JOINT REGIONAL PLANNING PANEL
(Sydney East Region)

JRPP No	2013SYE093
DA Number	LDA2013/0390
Local Government Area	City of Ryde
Proposed Development	Residential development containing 205 residential apartments and 282 car parking spaces
Street Address	3-13 Angas Street, Meadowbank
Applicant	Mosca Pserras Architects Pty Ltd
Number of Submissions	Three submissions received
Recommendation	Approval with Conditions
Report by	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 a residential development at 3-13 Angas Street, Meadowbank. The development comprises five separate buildings which contain a total of 205 residential apartments over two basement levels containing 282 car parking spaces. The buildings range in height from four to seven storeys. Access to the basement is off Angas Street.

The development has been assessed in respect of the relevant planning instruments and the application is non-compliant with the following:

- Height – The buildings range in height from 14.6m to 23.8m, exceeding the 12.5m and 15.5m maximum height under Ryde LEP 2010. The site is also affected by the draft Ryde LEP 2013 (DRLEP 2013) which is certain and imminent. The maximum height for the site is increased to 18.5m and 21.5m. The majority of the development complies with the height control under DRLEP 2013, however there are a few minor variations. These variations will not contribute to the bulk and scale of the buildings or increase overshadowing.
- Building separation – The development results in separation distances less than the RFDC requirements for the buildings contained on the subject site. The distances provided have occurred following long negotiations with the applicant to provide physical breaks in the development.

- Daylight access – 60% of the apartments rather than 70% comply with the performance objective of the RFDC. This occurs due to the site being constrained by its orientation, shape and dimensions.
- Internal circulation – Two of the five buildings exceed the maximum number of apartments accessed from a single lift/corridor. These buildings provide either nine or ten apartments rather than the recommended eight apartments.
- Setback to Underdale Lane – The development is setback 3m rather than the 4m as required by the DCP. The setback as proposed is consistent with the development that is currently under construction to the east of the site.

Following an assessment of the development application, it is considered that these non- compliances are acceptable on planning grounds.

During the notification period, Council received three submissions objecting to the development. The issues raise in these submissions generally related to the scale of the development and likely traffic impacts. These matters are addressed in full detail in Section 12 of this report.

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: Mosca Pserras Architects Pty Ltd

Owner of site: JQZ Five Pty Ltd, G and A Kennard, Harrod and Skinner Pty Ltd

Estimated value of works: $31,680,000

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

3. SITE DESCRIPTION

The subject site is known as 3-13 Angas Street, Meadowbank and the legal description of the land is Lots 54, 55, 57, 58 and 59 in DP 4773 and Lots A and B in DP 353001.

The subject site is located on the western side of Angas Street between the intersection of Constitution Road (north of the site) and Underdale Lane (south of the

site). The site has three street frontages, with a frontage of 120.7m to Angas Street and Faraday Lane and 57.005m frontage to Underdale Lane. The site has an area of 6832.6m^2. Figure 1 demonstrates an aerial photograph of the site.

Figure 1: aerial photo of site.

The site has a 1:18 slope from the west (Faraday Lane) to the east (Angas Street) and a slope from north to south (Underdale Lane) of 1:30. The site was occupied by four separate and adjoining single storey brick warehouses on land known as 3-9 Angas Street and a part two and part three storey brick warehouse on land known as 11-13 Angas Street. At the time of writing this report, these buildings were in the process of being demolished. Figure 2 demonstrate the subject site.

Figure 2. The subject site. Consent has already been granted for the demolition of the existing buildings.

The site is surrounded by a mix of light industrial and residential uses.

Adjoining the site to the north is a single storey workshop occupied by a smash repair business which is attached to a single storey detached dwelling house. (Refer to Figure 3).

Figure 3. Adjoining development to the north of the site.

To the south of the site on the other side of Underdale Lane is a seven storey residential flat building. (Refer to Figure 4).

Figure 4. Adjoining development to the south of Underdale Lane.

To the east of the site on the other side of Angas Street are one and two storey industrial buildings as well as a residential flat building that is currently under construction. (Refer to figures 5 and 6).

Figure 5. Industrial development to the east of the site on Angas Street.

Figure 6. Residential development currently under construction to the east of the site on Angas Street.

To the west of the site on the other side of Faraday Lane are one and three storey warehouses. (Refer to figure 7).

Figure 7. Industrial development to the west of the site adjoining Faraday Lane.

1. SITE DETAILS

Total site area:	6832.6m^2
Frontage to Angas Street:	120.7m
Frontage to Underdale Lane:	57.005m
Frontage to Faraday Lane:	120.7m
Land use Zone:	B4 Mixed Use under Ryde Local Environmental Plan 2010.

2. PROPOSAL

The development proposes the construction of a part four, part six and part seven storey residential development comprising of 205 residential apartments including 24 ground floor 'live/work' apartments. The development will contain two basement car parking levels accessible from a driveway from Angas Street.

