

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

<b>JRPP No</b>	2013SYE046
<b>DA Number</b>	LDA2013/0165
<b>Local Government Area</b>	City of Ryde
<b>Proposed Development</b>	Construction of three residential flat buildings containing a total of 218 apartments and 305 car parking spaces
<b>Street Address</b>	600 Victoria Road, Ryde
<b>Applicant/Owner</b>	Frasers Putney Pty Ltd
<b>Number of Submissions</b>	1 submission received
<b>Recommendation</b>	Approval with Conditions
<b>Report by</b>	Sandra Bailey, Team Leader Major Development

**Assessment Report and Recommendation**

**1. EXECUTIVE SUMMARY**

The following report is an assessment of a development application for the construction of three residential flat buildings for Stage 1 Phase 2A and 3A of an approved Concept Plan (MP05\_0001 Mod 1) at 600 Victoria Road, Ryde , known as the Royal Rehabilitation Centre, Sydney (RRCS). The Concept Plan gave approval for a new purpose built specialised, rehabilitation and disability facility, landscaped public and private open spaces, associated services and infrastructure, land use distribution, building heights, densities, dwelling mixes and types and a staging plan.

The development application proposes the construction of Stage 1 Phase 2A and Phase 3A of the RRCS site and involves the construction of three residential flat buildings consisting of 218 dwellings (17 x 1 bedroom, 188 x 2 bedroom and 13 x 3 bedroom) located at the north western portion of the RRCS site. Basement car parking for 305 vehicles is also proposed.

The proposed development is generally consistent with the modified Concept Plan Approval (MP05\_0001 Mod 1) and the relevant Statement of Commitments has been satisfied.

The development results in a number of variations to the Residential Flat Design Code in respect to solar access, ventilation, building separation and building depth. Despite these variations the development still provides an acceptable level of amenity and is supported.

During the notification period, Council received no submissions, however one late submission was received. This submission raised concerns that the development was inconsistent with the originally approved Concept Plan and that this Plan provided a better outcome for the site. All of the issues raised have been addressed in the report.

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 the 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:** \$63,596,400

**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 600 Victoria Road. The site forms part of the former Royal Rehabilitation Centre Sydney. The site is bounded by Victoria Road to the north, Charles Street to the east and Morrison Road to the south. The western border is bound by the Little Company of Mary (Calvary Retirement Village) on the north west and Princes Street on the south west.

The portion of the site where the development is proposed is known as Stage 1 Phase 2A/3A. The location of the site is shown in the following aerial photograph.



Figure 1. Aerial photograph of the site.

The site has a sloping topography, generally higher in the southern portion of the site and gradually sloping down to the north western corner of the site fronting Victoria Road.

There are a number of trees within the site. These trees are generally located along the boundary of the site adjoin the Calvary Retirement Village and the palm trees along the front of the site along Victoria Road.

The above aerial photograph demonstrates there are existing buildings on the site. These buildings are part of the old hospital buildings. These buildings have all been approved for demolition as part of the Stage 1 Phase 1 Project Application.

The RRCS site is made up of several allotments known as Lots 1, 2, 3, 4, 5 and 7 in DP1129793. The following figure demonstrates the current subdivision plan that was approved with the Concept Plan Modification. This plan is yet to be registered. As a result the current legal title of the site is known as Lot 1 and part Lot 2 in DP1129793.



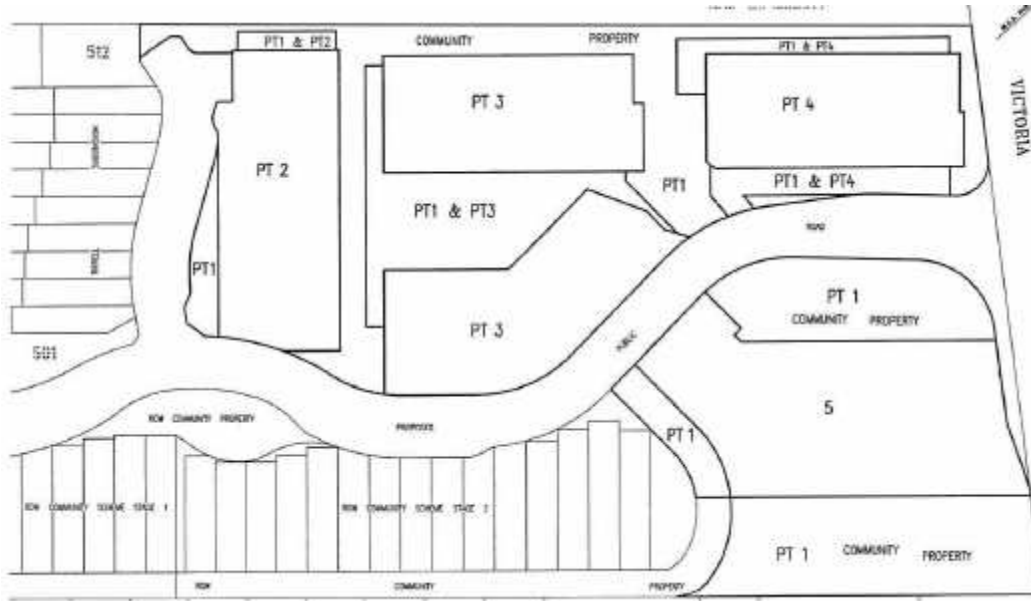


Figure 2. Subdivision Plan that is yet to be registered.

#### 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 2A and 3A of the RRCS site only.

#### 5. PROPOSAL

The development application proposes the construction of Stage 1 Phase 2A and Phase 3A of the RRCS site which is part of an approved Concept Plan (MP05\_0001 Mod 1). The location of the proposed development is demonstrated in Figure 3.

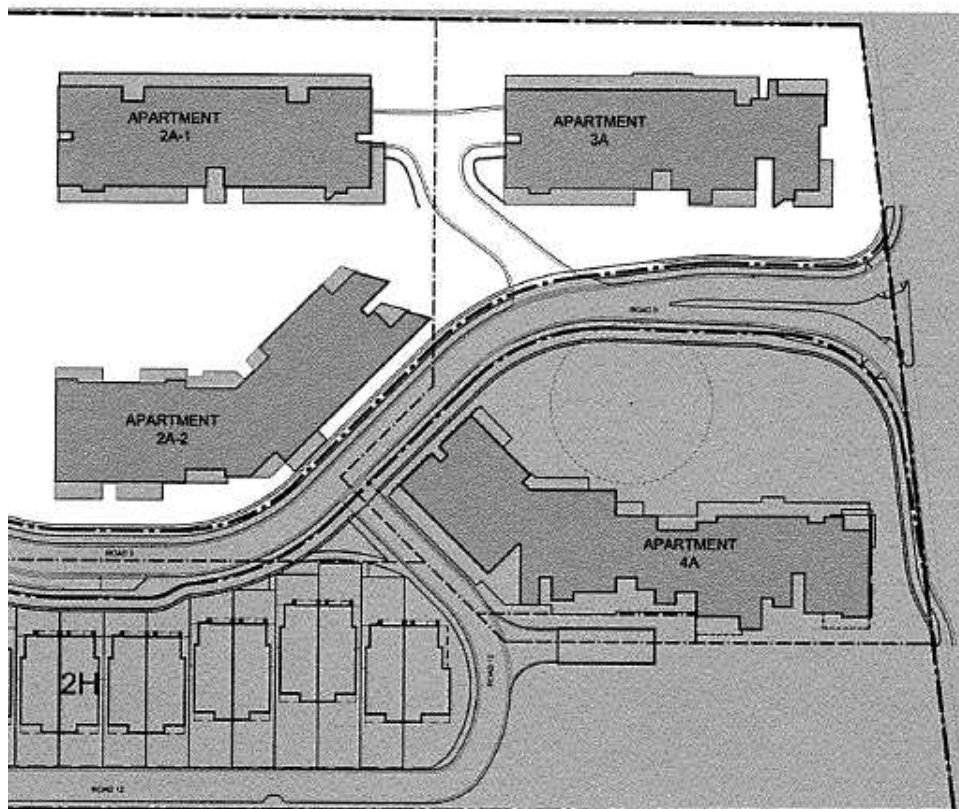


Figure 3. Stage 1 Phase 2A/3A site plan.

The development application involves the construction of three residential flat buildings consisting of 218 dwellings (17 x 1 bedroom, 188 x 2 bedroom and 13 x 3 bedroom) located at the north western portion of the RRCS site. The unit mix within each building is detailed in the following table.

	<b>Building 2A1</b>	<b>Building 2A2</b>	<b>Building 3A</b>	<b>Total</b>
<b>1 Bedroom</b>	2	10	5	17
<b>2 Bedroom</b>	55	69	64	188
<b>3 Bedroom</b>	6	6	1	13
<b>Total</b>	63	85	70	218

Table 1. Unit mix within each of the residential flat buildings.

The development involves the provision of 305 car parking spaces in the ground/basement levels across the residential flat buildings. Car parking is accessed via internal Road 5.

The development application also involves the extension/augmentation of the services and infrastructure on the site and associated landscaping and public domain works.

Photomontages of the proposed development are provided below.





Figure 4. Photomontage of Building 3A.



Figure 5. Photomontage of Building 2A1.





Figure 6. Photomontage of Building 2A2.

## 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 the 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) was approved. 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 54 apartments; 54 semi detached / terraced and 16 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.

### Previous Local Development Application

On 26 June 2013 the Joint Regional Planning Panel approved Local Development Application 2012/0471. This approval involved the following:

- The construction of a 8 storey residential flat building containing 91 apartments and 130 basement car parking spaces in stage 1 Phase 4A.
- 16 two storey semi-detached dwellings located in Stage 1 Phase 2H.
- The construction of internal road 12.
- Associated landscaping and public domain works.

