwelling. The siting of the buildings provides suitable separation distance to the existing dwellings to the south which assists in protecting their privacy and amenity. The siting of the row house dwellings is supported.

**2. "Apartment layout (a number of the Panel recommendations have not been addressed)**

- *The alignment of the main entries and lift core. The proposal has addressed this issue somewhat. However it is not evident that there is direct line of sight between the lift core and the main entry.*
- *Additional private open space for ground floor residents was recommended by the panel. This has not been provided. Implementing the recommendation of the panel will enhance the amenity of ground floor residents. Offsetting this is the abundant open space in the overall development. Taking consideration of the overall*

development it is considered that the substantial amenity in terms of open space being provided is sufficient.

- The south west corridor where the building offsets has poor amenity on level 1. It does not have a direct line of sight to the lift core or main entry. There are alcoves which are potential safety issues. It is recommended that a direct line of sight to the lift core is provided along the length of the corridor. On the upper levels the amenity is better but could be improved further."

**Applicant's response:**

"Council's City Urban Designer Officer has suggested some minor amendments to the layout of the apartment building to improve the internal amenity. Cox Richardson has noted this advice and has amended the design of the building to provide a direct line of sight from the south west corridor to the lift lobby. Due to the orientation of the building, which has been determined based on the sites constraints and opportunities, it is significantly difficult to provide a direct sight line between the building entry and the lift cores."

**Comment:**

The layout of the lobby areas to the lift cores achieve a suitable circulation area which achieves appropriate lines of sight and avoids alcove areas which pose as possible safety concerns, as demonstrated in Figure 8 below. The layout of the lobby and lift core areas is supported.

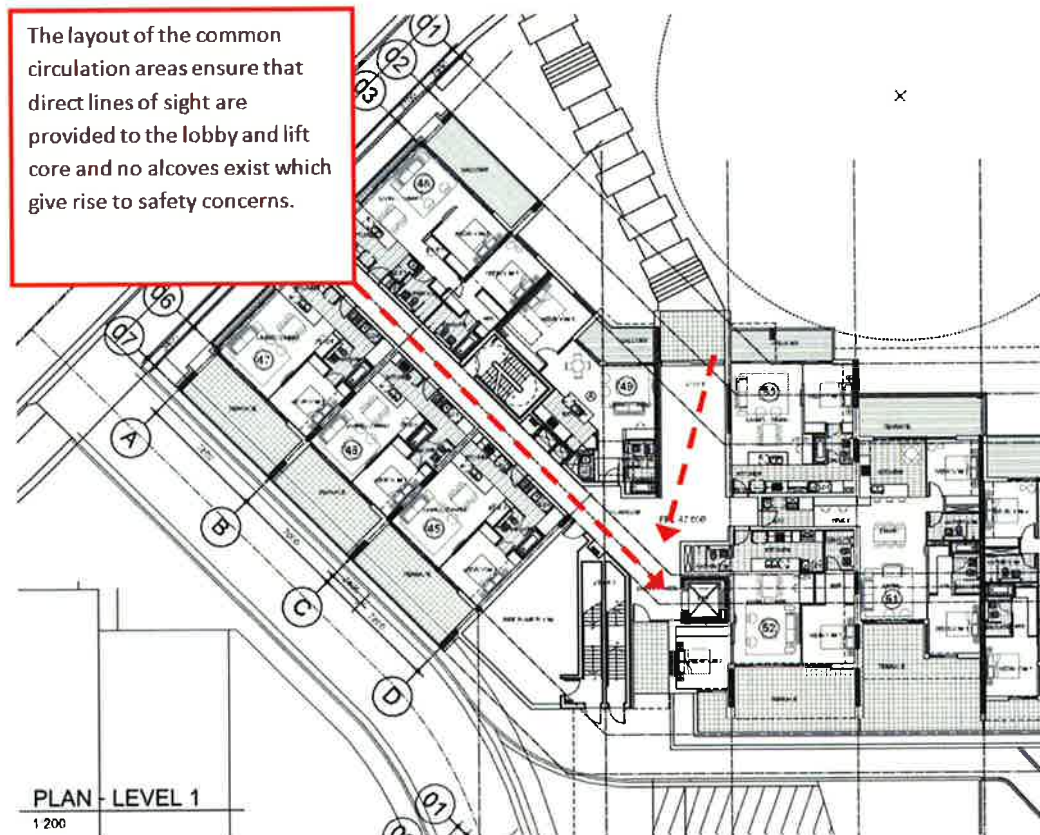


Figure 8. Extract of the Level 1 Plan demonstrating that appropriate lines of sight are achieved to the lobby and lift core area of the RFB.



**3. “Building – street interface:**

- *The buildings are setback substantially from existing roads except for Victoria Road where the proposed apartment building will be visually prominent. It is recommended that the articulation and detailing of the eastern façade facing Victoria Road be updated to reflect this prominence. Elements that could be considered further are the corners and roof form.”*

**Applicant’s response:**

“The recent Concept Plan modification involved considerable assessment of the setback provided to Apartment Building 4A from Victoria Road. The Department has specified that a minimum setback of five metres is to be provided at the ground plane, with an articulation zone available above. Cox Richardson Architects have provided an articulation zone, providing modulation and articulation through a careful selection of materials and finishes, resulting in the presentation of a strong and visually interesting frontage to Victoria Road. An updated photomontage is provided below.”



Figure 9. Photomontage of the proposed residential flat building as viewed from Victoria Road.

**Comment:**

The amended design of the RFB is considered to address the concerns raised by Council’s City Urban Designer. The proposal is considered to provide an aesthetically pleasing built form as viewed from the public domain which is not visually dominating and is supported by appropriate articulation and a mix of materials and finishes and landscaping. The presentation of the building is supported.

SEPP 65 Design Quality Principles

There are 10 design quality principles identified within SEPP 65. The following table provides an assessment of the proposed residential flat building (RFB) against the 10 design principles of the SEPP.

Planning Principle	Comment	Comply
<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 policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>Contextually, the buildings are part of the residential building envelopes approved by the Department of Planning and Infrastructure under Part 3A (MP05_0001 Mod 1). The proposed development is located adjacent to Victoria Road, in close proximity to frequent bus routes and shopping facilities.</p> <p>The proposed development is a desirable use of this site which blends in with the current and transitioning urban context of the area.</p>	Yes
<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 Concept Plan Approval for the residential buildings set the parameters in terms of scale and height. The proposed buildings are consistent with these controls. The proposal provides a suitable scale transition in relation to the RRCS site as a whole, and the neighbouring residential sites to the south-east.</p>	Yes
<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>The built form is considered appropriate for the site and proposed use. The facades of the building will provide visual interest as well as articulation.</p>	Yes
<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</p>	<p>The proposed residential density, being 91 units is considered appropriate. The site is adjacent to Victoria Road and in close proximity to retail / commercial, educational and community facilities and walking distance to public transport. The proposal therefore maximises residential density in relation to established facilities / services. It is noted that the proposed overall units</p>	Yes



Planning Principle	Comment	Comply
<p>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>(791) for the RRCS site is in fact less than the overall number of units (900) envisaged in the original Concept Approval. As such, the overall density for the RRCS site is appropriate.</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 BASIX Certificates buildings (Nos. 439070M_04 for the RFB and 439106M for the row houses) which indicates that the buildings will meet the energy and water use targets set by the BASIX SEPP.</p> <p>A waste management plan has been submitted and is considered acceptable by Council's Public Works Section.</p> <p>The design also ensures that the development will largely comply with the soil depth, cross ventilation and reuse of water as provided in the Residential Flat Design Code. The development does not satisfy the passive solar design principles in the RFDC, however this variation is supported. Refer to further comments below.</p>	Yes
<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. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p>	<p>The landscape design provides an open space area for the use of the occupants of the buildings as well as for the benefit of the general public. A range of plantings is proposed and considered suitable for the proposed use. The landscaping will also soften the appearance of the development and provide screening measures to the existing dwellings adjoining the southern boundary.</p> <p>The 5m setback from Victoria Road to the proposed RFB allows appropriate space for sufficient planting areas for the trees which are to be transplanted along this boundary and assist in softening the development when viewed from Victoria Road. The proposal provides sufficient landscape setback areas from proposed internal Roads 5 and 12 to the proposed dwellings.</p>	Yes

Planning Principle	Comment	Comply
<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><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 and orientation of the apartments allows for a sufficient level of amenity for future occupants and residents of surrounding properties. Apartments are practically laid out to provide for a high level of amenity. The design mitigates potential impacts from overlooking and noise impacts. Each unit features a functional private open space area which is generally directed away from Victoria Road and takes advantage of the outlooks over the site, in particular the public open space and district views to the south of the apartment building.</p> <p>The development largely complies with the controls contained in the Residential Flat Design Code in respect to apartment sizes, visual and acoustic privacy, and access requirements. The apartment does not satisfy the Rules of Thumb with regard to access to sunlight, ventilation, storage layout. Refer to further comments below.</p>	Yes
<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 proposal makes a positive contribution with respect to safety and security. Passive surveillance opportunities are provided with terraces, balconies and windows facing Victoria Road, the internal roads and the public open space areas.</p> <p>Entrance points are clearly identified and public and private space is clearly delineated through secure entrances and the use of planting.</p>	Yes
<p><b>Social Dimensions and Housing Affordability</b> Good design responds to the</p>	<p>The development will include the following housing mix:</p>	Yes

Planning Principle	Comment	Comply
<p>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 needs.</p>	<ul style="list-style-type: none"> <li>• 10 x 1 bedroom apartments;</li> <li>• 73 x 2 bedroom apartments; and</li> <li>• 8 x 3 bedroom apartments.</li> </ul> <p>The development predominantly contains 2 bedroom apartments. The proposed range of apartments provides a suitable mix of housing in response to current housing demand and responds to the need for economic housing choice within an area with good public transport access, social and commercial facilities.</p> <p>Adaptable units are also proposed.</p>	
<p><b>Aesthetics</b></p> <p>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 building aesthetics are considered appropriate. The development presents a contemporary design which is compatible with the existing residential approvals for Stage 1 Phase 1 within the RRCS site. The building has a distinctive appearance which addresses the public domain as viewed from Victoria Road and the adjoining public open space area. The proposed design features a mixture of projected and recessed characteristics at its corners and facades which provide architectural interest.</p>	Yes

### Residential Flat Design Code

The SEPP also requires the Council to take into consideration the requirements of the Residential Flat Design Code with regard to the proposed residential flat building (RFB). These matters have been raised in the following table.

Primary Development Control and Guidelines	Comments	Comply
<b>Part 01 – Local Context</b>		
<p><b>Building Height</b></p> <p>Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit.</p>	<p>The building will exceed the maximum height of 21.5m permitted under RLEP 2010. The RFB will have a maximum height of 25m. The maximum RL of the RFB will not exceed the building height stipulated under the approved Concept Plan as modified by MP05_0001 Mod 1. Based on the Concept Plan, the height of the buildings is considered to be satisfactory.</p>	Yes

<b>Primary Development Control and Guidelines</b>	<b>Comments</b>	<b>Comply</b>
<b>Building Depth</b> In general, an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18m must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	<p>The building depth ranges from 10m to a maximum of 20m.</p> <p>Although the building exceeds the maximum building depth, it is consistent with the Concept Plan approval. Given the layout of the building and generous provision of terraces / balconies, windows and doors for all apartments, the building will provide satisfactory daylight and natural ventilation. These aspects are discussed in greater detail further in the report. As these aspects are satisfactory, no objection is raised to the variation.</p>	No - variation acceptable.
<b>Building Separation</b> Building separation for buildings up to 8 storeys or up to 25 metres should be: -18m between habitable rooms/balconies -13m between habitable/balconies and non-habitable rooms -9m between non-habitable rooms. Developments that propose less distance must demonstrate that adequate daylight access, urban form and visual and acoustic privacy has been achieved.	<p>The development achieves the required separation for the units within the RFB in relation to the adjoining semi-detached dwellings to the south and RFBs to the north-west.</p> <p>The development is consistent with the Concept Plan Approval. Also, the development is unlikely to impact on the amenity of the adjoining site due to appropriate screening devices and orientation of the windows and balconies provided.</p>	Yes
<b>Street Setbacks</b> Identify the desired streetscape character. In general, no part of the building should encroach into a setback area.	<p>The development achieves the setbacks in accordance with the Concept Plan (MP05_0001 Mod 1).</p> <p>The proposed setback to Victoria Road is 5 metres, when measured from the new deceleration lane to the site. This setback provides a suitable provision of landscaping and the orientation of the building results in an appropriate bulk and scale when viewed from the street. The proposed street setback is appropriate.</p>	Yes
<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>The development achieves the setbacks in accordance with the Concept Plan (MP05_0001 Mod 1).</p> <p>The proposed setbacks to the buildings from the internal private roads provide a suitable desired streetscape area when considered with respect to the RRCS site and are supported.</p>	Yes
<b>Floor Space Ratio</b>	The proposed density and FSR are in	Yes

Primary Development Control and Guidelines	Comments	Comply
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.	<p>accordance with the Concept Plan (MP05_0001 Mod 1).</p> <p>The development provides a suitable building height and building footprint. The provision of an open space area which is accessible to the public demonstrates an appropriate built form outcome for the site.</p>	
<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.	The majority of the landscaped area is deep soil zones, with the exception of the layout of the basement parking area. The development exceeds this requirement.	Yes
<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.	The proposal does not provide fencing along the Victoria Road frontage. The frontage of the building to the street consists of a suitable mix of materials and recessed architectural features which enhance the character of the street and area. The built form and landscaping provides clear delineation to the private and public domain and achieves a strong sense of security and safety.	Yes
<b>Landscape Design</b> Landscaping is to improve the amenity of open spaces as well as contribute to the streetscape character.	The landscape design will provide a sense of maintaining the existing character of the site by maintaining the prominent Blackbutt Tree and the majority of the retaining wall along the length of the Victoria Road frontage. The proposal also seeks to relocate 34 existing Canary Island Date palms trees from within the site to the Victoria Road frontage of this stage, and within the public open space area which adjoins the proposed RFB. The landscaping will enhance the streetscape as well as contributing to the amenity of the occupants.	Yes
<b>Open Space</b> The area of communal open space required should generally be at least between 25% and 30% of the site area. Where developments are unable to achieve the recommended communal open space, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public	<p>As approved in the Concept Plan (MP05_0001 Mod 1) a communal open space are is provided which exceeds 25% of the site area. Residents are also able to access other public recreational spaces throughout the RRCS site including the Recreation Circle.</p> <p>Private open spaces are provided for each unit in the form of a balcony for above ground units and terrace areas for ground floor dwellings.</p>	Yes