In plan, the development can be described as five separate buildings as illustrated in Figure 9. Two buildings will be orientated towards both Angas Street and Faraday Lane and one building will be orientated towards Underdale Lane. Both of the Faraday Lane buildings will be four storeys in height. The buildings facing Angas Street will be part six and part seven storeys and the Underdale Lane building will be seven storeys.

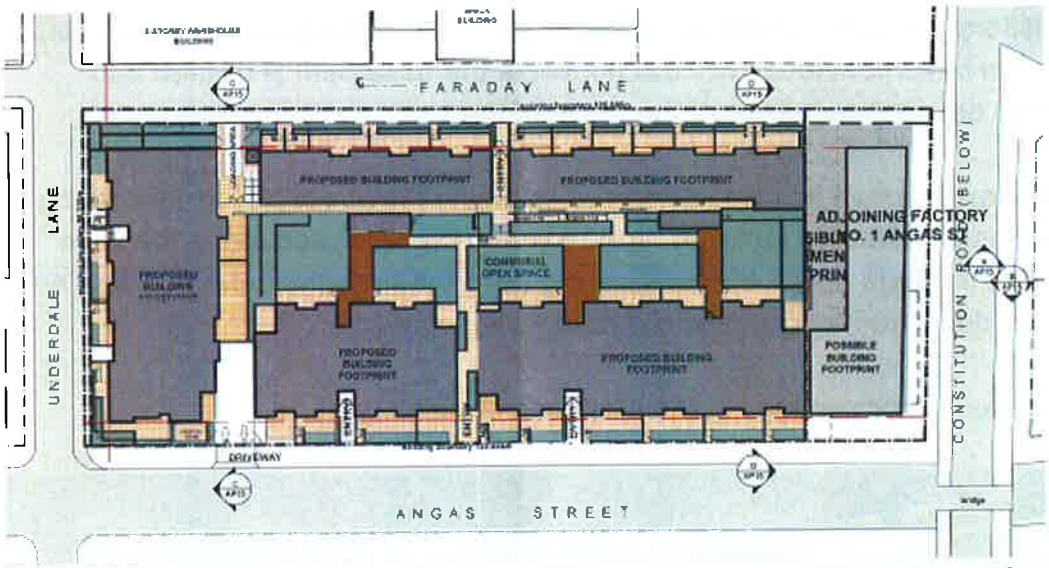


Figure 8. Layout of the development. This illustrates that the development consists of 5 separate buildings.

The development will contain a total of 205 residential apartments. This will consist of 48 x one (1) bedroom apartments, 148 x two (2) bedroom apartments and 9 x three (3) bedroom apartments. The mix is demonstrated in the following table.

Apartment	Underdale Lane Building	Angas Street Building (North)	Angas Street Building (South)	Faraday Lane Building (North)	Faraday Lane (South)	Total
1 bedroom	14	7	1	24	2	48
2 bedroom	41	53	35	4	15	148
3 bedroom	3	3	3			9
Total	58	63	39	28	17	205

A total of 24 of the above apartments have been designed as 'live/work' apartments. All of these apartments are located on the ground floor of each building. The 'live/work' apartments have been designed as residential apartments however each of the apartments have access directly from the adjacent road as well as from the lobby of the building. This is likely to enable the apartments to be used for home occupations.

A communal open space area for the enjoyment of the future residents has been provided in the centre of the site. This space provides deep soil zones as well as plantings on top of the basement car park.

The development includes two levels of basement car parking. A total of 282 car parking spaces are proposed. 241 of these spaces will be for resident cars and 41 spaces for visitors. Two bicycle storage rooms (each with a capacity of 14 bicycles) are proposed on basement level two. Each level of the basement is divided into three segments as a consequence of the slope of the site.

As part of the development it is also proposed to adjust the street boundaries along Faraday Lane and Underdale Lane. An approximate 1m wide area along the sites Underdale Lane frontage and 2.44m wide along the sites Faraday Lane frontage are proposed to be dedicated for the required road widening works.

The following are photomontages of the proposed development.

Figure 9. Angas Street photomontage.

Figure 10. Faraday Lane photomontage.

1. APPLICABLE PLANNING CONTROLS

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

- 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
- Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Ryde Local Environmental Plan 2010
- Draft Ryde Local Environmental Plan 2011
- City of Ryde Development Control Plan 2010

2. PLANNING ASSESSMENT

2.1 State Environmental Planning Policy (State and Regional Development) 2011

As the proposed development has a Capital Investment Value of $31,680,000, the development application is required to be determined by the Joint Regional Planning Panel.

2.2 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.

The applicant has provided a Site Investigation Report in respect of contamination. The conclusion and recommendations of this report include the following:

- *"The site has been used for commercial/industrial purposes since the 1950's and activities that are known or expected have occurred at the site include the manufacturing of packaging machinery, tin cans and railway signals and metal fabrication. The southern portion of the site is also believed to have been used as a mortuary. Prior to the 1950s the site was predominantly occupied by residential properties, although there is evidence that commercial/industrial activities were occurring in the south of the site around 1930.*
- *The results of the soil sampling performed for this investigation show that the concentrations of chemical contaminants measured in the soils across the site*

are low and below criteria that are protective of human-health for a high-density residential land use setting.