### 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>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	The development is generally consistent with the Modified Concept Approval MP05_001 Mod 1.

Conditions of Consent	Comment
surrounding street pattern.	
<p><b>B9. Archaeological Investigation</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 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>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. 466432M for building 2A1, 465591M for building 2A2 and 466431M for building 3A) 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, 29 and 75).</p>
<p><b>B16 Basement Carpark Structures</b></p> <p>Basement parking and below ground structures are to be setback at least 5 metres from the boundary with Victoria Road following its realignment for the creation of a new deceleration lane and public footpath.</p> <p>Other basement parking shown on the Concept Plan Drawings by Cox Richardson Architects outside approved building envelopes are permitted where the proponent can demonstrate compliance with Council's stormwater management requirements, appropriate drainage and soil depths to support a variety of landscaping including trees to a mature height of less than 10 metres. Alternative methods of achieving soil depths (such as mounding) may be incorporated where the proponent can demonstrate quality urban design and landscape outcomes are achieved.</p>	<p>The setback requirement affects Building 3A. The development complies with this requirement with the building being setback a minimum of 5m from the Victoria Road boundary.</p> <p>The basement of Building 3A is predominantly located beneath the building envelope. The basements for Buildings 2A1 and 2A2 however extends beyond the envelope. The basement will be located beneath the open space between these 2 buildings. The landscape plan has proposed the space between the two buildings as a grassed open space area. Bordering this space will be pathways and formal plantings. Details have been provided to verify that the development will achieve the required soil depths to support the proposed plantings. This detail includes the use of mounding.</p>

Conditions of Consent	Comment
	When the landscaping plan is considered as a whole, it clearly demonstrates quality landscape outcomes.
<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>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 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> </ul>	<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 building separation do not meet the rules of thumb. Refer to discussion at 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. 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.</li> <li>• The buildings have been setback from Victoria Road and Road 5 to ensure that landscaping can be provided. Along Victoria Road the dominant planting will be the Canary Island Date Palms. Along Road 5, Spotted Gums will be provided to</li> </ul>



Conditions of Consent	Comment
<ul style="list-style-type: none"> <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>ensure that an evergreen canopy will be provided.</p> <ul style="list-style-type: none"> <li>• The development offers suitable view corridors and visual permeability in particular to the open space as viewed from Victoria Road.</li> <li>• The proposal benefits from view sharing.</li> <li>• 66% of the apartments will receive 2 hours solar access for the private open space areas and living areas.</li> <li>• The public open space areas will not be affected by the proposed development.</li> <li>• Visual privacy has been maintained by the development providing adequate building separation. Where this cannot occur as detailed in Section 8 of the report, the development has proposed design measures to ensure privacy is maintained.</li> </ul>
<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 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</li> </ul>	<p>The development has incorporated the landscape design principles. The landscaping will provide a high quality of amenity to the development and incorporate a variety of scales and ranges of open space opportunities. Proposed planting species are predominantly 50% indigenous. The tree retention and transplanting will provide the site with large specimens that will enhance the character of the development.</p>

Conditions of Consent	Comment
<p>safe open spaces that are overlooked by dwellings and that have at least two access points.</p> <ul style="list-style-type: none"> <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 is 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> <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><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_001 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</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</p>

Conditions of Consent	Comment
<p>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 accordance with a road hierarchy, to provide a sense of place in different locations and to improve safety for pedestrians and cyclists.</li> <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</li> </ul>	<p>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 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.</li> <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 May 2013, which confirms that this proposal is not only in</p>



Conditions of Consent	Comment
<p>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.</p> <ul style="list-style-type: none"> <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 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.</li> <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>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> <p>An Acoustic Report prepared by Renzo Tonin &amp; Associates dated 21 March 2013 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 RMS.</p>
<b>C8. Stormwater Management</b>	The Detention Basin is subject to the Concept

Conditions of Consent	Comment
<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 provision in storage to detain run-off generated by the development on the subject site.</li> <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>Plan MP05_0001, and is not located within the subject Stage 1 Phase 2A and Phase 3A. 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>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> </ul>	<p>The application will be conditioned to require a Traffic Management Plan which will address the requirements of this condition prior to the issue of a Construction Certificate. This is considered appropriate and conditioned accordingly. (See condition number 34.</p>

Conditions of Consent	Comment
<ul style="list-style-type: none"> <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>Conditions of consent have been included to address the other issues raised. (See condition numbers 37, 47, 48, 53, 54, 55, 60 and 69).</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 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 as amended by the Environmental Paternship Landscape Report dated April 2012 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>• Fittings and whitegoods to reduce energy and water usage.</li> <li>• Use of recyclable materials.</li> </ul>	<p>The applicant has submitted BASIX Certificates for the buildings (Nos. 466432M for building 2A1, 465591M for building 2A2 and 466431M for building 3A) 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, 29 and 75).</p>
<p><b>C14. Submission of Subsequent Applications</b></p>	<p>The subject DA has been submitted to satisfy this condition and is accompanied by the necessary supporting documentation.</p>



Conditions of Consent	Comment
<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 Strategy.</li> <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>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 applications;</li> <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 TMP to be submitted prior to the issue of the relevant Construction Certificate. (See condition number 34).</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

The development application was submitted to Council on 28 May 2013.

A letter was sent to the applicant on 24 June 2013 requesting further information in respect of the following issues:

- Clarification was requested in respect of the floor space ratio and density controls.
- An Arborist report was requested in respect of the trees adjacent to Building 2A1 and the adjoining site. This report was required to address any trees to be removed as well as tree protection measures to be implemented for those trees to be retained.
- Further information was required in respect of the building separation distances between Building 2A1 and 2A2.
- The landscape plans failed to include all of the sections. Verification was also requested that the development achieves the required soil depth over structures.

- Further information was required in respect of the daylight access.
- The northern portion of the site is affected by the 1 in 100 year ARI overland flowpath. The applicant was requested to demonstrate how the stormwater quality targets would be met before discharging into Council's stormwater system.
- Further information was requested in terms of waste. This included verification that there was sufficient area to accommodate the bins and that a hard waste storage area is provided.
- NSW Police requested further information to demonstrate that the development has satisfied CPTED principles.

Prior to submitting this information, the applicant advised that they intended to modify the unit mix by deleting 12 dual key apartments that were originally proposed. This resulted in the above information and the amended architectural plans being submitted to Council on 12 August and 13 August 2013. This report addresses the amended plans.

## **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) Amendment 2011.
- 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 2A and Phase 3A.

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 \$63,596,400, 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.

Information provided with the development application indicated that there would be little risk of contamination. However, if any contamination is located during



excavation, further investigation may be required. A condition of consent has been imposed to reflect this. (See condition number 68).

#### **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. 466432M for Building 2A1, 465591M for Building 2A2 and 466431M for Building 3A) 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, 29 and 75).

#### **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 19 March 2013. 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 review occurred prior to the applicant submitting the current development application. The following comments were provided by the Panel.

*This is the first time the panel has reviewed the buildings in this stage of the Concept Plan. The panel generally supports the design approach and acknowledges its quality. The panel recommends the follow be considered to further refine the design:*

##### ***Ground level interface***

*The buildings steps in relation to the site levels and generally results in a good interface at ground level units. However a number of localised improvements could be made, part curly at the junction where the buildings step.*

*The panel notes that in section AA Building 2A1 shows what appears to be ground level units and terrace below ground level. More detail is needed to understand how the edge of the terrace is defined (fences/walls/planting) to ensure this units along this edge receive good amenity.*

*Site Section BB shows a ground floor unit (08) on the south-east side of Building 3A that is below ground level. Similarly unit 05 is on the south side of Building 2A2 and partially below ground. This forces the bedroom to overlook the sunken terrace and results in a retaining wall that blocks outlook from the living area. The plans for these units are also compromised and should be reconfigured.*

**Comment:** The Panel were concerned that a number of the units and terraces were located below the finished ground level. This is occurring due to the slope of the site. In terms of Building 2A1, the terrace area for one of the apartments along the north western elevation will be below natural ground level by 1 metre at the worst point. This is demonstrated on the following Figure.

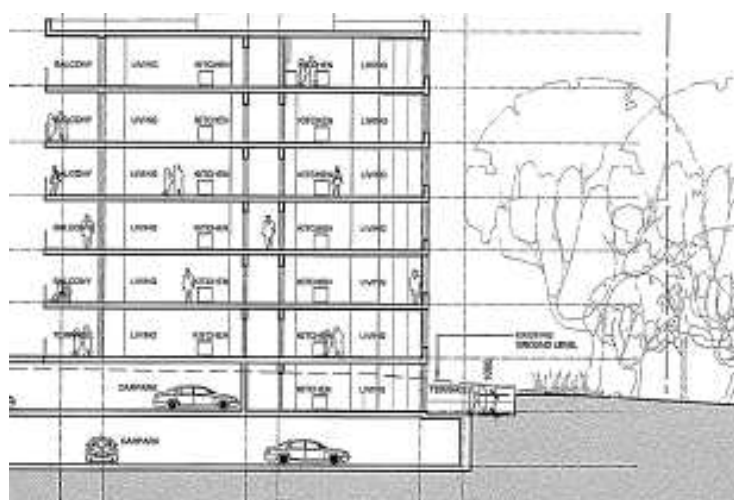


Figure 7. Section through Building 2A1 demonstrating the terrace area that is below natural ground level.

Given that the terrace is on the NW elevation and that adequate daylight will be provided to this terrace, the amenity of the apartment will not be adversely affected.

Two of the apartments on the south east elevation of Building 3A will also be located below natural ground level. This is demonstrated in the following Figure.



Figure 8. Section through Building 3A demonstrating the terrace area that is below natural ground level. This occurs for two of the apartments.

The amenity of these two apartments will not be affected as excavation is proposed beyond the footprint of the building. This will ensure that these apartments will enjoy an acceptable outlook and useable terrace area.