Primary Development Control and Guidelines	Comments	Comply
open space.		
<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>The orientation of the apartment building is as per the approved building set out in the Concept Plan (MP05_0001 Mod 1). In order to take advantage of the view of the public open space and district views to the south of the building, the applicant proposes to orientate the living areas of the units to the south where possible.</p> <p>In an effort to balance the impact of this arrangement, the apartments benefit from large sized balconies / terraces, cross through apartments with balconies to both elevations where possible, and orientating the living spaces to the public open space and district view to the south. Despite a large proportion of the apartments having their living areas orientated to the south, and being vulnerable to receiving limited solar access, the overall amenity and built form outcome is considered to be of a high standard.</p> <p>This arrangement is also considered to positively contribute to the streetscape character of the locality and is supported. Refer to the discussion below regarding Daylight Access.</p>	Yes – the orientation of the buildings is supported as it positively contributes to the streetscape character.
<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	The proposal does not provide any planting on structures. Sufficient at-grade landscaping is provided for the RFB and the RRCS site as a whole.	Yes
<b>Stormwater Management</b> Reduce the volume impact of stormwater on infrastructure by retaining it on site.	The development has been assessed by Council's Development Engineer and is considered to be satisfactory subject to a number of conditions of consent. (See condition numbers 42, 44 and 45).	Yes
<b>Safety</b> Optimise the visibility, functionality and safety of building entrances. Improve the opportunities for casual surveillance and minimise opportunities for concealment.	<p>Public and private space is clearly delineated through the use of fencing and landscaping elements.</p> <p>The proposed development is considered acceptable with respect to safety. The design provides for adequate passive surveillance of the streets, landscaped areas and communal spaces. Appropriate</p>	Yes



Primary Development Control and Guidelines	Comments	Comply
	<p>access control is provided throughout the development including the residential lobbies which feature glazed entrances and the secure parking areas.</p> <p>Conditions of consent have been included to reflect appropriate safety and security measures. (See condition numbers 79 to 84).</p>	
<p><b>Visual Privacy</b> The building separation requirements should be adopted.</p>	<p>The building complies with the building separation distances. The design ensures that the amenity of the future occupants and neighbouring residents will be protected through the provision of appropriately located and sized windows and where necessary, privacy screens.</p>	Yes
<p><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.</p>	<p>The development will provide equitable, safe and secure access to the RFB as well as the semi-detached dwellings. The use of landscaping and fencing / secure entries will ensure that the development will provide clear lines of transition between public and private areas.</p>	Yes
<p><b>Parking</b> Determine the appropriate car parking numbers. Where possible underground car parking should be provided.</p>	<p>The RFB is proposed to contain 10 x 1 bed, 73 x 2 bed and 8 x 3 bed units.</p> <p>According to Part 9.3 of the RDCP <i>Car Parking</i>, the applicable parking rates for Residential Development - High Density (Residential Flat Buildings) are: -</p> <ul style="list-style-type: none"> <li>• 0.6 to 1 space / one bedroom</li> <li>• 0.9 to 1.2 spaces / two bedroom</li> <li>• 1.4 to 1.6 spaces / three bedroom</li> <li>• 1 visitor space / 5 dwellings</li> </ul> <p>The required parking provision is: -</p> <ul style="list-style-type: none"> <li>• 6 to 10 spaces / one bedroom</li> <li>• 66 to 88 spaces / two bedroom</li> <li>• 11 to 13 spaces / three bedroom</li> <li>• 18 visitor spaces</li> </ul> <p>101 to 129 spaces are required for the residential units. 129 basement car parking spaces are provided (including 12 accessible spaces and 19 visitor spaces). The parking provision complies with Council's requirements and provides a safe and accessible parking arrangement.</p>	Yes

Primary Development Control and Guidelines	Comments	Comply
<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.	The development provides accessible paths of travel within the building and to public areas. The development has provided 11 adaptable apartments which satisfies Council's DCP requirements.	Yes
<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.	Vehicular access for residents and visitors to the building is located via internal Road 12. This is consistent with the Concept Plan Approval MP05_0001 Mod 1. The driveway width is 6m which will allow two way access to the basement parking area. Pedestrian access is separate to the car park entry. Council's Engineers have raised no objection to the location of the vehicular access point.	Yes
<b>Part 03 – Building Design</b>		
<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; 1 bedroom – 50m <sup>2</sup> 2 bedroom – 70m <sup>2</sup> 3 bedroom – 95m <sup>2</sup>	The apartment sizes are as follows: 1 bed – 51.4m <sup>2</sup> to 64.1m <sup>2</sup> 2 bed – 71.6m <sup>2</sup> to 103.2m <sup>2</sup> 3 bed – 111.8m <sup>2</sup> to 133.1m <sup>2</sup> All of the apartments exceed the minimum requirements. The units demonstrate adequate levels of internal amenity. Single aspect apartments do not exceed 8m in depth. The back of the kitchen is no more than 8m from the window. Cross-through apartments do not exceed 15m.	Yes
<b>Apartment Mix</b> The development should provide a variety of types.	The proposed RFB contains 10 x 1 bedroom units, 73 x 2 bedroom units and 8 x 3 bedroom units. Council's controls do not require a particular mix of apartment sizes. The mix as proposed will provide a variety of unit sizes within the development as well as the smaller sized apartments providing affordable accommodation.	Yes
<b>Balconies</b> Where private open space is not provided, primary balconies with a minimum depth of 2 metres should be provided.	Each unit is provided with a primary balcony that is accessed from the main living areas of the apartments. All balconies have a minimum depth of 2 metres.	Yes
<b>Ceiling Heights</b> The following recommended dimensions are measured from finished floor level (FFL) to	Floor to ceiling heights are at least 2.7 metres for all residential dwellings.	Yes

Primary Development Control and Guidelines	Comments	Comply
<p>finished ceiling level FCL).</p> <ul style="list-style-type: none"> <li>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.</li> </ul>		
<p><b>Flexibility</b> Provide apartment layouts which accommodate the changing use of rooms.</p>	<p>The RFB provides varied floor plan layouts. These layouts are all generally flexible and will accommodate the changing use of rooms. The building can be accessed on both sides. The proposed RFB will contain 11 adaptable apartments.</p>	<p>Yes</p>
<p><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.</p>	<p>11 ground floor units are provided. Each of these units are provided with a large terrace area at ground level. This is consistent with the requirement.</p>	<p>Yes</p>
<p><b>Internal Circulation</b> 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.</p> <p>Increase amenity and safety of circulation spaces by providing generous corridor widths and ceiling heights, appropriate levels of lighting including the use of natural daylight.</p>	<p>Units are accessed off a double-loaded corridor which does not exceed 8 units. The proposed circulation spaces provide a suitable level of convenience and amenity.</p> <p>The circulation areas are afforded an appropriate level of amenity and safety and generally have direct lines of sight from the entry doors to the lifts and natural lighting.</p>	<p>Yes</p>
<p><b>Mixed Use</b> 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 proposed RFB is entirely residential. This is consistent with the Concept Plan Approval (MP05_0001 MOD 1). Given the location of the site in the vicinity of Top Ryde city, this is considered appropriate.</p>	<p>Yes</p>
<p><b>Storage</b> 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 -</li> </ul>	<p>From an analysis of the 'Palmera Storage Area Calculation' submitted by the applicant on 23 April 2013, 50 of the 91 apartments do not provide 50% of the required storage facilities within the apartments. This equates to only 45% of the apartments complying with the RFDC. It is also noted that the storage facilities provided within the apartments include one side of the walk-in-</p>	<p>No – each unit is required to have the minimum storage facilities within the units as per</p>

Primary Development Control and Guidelines	Comments	Comply
<p>8.0m<sup>3</sup></p> <ul style="list-style-type: none"> <li>• three-bedroom apartments – 10.0m<sup>3</sup></li> </ul> <p>Options including providing at least 50% within each respective apartment, dedicated storage rooms on each floor or dedicated storage in the basement.</p>	<p>robe, which are regarded as over-sized wardrobe areas. If the storage area within the WIR is excluded, no apartments comply with the requirements of the Rules of Thumb for storage facilities within the units.</p> <p>The storage facilities provided in the basement are of a sufficient size to satisfy the rates set by the RFDC. However, the storage within the units is generally limited to the kitchen cupboards and bedroom wardrobes only. To balance this deficiency, the applicant has designed 52 of the 91 apartments (57%) to have WIRs which are larger than standard wardrobe storage and are regarded as storage space. The Figure below demonstrates this arrangement which is regarded as a storage facility: -</p> <div data-bbox="715 920 1262 1330" data-label="Image"> </div> <p>Figure 10: Applicant's demonstration of a standard bedroom and wardrobe arrangement (left) compared to an oversized walk-in-robe which has a dual function as a storage space within the unit (right).</p> <p>Despite this allowance, it is expected that all units are provided with 50% of the required storage facility within the unit (which includes one side of the WIR as a component of the storage facility). As such, Condition of Consent 26 is recommended to be imposed which requires each unit to have the minimum storage facilities within the unit.</p>	<p>Condition of Consent 26. Therefore, satisfactory.</p>
<p><b>Acoustic Privacy</b></p> <p>Apartments within a development are to be arranged to minimise noise transitions.</p>	<p>Appropriate acoustic privacy will be provided for each apartment.</p>	<p>Yes</p>

Primary Development Control and Guidelines	Comments	Comply
<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>Limit the number of single aspect apartments with a southerly aspect to a maximum of 10% of the total units proposed.</p>	<p>60% of apartments receive at least 3 hours of solar access to their private open space areas between 9am to 3pm (being a deficit of 35 apartments). It is noted that whilst a further 8 apartments could achieve the minimum requirements for solar access to the POS areas, this can only be achieved at the expense of orientating the balconies to the east to Victoria Road, and resulting noise impacts. The applicant has instead sought to improve the amenity of these units by orientating the balconies to the south towards the park and district views, and shield them from traffic noise impacts.</p> <p>53% of apartments receive at least 3 hours of solar access between 9am to 3pm to their living areas (being a deficit of 42 apartments). It is noted that whilst a further 15 apartments could achieve the minimum requirements for solar access to the living areas, the applicant has provided an apartment layout which emphasises a high level amenity with double aspect units, two POS areas and orientating the balconies to the south towards the park and district views. Whilst not all units benefit from achieving daylight access and positive outlooks and views, all units are afforded a high level of amenity within the conditions of the site.</p> <p>45% of apartments receive 3 hours of solar access between 9am to 3pm to <u>both</u> the POS and living areas (being a deficit of 50 apartments).</p> <p>Furthermore, it is also noted that 75.5% of apartments receive 3 hours of solar access between the extended time period of 9am to 4pm.</p> <p>Given the high quality of the overall development, the general amenity achieved for all units, the deficiency of direct solar access is considered acceptable and is supported.</p> <p>13 of the 91 apartments are single aspect south facing, being 14.3% which exceeds the RFDC Rule of Thumb for the maximum number of south facing apartments of 10%.</p>	<p>No, however the level of solar access received to the POS areas and living areas is considered acceptable, in particular given the apartments benefit from an outlook over the public park and district view and a sense of openness. The variation to daylight access is accepted.</p>

Primary Development Control and Guidelines	Comments	Comply
	<p>This equates to a variation of 3.9 apartments which exceeds the RFDC requirement. However, it is noted that of these 13 single aspect southerly facing apartments, 5 of these apartments also have living room windows which benefit from an easterly aspect. As such, it is considered that sufficient daylight access is received to the development to satisfy this requirement.</p> <p>The SEE has provided justification for the variation stating that the number of south facing apartments is the result of the following factors impacting on the siting of the building -</p> <ul style="list-style-type: none"> <li>- the requirement to provide a protection zone for the retention of the existing Blackbutt Tree;</li> <li>- orientating apartments away from Victoria Road;</li> <li>- orientating apartments towards approved internal Road 5; and</li> <li>- orientating apartments towards the proposed public open space area to obtain district views.</li> </ul> <p>It is further noted that the units which have a poor level of daylight access benefit from having an expansive outlook to the east, south and west. These units benefit from have a sense of openness and space which further enhances their amenity.</p> <p>As such, the units are considered to benefit from appropriate amenity and daylight access.</p>	
<p><b>Natural Ventilation</b> 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 proposed RFB achieves 59% natural cross ventilation. All single aspect units are less than 8m in depth. 40% of kitchens have access to natural ventilation. This was not raised as an issue by Council's UDRP. The proposed natural ventilation is acceptable.</p>	<p>No – variation accepted.</p>
<p><b>Awning</b> Awnings are to encourage pedestrian activity on streets by providing awnings to retail strips.</p>	<p>The development does not propose any awnings on the buildings. The proposal provides appropriate lighting that will be provided to entrances to enhance safety and security.</p>	<p>Yes</p>
<p><b>Facades</b></p>	<p>The design of the facades incorporates a</p>	<p>Yes</p>



<b>Primary Development Control and Guidelines</b>	<b>Comments</b>	<b>Comply</b>
Facades are to be of appropriate scale, rhythm and proportion which responds to the building's use and the desired contextual character.	number of different building elements including recesses and projections for the corners and facades of the building from terraces and terrace fencing, balconies, louvres, and glazed balustrades. The building finishes will be brickwork, rendered finishes, timber cladding, timber screens, steel plate, glazed and coloured glass balustrades. The majority of the paint finish has a neutral / natural colour palette. The proposal will visually incorporate with the approved colour scheme of Stage 1 Phase 1 (Project Approval MP10_0187) whilst simultaneously create a distinct aesthetic presentation which will also be enhanced when viewed from the public domain.	
<b>Roof Design</b> Roof design is to relate to the desired built form as well as the size and scale of the building.	The simple flat roof design is well integrated with the overall building design. Materials, colours and finishes of the roof and top floor complement the overall aesthetics.	Yes
<b>Energy Efficiency</b> Incorporate passive solar design techniques to optimize heat storage in winter and heat transfer in summer. Improve the control of mechanical space heating and cooling.	The energy efficiency of the buildings is consistent with the requirements under BASIX.	Yes
<b>Maintenance</b> The design of the development is to ensure long life and ease of maintenance.	The proposal is considered to be acceptable in terms of building maintenance.	Yes
<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 DA.	Yes

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

### **Clause 101 - Development with Frontage to a Classified Road**

The site has a frontage to Victoria Road which is defined as a classified road. Clause 101 of this SEPP requires that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied of the following:

1. *Where practicable, vehicular access is to be provided by a road other than the classified road.*

2. *The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of the design of vehicular access to the land, or the emission of smoke or dust from the development, or the nature, volume or frequency of vehicles using the classified road to gain access to the land.*
3. *The consent authority must be satisfied that the development is of a type that is not sensitive to traffic noise or vehicle emissions, it 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.*

The applicant has provided an acoustic report which has identified that sections of the development are likely to be affected by road noise primarily as a result of noise transfer through windows and doors. The report recommended various design measures that would be required to be implemented to ensure that noise levels would be acceptable. A condition of consent will be imposed to require the development to comply with the recommendations of the acoustic report. (See condition number 28).