- *Based on the results of the Detailed Site Investigation, the site is considered to be suitable for the proposed high-density residential development. However, asbestos based materials have been identified within the fabric of the existing buildings, and these should be removed at the time of redevelopment. Specifically, a contractor with the appropriate WorkCover NSW Licenses for handling asbestos should be engaged to undertake the demolition of the buildings, and any hazardous materials which are removed during demolition should be disposed of in accordance with regulatory requirements."*

Consent for demolition has already been granted by Council. This included conditions in respect to asbestos. Council's Environmental Health Officer has supported this recommendation. No objections are raised to the development in respect of SEPP 55.

2.3 State Environmental Planning Policy (Building Sustainability Index: BASIX)

The development is identified under the *Environmental Planning and Assessment Regulation 2000* as a BASIX Affected Building. As such, a BASIX Certificate has been prepared (Nos. 497672M_02) 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, 35 and 86).

2.4 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 25 September 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 third time the Panel has reviewed a proposal by the proponent on this site. The proposal is at pre DA stage, preceding formal lodgement.

The proposal has developed well during the three reviews sessions, and as such only relatively minor comments remain to be addressed at this time and prior to DA lodgement.

Adjacent Development

The Panel notes that the adjacent property at 1 Angas Street appears capable of independent development in the future. The proponent should demonstrate this with an indicative floor plan and a car park plan, in general terms, at the time of lodgement.

Comment: The applicant has provided information to demonstrate that 1 Angas Street can be developed independently of this application. This issue has been discussed in further detail under the heading of likely impacts of the development.

Building Separation

The additional physical breaks in the building forms are reasonably successful. The break along Angas Street, at the midpoint of the site, should be 'eased' open at the upper-most level to improve the apparent density of the proposal further, introducing a better sense of sky and building separation at this point. Internal planning within apartments generally mitigates the impacts of reduced building separations by orienting habitable rooms towards courtyards or streets.

The Panel is of the view that the general level of building separation proposed is not ideal, and hence the Panel does not generally encourage these dimensions as a repeatable precedent. This scheme has emerged from a lengthy negotiation on three occasions with the Panel and is acceptable in the context of the other suggested changes and modifications undertaken by the proponent. On balance the reduced building separations are justifiable, and are superior to an uninterrupted, continuous building.

Ideally, separation between adjacent walls with no windows would be 3m, but where buildings exceed 6 storeys, it needs to increase to a minimum of 6m. The preferred separation between a habitable room (bedroom) window and a blank wall should be 6m in buildings up to 6 storeys.
Comment: Noted.

Dwelling Amenity
Apartments G.06 and 1.06 are orientated in a direction which compromises their amenity and outlook. They should be replanned to orient towards the street rather than into a building separation space. To permit this, the on-grade kiosk substation could be better situated below the basement ramp and configure as a chamber substation. This would further improve both the dwelling outlook and the streetscape quality.
Comment: The applicant has not been able to reconfigure the location of the on-grade kiosk substation. This has resulted in these two apartments being orientated towards the building separation space. While not desirable, this is not considered sufficient to warrant the refusal of the development application.

The units adjacent to the loading bay include a second level below street level. The Panel does not support the lower levels of these apartments served by a single high level window. The bedroom has poor amenity and the study at the rear of the plan has no capacity for borrowed light and is not acceptable.
Comment: The current design has not changed this arrangement. The apartments in question are G2 and G26. These apartments will result in poor amenity. It is proposed to include a condition to require the lower ground floor to be deleted and the upper floor combined to form one apartment. (See condition 1a).

Architectural Resolution
The buildings have developed an improved architectural and aesthetic response. The Panel feels that the strong fascia line at Level 1 could be softened and/or broken so it does not read as a singular, continuous awning line.
Comment: This line represents part of the horizontal articulation provided in the development. The line is broken by the use of balconies and the building being articulated vertically. No objection is raised to this fascia line.

Figure 11. Typical building demonstrating the level 1 fascia line.

Streetscape

Deep soil and tree plantings should be emphasised along Angas Street and Faraday Lane with appropriate width and level to support viable planting and water percolation.

Access from Underdale Lane building to communal open space is via the lift core for the Faraday Lane building or steps further north. A more direct route to the southern area of communal open space would improve its use and amenity for residents in the Underdale Lane building.

Comment: The access to the communal open space from the Underdale Lane building has been improved in the current plans. Access is from the lobby through a room which also accesses the garbage room. This is a more direct route than originally considered by the Panel.

Entry and Address

The introduction of live/work units is supported and encouraged in the proposed locations. It is important to include an identifiable front door for each ground floor dwelling other than a typical set of glass sliding doors. It is understood that this is being addressed in revised plans.