### **Apartment Design**

*Generally the units designs are of a high quality. The panel acknowledges that some south facing units are desired to capture city views. With the exception of the units listed below, the panel supports the apartment layouts.*

*Unit 04 of Building 2A1 and unit 08 of Building 3A is recessed into the buildings with a deep terrace and overhang from the building line over. Limited daylight is likely to penetrate into these units and as they are south facing no solar access is available. This is not a good outcome. The panel recommends these units be more similar to the units above, and adopt dual aspect cross through units.*

**Comment:** These apartments have been amended to incorporate cross through apartments which will improve the amenity of the apartments.

*While the panel supports dual aspect cross through units, the panel is concerned with acoustic privacy between the main bedrooms in units 09, 43 and above in Building 2A1 and units 13, 45 and above in Building 3A. Extended the blade wall up to 1m between units may assist.*

**Comment:** The blade wall has been extended 1m as recommended by the Panel.

*The panel acknowledges that the knuckle of Building 2A2 results in triangular units that are difficult to plan. Units 12, 19, 26, 33 and 40 have inboard studies which are of a size that could be used as bedrooms. Similarly unit 03 in Building 3A also has an inboard room with no windows. The main bedroom has no outlook other than the*

*balcony. This panel recommends these units be redesigned. Studies without windows should not be able to fit a bed and be enclosed (be fitted with a door).*

**Comment:** The development has been redesigned to address this issue. The study has been redesigned so that it is a separate space adjacent to the living areas and it cannot be used as a separate room.

*The second bedroom to units 06, 11, 16, 21, 26, 31 and 36 in Building 3A have fully screened windows to minimise overlooking between the lift lobby and the bedroom. Unit 06 is further impacted by its adjacency to the building entry. The panel recommends these unit layouts be adjusted to improve the privacy and outlook amenity of the bedroom whilst preferably maintaining the desirable dual aspect of the living/dining area.*

**Comment:** This has been redesigned. A blade wall has been provided adjacent to the bedroom 2 window to provide protection from the lift lobby. This will ensure privacy to the room in apartments 11, 16, 21, 26, 31 and 36. The ground floor apartment 06 is still required to rely on the screening adjacent to the window. This cannot be avoided and is not considered sufficient grounds to warrant refusal of the development application.

### ***Roof terrace Building 3A***

*The proposed pergola to unit 48 in Building 2A2 breaks the height plan. The applicant's questioned whether the panel was concerned. From a design perspective the pergola will benefit the adjacent unit and does not appear to add visually to the bulk of the building. The panel notes that Council is concerned with this non compliance.*

**Comment:** The pergola has been amended to ensure that it does not breach the maximum height limit established under the Concept Plan.

### ***Façade design***

*Additional 3D renderings were presented in the meeting. These resolved many of the questions raised by the panel. The Panel supports the design direction of the facades and their materiality. It is important that the façade facing Victoria Road reads as the front of the building.*

**Comment:** Figure 9 demonstrates the Victoria Road frontage of Building 3A. This façade will read as the front of the building.





Figure 9. Photomontage of Building 3A as viewed from Victoria Road.

*The Panel notes that north elevation and corner of building 2A2 is visually prominent from the entry and that design development could improve the expression of this corner. The solid brick façade may appear overly monolithic over the full height of the building. The Panel suggests that an alternative window design for the bedrooms in this corner could assist in improving the façade expression.*

**Comment:** The applicant has introduced a banding approach to this elevation and corner of different coloured bricks and slab expression to ensure that the bulk of the façade is divided and read in a horizontal opposed to vertical expression. This is demonstrated in Figure 10.



Figure 10. Photomontage of Building 2A2. The banding assists in reducing the bulk of the façade.

### **Other**

*Further resolution of garbage and removal truck access and collection is needed.*

**Comment:** Garbage collection issues have already been addressed in the report.

The development does not provide a removalist truck parking area however, Council's policies do not require such as space and it was not required in the Concept Plan. It should be noted that a removalist truck would be able to park in the area allocated for the collection bins. As the bins will only be located in this area for a limited time, this is considered an acceptable arrangement.

### 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.

<b>Planning Principle</b>	<b>Comment</b>	<b>Comply</b>
<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.  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.	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.  The proposed development is a desirable use of this site which blends in with the current and transitioning urban context of the area.	Yes
<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.  Establishing an appropriate scale requires a considered response to the scale of existing	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.	Yes

Planning Principle	Comment	Comply
development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.		
<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.	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.	Yes
<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).  Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.	The proposed residential density is consistent with the Concept Plan Approval.	Yes
<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.	The applicant has provided BASIX Certificates buildings (Nos. 466432 for Building 2A1, 465591M for Building 2A2 and 466431M for Building 3A) which indicates that the buildings will meet the energy and water use targets set by the BASIX SEPP.	Yes

Planning Principle	Comment	Comply
<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>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>	
<p><b>Landscape</b></p> <p>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. 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. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for</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
neighbours' amenity, and provide for practical establishment and long term management.		
<p><b>Amenity</b></p> <p>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 and ventilation. These variations are relatively minor and should not materially affect the amenity of the apartments. Refer to further comments below.</p>	Yes
<p><b>Safety and Security</b></p> <p>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</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

Planning Principle	Comment	Comply
<p>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><b>Social Dimensions and Housing Affordability</b>            Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.            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.            New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	<p>The development will include the following housing mix:</p> <ul style="list-style-type: none"> <li>• 17 x 1 bedroom apartments;</li> <li>• 188 x 2 bedroom apartments; and</li> <li>• 13 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>	Yes
<p><b>Aesthetics</b>            Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable</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</p>	Yes

Planning Principle	Comment	Comply
elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	mixture of projected and recessed characteristics at its corners and facades which provide architectural interest.	

## 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>		
<b>Building Height</b> Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit.	The buildings will exceed the maximum heights permitted under RLEP 2010. However, the buildings will not exceed the maximum heights stipulated under the approved Concept Plan. Based on the Concept Plan, the height of the buildings is satisfactory.	Yes
<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.	The building depths are as follows: Building 2A1 – 18m to 23.5m Building 2A2 – 18m to 23m Building 3A – 14m to 23.5.  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.	No. Variation acceptable
<b>Building Separation</b> Building separation for buildings up to 8 storeys or up	The development generally complies with the required building separation distances of 18m however there are 2	No. Variation acceptable

Primary Development Control and Guidelines	Comments	Comply
<p>to 25 metres should be:</p> <ul style="list-style-type: none"> <li>-18m between habitable rooms/balconies</li> <li>-13m between habitable/balconies and non-habitable rooms</li> <li>-9m between non-habitable rooms.</li> </ul> <p>Developments that propose less distance must demonstrate that adequate daylight access, urban form and visual and acoustic privacy has been achieved.</p>	<p>areas of non compliances which are discussed beneath the table. Despite these non compliances, the development will provide adequate amenity for the apartments. These variations are considered acceptable.</p>	
<p><b>Street Setbacks</b></p> <p>Identify the desired streetscape character. In general, no part of the building should encroach into a setback area.</p>	<p>The Concept Plan Approval included a condition of consent which required Building 4A to be setback 5m to Victoria Road measured from the new deceleration lane and public footpath. There was no specific condition in relation to Building 3A. Building 3A is setback a minimum of 7m from Victoria Road. This setback is however consistent with the Concept Plan Approval and it will also ensure that there is a suitable landscaped area at the front of the building.</p>	Yes
<p><b>Side and Rear Setbacks</b></p> <p>Relate side setbacks to existing streetscape patterns. These controls should be developed in conjunction with building separation, open space and deep soil zone controls. In general, no part of the building should encroach into a setback area.</p>	<p>To the north west of the site, the development adjoins the Calvary Retirement Village. The development is setback between 9m and 11m from this boundary. This setback is consistent with the Concept Plan Approval as well as what would be expected to be provided under the RFDC. This setback is supported.</p>	Yes
<p><b>Floor Space Ratio</b></p> <p>Test the desired built form outcome against the proposed floor space ratio to ensure</p>	<p>The proposed density and FSR are in accordance with the Concept Plan (MP05_0001 Mod 1).</p>	Yes



<b>Primary Development Control and Guidelines</b>	<b>Comments</b>	<b>Comply</b>
consistency with building height, building footprint, the three dimensional building envelope and open space requirements.		
<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. 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. This is consistent with the streetscape along Victoria Road. The built form and landscaping will provide clear delineation of the private and public domain areas.	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 aims to provide recreational opportunities as well as being attractive for the residents and visitors. The landscaping design will reuse existing vegetation along the Victoria Road frontage and will retain the existing grove of Spotted Gum trees along the south western boundary. 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	The communal open space will exceed 30% of the site area. The communal open spaces consists of a large open space area located between Buildings 2A1 and 2A2 as well as a roof terrace in Building 3A. Residents will also be able to access other public recreational	Yes

<b>Primary Development Control and Guidelines</b>	<b>Comments</b>	<b>Comply</b>
recommended communal open space, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space.	spaces throughout the RRCC site including the recreation circle.  Private open spaces are provided for each apartment in the form of a balcony for above ground units and terrace areas for ground floor dwellings.	
<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.	Many of the apartments have been orientated to the south in order to take advantage of the view of the public open space as well as the district views to the south. This approach is consistent with the Concept Plan Approval. The amenity of these apartments that have the southerly aspect is balanced generally with larger balcony sizes.	Yes
<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 development will comply with the minimum soil depth as specified in the RFDC. In some areas this has been achieved through a 'mounding' method, whereby the soil around the planting will be mounded to increase the depth. This approach is consistent with the Concept Plan Approval.	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 33, 36 and 40).	Yes
<b>Safety</b> Optimise the visibility, functionality and safety of building entrances. Improve the opportunities for casual surveillance and minimise opportunities for concealment.	Public and private space is clearly delineated through the use of fencing and landscaping elements.  The proposed development is considered acceptable with respect to safety. The design provides for	Yes