#### Clause 102 – Impact on road noise or vibration on non-road development

Clause 102 of the SEPP specifies various noise levels which are not to be exceeded within a residential development that is adjacent to a road with an annual average daily traffic volume of more than 40,000 vehicles. The applicant has provided an acoustic report which demonstrates that the development will achieve an acceptable level of internal residential amenity.

#### Clause 104 – Traffic Generating Development

The approved development was identified within Schedule 3 of this SEPP and in accordance with Clause 104 was referred to the Roads and Maritime Services (RMS) for comment. RMS raised no objections to the development.

### **8.8 Ryde Local Environmental Plan 2010**

The following is an assessment of the proposed development against the applicable provisions from the Ryde Local Environmental Plan 2010, although compliance is not strictly necessary.

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

The site is zoned R1 – General Residential under Ryde LEP 2010. The uses would be defined as a residential flat building and semi-detached dwellings. These uses are permissible in the zoning with the consent of the consent authority.

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 R1 General Residential zone are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposal meets the objectives of the zone though providing a suitable mix of housing types and densities whilst enabling the continued use of the RRCS Health Facility within the overall site. The subject site is located within walking distance of bus services and is suitably serviced by nearby retail and commercial uses. The development will provide cycle and pedestrian paths and public open spaces which are able to be accessed by the general public.

## Clause 2.8 Temporary Use of Land

The proposal seeks approval for the occupation and fitout of Unit 75 on Level 5 and Unit 85 on Level 6 within the residential flat building (RFB) 4A for the purpose of a temporary sales and marketing suite and display units. The location of the selected units is identified in the Figure below: -

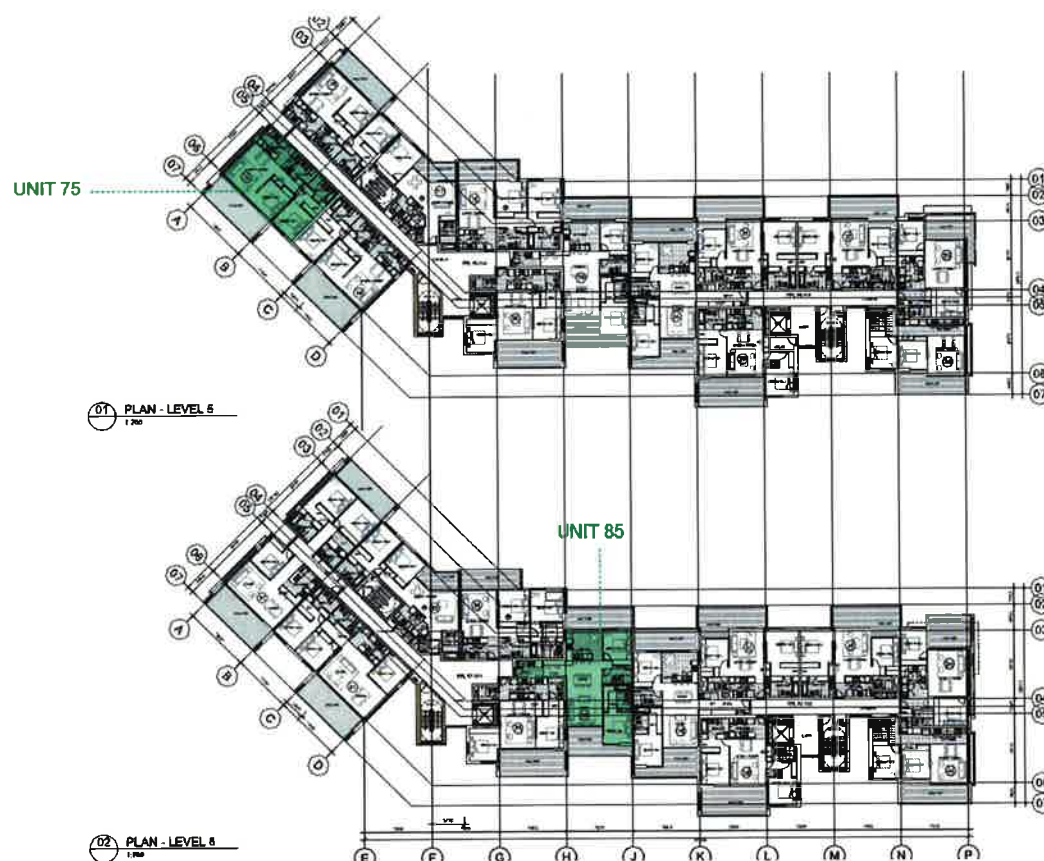


Figure 11. Plans of Level 5 and 6 of the RFB identifying the location of the two temporary sales and marketing suites (highlighted in green)

The time period for the operation of the temporary sales and marketing suites is 18 months. The hours of operation are 9.00am to 6.00pm, seven days a week. A maximum of four (4) staff are proposed at any one time. All

customers will first visit the formal Marketing Suite on the site and will then be led by a sales consultant to the nominated display suites. Temporary directional signage is proposed which will not be visible from the public domain. The actual location, wording and colours are not yet determined and the applicant seeks to submit the signage details prior to the issue of the relevant Construction Certificate.

The following table provides an assessment of the proposed marketing suite against Clause 2.8.

<b>Clause</b>	<b>Comments</b>	<b>Comply</b>
2.8(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.	The proposal involves the temporary occupation and fitout of Units 75 and 85 in Apartment Building 4A and erection of directional signage which will not be visible from the public domain. The units will be returned to residential uses at the completion of the nominated period. The temporary marketing suite and associated signage directly relate to the approved residential development of the RRCS site. The proposed marketing use is not considered to result in adverse economic, social, amenity or environmental effects on the land.	Yes
2.8 (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 182 days (whether or not consecutive days) in any period of 12 months.	The proposed marketing suite and signage seek to operate for more than 182 days. Refer to clause 2.8(4) below for further discussion.	No
2.8 (3) (a) The temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and	The proposal is in keeping with the subsequent carrying out of development on the site and is in accordance with the Ryde LEP 2010 and other applicable planning instruments.	Yes
2.8 (3) (b) The temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and	The proposed operation of the marketing suites and erection of signage is not considered to adversely impact on the adjoining land or the amenity of the surrounding neighbourhood.	Yes
2.8 (3) (c) The temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land,	The proposed marketing suites are wholly located within Apartment Building 4A and the signage will not be visible from the public domain. The proposal is not considered to result in adverse environmental impacts.	Yes

Clause	Comments	Comply
2.8 (3) (d) At the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.	At the completion of the nominated time period, the occupation of the suites for marketing purposes will be returned for use as permanent residential accommodation and fitted out accordingly, as detailed in the Architectural Plans approved with this application.	Yes
2.8 (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.	The proposal seeks to occupy Units 75 and 85 in Apartment Building 4A for marketing purposes with the erection of associated directional signage, both of which are directly associated with a new housing estate. Accordingly, the proposed maximum time period of 18 months is considered appropriate to support the marketing and sales of the residential units across the site. This approach was similarly approved in LDA2011/0477, being marketing suites located in Stage 1 Phase 1 of the site, which is to be demolished and replaced by this marketing suite.	Yes
2.8 (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).	Noted.	N/A

### Clause 4.3 Height of Buildings

The height of a building on this site is not to exceed the maximum height which ranges between 9.5m to 21.5m as demonstrated in the Figure below.



Figure 12. Extract of the Ryde LEP 2010 height controls (R1 is 21.5m and J is 9.5m)



The proposed row houses do not exceed 9.5 metres and comply with the height control. The proposed RFB building will exceed the height control having a maximum height of up to 25m. However the height of the building has already been approved as part of the Concept Plan Approval MP05\_0001 MOD 1. As demonstrated in the Figure below.

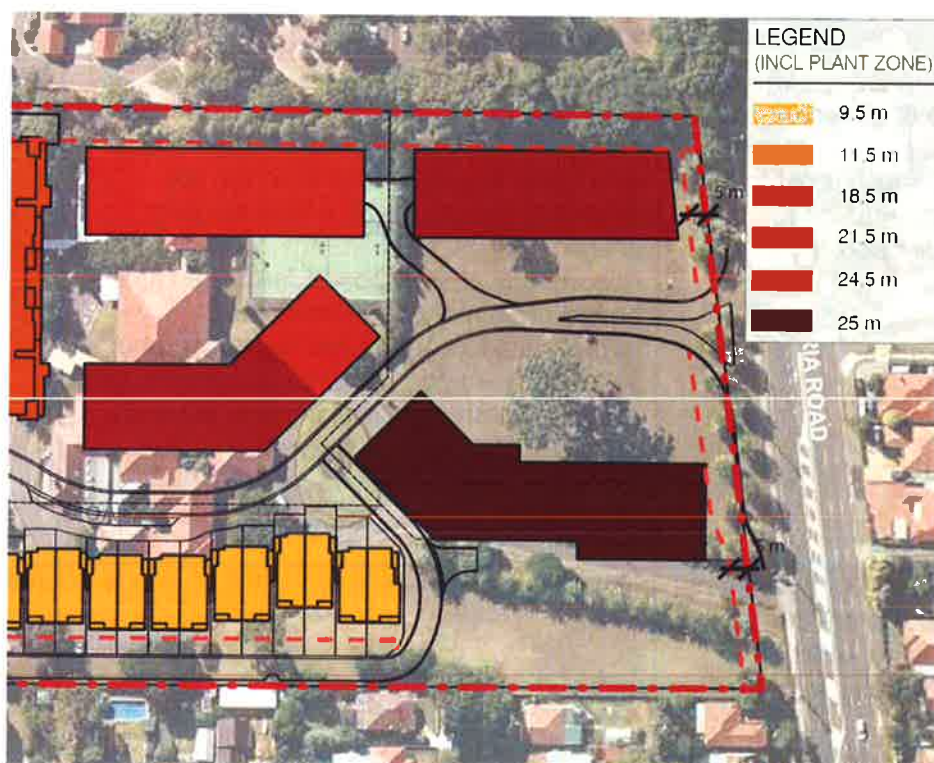


Figure 13. Extract of the Building Heights and Setbacks Plan approved in the Concept Application (MP05\_0001 Mod 1) demonstrating that the maximum permitted building height is 25 metres for the RFB and 9.5 metres for the row houses

In these circumstances consent can be granted without complying with the requirements of the RLEP 2010.

#### Clause 4.4 Floor Space Ratio

The floor space ratio of a building is not to exceed the maximum floor space ratio as specified on the Floor Space Ratio Map. The map identifies the site as having a 2.9:1 and 3.5:1 floor space ratio for the proposed RFB, and a 0.33:1 floor space ratio for the row houses as demonstrated in the Figure below.

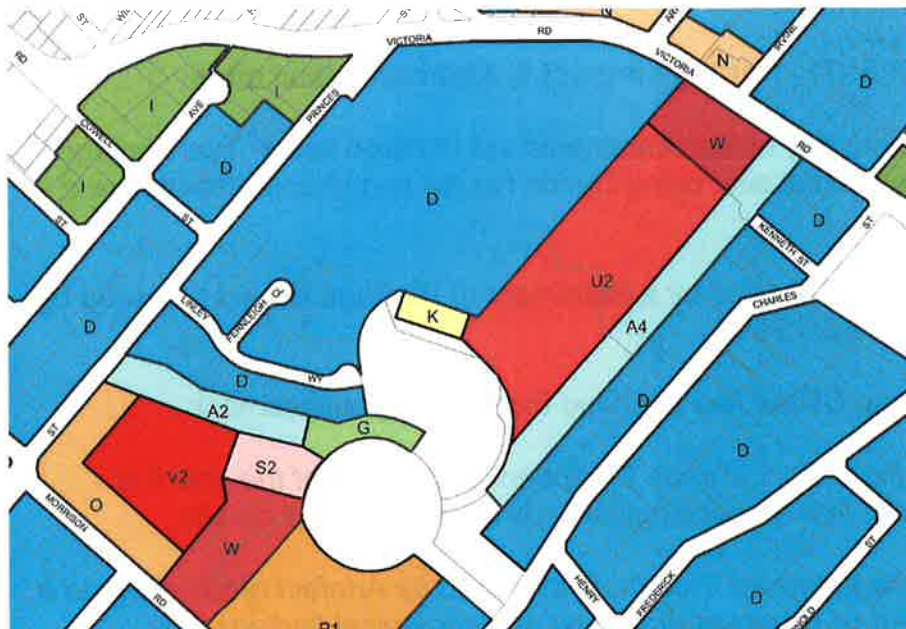


Figure 14. Extract of the Ryde LEP 2010 FSR controls (A4 is 0.33:1, U2 is 2.9:1 and W is 3.5:1)

As demonstrated in the Figure below, the modification to the Concept Plan Approval (MP05\_001 Mod 1) provides an FSR of 3.5:1 for Stage 4A for the RFB and an FSR of 0.33:1 for Stage 2H for the row houses.