Comment: The live/work units have been designed as a residential unit to allow for flexibility. Access to these spaces is directly from the street rather than the entry lobby of the building. This will assist in providing an identifiable front door.

Solar Access

The Panel accepts the detailed solar access analysis by the proponent and considers that, on balance, the scheme achieves the optimal solar access for dwellings despite not achieving the rule of thumb percentages of dwelling numbers.

Comment: Noted.

Building Circulation

Since the proposal already includes a fire engineered alternative solution, the Panel encourages the proponent to consider glazing the second escape stair to the Underdale Lane building and similarly, the second escape stair in the north-most building on Angas Street. The will introduce additional natural light (and potentially ventilation) to important communal lobbies and corridor spaces.

Comment: These lobbies will receive natural light and ventilation in respect to the entry of these buildings. The applicant does not propose to use glazing in respect of the second escape stair. This is considered acceptable.

Basement Configuration

It would be beneficial for basement storage allocated to individual apartments to be distributed across the site, close to lift cores in a more convenient manner for residents. Similarly basement bicycle storage could be better distributed.

Comment: The basement storage has been distributed throughout both levels of the basement. Although the space may not be adjacent to lifts or the resident car space, this is not sufficient grounds to refuse the application.

SEPP 65 Design Quality Principles

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

Planning Principle	Comment	Comply
Context 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.	The proposed development is located within the Station Precinct of Meadowbank. The redevelopment of the site will be consistent with the desired future character for the Precinct as identified in DRLEP 2013 and the draft DCP for Meadowbank. The vision for Meadowbank is to create a higher density transit-orientated neighbourhood providing a mix of residential and commercial/retail uses. The commercial and retail development is intended to be concentrated around Meadowbank Station and along Church Street, whilst residential development will dominate between these employment nodes. The proposal responds to existing and future context by proposing a predominantly	Yes

Planning Principle	Comment	Comply
	residential development with live/work apartments of appropriate scale and will make a positive contribution to the streetscape and local setting.	
Scale 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 development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.	The proposed development is considered to provide appropriate scale. The building height ranges from four storeys to seven storeys, with the taller elements adjacent to Angas Street and Underdale Lane. The development also steps along Angas Street with the development being six storeys in height. This stepping of heights provides a suitable scale transition to the low residential zoned land on the northern side of Constitution Road.	Yes
Built Form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.	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. The development will provide a positive urban design response compared to the existing industrial buildings.	Yes
Density 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,	The proposed residential density, being 205 apartments, is considered appropriate to context. The site is located within an inner area of Metropolitan Sydney and is in close proximity to retail/commercial, educational and community facilities and walking distance to public transport. The proposal therefore maximises residential density in relation to established facilities/services. In addition, the development complies with the floor space ratio permitted by DRLEP 2013.	Yes

Planning Principle	Comment	Comply
community facilities and environmental quality.		
Resource, energy and water efficiency Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.	The applicant has provided BASIX Certificate (No. 497672M_02) which indicates that the buildings will meet the energy and water use targets set by the BASIX SEPP. A waste management plan has been submitted and is considered acceptable by Council's Public Works Section. 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.	Yes
Landscape 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.	The landscape design is integrated with the overall development, providing areas for communal open space and supporting residential amenity. A range of plantings, turf and paving is proposed and is considered suitable for the proposed use. The landscaping will also soften the appearance of the development. Tree species along the street frontages will also screen the buildings from the public domain.	Yes

Planning Principle	Comment	Comply
Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.		
Amenity Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.	All apartments are larger than the minimum apartment size recommended under the RFDC. All apartments are well proportioned to accommodate various furniture layouts over their life span. The proposal will achieve adequate levels of natural ventilation and solar access. The orientation and configuration of apartments results in minimal opportunities for overlooking between units. Storage is provided to all dwellings, both internally and in the basement parking levels. In addition, all units are provided with sufficient indoor and outdoor living spaces. All levels within the buildings are accessible from lifts as well as each building being accessible from the street.	Yes
Safety and Security Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.	The proposal makes a positive contribution to each street elevation with respect to safety and security. Passive surveillance opportunities are provided with balconies and windows addressing the various street frontages. Surveillance is also provided to the internal courtyard area. Entrance points are clearly identified and public and private space is clearly delineated through secure entrances.	Yes

Planning Principle	Comment	Comply
Social Dimensions and Housing Affordability Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the 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.	The development will include the following housing mix: • 48 x 1 bedroom apartments; • 148 x 2 bedroom apartments; and • 9 x 3 bedroom apartments. The development predominantly contains two 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. Adaptable units are also proposed.	Yes
Aesthetics Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	The building aesthetics are considered appropriate. The development presents a contemporary design which is compatible with other recent developments in the immediate area. The building has a distinctive appearance which addresses the public domain as viewed from Angas Street, Underdale Lane and Faraday Lane. The proposed design features a mixture of projected and recessed characteristics at its corners and facades which provide architectural interest.	Yes