Primary Development Control and Guidelines	Comments	Comply
	<p>adequate passive surveillance of the streets, landscaped areas and communal spaces. Appropriate 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 61 to 66).</p>	
<p><b>Visual Privacy</b> The building separation requirements should be adopted.</p>	<p>The majority of the building complies with the building separation distances. There are 2 areas where the development does not comply however appropriate privacy screening has been included to ensure that the visual privacy is acceptable.</p>	<p>Yes</p>
<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 all three RFB's. The use of landscaping and secure entries will ensure that the development will provide clear lines of transition between public and private areas.</p>	<p>Yes</p>
<p><b>Parking</b> Determine the appropriate car parking numbers. Where possible underground car parking should be provided.</p>	<p>The development will provide car parking in accordance with Council's DCP requirements.</p>	<p>Yes</p>
<p><b>Pedestrian Access</b> Provide high quality accessible routes to public and semi-public areas of the building and the site. Maximise the number of accessible, visitable and adaptable apartments in</p>	<p>The development provides accessible paths of travel within the buildings and to public areas. The development has provided 25 adaptable apartments which exceeds Council's DCP requirements.</p>	<p>Yes</p>

Primary Development Control and Guidelines	Comments	Comply
the building.		
<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 5. 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 – 42.5m <sup>2</sup> to 80.5m <sup>2</sup> 2 bed – 68m <sup>2</sup> to 101m <sup>2</sup> 3 bed – 92m <sup>2</sup> to 131m <sup>2</sup> 16 of the 218 apartments do not comply with the minimum area requirement. However, these apartments demonstrate adequate levels of internal amenity and adequate space to allow for flexibility in furniture configuration over the life of the units. This non compliance is acceptable.  Single aspect apartments do not exceed 8m in depth.  The back of the kitchen is no more than 8m from the window.	No. Variation acceptable
<b>Apartment Mix</b> The development should provide a variety of types.	The proposed RFB contains 19 x 1 bedroom units, 183 x 2 bedroom units and 16 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	Each unit is provided with a primary balcony that is accessed from the main	Yes



Primary Development Control and Guidelines	Comments	Comply
not provided, primary balconies with a minimum depth of 2 metres should be provided.	living areas of the apartments. All balconies have a minimum depth of 2 metres.	
<b>Ceiling Heights</b> The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level FCL). <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>	Floor to ceiling heights are at least 2.7 metres for all residential dwellings.	Yes
<b>Flexibility</b> Provide apartment layouts which accommodate the changing use of rooms.	The RFB provides varied floor plan layouts. These layouts are all generally flexible and will accommodate the changing use of rooms. The buildings can be accessed on both sides. The proposed RFBs will contain 25 adaptable apartments.	Yes
<b>Ground Floor Apartments</b> Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.	The development has proposed 18 ground floor apartments. Due to the topography of the site, only 10 of these apartments are able to provide large outdoor areas. None will have a separate entry. This is considered appropriate in terms of security.	Yes
<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.  Increase amenity and safety of circulation spaces by providing generous corridor widths and	The development does not provide long corridors and there is a single lift core provided for each half of the buildings. The corridors all provide natural light and have a minimum width of 1.8m. No building exceeds the requirement of eight apartments per core / corridor.	Yes

Primary Development Control and Guidelines	Comments	Comply
ceiling heights, appropriate levels of lighting including the use of natural daylight.		
<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.	The development is entirely residential. This is consistent with the Concept Plan Approval (MP05_0001 MOD1).	Yes
<b>Storage</b> In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: <ul style="list-style-type: none"> <li>• studio apartments - 6.0m<sup>3</sup></li> <li>• one-bedroom apartments - 6.0m<sup>3</sup></li> <li>• two-bedroom apartments - 8.0m<sup>3</sup></li> <li>• three-bedroom apartments – 10.0m<sup>3</sup></li> </ul> Options including providing at least 50% within each respective apartment, dedicated storage rooms on each floor or dedicated storage in the basement.	Storage is provided in the apartment as well as the basements. The development complies with the requirements of the RFDC.	Yes
<b>Acoustic Privacy</b> Apartments within a development are to be arranged to minimise noise transitions.	Appropriate acoustic privacy will be provided for each apartment.	Yes
<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	The development is required to achieve 3 hours of daylight access to the living rooms and private open space for at least 70% of the apartments. 67% of apartments in Building 2A1 will receive the 3 hour solar access, 32% of	No. Variation acceptable

Primary Development Control and Guidelines	Comments	Comply
<p>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>apartments in Building 2A2 and 69% of apartments in Building 3A. This represents 56% of apartments for the entire development.</p> <p>It would be possible to redesign the layout of 7 additional apartments to ensure that they receive at least 3 hours solar access. This would result in the development providing 60% of the required daylight access. This however has not been done and it is not recommended that this amendment be done as this amendment will involve the apartments orientating the living areas to Victoria Road rather than the view. The variation to this control is a direct consequence of many of the living rooms being orientated on the south eastern façade to enable the views of the open space and district views including water views to be maximised.</p> <p>The applicant has also provided figures based on the apartments achieving 2 hours of daylight access to the living room and private open space. This will be achieved for 73% of the apartments in Building 2A1, 56% of apartments in Building 2A2 and 69% of apartments in Building 3A. This represents 66% of the total apartments.</p> <p>Given the existence of the Concept Plan and that the amenity of the future occupants will be maintained given that they are able to take advantage of views, the extent of daylight access is acceptable.</p>	
<p><b>Natural Ventilation</b> Building depths which support</p>	<p>The development results in a total of 55% of the apartments being naturally</p>	<p>No. Variation</p>

<b>Primary Development Control and Guidelines</b>	<b>Comments</b>	<b>Comply</b>
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.	cross ventilated. This was not raised as an issue by the URRP. Accordingly, the natural ventilation is acceptable.  25% of the kitchens have access to natural ventilation. All other kitchens are less than 8m from an opening.	acceptable
<b>Awning</b> Awnings are to encourage pedestrian activity on streets by providing awnings to retail strips.	The development does not propose any awnings on the buildings. This is consistent with Council's controls.	Yes
<b>Facades</b> Facades are to be of appropriate scale, rhythm and proportion which responds to the building's use and the desired contextual character.	The design of the facades incorporates a 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.	Yes
<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 energy efficiency of the buildings is consistent with the requirements under BASIX.	Yes



Primary Development Control and Guidelines	Comments	Comply
the control of mechanical space heating and cooling.		
<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

## Building Separation

The following diagram demonstrates the building separation distances between the existing approved buildings and the proposed development.

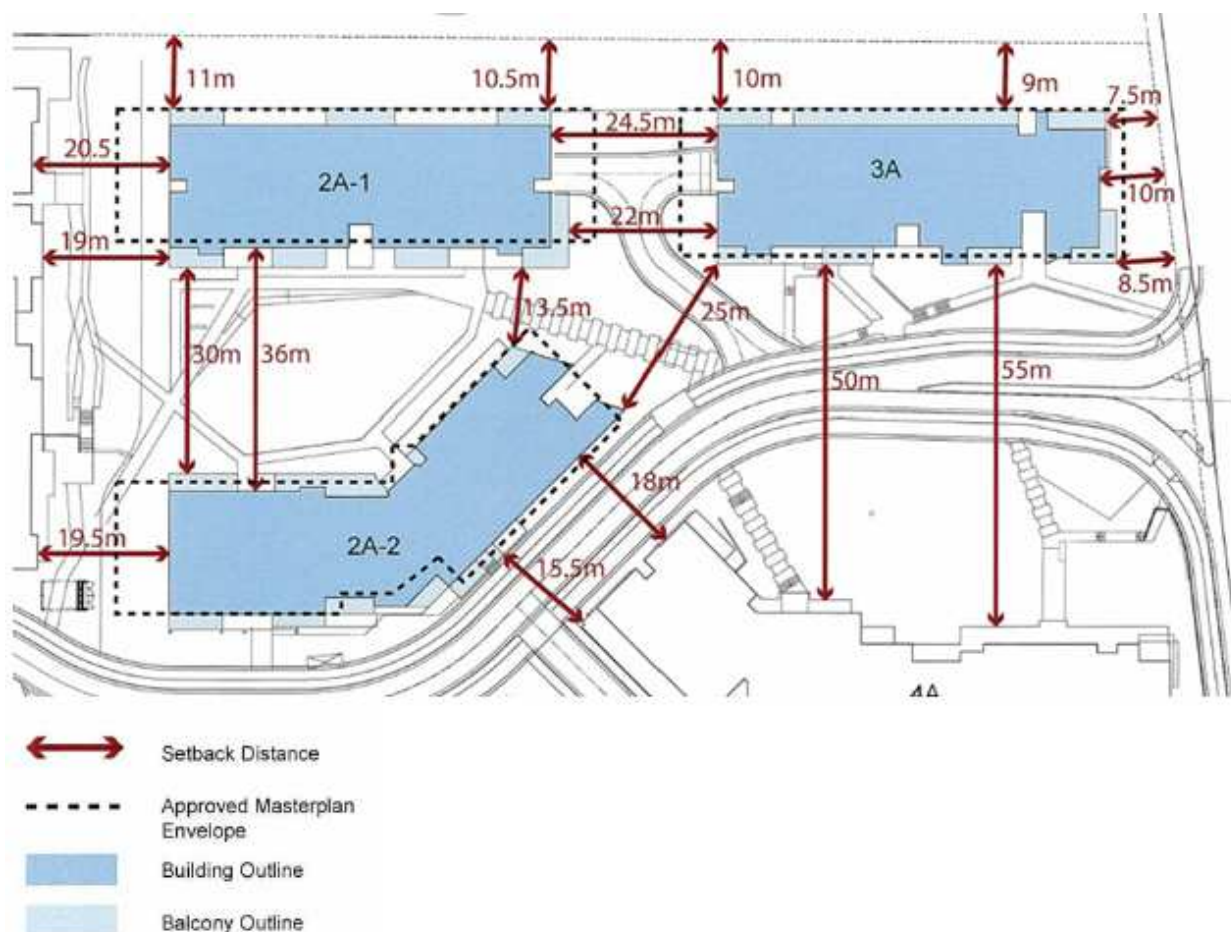


Figure 11. Building separation distances.