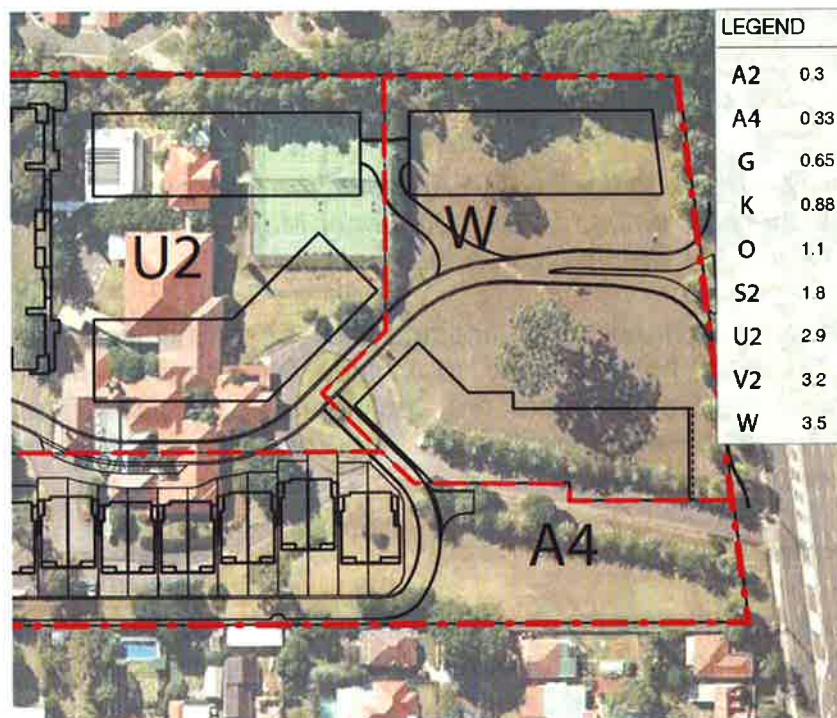


Figure 15. Extract of the Floor Space Ratio Plan approved in the Concept Application (MP05\_0001 Mod 1) demonstrating that the maximum permitted floor space ratio is 3.5:1 for the RFB and 0.33:1 for the row houses

The proposed FSR for Stages 4A and 2H satisfying the Concept Approval (MP05\_0001 Mod 1) and is satisfactory.



### **Clause 5.10 (5) & (7) - Heritage Impact & Archaeological sites**

Neither the site nor any of its components are heritage items. Two heritage items adjoin the subject site, being Dalton House and Victoria Road (Great North Road).

This application is supported by a Statement of Heritage Impact prepared by Artefact dated 23 April 2013.

Council's Heritage Officer has provided the following assessment: -

*"Due to the historical early European Occupation of the site, it is considered that archaeological finds may be located on-site.*

*The Heritage Impact Statement prepared by Artefact recommended a **Condition of Consent** regarding archaeological findings, this Condition should be imposed:*

*If any unexpected archaeological finds (relics/foundations associated with early European occupation) or Aboriginal relics are encountered during excavation, works in the vicinity of the finds should cease and a suitable archaeologist should be engaged to assess the significance of the material. If relics were encountered, the Heritage Branch should be notified and further archaeological work may be required before works could re-commence. Approvals from the Heritage Branch may also be required to disturb relics.*

*To ensure compliance with the Part 3A Approval the previous Condition of Consent (Number 5 'Heritage' under Major Project No.05\_0001) should be re-imposed on the applicants."*

The condition regarding archaeological findings has been included (see condition number 75). It is not proposed to include the requirements of condition C5 as these requirements are not applicable to this DA. These requirements relate to demolition of existing buildings and this DA does not involve any demolition.

### **Clause 6.2 Earthworks**

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

- The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality.
- The effect of the proposed development on the likely future use or redevelopment of the land.
- The quality of the fill or the soil to be excavated, or both.

- The effect of the proposed development on the existing and likely amenity of adjoining properties.
- The source of any fill material and the destination of any excavated material.
- The likelihood of disturbing relics.
- Proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

The proposed development includes excavation for a 2 level basement car park for Apartment Building 4A and site facilitation works associated with Road 12. Council's Development Engineer requires that a number of conditions be included on the consent to address engineering issues such as detailed plans demonstrating the bulk excavations and a sediment and erosion control plan to be submitted prior to the issue of a Construction Certificate. (See condition number 63).

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

The development is considered satisfactory in respect of this clause.

#### **8.9 Draft Ryde Local Environmental Plan 2011**

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2011 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan was exhibited between 30 May 2012 and 13 July 2012. Under this Draft LEP, the zoning of the property is R1 General Residential. The proposed development is permissible with consent within this zoning under the Draft LEP, and it is considered that the proposal is not contrary to the objectives of the Draft LEP or those of the proposed zoning.

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 2010 can be considered certain and imminent.

#### **8.10 City of Ryde DCP 2010**

Council adopted City of Ryde DCP 2010 on 16 June 2009 and its provisions became effective on 30 June 2010. Whilst these controls are not strictly applicable due to the site benefitting from the Concept Approval (MP05\_0001 Mod 1), the proposal has been assessed against the following relevant sections of DCP 2010:

#### **Part 3.3 of DCP 2010 – Dwelling Houses and Dual Occupancy Attached**

This part of the DCP provides a framework to guide development associated with dual occupancy (attached) development within the City of Ryde. The

DCP specifies built form controls for all dwellings houses and dual occupancy (attached) development for the Council area and sets in place urban design guidelines to achieve the desired future character of Ryde as a vibrant community, as a place to live, work and visit. It should be noted that the semi-detached dwellings are not defined as a dual occupancy however the controls provide general guidance which can be applied to the semi-detached dwellings. The relevant matters are considered in the following table.

DCP 2010	Proposed	Compliance
<b>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</b>		
<b>Desired Future Character</b>		
Development is to be consistent with the desired future character of the low density residential areas.	Development will be consistent the Concept Approval (MP05_0001 MOD 1).	Yes
<b>Public Domain Amenity</b>		
<b>Streetscape</b> <ul style="list-style-type: none"> <li>– Site design, building setbacks and the location and height of level changes are to respect the existing topographic setting of the street and the relationship of existing buildings in the street to the topography.</li> <li>– The design of front gardens is to complement and enhance streetscape character.</li> <li>– Dwelling design is to enhance the safety and amenity of the street.</li> </ul>	The site design respects the existing topography and provides a suitable relationship to the existing adjoining residential developments.	Yes
	The landscaping enhances the local street character by providing a suitable mixture of soft landscaping, suitable fencing to the front and rear yard areas.	Yes
	Dwelling design has clearly defined door and windows which address both Roads 5 and 12. The roof form and details enhance the future character of the overall RRCS site and provide an appropriate form and massing. The garages and building lines are staggered which enhance the individuality of each dwelling. Driveway and hardstand areas are minimised and provide sufficient deep soil and soft landscaping. The orientation of the dwellings and garages are suitable. Facades are generally not visible from the public domain, however are visible from internal Road 5 and the future public open space area. Dwelling 39 addresses the future public park to the north-east. The dwellings suitably	Yes

DCP 2010	Proposed	Compliance
	address internal Road 5. The dwellings provide prominent building facades which integrate building services, access and cars. Windows are suitably placed and sized. Front entry porticos are single storey. The head height of doors and windows are at a consistent level which responds to the topography of the site. The street facades are appropriately articulated to provide visual interest.	
<b>Public Views and Vistas</b> <ul style="list-style-type: none"> <li>- A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. Fence 70% open where height is &gt;900mm.</li> </ul>	<p>N/A There is no view to water from the street.</p> <p>The proposed development is not located within any view corridors.</p>	N/A
<b>Pedestrian &amp; Vehicle Safety</b> <ul style="list-style-type: none"> <li>- Car parking located to accommodate sightlines to footpath &amp; road in accordance with relevant Australian Standard.</li> <li>- Fencing that blocks sight lines is to be splayed.</li> </ul>	<p>The location of the garages do not obstruct sightlines to footpath and road in accordance with relevant Australian Standard.</p> <p>The fencing is appropriately located and does not obstruct sight lines.</p>	<p>Yes</p> <p>Yes</p>
<b>Site Configuration</b>		
<b>Deep Soil Areas</b> <ul style="list-style-type: none"> <li>- 35% of site area min.</li> <li>- Min 8x8m deep soil area in backyard.</li> </ul>	<p>Permeable (deep soil) area exceeds 35% and when considered in accordance with dual occupancy requirements, provides the dimensions of 8x8m, however is partly covered by a pathway and deck area. Despite this, sufficient deep soil area and stormwater management systems are provided throughout the site. The deep soil areas are consistent with the Concept Approval (MP05_0001 Mod 1).</p>	<p>Yes, consistent with the Concept Approval (MP05_0001 Mod 1).</p>
<ul style="list-style-type: none"> <li>- Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).</li> </ul>	<p>Front DSA: The front yard is deep soil with the exception of the driveway and entry area.</p>	<p>Yes</p>

DCP 2010	Proposed	Compliance
<b>Topography &amp; Excavation</b>		
<u>Within building footprint:</u> <ul style="list-style-type: none"> <li>- Max cut: 1.2m</li> <li>- Max fill: 900mm</li> </ul> <u>Outside building footprint:</u> <ul style="list-style-type: none"> <li>- Max cut: 900mm</li> <li>- Max fill: 500mm</li> <li>- No fill between side of building and boundary or close to rear boundary</li> <li>- Max ht retaining wall 900mm</li> </ul>	<p>The proposal provides balanced cut and fill and is responsive to the existing topography of the site.</p> <p>To create an appropriate building platform for Dwelling 39 and a suitable level in relation to Internal Road 12, this site features cut and fill which exceeds these controls, however this is supported given the conditions of the site.</p> <p>The levels and retaining walls to Road 5 are appropriate and are supported.</p>	Yes
<b>Setbacks</b>		
<b>Front</b> <ul style="list-style-type: none"> <li>- 6m to façade (generally)</li> <li>- Garage setback 1m from the dwelling façade – wall above is to align with outside face of garage below.</li> <li>- Front setback free of ancillary elements eg RWT, A/C</li> </ul>	<p>The dwellings address both internal street frontages: Roads 5 and 12. The setbacks are staggered. Front setback (to Road 5 to the west) provides pedestrian access only and provides a suitable streetscape. Rear setback (east) is set back 4.5-8.9m and garage is aligned to wall. A/C is located within this setback, however is screened by fencing and landscaping, and is appropriate.</p>	Yes, consistent with the Concept Approval (MP05_0001 Mod 1).
<b>Rear</b> <ul style="list-style-type: none"> <li>- 8m to rear of dwelling <b>OR</b> 25% of the length of the site, whichever is greater.</li> </ul>	<p>Consideration of rear setback above. The rear setback is staggered and considered suitable, in keeping with Concept Approval (MP05_0001 MOD 1).</p>	Yes, consistent with the Concept Approval (MP05_0001 Mod 1).
<b>Car Parking &amp; Access</b>		
<b>General</b> <ul style="list-style-type: none"> <li>- Dwelling: 1 space max.</li> <li>- Where possible access off secondary street frontages or laneways is preferable.</li> <li>- Max 6m wide or 50% of frontage, whichever is less.</li> </ul>	<p>Each dwelling has a single garage accessible off Road 12, which is the secondary access to the dwellings.</p> <p>External width: 3.1m</p>	Yes
<b>Parking Space Sizes (AS)</b> <ul style="list-style-type: none"> <li>- Internal length: 5.4m (min)</li> </ul>	<p>Internal measurements: Length = 6.0m</p>	Yes
<b>Driveways</b> Extent of driveways	<p>Driveway width = 3m for each dwelling</p>	Yes

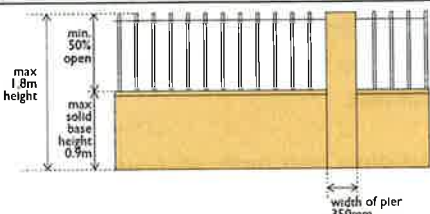
DCP 2010	Proposed	Compliance
minimised		
<b>Landscaping</b>		
<b>Trees &amp; Landscaping</b> <ul style="list-style-type: none"> <li>- Major trees retained where practicable</li> <li>- Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces.</li> <li>- Landscaped front garden, with max 40% hard paving</li> <li>- Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access)</li> <li>- Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy.</li> <li>- Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy.</li> <li>- Hedging or screen planting on boundary mature plants reaching no more than 2.7m.</li> <li>- OSD generally not to be located in front setback unless under driveway.</li> </ul>	<p>Major trees will be retained. The removal of trees and building siting was approved in the Concept Approval (MP05_0001 Mod 1). There is a physical connection between the dwelling and the outdoor spaces. Landscape of front garden will be of maximum 40% hard paved area. Development will maintain one side of dwelling obstruction-free.</p> <p>Both the front and rear yards will have one tree each with a mature height of 4m or 8m.</p> <p>Garden bed / under storey planting is provided. Satisfactory.</p> <p>No OSD provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Dwelling Amenity</b>		
<b>Daylight and Sunlight Access</b> <ul style="list-style-type: none"> <li>- Living areas to face north where orientation makes this possible.</li> </ul> <p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> <li>- Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</li> <li>- Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</li> </ul> <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> <li>- 2 hours sunlight to at least</li> </ul>	<p>Living areas to NW orientation as per site layout approved on MP05_0001 Mod 1.</p> <p>North facing windows will receive at least 3 hours of sunlight to a portion of their surface between 9am and 3pm on June 21 (with the exception of Dwellings 38 &amp; 39).</p> <p>Private open space of dwellings will receive at least 2 hours sunlight between 9am and 3pm on June 21 (with the exception of Dwellings 38 &amp; 39).</p> <p>The ground level POS areas and north</p>	<p>Yes</p> <p>No, see comment below.</p> <p>No, see comment below.</p> <p>Extent of</p>