Residential Flat Design Code

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

Primary Development Control and Guidelines	Comments	Comply
Part 01 – Local Context		
Building Height Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit.	There is no applicable FSR for the site under the current planning controls. However the DRLEP 2013 proposes a FSR of 2.5:1 for the site. The development has proposed a FSR of 2.5:1 which complies with the draft control. DRLEP 2013 has also proposed increased heights for the site. Under these controls the majority of the site will have a 21.5m height control and the northern portion of the site will have a 18.5m height control. The two buildings facing Faraday Lane comply with the height controls and there are minor variations for the buildings facing Angas Street and Underdale Lane. These breaches have been discussed in greater detail in section 7.7 of the report and as considered to be acceptable.	Yes
Building Depth In general, an apartment building depth of 10m to 18m is appropriate. Developments that propose wider than 18m must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	The building depth of each building is as follows: Angas Street buildings – 15m to 22m Faraday Lane buildings - 10.279m to 11.8m Underdale Lane buildings – 18.2m to 22.5m. Although three of the buildings exceed the maximum building depth, these buildings will provide satisfactory daylight and natural ventilation. These aspects have been discussed in greater detail further in the report. As these aspects are satisfactory, no objection is raised to the variation.	No. Variation acceptable.
Building Separation Building separation for buildings up to four storeys should be: -12m between habitable rooms/balconies -9m between habitable/balconies and non-habitable rooms -6m between non-habitable	The building separation distances fail to comply with the specified distances. The non-compliances occur in respect to the distances between the buildings along Angas Street and the buildings along Faraday Lane. These variations have been discussed in greater detail at the end of this table. The variations are a result of providing a physical break in the Angas Street buildings and the Faraday	No. Variation acceptable.

Primary Development Control and Guidelines	Comments	Comply
rooms. Building separation for buildings between five to eight storeys should be: -18m between habitable rooms/balconies -13m between habitable/balconies and non-habitable rooms -9m between non-habitable rooms. Developments that propose less distance must demonstrate that adequate daylight access, urban form and visual and acoustic privacy has been achieved.	Lane buildings and have been developed following a long pre-lodgement process between Council Officers, Council's Urban Design Review Panel and the applicant. Despite the variations, the development will still provide adequate daylight access, urban form and visual and acoustic privacy.	
Street Setbacks Identify the desired streetscape character. In general, no part of the building should encroach into a setback area.	The DRLEP 2013 requires a 4m setback along Angas Street, Underdale Lane and Faraday Lane. The draft DCP also requires that to assist in providing articulation, the building facades are to be articulated within a 3m zone to provide entries, external balconies, porches, glazed balcony enclosures and terraces. These two clauses have been interpreted as requiring the main building to be setback 4m from the street frontages but balconies and the like can be constructed within a 3m zone within the 4m setback zone. Along Angas Street, the building has been setback 4.627m. The balconies extend into this setback. The balconies have been setback a minimum of 1.585m from Angas Street. The development complies with the street setback requirements. Along Faraday Lane the building is setback 4.434m from the new boundary after the road widening. The balconies again project into	Yes

Primary Development Control and Guidelines	Comments	Comply
	this setback and are setback 2.978m from Faraday Lane. The development complies. Along Underdale Lane, the development is setback 3m and the balconies are setback 1.59m. This reduced setback is consistent with the development that is currently under construction to the east of the site at 4,6 and 8 Angas Street. The variation is acceptable and will not adversely impact on the streetscape.	
Side and Rear Setbacks Relate side setbacks to existing streetscape patterns. These controls should be developed in conjunction with building separation, open space and deep soil zone controls. In general, no part of the building should encroach into a setback area.	The draft DCP does not specify any side or rear setbacks controls. The development has proposed a zero side setback to 1 Angas Street. This is consistent with the DCP.	Yes
Floor Space Ratio Test the desired built form outcome against the proposed floor space ratio to ensure consistency with building height, building footprint, the three dimensional building envelope and open space requirements.	DRLEP 2013 proposes a FSR of 2.5:1. The development is consistent with this requirement.	Yes
Part 02 – Site Design		
Deep Soil Zones 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 development has provided 440m^2 of deep soil area. This represents 29% of the open space area of the site. The deep soil zones are provided along each street frontage as well as within the communal open space located in the centre of the site.	Yes
Fences and Walls Fences and walls are to respond to the identified architectural character for the	Fences have been provided along each street elevation. These fences will ensure the amenity of the adjoining terrace is retained as well as ensuring that the streetscape is not	Yes