The development generally complies with the required building separation distances of 18m however there are 2 areas of non compliances which are discussed below.

The separation distance between the north western corner of building 2A2 and Building 2A1 is 13.5m. This is demonstrated on the following more detailed figure. The applicant has advised that correct figure is 14m rather than 13.5m.

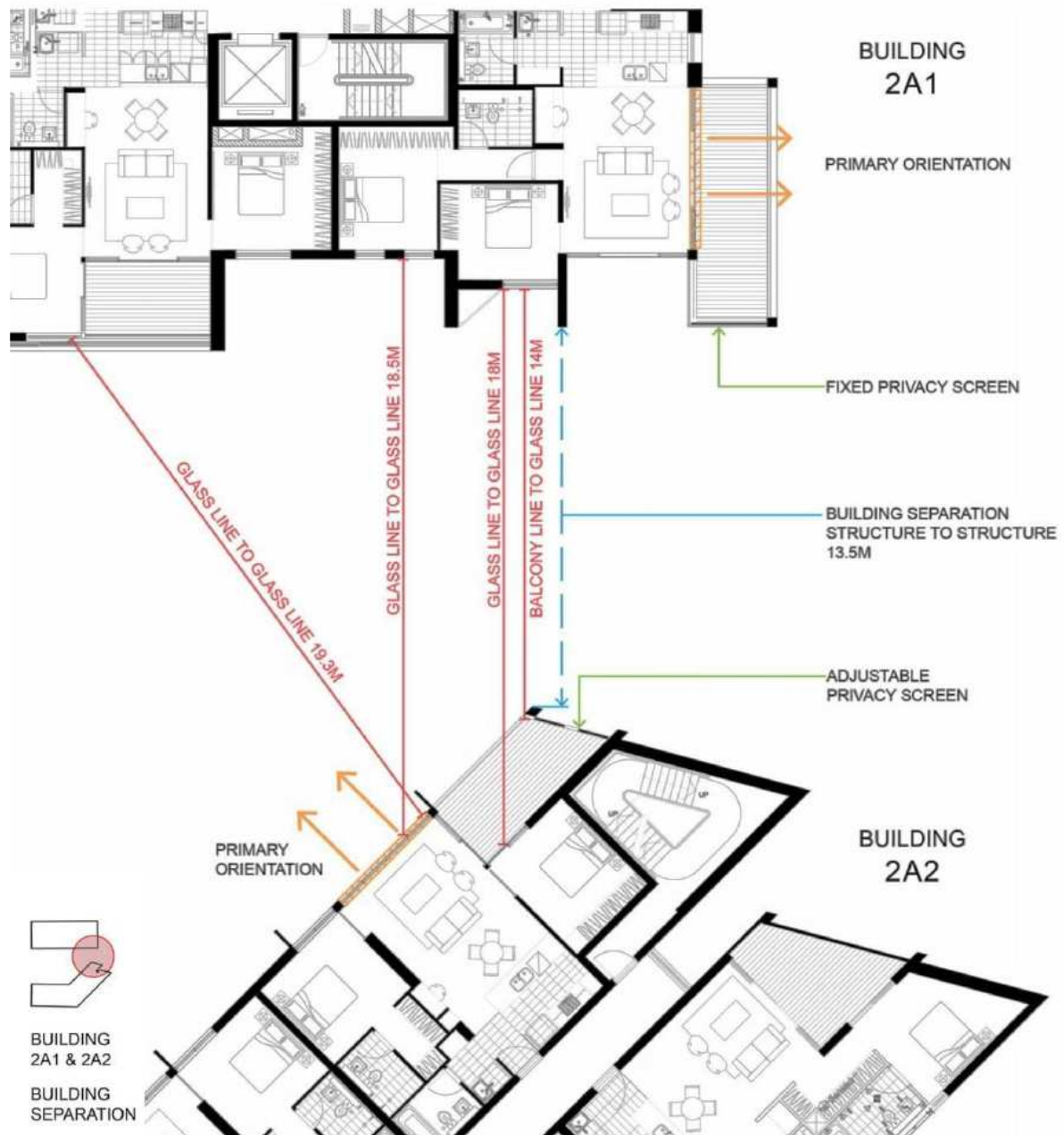


Figure 12. Building Separation between buildings 2A1 and 2A2.

This issue occurs for the top two levels of the building only. The applicant has argued that the variation is acceptable as the orientation of each apartment is directed away from neighbouring apartments and that privacy screening is provided to the four apartments. The privacy screen is only provided at the end of the balcony

in Building 2A2. The main orientation of this balcony is towards Building 2A1. To address the issue, it is recommended that additional adjustable privacy screening be added to the main façade of the balcony on apartment 36 (level 5) and 43 (level 6). This has been included as a condition on the consent. (See condition number 1a). Subject to this arrangement, visual privacy will be acceptable.

The separation distance between the southern most corner of Building 4A (already approved building) and the balcony approximately in the middle of the south east elevation of Building 2A2 is 15.5m. In this instance this variation is acceptable due to the orientation of each balcony. The balconies on Building 4A are orientated away from Building 2A2. In addition the closest balcony is offset so as to not directly view the balcony in Building 4A.

## **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:

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

Vehicular access to the RRCS site will be gained from two points, one from the existing RRCS entrance on Charles Street and another on Victoria Road. These access points were approved as part of the Concept Plan and Project Applications. Access to the buildings will be from Road 5 (which adjoins Victoria Road).

- *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.*

The overall traffic effects have been previously addressed in the assessment of the Concept Plan Approval. The traffic report submitted with the development application has demonstrated that the level of traffic generation for this development would be the same or less than that allowed for in the Concept Approval. The development is considered to be satisfactory in respect of this clause.

- *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 26).

### **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 has provided the following comments in respect of the development.

*RMS has reviewed the submitted application and has the following conditions to be included in any consent issued by Council:*

- 1. All structures and works are required to be clear of the Victoria Road reserve (unlimited in height and depth).*
- 2. 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(3) of State Environmental Planning Policy (Infrastructure) 2007.*

The above conditions have been included on the development consent. (See condition numbers 4 and 25).

### **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. Residential flat buildings are a permitted use 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 provides 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 4.3 Height of Buildings

The height of a building on this site is not to exceed the maximum height which ranges from 18.5m to 21.5m as demonstrated in the Figure below.

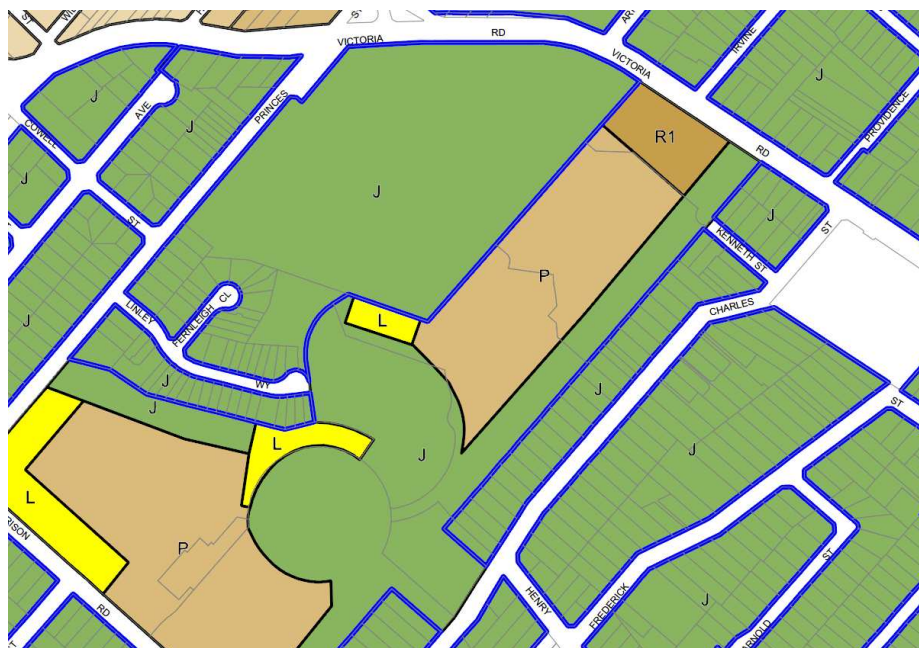


Figure 13. Extract from RLEP 2010 in respect to height. R1 is equivalent to 18.5m and P is equivalent to 21.5m.

The development proposes the following heights:

Apartment Building 2A1 – 21.5m

Apartment Building 2A2 – Part 21.5m and part 24.5m



Apartment Building 3A – 24.5m.

All three of the buildings exceed the height control as contained in RLEP 2010. However the height of the buildings has already been approved as part of the Concept Plan Approval MP05\_0001Mod 1. This is demonstrated on the following Figure.