DCP 2010	Proposed	Compliance
<p>50% of adjoining principal ground level open space between 9am and 3pm on June 21.</p> <p>- At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</p>	<p>facing living areas of the row houses and neighbouring dwellings receive sufficient solar access.</p> <p><u>Discussion :</u> Dwellings 38 &amp; 39 located closest to the RFB do not meet the above requirements.</p> <p>The applicant has provided the following justification: -</p> <p><i>"Whilst these semi-detached dwellings do not receive the full three hours of sunlight on the worst day of the year, they are benefited with other forms of amenity. It is noted that the siting of these dwellings is in accordance with the approved Concept Plan (as modified).</i></p> <p><i>The design of these dwellings has optimised the opportunity for living spaces, with two large living spaces in both the northern and southern halves of each dwelling. These spaces are open planned and have the opportunity to extend out into the external areas of private open space. This external private open space will receive a minimum of two hours of sunlight between 9am and 3pm on June 21.</i></p> <p><i>Moreover, this control relates to standard dwelling houses and dual occupancies. The product being provided on The Row is a hybrid of high and low density housing and requires special consideration (similar to terrace housing). If examined as a whole, 87.5% of the dwellings on The Row achieve the DCP solar access target, which is higher than the 70% of dwellings normally required to achieve solar access targets in higher density situations. Based on this type of dwelling being a "hybrid" between low density and higher density forms, the 87.5% compliance is considered satisfactory. As such it is considered that an acceptable level of solar access has been provided to these</i></p>	<p>solar access supported.</p>



DCP 2010	Proposed	Compliance
	<p><i> dwellings along with the other amenity benefits."</i></p> <p><u>Comment:</u> The row houses are considered to be provided with an acceptable level of amenity. Although not receiving the minimum level of daylight and solar access, this is only an issue on 21 June. The extent of solar access to the row houses is supported.</p>	
<p><b>Visual Privacy</b></p> <ul style="list-style-type: none"> <li>- Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling.</li> <li>- Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space.</li> <li>- Side windows offset from adjoining windows.</li> <li>- Terraces, balconies etc are not to overlook neighbouring dwellings/private open space.</li> </ul>	<p>The windows of living areas are orientated to the front and rear.</p> <p>Windows do not result in direct viewing to the adjoining dwelling open spaces.</p> <p>Side windows are small in size and appropriately located. Balconies do not result in direct viewing to the adjoining dwelling open spaces.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>Acoustic Privacy</b></p> <ul style="list-style-type: none"> <li>- The noise of an air conditioner, pump, or other mechanical equipment must not exceed the background noise level by more than 5dB(A) when measured in or on any premises in the vicinity of the item. This may require the item to have a sound proofed enclosure.</li> <li>- Dual occupancies (attached) are to be designed to reduce noise transmission between dwellings. One way to achieve this is to locate noisy areas next to each other and quieter areas next to other quiet areas.</li> </ul>	<p>The A/C is suitably located away from the dwellings (towards Road 12) to mitigate noise impacts for the proposed dwellings. The distance from neighbouring dwellings is also suitable. Sound proof enclosure is not necessary.</p> <p>The layout of the semi-detached dwellings have appropriately located the noisy and quiet areas next to each other.</p>	<p>Yes</p> <p>Yes</p>
<p><b>View Sharing</b></p> <ul style="list-style-type: none"> <li>- The siting of development is to provide for view sharing.</li> </ul>	<p>The siting of the dwellings allows equitable sharing of views across allotments.</p>	<p>Yes</p>
<p><b>Cross Ventilation</b></p> <ul style="list-style-type: none"> <li>- The plan layout, including the</li> </ul>	<p>The dwellings benefit from appropriate</p>	<p>Yes</p>

DCP 2010	Proposed	Compliance
placement of openings, is to be designed to optimise access to prevailing breezes and to provide for cross-ventilation.	cross ventilation.	
<b>Fences</b>		
<p><b>Front and Return Fences and Walls</b></p> <ul style="list-style-type: none"> <li>– Front and return fences are to reflect the design of the dwelling.</li> <li>– Front and return fences and walls are to be constructed of materials compatible with the house and with other fences and walls within the streetscape.</li> <li>– A solid front or return fence is to be no higher than 900mm. An open lightweight fence, such as a timber picket fence may be up to 1 metre high.</li> <li>– A return fence is to be no higher than the front fence.</li> <li>– Fences may have a maximum height of 1.8 metres so long as the fence is an open fence with an openness ratio of at least 50%. The fence may have a solid base so long as the base is no higher than 900mm.</li> <li>– Front and return fences are not to be Colorbond or timber paling.</li> <li>– Retaining walls which are part of a front or return fence are to have a maximum height of 900mm.</li> <li>– In areas of overland flow, fencing shall be of open construction so that it does not impede the flow of water.</li> <li>– Fences piers are to have a maximum width of 350mm.</li> </ul>	<p>An aluminium palisade style fence 900mm in height is proposed to the front of the row houses fronting Road 5.</p> <p>This fence style is in keeping with the style / theme approved under the Stage 1 Phase 1 DA.</p>	Yes

DCP 2010	Proposed	Compliance
 <p>Figure 3.3.25 Front Fence 1.8 metres high.</p>		
<p><b>Side and Rear Fences and Walls</b></p> <ul style="list-style-type: none"> <li>– The maximum height for side and rear fences is to be 1.8 metres.</li> <li>– In areas of overland flow, all fencing shall be of open construction so that it does not impede the flow of water.</li> <li>– Barbed wire, broken glass and other dangerous elements must not be used in the construction of fences.</li> </ul>	<p>The side fencing is proposed to be treated pine battens 1.8m in height. The fencing between the private courtyards and Internal Road 12 is 1.8m in height and features a sliding gate to provide access to the driveway.</p> <p>This fence style is in keeping with the style / theme approved under the Stage 1 Phase 1 DA.</p>	Yes

### Other Relevant Parts of DCP 2010

The following table demonstrates the proposals compliance with the relevant requirements.

DCP 2010	Proposed	Compliance
<b>7.1 Energy Smart, Water Wise</b>		
	The proposed development is supported by a certified BASIX Assessment and demonstrates an energy efficient design.	Yes
<b>7.2 Waste Minimisation and Management</b>		
a. Space must be provided inside each dwelling for a receptacle to store garbage and recycling material – the area is to have the capacity to store two days' worth of garbage and recyclables.	The kitchen facilities are capable of storing waste for each unit.	Yes
b. A waste and recycling storage room (or rooms) must be provided for the storage of garbage, recyclable and green wastes, with a capacity to easily store the number of bins required to meet Council's standard collection services applicable to the development.	A waste room is provided on the Ground Floor parking level.	Yes
c. All waste and recycling storage	Council's Environment and Health	Conditions of

DCP 2010	Proposed	Compliance
rooms must be designed and constructed in accordance with <b>Schedule 4: S4.2 Waste and Recycling Storage Rooms.</b>	Officer has recommended conditions of consent regarding the design and construction of the waste and recycling facilities.	Consent provided.
d. Consideration must be given to the convenient transportation of waste and recycling from the various floors to the central waste and recycling storage room/area. .	The transportation and path of travel and collection point of waste is satisfactory.	Yes
f. For developments comprising 30 or more dwellings, a separate room or undercover caged area of a minimum 5 square metres, with instructive signage must be provided for the storage of bulky discarded items such as furniture and white goods, awaiting Council pickup, to prevent illegal dumping in the public domain. Bulky items storage areas should be located adjacent to waste storage areas.	A separate room is not provided. Council's Environment and Health Officer has recommended a condition of consent requiring a separate room or caged area to be provided. (See condition number 40).	Condition of Consent requiring a separate room for bulky discarded items is recommended
g. Waste storage areas are to be designed to accommodate waste receptacles which can be managed by all types of domestic waste collection vehicles.	The waste is capable of being picked up by kerbside collection by Council contractor.	Yes
h. Adequate access must be provided for the users, waste collection staff and collection vehicles.	The waste is capable of being picked up by kerbside collection by Council contractor.	Yes
<b>8.2 Stormwater Management</b>		
The main construction issues relevant to this proposal will be managing water quality by preventing soil erosion, the management of construction traffic and parking of builder's vehicles, construction noise, dust and the like.	The proposal is considered to satisfy the requirements of the Ryde DCP.	Yes
<b>9.2 Access for People with Disabilities</b>		
10% of units to be adaptable	The proposal is accompanied by an Access Report which demonstrates that 11 apartments (11%) are adaptable. 13 adaptable car parking spaces are also provided. The proposal is considered to satisfy the requirements of the Ryde DCP.	Yes
<b>9.3 Car Parking</b>		
<b>RFB</b>		

DCP 2010	Proposed	Compliance
<p>The applicable parking rates for Residential Development - High Density (Residential Flat Buildings) are: -</p> <ul style="list-style-type: none"> <li>• 0.6 to 1 space / one bedroom</li> <li>• 0.9 to 1.2 spaces / two bedroom</li> <li>• 1.4 to 1.6 spaces / three bedroom</li> <li>• 1 visitor space / 5 dwellings</li> </ul> <p>101 to 129 spaces are required for the residential units.</p>	<p>The RFB proposes 10 x 1bed, 73 x 2 bed and 8 x 3 bed units.</p> <p>The required parking provision is:</p> <ul style="list-style-type: none"> <li>• 6 to 10 spaces / one bedroom</li> <li>• 66 to 88 spaces / two bedroom</li> <li>• 11 to 13 spaces / three bedroom</li> <li>• 18 visitor spaces</li> </ul> <p>129 spaces are provided (including 12 accessible spaces and 19 visitor spaces). 20 tandem spaces are provided. Tandem spaces will be allocated to the same unit, for larger units.</p>	<p>Yes</p>
<p><b>Semi-detached dwellings</b> The applicable parking rate for attached dual occupancies (semi-detached dwellings) is:</p> <ul style="list-style-type: none"> <li>• 1 space / dwelling bedroom</li> </ul>	<p>The proposal is for 16 semi-detached dwellings.</p> <p>16 garaged spaces are provided.</p>	<p>Yes</p>
<p><b>Bicycle Parking</b> 10% of car parking spaces</p>	<p>49 bicycle spaces are provided for the RFB on the Ground Parking Level, in excess of 10%.</p> <p>The location of these spaces do not conflict with vehicles.</p> <p>Bicycle parking is accessible and secure and benefit from casual surveillance.</p> <p>Each unit is allocated secure storage space.</p>	<p>Yes</p>
<p><b>On-site Loading &amp; Unloading Facilities</b> d. Residential flat buildings and multi dwelling housing located on Main or County Roads are required to provide on-site loading and unloading facilities to ensure that vehicles do not stand on the road or footway.</p>	<p>Given that the site is accessed via the internal road system, this requirement is not applicable.</p>	<p>N/A</p>
<p><b>Basement parking</b> e. Basement parking areas are to be located directly under building footprints to maximize opportunities for deep soil areas unless the structure can be designed to support mature plants</p>	<p>The basement area is within the building footprint as approved in the Concept Plan (MP05_0001 Mod 1). Sufficient deep soil planting and drainage is provided throughout the site. Satisfactory.</p>	<p>Yes</p>

DCP 2010	Proposed	Compliance
and deep root plants. g. Basement parking should be contained wholly beneath the ground level along public streets. Where this cannot be achieved due to topography, the parking level must protrude no more than 1.2m above ground level	The basement parking has limited visibility from the public domain. Satisfactory.	Yes
h. Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development.	The proposal includes an exhaust for the basement parking within the landscaped area of the site, which is not visually intrusive. Satisfactory.	Yes
<b>9.6 Tree Preservation</b>		
Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.	The proposal is supported by an Arborist Report for the retention of the Blackbutt Tree. The proposal seeks to transplant a series of trees to the Victoria Road setback. Satisfactory.	Yes

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

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

The original Concept Plan approval for the site in 2006 included conditions requiring negotiation between the Royal Rehabilitation Centre Sydney and Council to provide for community facilities and infrastructure on and around the site including road works.

Council entered into a Development Agreement with RRCS in 2007. Following the sale of the residential part of the site to Frasers Property Pty Ltd, Council entered into a Deed of Novation on 15 July 2010 with the new owner to ensure delivery of land and works under the deed which would now be attributable to Frasers. Some elements of the Development Agreement remain to be met by RRCS.

The material public benefit of the deed (including open space, community facilities, traffic calming measures, other infrastructure works and land

dedication) was valued under the original deed at \$8,129,000. The Section 94 contribution payable at the time was calculated as \$7,291,069. As such, the nominated value of the deed exceeded the contribution payable under Section 94 by \$837,931.

Council is therefore already a party to an agreement that covers the S94 contribution payable for the development of the site under the Concept Plan. The modified Concept Plan approved on 8 March 2013 by the Department of Planning and Infrastructure did not change the development density of the site and did not require Council or the proponent to revisit the Development Agreement already in place.