Primary Development Control and Guidelines	Comments	Comply
street and area. They are also to delineate the private and public domain without compromising safety and security.	adversely affected.	
Landscape Design Landscaping is to improve the amenity of open spaces as well as contribute to the streetscape character.	The landscape design has provided a large communal open space area in the middle of the site. In addition, landscaping is proposed at the front of the buildings which will help soften the appearance of the development.	Yes
Open Space The area of communal open space required should generally be at least between 25% and 30% of the site area. Where developments are unable to achieve the recommended communal open space, they must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space.	The development has provided approximately 1500m^2 of communal open space. This represents approximately 22% of the site area. Although this figure is slightly below the 25% to 30% area requirement, the development has demonstrated that residential amenity is provided in the form of balconies or terraces for each unit. The development is considered to provide adequate open space areas.	No. Variation acceptable.
Orientation Optimise solar access to living areas and associated private open spaces by orientating them to the north and contribute positively to the streetscape character.	Due to the orientation of the site, the majority of the apartments have been orientated to the east or west. The communal open space will achieve solar access from the north.	Yes
Planting on Structures 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	To ensure that the development complies with the recommended standards contained in the RFDC, it is proposed to include a condition on the consent to require compliance with the relevant soil depth. (See condition number 36).	Yes

Primary Development Control and Guidelines	Comments	Comply
Stormwater Management Reduce the volume impact of stormwater on infrastructure by retaining it on site.	Council's Development Engineer has reviewed the proposed stormwater management measures and considers them to be generally adequate.	Yes
Safety 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 landscape elements. The proposed development is considered acceptable with regard to safety. The design provides for adequate passive surveillance of the street and communal open space. Appropriate access control is provided throughout various parts of the development, including the residential lobbies, units and basement carpark.	Yes
Visual Privacy The building separation requirements should be adopted.	Where the development does not comply with the building separation requirements, attention has been given to ensuring there will be no visual privacy issues.	Yes
Building Entry Ensure equal access to all. Developments are required to provide safe and secure access. The development should achieve clear lines of transition between the public street and shared private, circulation space and the apartment unit.	The proposed entry points are both legible with clear lines of vision between the entrances and the streets. The amended development will provide equitable access from the street to each building. Entrances are appropriately secured.	Yes
Parking Determine the appropriate car parking numbers. Where possible underground car parking should be provided.	The development complies with Council's car parking requirements.	Yes
Pedestrian Access Provide high quality accessible routes to public and semi-public areas of the building and the site. Maximise the number of accessible, visitable and adaptable apartments in the building.	The development provides an accessible path of travel within the building and to all communal areas within the development. The development has provided 21 adaptable apartments which satisfies Council's DCP requirements.	Yes
Vehicle Access	The vehicular access is located adjacent to	Yes

Primary Development Control and Guidelines	Comments	Comply
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.	Angas Street. The driveway width is 6m which will allow for two way access to the basement parking area. The pedestrian entry is separate to the car park entry.	
Part 3 Building Design		
Apartment Layout 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 – 50m2 2 bedroom – 70m2 3 bedroom – 95m2	The apartment sizes are as follows: 1 bedroom - 51m^2 to 72m^2 2 bedroom - 74m^2 to 80m^2 3 bed room - 95m^2 to 123m^2. All of the apartments comply with the minimum requirements. The units demonstrate adequate levels of internal amenity. Single aspect apartments do not exceed 8m in depth.	Yes
Apartment Mix The development should provide a variety of types.	The development contains 48 x 1 bedroom, 148 x 2 bedroom and 9 x 3 bedroom apartments. 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
Balconies Where private open space is not provided, primary balconies with a minimum depth of 2 metres should be provided.	Each unit is provided with a primary balcony that is accessed from the main living areas of the apartments. All balconies have a minimum depth of two metres.	Yes
Ceiling Heights The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level FCL). • In residential flat buildings in mixed use areas: 3.3m minimum for ground floor to promote future flexibility of use in residential flat	The development has proposed the ground floor with a floor to ceiling height of 3.7m. The upper floors have proposed a 2.7m floor to ceiling height. The development complies with the RFDC Requirements.	Yes

Primary Development Control and Guidelines	Comments	Comply
buildings or other residential floors in mixed use buildings. • 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.		
Flexibility Provide apartment layouts which accommodate the changing use of rooms.	All apartments are of an appropriate size and layout to allow for flexibility in changing use of rooms through furniture layouts. All adaptable units provide sufficient opportunity for reconfiguration of apartments to suit the requirements of disabled persons.	Yes
Ground Floor Apartments 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 complies with this requirement. All but one of the ground floor apartments which adjoin a street frontage has a separate entry direct from the road as well as an entry via the residential lobby. This will assist in providing street activation. The development has provided a total of 21 adaptable apartments. Nine of these are located on the ground floor.	Yes
Internal Circulation 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 ceiling heights, appropriate levels of lighting including the use of natural daylight.	The development proposes a total of five separate buildings. Three of these buildings comply with this requirement. The building adjacent to Underdale Lane and the northern most building adjacent to Angas Street do not comply. These buildings have nine and ten residential apartments accessed from the lobby respectively. In each of these buildings, there is a window provided near the lift and the aisle width is a minimum of 1.5m. These features will enhance the amenity of the lobbies and corridors. The corridors also provide direct lines of sight to the lifts. In this instance the variation is acceptable.	No. Variation acceptable.
Mixed Use The development is to choose a mix of uses that complement and reinforce the character, economics and function of the local area. The development	The development does contain live/work apartments however these are residential in nature and design. These apartments complement the remaining residential apartments.	Yes