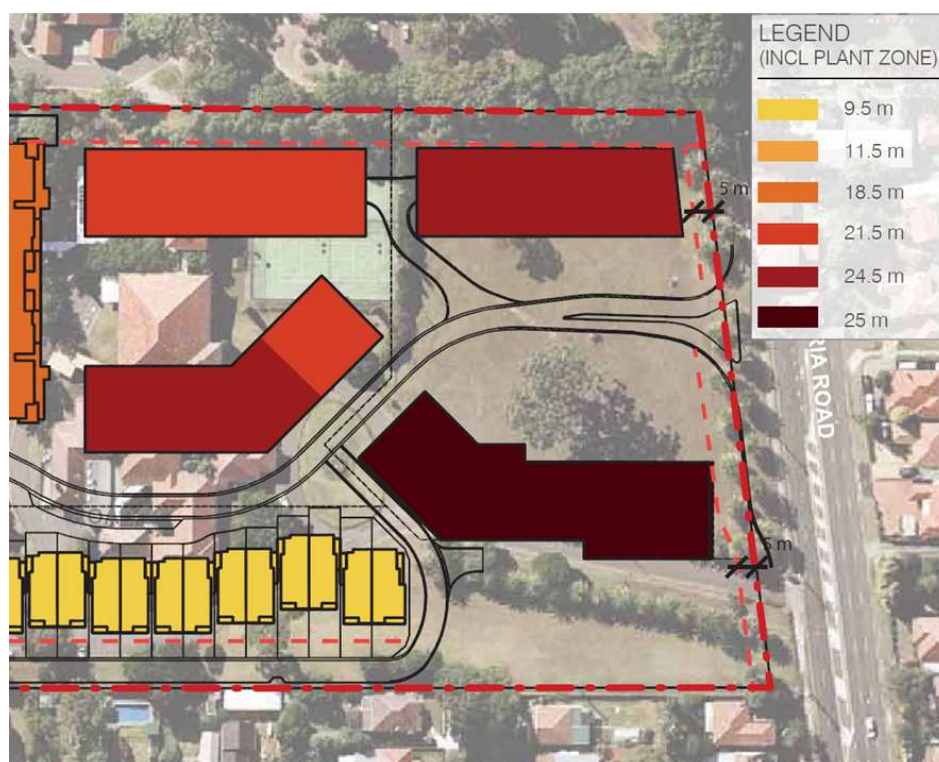


Figure 14. Extract of the Building Heights and Setbacks Plan approved in the Concept Application (MP05\_0001 Mod 1) demonstrating that the maximum permitted building height is 25 metres for the RFB and 9.5 metres for the row houses

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 RFBs as demonstrated in the Figure below.

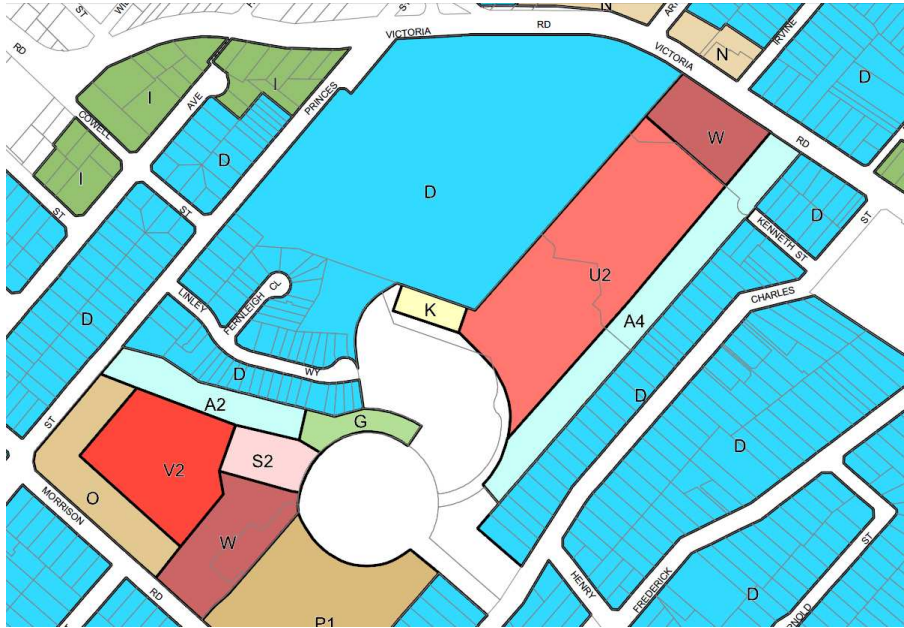


Figure 15. Extract of the Ryde LEP 2010 FSR controls (U2 is 2.9:1 and W is 3.5:1)

As demonstrated in the Figure below, the modification to the Concept Plan Approval (MP05\_001 Mod 1) provides an FSR of 2.9:1 for Buildings 2A1 and 2A2 and 3.5:1 for Building 3A.



Figure 16. 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 2.9:1 for Buildings 2A1 and 2A2 and 3.5:1 for Building 3A.

The site area for U2 is 27,360m<sup>2</sup>. The existing and proposed development has a gross floor area of 27,316m<sup>2</sup>. This results in a FSR of 1:1.

The site area for W is 10,081m<sup>2</sup>. Building 3A combined with approved Building 4A results in a gross floor area of 14,914m<sup>2</sup>. This portion of the site has a FSR of 1.48:1.

The proposed FSR is significantly lower than the permitted FSR for the two zones.

#### **Clause 4.5D Density Controls for Ryde Rehabilitation Centre Sydney**

The consent authority must not consent to the erection of a dwelling on the land to which this clause applies if the consent would result in an average density of more than 50 dwellings per hectare on that land.

This requirement has been applied to the residential component of the site consisting of Stage 1 and Stage 2 as well as the open space area. This results in a total site area of 15.87ha. Applying the 50 dwellings per hectare results in a total of 791 dwellings which are permissible on the site.

The previous Project Application (MP10\_0189) resulted in 124 dwellings. LDA2012/0471 resulted in 107 dwellings. Combining this with the proposed development results in 449 dwellings.

The development complies with this requirement.

#### **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 during earthworks.*

*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 under this DA."*

The condition regarding archaeological findings has been included (see condition number 60). It is not proposed to include the requirements of condition C5. Condition C5 referred to the future approval for the demolition of buildings on the site and procedures to be adopted to mitigate the impacts. As the current development does not involve any demolition, these requirements are not applicable to the development.

## **Clause 6.2 Earthworks**

Development consent is required for the earthworks associated with the development. Before granting consent for earthworks, the consent authority must consider the following 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 Buildings 2A1 and 2A2 as well as Apartment Building 3A. 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 37).

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 7.2 of DCP 2010 – Waste Minimisation and Management**

A concept Waste Management Plan has been submitted with the development application. The information provided generally satisfies the requirements of this part of the DCP.

#### **Part 8.1 of DCP 2010 – Construction Activities**

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

#### **Part 8.2 of DCP 2010 – Stormwater Management**

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

#### **Part 9.2 of DCP 2010 – Access for People with Disabilities**

The DCP requires that the residential flat buildings must provide an accessible path of travel to all units as well as the provision of 22 adaptable apartments. The applicant has provided an Access Review Report which demonstrates that the development will comply with the access requirements as well as providing 25 adaptable apartments. A condition of consent has been imposed to ensure that the development complies with the appropriate access standards. (See condition numbers 21 and 22).



## **Part 9.3 of DCP 2010 – Car Parking**

Council's car parking rate is as follows:

- 0.6 to 1 resident car parking space per 1 bedroom unit
- 0.9 to 1.2 resident car parking space per 2 bedroom unit
- 1.4 to 1.6 resident car parking space per 3 bedroom unit
- 1 visitor space per 5 units.

The amended development will contain 17 x 1 bedroom units, 188 x 2 bedroom units and 13 x 3 bedroom units. This will result in the amended development being required to provide between 198 and 264 resident parking spaces and 44 visitor car parking spaces. This results in a total number of car parking spaces of between 242 and 308. As the development has provided 305 car parking spaces, the development complies.

The visitor parking spaces have been divided between both of the car parks. The car parking for Building 2A1 and 2A2 will contain 30 visitor spaces and Building 3A will contain 14 visitor spaces. This totals the required 44 visitor spaces. Based on the number of apartments contained in each building, the visitor parking split is considered appropriate.

The development is also required to provide bicycle parking equivalent to 10% of the required car parking spaces. As the development has proposed 305 car parking spaces, a total of 31 bicycle parking spaces should be provided. The development has proposed 22 spaces in Building 2A1 and Building 2A2 and 20 spaces in Building 3A. These results in 42 bicycle parking spaces being provided which exceeds the Council's requirement. The bicycle parking is located in the basement and will be secure. Access to the bicycle parking will avoid potential conflicts with vehicles.

### **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**

Most of the impacts associated with the proposed development have already been addressed in the report. The additional impacts associated with the development are discussed below.

### **Tree Removal**

The issue of tree removal from the site has already been addressed in the Amended Concept Plan Approval. As part of the approval the applicant was required to preserve mature trees and landscaping features.

The site contains 35 spotted gums, two rough barked apples and three lemon scented gums. All of these trees are located on the boundary of the site in the vicinity of Building 2A1.

The applicant has provided an Arborist report in respect of the trees. The development proposes to retain the 35 spotted gums and remove the other 5 trees as these trees are located within close vicinity of the proposed development. The removal of these trees will not affect the amenity of the area and they will be compensated with replacement plantings.

In terms of the Spotted gums which will be retained, the Arborist has proposed recommendations that will ensure the protection of the trees during the development. Appropriate conditions of consent will be imposed to ensure that these measures are implemented. (See condition number 47).

## **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. *All structures and works are required to be clear of the Victoria Road reserve (unlimited in height and depth).*
2. *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(3) of State Environmental Planning Policy (Infrastructure) 2007.*

The above conditions have been included on the development consent. (See condition numbers 4 and 25).

**NSW Police** The amended information has been referred to NSW Police. At this stage no response has been received. The same conditions of consent have been imposed on this LDA that were required by NSW Police for the former LDA determined on this site. (See condition numbers 61 to 66).

**Sydney Water** No response has been received by Sydney Water. Conditions of consent have been imposed to require the Section 73 Certificate. (See condition number 79).