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

The impacts associated with the proposed development have already been addressed in the report.

## **10. SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

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

The site is zoned R1 – General Residential under the Ryde LEP 2010, which permits the proposed development. In addition a Concept Plan Approval (MP05\_0001 Mod1) has been granted for the site and the development is consistent with this approval.

## **11. THE PUBLIC INTEREST**

The development is considered to be in the public interest as it is consistent with the Concept Plan Approval (MP05\_0001 Mod1).

## **12. REFERRALS**

### **External Referrals**

#### **Roads and Maritime Services**

No objection was raised to the development subject to a condition of consent being imposed as follows:

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

This has been included as a condition on the consent. (See condition number 29).

### **NSW Police**



NSW Police have raised no objections to the development and has provided the following advisory comment:

- *After reviewing the application it appears that the primary factors of Crime Prevention through Environmental Design have been considered in this development, including surveillance, lighting, territorial reinforcement, environmental maintenance, space/activity management and in particular access control. However it is suggested that CCTV be installed to record the entrance points to the car park areas. Also that CCTV be installed to cover the units central mailbox area, to reduce the opportunity of mail theft. Overall police are satisfied with the development application, and can see no other potential crime issues regarding this application.*

This has been included as a condition on the consent. (See condition number 78).

#### **Sydney Water**

No objections were raised to the development.

A standard condition of consent is recommended to be imposed requiring the applicant to obtain a Section 73 Certificate from Sydney Water.

#### **Internal Referrals**

**Development Engineer:** No objections subject to conditions of consent.

**Public Works:** No objections were raised to the development application subject to conditions of consent in relation to drainage, traffic, public domain and waste.

**Building Surveyor:** No objections were raised to the development.

**Environmental Health Officer:** No objections to the development application subject to conditions of consent in relation to contamination, noise, drainage, waste and ventilation.

**Consultant Landscape Architect:** No objections to the development.

**City Urban Designer:** No objections to the development.

**Heritage:** No objections to the development subject to conditions of consent in relation to archaeological findings.

### **13. PUBLIC NOTIFICATION AND SUBMISSIONS**

The proposed development was notified and advertised in accordance with Development Control Plan 2010 – Part 2.1, Notification of Development Applications. The application was advertised on 23 January 2013 in the Northern District Times. Notification of the proposal was from 16 January

2013 until 6 February 2013. During this period, four submissions were received.

In response to these submissions and concerns raised by Council, the applicant submitted additional information and amended plans in March 2013 and the proposal was re-notified for a period of 2 weeks until 18 April 2013. One submission was received during the second notification period. One further submission was received following the second notification period.

In summary, the submissions raised concerns to building height for an 8 storey RFB which does not agree with the Concept Plan or Council's controls, privacy, amenity, the inability of local services to accommodate the development, traffic impacts for Charles and Kenneth Streets, over-development, poor design, reduced property values, the development being out of keeping with the existing character and built form of the area, loss of solar access and the impact from headlights of vehicles using Internal Road 12. Concern was also raised with regard to the inadequacy of access and sunlight to the open space, setbacks to Victoria Road, noise impacts and the impact of the development from construction noise.

The issues raised in the submissions and, where applicable, the response from the applicant to address these concerns are as follows: -

ISSUE	COMMENT
Building height for an 8 storey RFB which does not agree with the Concept Plan or Council's controls and overdevelopment	<p>As discussed in detail in this report, the proposed building height satisfies the maximum permitted building height as approved in the Concept Application (MP05_0001 Mod 1) which was recently approved by the Department of Planning and Infrastructure.</p> <p>The development will generally appear as a 7 storey development, with the exception of the eastern facade to Victoria Road which is 8 storeys in height due to the topography of the site sloping towards this boundary. The overall development is with the maximum permitted building height of 25m and is satisfactory.</p>
Privacy and amenity	<p>Concern is raised that the visual and acoustic privacy of the adjoining residences will be adversely impacted upon. When considered in light of the row houses, the amenity of the neighbouring properties is protected by the boundary fencing which is 1.8m in height, a distance of 13m to 19.5m between the row houses and the adjoining boundary, and screen planting along the boundary. Given the row houses are only 2 storeys in height and do not feature balconies or full height windows to this southern elevation, they do not promote direct overlooking of the adjoining properties.</p>

Therefore, the design of the row houses is considered appropriate with regard to protecting the privacy and amenity of the adjoining properties.

When considered in light of the apartment building, the amenity of the neighbouring properties is protected by the boundary fencing which is 1.8m in height, a minimum distance of 31m across the public park to the southern boundary, screen planting and landscaping. This relationship is depicted in the Figure below.

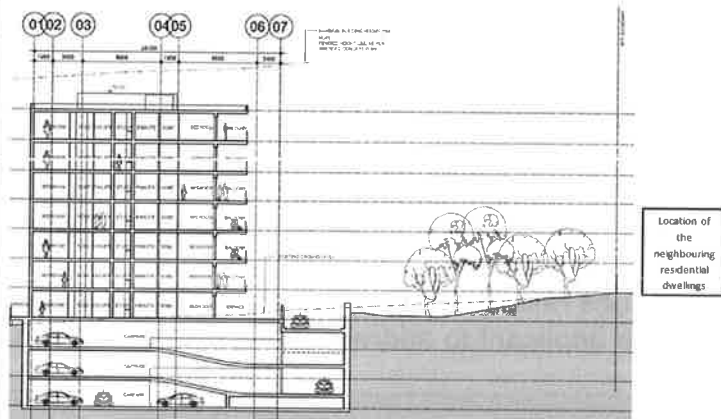




Figure 16: Extract of the Apartment Section Plan showing the apartment building (left), and neighbouring residential dwellings (right), which have a minimum separation distance of 31m to the SE property boundary across the public park.

It is noted that the applicant has designed the apartment building to take advantage of the district views across the SE property boundary, and the development has been designed to provide balconies and full height windows and doors to achieve this. It is recognised that this design has the potential to result in direct overlooking of the neighbouring properties, however the substantial distance between the apartment building and the neighbouring properties, and landscaping and buffer planting provided in the public park area and along the SE property boundary provide appropriate measures to protect the privacy of the neighbouring properties. It is also noted that the future occupants of the apartment buildings will be looking over the neighbouring properties to the district views. The potential for residents to overlook the neighbouring properties is deterred by the boundary fencing and landscape screening along the southern boundary.

	<p>Therefore, the advantages of the substantial separation between the apartment building and neighbouring properties, the buffer zone provided by the public park and landscape screening are considered appropriate with regard to protecting the privacy and amenity of the adjoining properties.</p>
The inability of local services to accommodate the development	<p>The proposal is for the extension / augmentation of the physical infrastructure / utilities required for the development. The applicant is required to provide appropriate services to the site, to the satisfaction of the local authorities / agencies. Standard conditions of consent are recommended to be imposed ensuring that the local services will be appropriately provided.</p>
Traffic impacts for Charles and Kenneth Streets	<p>The traffic impacts of the RRCS as a whole was considered with respect to the Concept Approval (MP05_0001) and deemed to be satisfactory. It is noted that the residential density within this DA, being 91 units and 16 row houses, and the associated traffic being generated, is considered appropriate.</p> <p>The site is adjacent to Victoria Road and in close proximity to retail / commercial, educational and community facilities and walking distance to public transport. The proposal therefore maximises residential density in relation to established facilities / services. It is noted that the proposed overall units (791) for the RRCS site is in fact less than the overall number of units (900) envisaged in the original Concept Approval. As such, the overall density and associated traffic being generated by the RRCS site is appropriate.</p>
Reduced property values	<p>This is not a planning consideration.</p>
The development being out of keeping with the existing character and built form of the area and poor design	<p>The design and external presentation of the built form is in keeping with the design requirements of the Concept Approval (MP05_0001) and the other components of the RRCS which have been previously approved in other Project Approvals. The architectural form of this proposal provides a modern architectural expression and an appropriate mix of colours and materials. Overall, the character and built form of the development is acceptable, and is considered to contribute to the streetscape of the locality.</p>

<p>Loss of solar access</p>	<p>Shadow Diagrams were submitted in support of the DA which demonstrate that the apartment building begins to overshadow the adjoining properties from just before 2pm onwards.</p>  <p>21st June 02.00pm</p> <p>Figure 17: Extract of the Shadow Diagram for mid-winter demonstrating that overshadowing impacts begin encroaching on the adjoining properties from just before 2pm.</p>  <p>21st June 03.00pm</p> <p>Figure 18: Extract of the Shadow Diagram for mid-winter demonstrating that several of the adjoining properties are overshadowed at 3pm.</p> <p>The extent of overshadowing is satisfactory with regard to Council's requirements. Given that the overshadowing is only during the winter period, the overshadowing impact is minimal and the proposal is supported.</p>
<p>The impact from headlights of vehicles using Internal Road 12</p>	<p>In response to concerns raised with regard to the use of internal Road 12 and headlights from vehicles impacting on the amenity of neighbouring residents, the applicant has provided the following diagram to demonstrate that the headlights will be shielded from the boundary fencing: -</p>

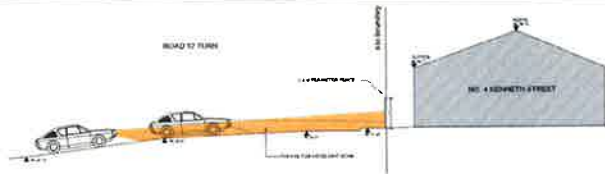


Figure 19: Cross section of Road 12 and the dwellings adjoining the site to the south, in particular No. 4 Kenneth Street (right), demonstrating that the boundary fencing blocks the headlights of vehicles using Road 12.

Furthermore, landscape screening and a tree are proposed along this boundary to assist in mitigating the potential impact of headlights (refer to Figure below).

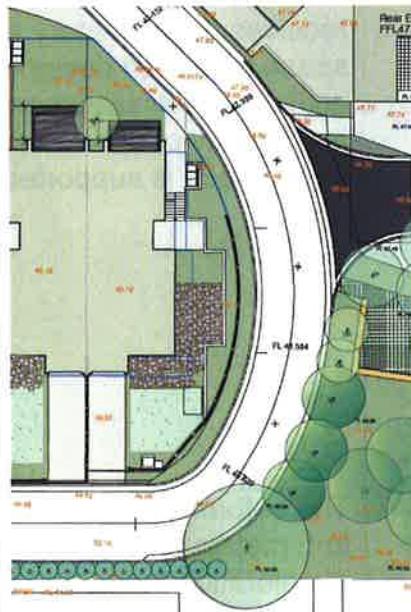


Figure 20: Extract of the Landscape Plan demonstrating the landscape screening and tree planting along the side boundary.

The boundary fencing and landscaping are considered appropriate in protecting the amenity of the adjoining dwellings with regard to potential light impacts. In addition, it is noted that this road will service occupants and guests of the row houses only, and is not anticipated to generate a high level of traffic.

Consistency with the Concept Approval (MP05\_0001) and lack of compliance with the Ryde LEP and DCP,

The subject DA is consistent with the built form, height, FSR, layout, setbacks and density of the Concept Approval (MP05\_0001 Mod 1) which was assessed with consideration of Part 3A of the EP&A Act, 1979. The applicant's submission

and the application of SEPP 1.	documents thoroughly address the relevant requirements of the Ryde LEP 2010 and Ryde DCP 2010. Given this DA is consistent with the Concept Approval, a SEPP 1 Objection to Vary a development standard pursuant to the RLEP 2010 is not required.
The publically accessible open space located at the north eastern portion of the site facilitates private use by residents and detracts access for the general public, is overshadowed during winter and will have minimal use by the general public. The apartment building adjoining the open space inhibits direct access via the internal road / pedestrian pathways. The open space is not at grade to Victoria Road and there is no direct public access available.	The location of the open space at the north eastern portion of the site is directly accessible from Victoria Road with pedestrian and cycle paths which transverse the open space and connect with the internal roads throughout the site. The open space is overshadowed by the 'Palmera' apartment building at Stage 1 Phase 4a of the development, however this arrangement is consistent with the Concept Approval (MP05_0001 Mod 1) and receives a satisfactory level of sunlight. The open space has been designed to provide a mix of active and passive spaces which provide the opportunity of use by residents and the public. The open space is supported.
The setbacks to Victoria Road are insufficient to accommodate the deceleration lane and the transplanting of the Palm Trees and pose a safety issue for traffic and pedestrians.	The setback to Victoria Road has been increased to 5 metres as measured from the addition of the deceleration lane. This arrangement provides sufficient mitigation measures to ameliorate potential traffic impacts and to accommodate the transplanted trees along the Victoria Road boundary. The setbacks are consistent with the Concept Approval (MP05_0001 Mod 1) and are supported.
The DA does not mitigate the environmental impact of noise and vibration from Victoria Road generated by the traffic movement from Victoria Road. The building should be redesigned, further setback, and reduced in height and FSR, and landscaping and wall	As demonstrated in the SEE submitted by the applicant, and supported by the Acoustic Report prepared by Renzo Tonin & Associates dated 1 December 2012, the potential noise impacts on the future occupants of the RFB have been carefully considered, and appropriate recommendations have been provided including glazing to potentially affected units. The proposed RFB performs satisfactorily with regard to noise impacts, by providing a design which orientates units, and in particular the POS terraces / balconies away from Victoria Road. The siting and orientation of the



barriers and screens should be introduced to reduce noise impacts.	RFB is consistent with the Concept Approval (MP05_0001 Mod 1) and is supported. The current scheme provides an open landscape setting to Victoria Road which positively enhances the relationship of the site to Victoria Road, therefore it is not considered appropriate to provide landscape screening and wall barriers and screens along Victoria Road which would close off this sense of openness and connectivity with the public domain.
The application does not address interruption of business caused by major projects longevity, i.e. loss of rental income due to construction noise.	It is recognised that the construction works will cause noise and general inconvenience for neighbouring properties. However the Acoustic Report prepared by Renzo Tonin & Associates dated 1 December 2012, includes recommendations to mitigate impacts from construction noise, such as working within standard hours and requiring periods of respite from activities which generate a high level of noise and implementing noise control measures for construction plant. Further general noise management measures are also recommended in the Acoustic Report, which are recommended to be imposed in the conditions of consent, in addition to Council's standard conditions regarding construction hours and noise mitigation measures.