Primary Development Control and Guidelines	Comments	Comply
must also have legible circulation systems.		
Storage In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: • studio apartments - 6.0m³ • one bedroom apartments - 6.0m³ • two bedroom apartments - 8.0m³ • three bedroom apartments – 10.0m³ Options including providing at least 50% within each respective apartment, dedicated storage rooms on each floor or dedicated storage in the basement.	The development complies with the required storage requirements.	Yes
Acoustic Privacy Apartments within a development are to be arranged to minimise noise transitions.	Where possible, the apartments have been arranged with the living areas adjacent to living area. The applicant has also submitted an Acoustic Report that has identified that the development is impacted by relatively low volumes of traffic noise. This report has identified appropriate construction for glazing, external walls and the roof/ceiling systems. A condition of consent will be imposed to require the development to comply with the recommendations of the Acoustic Report. (See condition number 27).	Yes
Daylight Access Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid winter. In dense urban areas a minimum of two hours may be acceptable.	The applicant has submitted a detailed Solar Access Analysis with the development application. This report concludes that the number of dwellings which may be deemed to comply with the performance objectives of the RFDC is 123 of the total 205, being 60%. The report has concluded as follows: *The subject site is constrained by its orientation, shape and dimensions, such that there is effectively a limit to the proportion of*	No. Variation acceptable.

Primary Development Control and Guidelines	Comments	Comply
Limit the number of single aspect apartments with a southerly aspect to a maximum of 10% of the total units proposed.	*apartments that can meet the requirement for a minimum period of direct sun at mid-winter.* *The most difficult of the constraints is that the primary street façade to Angas Street is oriented to the south-west and is therefore completely self-shaded by approximately 9.30am. A total of 69 dwellings are affected by this limitation. If I examine the remaining proposed dwellings, I note that approximately 73% of these apartments achieve compliance with the RFDC recommended solar access for living areas, notwithstanding an unavoidable proportion of south facing apartments to Underdale Lane, internal overshadowing of lower storeys, and the other mutual shading inherent in a high density development of this height.* *The number of dwellings which may be deemed to comply with the performance objectives of the RFDC is 123 of the total of 205, being 60%.* *I consider this outcome in the context of the site constraints to be the result of considerable design effort, and one which can be fairly described as effectively the 'natural limit' of the winter solar access that may be expected.* *I note in particular the applicant's reluctance to rely on a higher proportion of narrow one bed and studio apartments, as is typical at the moment in the marketplace, and to provide instead a majority of an unusually flexible two bedroom apartment type with excellent daylight and ventilation amenity. In this report I examine the remaining design alternatives available to the applicant to increase the proportion of apartments for solar access, and find that they are generally prejudicial to the provision of this mix of*	

Primary Development Control and Guidelines	Comments	Comply
	apartments of otherwise high amenity. This report has been considered by the Council's Urban Design Review Panel which has concluded that on balance the scheme achieves the optimal solar access for dwellings despite not achieving the 'rule of thumb' percentages of dwelling numbers. The development has proposed 13 apartments that have a southerly aspect. This is equivalent to 7% and complies with the rule of thumb. These apartments all adjoin Underdale Lane and will still provide appropriate amenity as they are generally larger and provide a large balcony.	
Natural Ventilation Building depths which support natural ventilation typically range from 10 to 18 metres. 60% of residential units should be naturally cross ventilated. 25% of kitchens should have access to natural ventilation.	The development has provided natural cross ventilation to 60% of the apartments and 34% of the kitchens has access to natural ventilation. The development complies with the requirements of the clause.	Yes
Awning 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 the DCP requirements.	Yes
Facades Facades are to be of appropriate scale, rhythm and proportion which respond to the building's use and the desired contextual character.	The design of the facades incorporates a number of different building elements including recesses and projections for the facades of the building with the use of terraces and balconies. The building finishes will be brickwork, rendered finishes, aluminium screens and glazing. The majority of the paint finishes have a neutral/natural colour palette.	Yes
Roof Design 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

Primary Development Control and Guidelines	Comments	Comply
Energy Efficiency Incorporate passive solar design techniques to optimize heat storage in winter and heat transfer in summer. Improve the control of mechanical space heating and cooling.	The energy efficiency of the buildings is consistent with the requirements under BASIX.	Yes
Maintenance The design of the development is to ensure long life and ease of maintenance.	The proposal is considered acceptable in terms of building maintenance.	Yes
Waste Management 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 building separation distances fail to comply with the specified distances as contained in the RFDC. The non-compliances occur in respect to the distances between the buildings along Angas Street and the buildings along Faraday Lane. The distances proposed are demonstrated on the following plan.