### **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.

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

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

## **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 26 June 2013 in the Northern District Times. Notification of the proposal was from 20 June 2013 until 17 July 2013. During this period, no submissions were received. However one late submission was received on 7 August 2013. A copy of this submission has been attached for the Panel's information.

The issues raised in the submissions included the following:

- *The modification to the Concept Plan approved on 8 March 2013 occurred with no public consultation being undertaken. This plan is inconsistent with:*
  - *the approved Concept Plan*
  - *DCP 2006 - Royal Rehabilitation Centre Sydney*
  - *Ryde LEP 2010 in respect to height and density controls.*

**Comment:** The Director General's Environmental Assessment Report dated January 2013 advises that the amendment to the approved Concept Plan was publically exhibited from 13 June to 27 July 2012 and landowners were notified. During the assessment, further modifications to the Concept Plan were re-notified from 16 to 30 November 2012.

The modified Concept Plan that were approved on 8 March 2013 is inconsistent with the approved Concept Plan MP05\_0001. The amended Concept Plan is the relevant document rather than the originally approved Concept Plan.

The reference to the 2006 DCP is not a relevant planning instrument. This is no longer a relevant DCP.

The development is inconsistent with the height controls contained in RLEP 2010. However given the existence of the Concept Plan, the controls in RLEP 2010 are not applicable.

- *The setback to the north western boundary and Victoria Road frontage should be increased to a minimum of 18.5m. This would then be consistent with Council's DCP for residential flat buildings.*

**Comment:** Given the existence of the modified Concept Plan Approval, development consent can be issued without complying with the requirements of any relevant environmental planning instrument. In other words, this setback requirement is not applicable to the proposed development.

- *The overall FRS should be decreased to half. This would reduce the number of built forms on the subject site so as to reduce the bulk and scale. The height of buildings should not exceed 21.5m. This would then conform to the approved low to medium density criteria pertaining to the overall site.*

**Comment:** The FRS and height are consistent with the Modified Concept Plan Approval. The development is not required to comply with any height or density requirements in the LEP if it is consistent with the Concept Plan.

- *The Buffalo Creek catchment area has not been considered under the Statement of Environmental Effects. The catchment area was intact and protected under the approved Concept Plan determined in 2006.*

**Comment:** The Statement of Environmental Effects has addressed all of the relevant considerations. The 2006 approved concept Plan is not the relevant version of the Concept Plan given the existence of MP05\_001MOD 1.

- *The development should address the water management of the Buffalo Creek catchment area in relation to water proofing of the built form, the water management of the site and the regeneration of the flora and fauna on the catchment area to Parramatta River.*

**Comment:** The north east corner of the site is inundated during the 1 in 100 year ARI. The development has taken this into consideration with the building floor level being raised to ensure that the development will not be adversely affected by overland flow. Drainage concept plans for the development have included the provision of an onsite stormwater detention system. The proposed landscaping will enhance the amenity of the area.

- *The singular long built form is unappealing and promotes institutionalised design and living.*

**Comment:** The development is actually divided into three separate residential flat buildings rather than one long building. The design of the development has taken into consideration SEPP 65 as well as the requirements of the Residential Flat Design Code. The development application has also been reviewed by Council's Urban Design Panel who supported the design approach and acknowledged the development's quality.

- *A reduction in the development would reduce the noise emission close to the north western boundary. This would then maintain the quiet enjoyment of the neighbouring properties which is a retirement village.*

**Comment:** The setback to this boundary is between 9 and 11 metres. This setback is equivalent to or exceeds the setback requirement as specified in the Residential Flat Design Code. The setbacks are also consistent with the Concept Plan Approval (MP05\_0001 MOD 1).



- *The increased setbacks would create integrated corridors from either side of the built form to permit access to the community "open space" from various roads and pathways.*

**Comment:** The development is setback between 9 and 11 metres from the side boundary. This is consistent with the Concept Plan Approval MP05\_0001 MOD 1. The current roadways already provide access to the open space areas. Increasing the setback would not assist with access to the community open space.

- *A former development consent for the site proposed a conference centre, hotel and restaurant permitted 220 rooms and 230 car parking spaces. This current DA exceeds the limits of the former approval and exceeds the community's expectations. The development is a gross over development of the built form, traffic movement, loss of privacy and solar access, amenities and quiet enjoyment of the area.*

**Comment:** A previous development consent which has not been acted upon should not be the basis for the Community's expectations in terms of future development. The Concept Plan Approval process has considered issues such as built form, traffic movement and loss of amenity.

- *The built form creates overshadowing for most of the day.*

**Comment:** The applicant has provided shadow diagrams for midwinter and the equinox. During these times, shadow from the proposed development will not affect any of the adjoining properties. Shadows will be confined to the subject site. It should be noted however that the landscaped areas surrounding the development will still achieve at least 2 hours of sunshine during midwinter.

- *The determination of the FSR is incorrect as the Buffalo Creek catchment area was not deducted from the gross total areas.*

**Comment:** The Buffalo Creek catchment area is not required to be deducted in order to determine the FSR for the site.

- *The public open space that Frasers Property Group professes to belong to the community is a myth. Strata laws permits the Body Corporate to isolate "public" open spaces by registering the "Exclusive Use" By Law instrument on the Strata Title to permit sole use by those residents living in the development. Council should consider revising the Section 94 Contributions paid by the developer.*

**Comment:** The main open space area known as Central Parklands occupies an area of approximately 23,000m<sup>2</sup>. This area is to be dedicated to Council for its care, control and management. This space will always be available to the public. In the Deed of Agreement, the applicant has agreed to a commitment to maintain public access in respect of the remaining open space. Given the existence of the Concept Plan Approval and the Deed of Agreement, it is not proposed to revisit this issue. If the issue as suggested by the objector does occur, it will be beyond the control of

the applicant or Council. As the density of the development is not changing from the approved Concept Plan, it is not possible to revisit the issue of Section 94.

#### **14. CONCLUSION**

This development application is part of the overall redevelopment of the RRCS site and relates to the north western portion of the site fronting Victoria Road. The proposed 3 residential flat buildings form Stage 1 Phase 2A and 3A 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 and ventilation, 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. 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 LDA2013/0165 for the construction of three residential flat buildings a residential flat building known as Stage 1 Phase 2A and 3A 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 objector be advised of the decision.

**Report prepared by:**

Sandra Bailey  
Team Leader Major Development

**Report approved by:**

Liz Coad  
Manager Assessment

Meryl Bishop  
Acting 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
Location Plan	10/5/13	04	A-DA-2A3A-SP-01
Site Plan	22/8/13	06	A-DA-2A3A-SP-02
Apartment plans 2A1 basement 1 and 2A2 Basement 2	22/8/13	06	A-DA-2A-FP-A1
Apartment plans 2A1 ground and 2A2 Basement 1	22/8/13	06	A-DA-2A-FP-A2
Apartment plans 2A1 level 1 and 2A2 ground	22/8/13	06	A-DA-2A-FP-A3
Apartment plans 2A1 level 2 and 2A2 level 1	8/8/13	05	A-DA-2A-FP-A4
Apartment plans 2A1 level 3 and 2A2 level 2	8/8/13	05	A-DA-2A-FP-A5
Apartment plans 2A1 level 4 and 2A2 level 3	8/8/13	05	A-DA-2A-FP-A6
Apartment plans 2A1 level 5 and 2A2 level 4	8/8/13	05	A-DA-2A-FP-A7
Apartment plans 2A1 level 6 and 2A2 level 5	22/8/13	06	A-DA-2A-FP-A8
Apartment plans 2A1 roof and 2A2 level 6	22/8/13	06	A-DA-2A-FP-A9
Apartment plans 2A1 roof and 2A2 level 7	22/8/13	06	A-DA-2A-FP-A10
Apartment plans roof plan	8/8/13	05	A-DA-2A-FP-A11
Site elevations	8/8/13	05	A-DA-2A3A-EL-01
Site elevations	10/5/13	04	A-DA-2A32A-EL-02
Apartment 3A Basement 2 and Basement 1	8/8/13	05	A-DA-3A-FP-A1
Apartment 3A Ground floor and level 1 plan	22/8/13	05	A-DA-3A-FP-A2
Apartment 3A levels 2 and 3	8/8/13	05	A-DA-3A-FP-A3
Apartment 3A levels 4 and 5	8/8/13	05	A-DA-3A-FP-A4
Apartment 3A levels 6 and 7	8/8/13	05	A-DA-3A-FP-A5
Apartment 3A Plans – Roof	8/8/13	05	A-DA-3A-FP-A6

Plan			
Apartment 3A Elevations	22/8/13	05	A-DA-3A-EL-A-01
Apartment 3A Elevations	8/8/13	05	A-DA-3A-EL-A-02
Typical apartment Plans	8/8/13	05	A-DA-2A3A-FP-A1
Unit Schedule	9/8/13	05	A-DA-2A3A-DS-01
Unit Schedule	9/8/13	05	A-DA-2A3A-DS-02
Apartment 3A Sections	10/5/13	04	A-DA-3A-SEC-01
Site Sections	10/5/13	04	A-DA-2A3A-SEC-01
Site sections	10/5/13	04	A-DA-2A3A-SEC-02
Site sections	10/5/13	04	A-DA-2A-SEC-01
2A- Sections 02	10/5/13	04	A-DA-2A-SEC-02
Apartment 2A1 Elevations	22/8/13	05	A-DA-2A1-EL-A-01
Apartment 2A1 Elevations	22/8/13	05	A-DA-2A1-EL-A-02
Apartment 2A2 Elevations	10/5/13	04	A-DA-2A2-EL-A-01
Apartment 2A2 Elevations	22/8/13	04	A-DA-2A2-EL-A-02
Schedule of External Finishes	10/5/13	04	A-DA-2A3A-GR-12
Schedule of External Paint Colours	10/5/13	04	A-DA-2A3A-DS-13
Landscape Masterplan	May 2013	C	3092.A2A.DA01
Landscape Concept Plan Apartment 2A	May 2013	C	3092.A2A.DA02
Landscape Concept Plan Apartment 3A	May 2013	C	3092.A2A.DA03
Landscape Cross Sections Apartment 2A	May 2013	C	3092.A2A.DA04
Landscape Cross Sections Apartment 2A	May 2013	C	3092.A2A.DA05
Landscape Cross Sections Apartment 2A	May 2013	C	3092.A2A.DA06
Landscape Cross Sections 3A	May 2013	C	3092.A2A.DA07
Landscape Details Apartment 2A/3A	May 2013	C	3092.A2A.DA08

- a. Adjustable privacy screening is to be provided to all facades of the balcony on apartment 36 (level 5) and apartment 43 (level 6) in Building 2A2. Details are to be submitted on the Construction Certificate.
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 466432M\_02 dated 27 August 2013, 465591M\_02 dated 27 August 2013 and 466431M\_02 dated 27 August 2013.