#### **14. CONCLUSION**

This development application is part of the overall redevelopment of the RRCS site and relates to the south-eastern portion of the site fronting Victoria Road. The proposed 7/8 storey apartment building and 16 row house dwellings form Stage 1 Phase 4A and 2H of the Concept Approval on the site.

The overall development has been designed with a high degree of amenity for future occupants in terms of access to public transport, public domain area and recreational facilities.

The proposal is consistent with the Part 3A concept approval as modified (MP05\_0001 Mod 1). The architectural design and finishing of the buildings are in keeping with the approved Project Applications on the site.

Although the apartment building does not meet a number of the numerically based "Rules of Thumb" from the Residential Flat Design Code, such as solar access, storage and the number of south facing apartments, this is partly a result of the predetermined layout and orientation of the residential buildings as part of the Part 3A approval, and the design of the apartment building in response to the conditions of the site.

The application has demonstrated that the level of amenity in terms of solar access, communal and publically accessible public space, privacy and energy efficiency can be met. A condition of consent is recommended to be imposed requiring all apartments to satisfy the requirements of the RFDC to provide 50% of the minimum required storage area within each unit to ensure future occupants are afforded a high level of amenity and liveability for storage purposes. Overall, the proposal can be supported subject to conditions.

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

## **15. RECOMMENDATION**

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 LDA2012/0471 for the construction of a residential flat building known as Stage 1 Phase 4A and 16 row houses known as Stage 1 Phase 2H at 600-640 Victoria Road, Ryde subject to the conditions of consent in Attachment 1 of this report.
- B. That a copy of the development consent be forwarded to the Roads and Maritime Services.
- C. That the objectors be advised of the decision.

### **Report prepared by:**

Holly Palmer  
Consultant Town Planner

### **Report approved by:**

Sandra Bailey  
Team Leader Major Development

Liz Coad  
Manager Assessment

Dominic Johnson  
Group Manager – Environment and Planning

# ATTACHMENT 1

## CONDITIONS OF CONSENT

### GENERAL

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

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

Document Description	Date	Rev	Plan No/Reference
Cover Sheet	27.02.2013	4	-
Location Plan	27.02.2013	4	A-DA-4A2H-SP-01
Site Plan	27.02.2013	4	A-DA-4A2H-SP-03
Detail Site Plan – House Type 2	27.02.2013	4	A-DA-4A2H-SP-04
Site Analysis & Conditions	27.02.2013	4	A-DA-4A2H-SP-05
Site Photos	27.02.2013	4	A-DA-4A2H-SP-06
Apartment 4A - Elevations	21.03.2013	5	A-DA-4A-EL-A-01
Apartment 4A - Elevations	21.03.2013	5	A-DA-4A-EL-A-02
Apartment Section	9.04.2013	6	A-DA-4A-SEC-A-01
Site Section & Street Elevations	27.02.2013	4	A-DA-4A2H-SEC-01
Road 12 & Charles Street Section	04.04.2013	1	A-DA-4A2H-GR-09
Unit Schedule	04.04.2013	5	A-DA-4A2H-GR-01
Street Elevations	27.02.2013	4	A-DA-4A2H-EL-01
Housing Type 2A-Semi-Detached	27.02.2013	4	A-DA-2H-FP-H2A
Housing Type 2C-Semi-Detached	27.02.2013	4	A-DA-2H-FP-H2C
Housing Type 2F-Semi-Detached	27.02.2013	4	A-DA-2H-FP-H2F
Housing Type 2G-Semi-Detached	27.02.2013	4	A-DA-2H-FP-H2G
Housing Type 2H-Semi-Detached	27.02.2013	4	A-DA-2H-FP-H2H
Apartment Plans – Basement Levels 1 & 2	09.04.2013	6	A-DA-4A-FP-A0
Apartment Plans – Ground Level	21.03.2013	5	A-DA-4A-FP-A1
Apartment Plans –Levels 1 & 2	21.03.2013	5	A-DA-4A-FP-A2
Apartment Plans –Levels 3 &	21.03.2013	5	A-DA-4A-FP-A3

4			
Apartment Plans –Levels 5 & 6	21.03.2013	5	A-DA-4A-FP-A4
Apartment Plans –Levels 7 & Roof Floor Plan	21.03.2013	5	A-DA-4A-FP-A5
Apartment 4A Display Suites (Units 75 & 85)	08.04.2013	-	-
Schedule of External Finishes	21.03.2013	5	A-DA-4A2H-GR-07
Schedule of External Paint Colours	30.11.2012	2	A-DA-4A2H-GR-08
Landscape Concept Plan	Apr 13	D	3092.DARH.01
Typical Landscape Plan	Apr 13	D	3092.DARH.02
Landscape Concept Details the Row Fencing S1P4A	Apr 13	D	3092.DARH.03
Landscape Concept Plan S1P4A	Apr 13	D	3092.DA4A.01
Landscape Concept Section A-C S1P4A	Apr 13	D	3092.DA4A.02
Landscape Concept Section D-E S1P4A	Apr 13	D	3092.DA4A.03
Landscape Concept Details S1P4A	Apr 13	D	3092.DA4A.04

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in the BASIX Certificates numbered 439070M\_04, dated 6 March 2013 and 439106M dated 6 October 2012.
4. **Costing of the Works.** All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.
5. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
6. **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.

7. **Hoardings.**
  - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
  - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
9. **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.
10. **Sales and Marketing Suite.** The occupation of Units 75 and 85 as designated on the *Apartment 4A Display Suite* Plan dated 8 April 2013 are permitted to be occupied as temporary sales and marketing suites for a period of 18 months from the issue of the occupation certificate for these sales and marketing suites. The hours of operation are 9.00am to 6.00pm, seven days a week. A maximum of four (4) staff are permitted to be on the premises at any one time. All customers are to first visit the formal Marketing Suite on the site and then be led by a sales consultant to the nominated display suites.
11. **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 and the Deed of Agreement between RRCS, Ryde City Council and Frasers Putney.
12. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
13. **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.
14. **Engineering Compliance Certificates.** Engineering Compliance Certificates must be obtained for the following works at the specified stage (If Council is appointed the PCA then the appropriate inspection

fee is to be paid to Council) and **submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate:**

- Prior to backfilling of pipelines in which Council has an interest.
- Prior to backfilling of drainage connections to pipelines or channels in which Council has an interest.
- Prior to casting of pits and other concrete structures in which Council has an interest including kerb & gutter, access ways, aprons, pathways, vehicular crossings, dish crossings and pathway steps.

**NOTE:** Council has an interest in all pipelines which drain public reserves and public road reserves, and in all structures located within public road reserves.

All Engineering Compliance certificates are to contain the following declarations:

- a) This certificate is supplied in relation to <<address of property>>.*
  - b) <<name of engineer and company >> have been responsible for the supervision of all the work nominated in (a) above.*
  - c) I have carried out all tests and inspections necessary to declare that the work nominated in (a) above has been carried out in accordance with the approved plans, specifications, and the conditions of the development consent.*
  - d) I have kept a signed record of all inspections and tests undertaken during the works, and can supply the Principal Certifying Authority [PCA] with a copy of such records and test results if and when required.*
15. **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.
16. **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.
17. **Staging of Demolition and Construction.** Notwithstanding any other condition of this consent, the consent permits separate Construction Certificates and Occupation Certificates to be issued for the development and approved by this consent authority in stages, provided that all conditions of consent relevant to the development incorporated

within each stage have been complied with prior to the release of the Construction Certificate or Occupation Certificate for that stage.

## PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

18. **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**.
19. **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).
20. **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
21. **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**.
22. **Glare & Reflectivity:** Roofing and other external materials must be of low glare and reflectivity (excluding windows and louvers). Details of finished external surface materials, including colours and texture must



be provided to the Principal Certifying Authority with the Construction Certificate. The roof material is to be finished in a non-reflective surface.

23. **Disabled access:** Prior to the issue of a Construction Certificate, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate Drawings fully comply with Development Control Plan 2010 – Access for People with Disabilities, the Building Code of Australia and Australian Standards AS1428.1, AS4299, AS1735.12 and AS2890.6. The report is to be provided to the PCA and Council (if Council is not the PCA).
24. **Adaptable Units:** A minimum of ten (10) adaptable units are to be provided within the apartment building. These apartments are to comply with all of the spatial requirements as outlined in DCP 2010 Part 9.2 and AS4299. Details demonstrating compliance is to be provided on the Construction Certificate plans. Prior to the issue of the Construction Certificate, a suitably qualified access consultant is to certify that the development achieves the spatial requirements of DCP 2010 Part 9.2 and AS4299.
25. **Design verification:** Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.
26. **Storage Facility:** Each apartment is to be provided with the minimum storage area as required by the Residential Flat Design Code, being at least 6m<sup>3</sup> for 1 bedroom apartments, 8m<sup>3</sup> for two bedroom apartments and 10m<sup>3</sup> for 3+ bedroom apartments. Details of the location of the storage and dimensions of the storage areas are to be provided on the Construction Certificate plans. The architect is to verify in writing that the development complies prior to the issue of the Construction Certificate. Note: Wardrobe space which is provided in excess of standard wardrobes sizes is able to be considered as storage for the purposes of the above calculation.
27. **Acoustics.** The residential flat building(s) must be designed and constructed so that road traffic noise levels inside the building(s) comply with the satisfactory design sound levels recommended in Australian/New Zealand Standard AS/NZS 2107: 2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*, when the windows and doors are closed. If the noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical system must be provided so

that the building occupants can leave the windows and doors closed. A report is to be submitted with the Construction Certificate to verify that the Construction Certificate plans can comply with this requirement.

28. **Acoustic Report.** The acoustic report prepared by Renzo Tonin and Associates, dated 1 December 2012 "Stage 1, Phase 4a and Phase 2H Putney Hill Development Traffic Noise assessment for development application" shall be adopted and the management measures, acoustic controls and recommendations be incorporated in the design and construction of the premises and reflected on the plans submitted for the Construction Certificate.
29. **Acoustics.** The proposed development should be designed such that road traffic noise from Victoria Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007.
30. **Parking/Bicycle Spaces:** At least 49 bicycle parking spaces are to be provided for the residential units. A maximum of 1 car parking space per dwelling is permitted for each row house. A maximum of 130 car parking spaces are permitted within the apartment building, including 12 accessible spaces and 19 visitor spaces. The car parking spaces are to be clearly linemarked with the visitor spaces clearly marked "Visitor Parking." Details to be shown on the Construction Certificate plans.
31. **Service infrastructure/utilities:** All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to the issue of the Construction Certificate.
32. **BASIX Details to be included on the Construction Certificate:** The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
33. **Environmental Site Assessment.** The report prepared by Environmental Investigation Services, titled "Report to Royal Rehabilitation Centre Sydney On Preliminary Environmental Site Assessment for the Proposed Royal Rehabilitation Centre Sydney Re-Development at 600-642 Victoria Road, Ryde" dated November 2006 and the recommendations included relevant to this DA shall be adopted.
34. **Car Wash Bay.** All car washing must be carried out in a wash bay that is graded and drained to the sewerage system in accordance with the requirements of Sydney Water Corporation. The applicant shall submit to the Principal Certifying Authority prior to the issue of a Construction

Certificate details of plans showing that the car wash bay meets the following requirements. The car wash bay(s) must:

- Have adequate parking and washing floor space, turning area, and water supply;
- Minimise water use with appropriate devices (such as a gun-type nozzle which closes when released and a timer operative valve; collection and use of rainwater).
- Have a water supply cut out/fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system.
- Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment,
- Must be designed to ensure that spillages and wastewater is not discharged to the stormwater system or surrounding environment.
- Be located so that washing can occur with minimal disturbance to other residents.
- Ensure that noise emissions from the car wash down bay does not exceed 5dB(A) above the background noise levels at any time, as measured at the nearest residential property boundary and install noise effective barriers.
- Blend in with the appearance of the building.
- Have good ventilation and good lighting.
- Have regard to the safety of pedestrians and traffic.

All car wash bays that discharge to sewer must meet the following requirements:

- The floor must be sealed and graded to an internal drainage point, so that all wastewater and surface spillage is directed and drains to the approved treatment and disposal point.
- A bund must be constructed and maintained around the perimeter of the bay. The bund is to be protected from the entry of external surface waters, by either; a minimum 2% change in grade; or combination of a minimum 2% grade change and a grated drainage system.
- All uncontaminated stormwater/rainwater must be directed to the dedicated stormwater drainage systems.
- The collection pit shall be a minimum of 1000 litres.
- A *Permission to Discharge Trade Wastewater* certificate issued by Sydney Water must be obtained prior to the approval of the relevant Construction Certificate.

35. **Storage of Bulky Goods.** A separate room or caged area with a minimum area of 5m<sup>2</sup> must be provided in the basement carpark of the residential flat building for the storage of bulky discarded items such as furniture and white goods. This is to be demonstrated on the Construction Certificate plans.

36. **Waste and Recycling Services.** All garbage and recycling rooms must be constructed in accordance with the following requirements:
- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
  - (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
  - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
  - (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
  - (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
  - (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
  - (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
  - (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
  - (i) The room must be provided with adequate artificial lighting; and
  - (j) a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning.

Details are to be submitted on the Construction Certificate plans.

37. **Overland Flow path.** No filling, alteration to the surface levels or other obstructions within the overland flow path across the site shall be made without prior approval of Council.

38. **Drainage Plans.** Detailed plans of the proposed drainage system, including the on-site detention system and details addressing any overland flow from upslope properties in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management are to be prepared by a suitably qualified and experienced engineer. The engineer is to prepare a certification stating that the landscaping plans have been checked in conjunction with the drainage plans and are compatible.

A works-as-executed survey of any above ground storage basin shall be prepared to demonstrate that adequate storage volume has been provided and **submitted in conjunction with the application for the Occupation Certificate.**

A positive covenant shall be executed and registered against the title of any lot containing an on site detention system to require maintenance of the system in accordance with Council's standard terms.

Any drainage pit within a road reserve, a Council easement, or that may be placed under Councils' control in the future, shall be constructed of cast in situ concrete. Details are to be submitted with the **Construction Certificate** application plans.

39. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system in accordance with City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The minimum capacity of the piped drainage system shall be equivalent to the collected runoff from a 20 year recurrence interval storm event. Overland flow paths are to be provided to convey runoff when the capacity of the piped drainage system is exceeded up to the 100 year average recurrence interval and direct this to the on-site detention system. Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties. The gutters, downpipes and pipes are to be designed for the 1 in 100 year, 5 minute storm.

The OSD system is to be cleaned regularly and maintained to the satisfaction of Ryde City Council.

40. **Traffic Construction Management Plan.** 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 1985 and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities. A plan of traffic and construction management is to be submitted to and approved by the Consent Authority prior to the issue of any Construction Certificate. This plan is to demonstrate that all construction vehicles are parked on the site.
41. **Layout of the Car Parking Spaces.** The internal car park for the residential units must be designed in accordance with Australian Standards AS 2890.1 and AS 2890.6 including all dimensions of parking bays (particularly parking bays for people with disabilities), height clearances, clearances between parking bays at the end of aisles and the walls, aisle widths, column locations etc. Details are to be submitted on the Construction Certificate plans.
42. **Access Ramp.** Preventative measures are to be taken to ensure that motorists do not queue on the ramp that links the ground floor to basement 1 while waiting for the roller shutter to be opened. Details of these measures are to be submitted to Council or a qualified traffic engineer for approval prior to the issue of any Construction Certificate.

43. **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.

44. **Mechanical Ventilation.** Detailed mechanical ventilation system plans and specification prepared by a *professional engineer*, as defined by the Building Code of Australia, must be submitted to principal certifying authority with the application for a Construction Certificate certifying compliance with AS/NZS 1668 *The Use of Mechanical Ventilation and Air Conditioning in Buildings*, Part 1-2002: *Fire and smoke control in multi-compartment buildings* and Part 2-2002: *Ventilation design for indoor air contamination control*.

Details of all proposed mechanical ventilation systems, must include:

- (a) Plans and specifications of the mechanical ventilation systems;
- (b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity; and
- (c) A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and setting out the basis on which the certificate is given and the extent to which the certifier has relied upon relevant specifications, rules, codes of practice or other publications

*Note: Any warm water or water cooling systems shall be installed and operated in compliance with Public Health Act 2010 and Public Health Regulation 2012. All water-cooling and warm-water systems shall be notified to Council within one (1) month of installation*

45. **Drainage System Layout Plan.** A drainage system layout plan is to be prepared with detailed features including existing structure, utilities and relevant features. A drainage longitudinal section shall be drawn at a scale of 1:100 or 1:200 horizontally and 1:10 02 1:20 vertically and shall show pipe size, class and type, pipe support type in accordance with AS3725 or AS2032 as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the design

and construction of the drainage system (ie utility services). Prior to the issue of a Construction Certificate relating to these works, the Council or the PCA shall be provided, to its satisfaction, with these engineering documents.

46. **Bin Storage Area.** The bin storage area within the residential flat building is to be increased in size to allow for 92 x 240L wheelie bins. Details are to be submitted on the Construction Certificate plans.
47. **Allocation of an Area for Bin Collection.** An area is to be allocated to allow for the collection of the bins from the residential units. This space is to be large enough to accommodate the required number of bins as well as ensuring that the side arm vehicles can service the bins without disembarking from the truck. Details are to be submitted on the Construction Certificate plans.
48. Prior to the issue of any Construction Certificate, details of the swept path for the waste collection vehicles is to be submitted for approval by Council. These diagrams are to demonstrate that it is possible for the waste collection vehicles to manoeuvre safely on the site.

## **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.

49. **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.
50. **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.
51. **Tree Protection Measures.** The tree protection measures as outlined in the Arboricultural Assessment and Development Impact Report by



Urban Forestry and dated December 2012 are to be implemented prior to construction, maintained throughout the construction period and post construction.

52. **Site Arborist.** In accordance with the recommendations contained in the Arboricultural Assessment and Development Impact Report by Urban Forestry and dated December 2012, a site arborist is to be appointed prior to construction to ensure a high level of arborist advice, monitoring and supervision is provided. Council and the PCA 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 alter, Council and the PCA is to be notified, in writing, within seven working days. Prior to any construction commencing, the site arborist is to confirm that all tree protection measures in the Arboricultural Assessment and Development Impact Report have been implemented.
53. **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.
54. **Compliance Certificate.** A Compliance Certificate from the PCA should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities.
55. **Temporary Footpath Crossing.** A temporary footpath crossing at the intersection of Road 5 and Road 12 must be provided at the vehicular access points. It is to be 4 metres wide, made out of sections of hardwood with chamfered ends and strapped with hoop iron, and a temporary gutter crossing must be provided.
56. **Truck Shaker.** A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

## DURING CONSTRUCTION

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

57. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority 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*.
58. **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.
59. **Impact to adjoining or nearby properties:** The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.
60. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
61. **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 is deemed suitable through validation by a geotechnical engineer.
62. **Site Facilities**  
The following facilities must be provided on the site:  
(a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and  
(b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
63. **Site maintenance.** The applicant must ensure that:  
(a) approved sediment and erosion control measures are installed and maintained during the construction period;  
(b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;  
(c) the site is clear of waste and debris at the completion of the works.
64. **Heritage.** If any unexpected archaeological finds (relics/foundations associated with early European occupation) or Aboriginal relics are encountered during excavation, works in the vicinity of the finds should cease and a suitable archaeologist should be engaged to assess the significance of the material. If relics were encountered, the Heritage Branch should be notified and further archaeological work may be required before works could re-commence. Approvals from the Heritage Branch may also be required to disturb relics.

65. **Imported Fill.** All imported fill must be uncontaminated and be validation in accordance with the *Contaminated Sites: Sampling Design Guidelines* (EPA, 1995) before being used on the site. Imported fill should be accompanied by documentation from the supplier, which certifies that the material is suitable for the proposed land use and not contaminated based upon analyses of the material.
66. **Contamination.** Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.
67. **Drainage.** All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation
68. **CCTV Cameras:** CCTV cameras will be required to be installed in the following locations:
- The ground floor residential lobby;
  - The car park entry and exit points.
- Digital technology will be required to be used to record images from the camera and this is to be located in a secure location. The surveillance equipment will need to be able to zoom in and out on a person without losing focus. It must be maintained in working order at all times and installed by a qualified and reputable company.
69. **Car parking security.** Vehicular entry to residential flat building parking is to be through a secured roller shutter with an intercom system for visitor's access. The doors are to be controlled by locksets such as remote or card operating electronic lock sets. The phasing of the roller door needs to minimise the opportunity for unauthorised pedestrian access after a vehicle enters/exits the car park.
70. **Lighting:** Lighting is to be provided around the site and all lighting is to comply with the following requirements:
- Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
  - A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
  - To reduce power consumption and comply with the relevant Australian and New Zealand Standards for Lighting, car park lighting is to be interfaced with motion detectors.
  - Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal gardens.
  - Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.

71. **Graffiti:** All vertical surfaces to a height of two metres on Apartment Building 4A on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.
72. **Audio Intercom System:** Intercom facilities should be incorporated into the entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
73. **Lift access and security.** Electronic access controls are to be installed on the lift. The equipment should include card readers to restrict access to the level a resident residents on, to the car parking levels and to the Ground Floor.
74. **Council's Stormwater Drainage System.** Only clean unpolluted water is permitted to enter Council's stormwater drainage system.
75. **Pollution Incidents.** Pollution incidents causing or threatening harm to the environment must be reported immediately to all relevant authorities in accordance with Section 148 of the Protection of the Environment Operations Act 1997.
76. **Street Lighting.** Street lighting shall be provided in private Road 12 designed to AS/NZ 1158.3.1.

#### **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.

77. **Landscaping.** The landscaping works approved in Condition 1 within Stage 1 Phase 2H for the row houses are to be completed prior to the issue of any Occupation Certificate for the row houses. The landscaping works approved in Condition 1 within Stage 1 Phase 4a for the apartment building, including the open space areas are to be completed prior to the issue of any Occupation Certificate for the apartment building.

78. **BASIX Commitments:** Prior to the issue of the Occupation Certificate, the Principle Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the approved BASIX Certificate. Note: Certificates from suitably qualified persons are to be submitted to the Principle Certifying Authority (if Council is the PCA) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.
79. **Design Verification:** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential flat development achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154 of the *Environmental Planning and Assessment Regulations 2000*.
80. **Acoustics.** A report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.
81. **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.

82. **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.

83. **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.
84. **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 constructed interallotment drainage system complies with the construction plan requirements and City of Ryde, 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 the on-site detention system will function hydraulically in accordance with the approved design.
  - 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.
  - Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 1990 (National Plumbing and Drainage Code).

- Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's *Environmental Standards Development Criteria -1999 section 4*
85. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA. If there are proposed interallotment drainage easements on the subject property, **a Certificate from a Registered Surveyor is to be submitted to the PCA** certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.
  86. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.
  87. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
  88. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the approved construction certificate version of the stormwater drainage plans **project no.104479 revision F prepared by Meinhardt.**
  89. **Landscape Maintenance Plan.** A Landscape Maintenance Plan is required prior to the issue of any Occupation Certificate. The Landscape Maintenance Plan should include the following requirements:
    - a. Regular maintenance and trimming of shrubs and plantings.
    - b. Shrubs and plantings being appropriately maintained to allow for clear lines of sight over the shrubs from pathways and pedestrians areas, and to avoid any plantings being used as a natural ladder to gain access to any higher parts of the building.
    - c. All other trees on the site are to be appropriately pruned, trimmed and maintained so that passive surveillance is not compromised



and there is no opportunity for climbing of trees to gain access to balconies or units.

90. **Street/house numbering:** To assist with way finding for emergency services, numbering of street numbers, building numbers, levels of the building and unit numbers should be clearly displayed. Street numbering is to be designed to be visible from the street. Council must be contacted in relation to any specific requirements for street numbering. All letterboxes and house numbering are to be designed and constructed to be accessible from the public way.
91. **Mechanical Ventilation Systems.** Where any mechanical ventilation systems have been installed for the apartment building 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 for the apartment building.
92. **Connection to the Sewerage System.** 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.
93. **Sales and Marketing Suites.** Signage proposed in connection with the sales and marketing suites is not to be visible from Victoria Road. The actual location, wording and colours of the temporary directional signage is to be submitted to Council prior to the issue of the relevant Construction Certificate. The signage is not permitted to be visible from Victoria Road and is to be directional only. No advertising material is permitted.
94. **CCTV Footage.** A CCTV footage covering the pipeline section from the OSD basin to the pit in Victoria Road must be provided to Council prior to the issue of any Occupation Certificate.
95. The traffic calming measures on Road 12 are to be designed and constructed in accordance with the relevant Australian Standard. Prior to the issue of any Occupation Certificate, the applicant is to provide the PCA with verification from a suitably qualified person that the works have been designed in accordance with the relevant Australia Standard.

## **OPERATIONAL**

96. **Management of Waste Areas.** Staff or contractors must be employed to:
  - (a) Take the waste containers from the bin store to the collection point and return the containers to the bin store after servicing.
  - (b) Clean and maintain the waste storage and handling facilities.

97. **Air handling and water systems.** All air-handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.
98. **Waste Collection Services.** Arrangements must be made with Council for the provision of waste collection services **before occupation commences**.
99. **Waste Storage Area.** Details of the proposed waste storage and handling facilities must be submitted to and approved by Council or the PCA before the issue of an **Occupation Certificate**.
100. **Maintenance of Waste Areas.** All waste storage areas must be maintained in a clean and tidy condition at all times.
101. **Use of the Premises.** The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
102. **Offensive Noise.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
103. **Operation of Plant or Equipment.** The operation of any plant or equipment installed on the premises must not cause:
- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at the property boundary 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.
104. **Acoustic Report.** A report from a qualified acoustical consultant demonstrating compliance with the above noise criteria must be submitted if requested by Council.
105. **Car Wash Bay.** The car wash bay is to be maintained by The Owners Corporation building owner in accordance with the requirements of this consent and:
- Advise all users of the car wash facilities how to operate, maintain and use the equipment so that good housekeeping practices can be adopted at all times.
  - Have clearly visible sign(s) indicating that no degreasing, engine

washing or mechanical work is to be undertaken in the car wash bay, informs car wash bay users of how to use and maintain the system, and encourages users to minimise the use of detergents and water.

- Have an approved maintenance management plan which includes a contingency plan in case of system failure.
- The system shall be maintained and inspected at least quarterly. The thickness of the sediment and oil levels, and outflow oil concentrations are to be logged quarterly.
- Records of the log and a copy of the *Sydney Water Discharge Trade Wastewater Certificate* shall be retained on site for inspection by Council officers. The records are to be retained for a period of 7 years.
- The pit is to be pumped out at least every 12 months or at more frequent intervals if necessary

Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: 'Clean Rainwater Only', 'Clean water only - NO waste' or 'H<sub>2</sub>O only'.

106. **Road Number 12.** Road Number 12 is to be a privately owned road and maintenance will be the responsibility of the owner or owners of the sites.