4. **RMS Requirement.** All structures and works are required to be clear of the Victoria Road reserve (Unlimited in height and depth). .
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. **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.

11. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
12. **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.
13. **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.
14. **Deed of Agreement and Deed of Novation.** The terms of the Deed of Agreement as amended by the Deed of Novation dated 15 July 2010 are to be fully complied with.
15. **Staging of the Development.** 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.

16. **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**.
17. **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).
18. **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
19. **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**.
20. **Glare & Reflectivity:** Roofing and other external materials must be of low glare and reflectivity (excluding windows and louvres). 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.
21. **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).
22. **Adaptable Units:** A minimum of 22 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.

23. **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*.
24. **Storage Facility:** Each apartment is to be provided with the minimum storage area as required by the Residential Flat Design Code. 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.
25. **Acoustic Report.** The acoustic report prepared by Renzo Tonin and Associates, dated 21 March 2013 “Stage 1, Phase 2A and 3A Putney Hill, Putney Acoustic 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.
26. **Parking/Bicycle Spaces:** At least 48 bicycle parking spaces are to be provided for the residential units. A maximum of 308 car parking spaces are to be provided within the development. Of these spaces, 44 are to be allocated as visitor car parking spaces and 25 as accessible 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.
27. **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**.
28. **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.
29. **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 a system of mechanical ventilation designed by a mechanical engineer;
- (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.

- 30. **Car Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS2890.
- 31. **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 average 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.

A fail safe overflow route shall be designed by means of a weir system to ensure that in the event of system failure or severe storms the overflow is discharged to Council's trunk drainage system. In this regard, the top water level of the OSD tank shall have sufficient freeboard from the habitable floor levels.



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

32. **Traffic Management.** 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 except as amended by the Deed of Agreement. A plan of traffic management is to be submitted to and approved by the accredited private certifier prior to the issue of any Construction Certificate. This plan is to demonstrate that all construction vehicles are parked on the site.
33. **On site stormwater detention Tank.** All access grates to the on site stormwater detention tank are to be hinged and fitted with a locking bolt.
34. **Drainage Plans.** 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. The drainage plans and certification are to be submitted to and approved by the accredited private certifier prior to issuing of the Construction Certificate.

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.

35. **Soil and Water Management Plan.** A *Soil and Water Management Plan (SWMP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Department of Housing. This is to be submitted to and approved by the accredited private certifier prior to the release of the Construction Certificate. These devices shall be maintained during the construction works and replaced where considered necessary. Suitable erosion control management procedures are to be practiced during the construction period.

The following details are to be included in drawings accompanying the *Soil and Water Management Plan*:

- (a) Existing and final contours

- (b) The location of all earthworks, including roads, areas of cut and fill, and regrading.
  - (c) Location of all impervious areas
  - (d) Location and design criteria of erosion and sediment control structures including sediment collection basins
  - (e) Location and description of existing vegetation
  - (f) Site access point/s and means of limiting material leaving the site
  - (g) Location of proposed vegetated buffer strips
  - (h) Location of critical areas (drainage lines, water bodies and unstable slopes)
  - (i) Location of stockpiles
  - (j) Means of diversion of uncontaminated upper catchment around disturbed areas
  - (k) Proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground.
  - (l) Procedures for maintenance of erosion and sediment controls
  - (m) Details for any staging of works
  - (n) Details and procedures for dust control.
36. **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.

37. **Mechanical ventilation** - Details of all proposed mechanical ventilation systems (including the basement ventilation and garbage storage rooms) must be submitted to Council or an accredited private certifier with the application for the Construction Certificate. Such details must include:

- a. Plans and specifications of the mechanical 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
38. **Stormwater Drainage System.** The site stormwater drainage system is to be redesigned to incorporate but not be limited to the following:
- a. The site drainage system and the OSD shall be designed to ensure the 1 in 100 year design top water level and PSD can be achieved without having premature surcharge occurring from surface collection pits of the drainage systems connecting to OSD tank. e.g the piped drainage system at the end of the access driveway to the basement carpark and the drainage system located adjacent to the northwest boundary of the site.
  - b. The stormwater pipeline connection from the site to Council's stormwater system in Victoria Road shall be made via a minimum 900mm square grated inlet pit located at the northwest corner of the site. Additionally, the connection pipeline must have minimum 500mm and minimum 375mm diameter class 4 R.C pipe with rubber ring joints and type HS2 bedding supporting confirming to AS4058.
  - c. The site drainage design shall incorporate a Water Sensitive Urban Design (WSUD) treatment train (wholly located on private allotment) to ensure the following stormwater quality targets will be meet before discharging into Council's stormwater system.
    - 90% reduction in the post development mean annual load of Total Gross Pollutant Loads (greater than 5mm)
    - 85% reduction in the post development mean annual load of Total Suspended Solids (TSS).
    - 60% reduction in the post development mean annual load of Total Phosphorous (TP).
    - 45% reduction in the post development mean annual load of Total Nitrogen (TN)

Detailed engineering plans in accordance with DCP 2010 Part 8.2 including certification from a chartered civil engineer indicating compliance with the above requirements are to be submitted with the Construction Certificate application.

39. **Engineering road plans.** Detailed engineering road plans for the private access road from Road 5 to Buildings 2A and 3A are to be prepared by a chartered civil engineer in accordance with the Deed of Agreement between Ryde City Council, RRCS and Frasers Putney and submitted to the accredited private certifier for approval, prior to the issue of a Construction Certificate.

The connection of the private access road to Road 5 shall be by a kerb layback crossing and footway vehicle slab. Kerb returns shall not be constructed at this intersection.

Engineering plan assessment fees are payable in accordance with Council's Management Plan, prior to approval being granted by Council.

40. **Footpath Construction.** To facilitate access to and from the development, a shared concrete pedestrian and bike path shall be constructed along the entire Victoria Road frontage of the site. Detailed engineering plans prepared by a chartered civil engineer in accordance with Ryde Environmental Standards – Development Criteria Section 4 – Public Civil Works are to be submitted to Council for approval, prior to the issue of any Construction Certificate.

Engineering plan assessment and works inspection fees are payable in accordance with Council's Management Plan, prior to approval being granted by Council.

## **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.

### **41. 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.

42. **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.
43. **Tree Protection Measures.** The tree protection measures as outlined in the Arboricultural Impact Assessment report by Urban Forestry and dated 20 July 2013 are to be implemented prior to construction and maintained throughout the construction period and post construction.
44. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities.
45. **Temporary Footpath Crossing.** A temporary footpath crossing at the intersection of Road 5 and the driveway to the Buildings 2A and 3A basement levels 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.
46. **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.

47. **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*.
48. **Construction noise.** The  $L_{10}$  noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the property boundary.
49. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.



50. **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.
51. **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.
52. **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.
53. **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.
54. **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.
55. **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.

56. **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 in accordance with the BASIX Certificate referenced in Condition 3.
57. **Graffiti:** All vertical surfaces to a height of two metres on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.
58. **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.
59. **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.
60. **Discovery of Additional Information** - Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.
61. **Contaminated soil** - All potentially contaminated soil excavated during demolition work must be stockpiled in a secure area and be assessed and classified in accordance with the *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes* (EPA, 1999) before being transported from the site.
62. **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.
63. **Street Lighting.** Private street lighting designed to AS/NZ1158.3.1 shall be provided along the access road to Buildings 2A and 3A.

## 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.

64. **Landscaping.** The landscaping works approved in Condition 1 are to be completed prior to the issue of any Occupation Certificate.
65. **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.
66. **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*.
67. **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**.
68. **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.

69. **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.

70. **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 the driveway is constructed in accordance with the Deed of Agreement between Ryde City Council, RRCS and Frasers Putney.
- Confirming that the constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4 and* Development Control Plan 2010: - Part 8.2; Stormwater Management
- Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.

71. **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.

72. **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.
73. **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.
74. **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 drawings no. 104479-15-MIE000, 011, 020, 021, 041, 141 and 201.
75. A CCTV footage covering the pipeline section from the OSD basin to the existing Council's pit in Victoria Road must be provided to Council for review with any rectification works to be completed prior to issue of the Occupation Certificate.
76. **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.
77. **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.

78. **Certification of mechanical ventilation** - Where any mechanical ventilation systems have been installed, a certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.
79. **Acoustic compliance** - 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**.

## OPERATIONAL

80. **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.
81. **Waste Collection Services.** Arrangements must be made with Council for the provision of waste collection services **before occupation commences**.
82. **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.
83. **Noise pollution** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
84. **Operation of plant & machinery** - The operation of any plant or machinery installed on the premises must not cause:
- The emission of noise that exceeds the background noise level by more than 5dBA when measured at the most affected noise sensitive location in the vicinity. Modifying factor corrections must be applied for tonal, impulsive, low

frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).

- 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*.
- The transmission of vibration to any place of different occupancy.