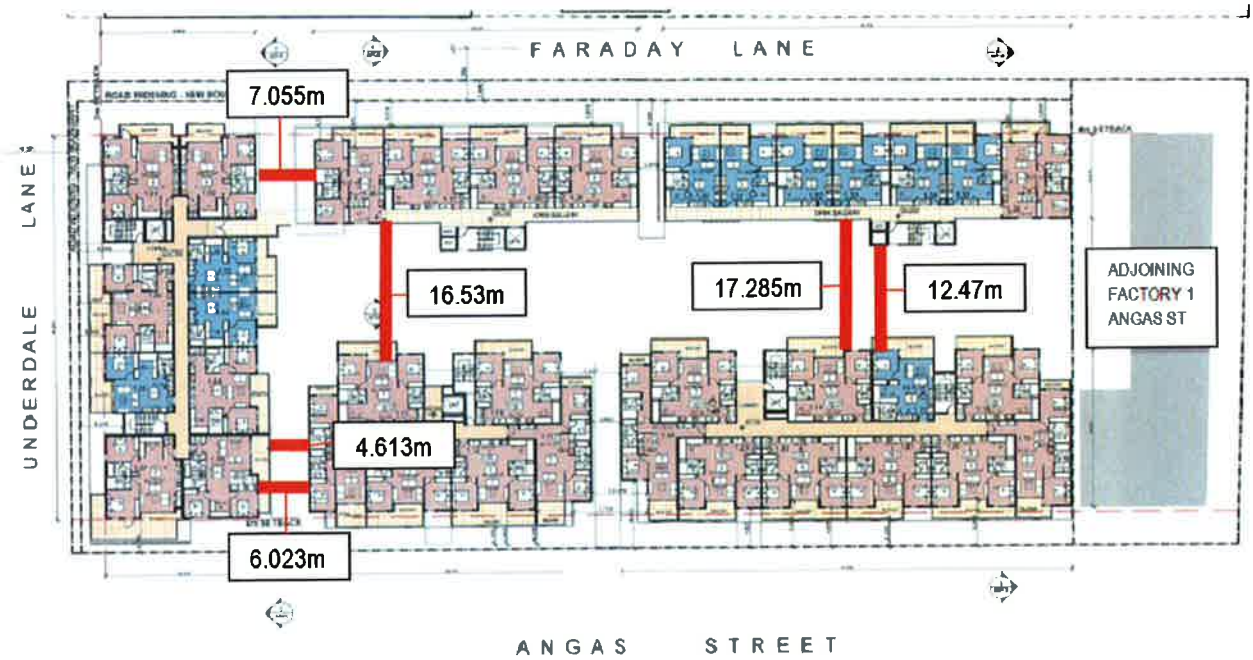


Figure 12. Plan showing typical building separation distances.

The building separation distances result from a lengthy pre-lodgement process with the applicant. During pre-lodgement meetings the applicant was requested to provide a break in the building facing Faraday Lane and Angas Street. As a result of this break, the building has extended closer to the Underdale Lane building, resulting in non-compliances with the separation distances.

The following comments have been provided by Council's Urban Design Review Panel (UDRP) in respect of the building separation distances:

The additional physical breaks in the building forms are reasonably successful. The break along Angas Street, at the midpoint of the site, should be 'eased' open at the upper-most level to improve the apparent density of the proposal further, introducing a better sense of sky and building separation at this point. Internal planning within apartments generally mitigates the impacts of reduced building separations by orienting habitable rooms towards courtyards or streets.

The Panel is of the view that the general level of building separation proposed is not ideal, and hence the Panel does not generally encourage these dimensions as a repeatable precedent. This scheme has emerged from a lengthy negotiation on three occasions with the Panel and is acceptable in the context of the other suggested changes and modifications undertaken by the proponent. On balance the reduced building separations are justifiable, and are superior to an uninterrupted, continuous building.

Ideally, separation between adjacent walls with no windows would be 3m, but where buildings exceed 6 storeys, it needs to increase to a minimum of 6m. The preferred separation between a habitable room (bedroom) window and a blank wall should be 6m in buildings up to 6 storeys.

Based on the above, there are still non-compliances with the building separation distances that need to be addressed. This includes the following:

1. The separation distances between the Faraday Lane building is 2.87m rather than the three metres as recommended by the UDRP. The variation is minor and it is unlikely to be identifiable by a pedestrian at street level. This variation can be supported.

2. The Angas Street buildings have a building separation of 6.675m at the Angas Street elevation. This is then reduced to 3.602m and then widens to 7.217m. The UDRP requested that where the building exceeds six storeys, a six metre separation should be provided. The development complies with this requirement with the exception of Level 6 which is the seventh storey. This floor has proposed the same separation distances as the lower floors. The 3.602m separation only applies for a distance of 8.2m. The design does not include any windows and is unlikely to be noticeable from the street level. No objection is raised to this separation.

3. The building separation between the Underdale Lane and Angas Street building ranges from 4.538m to 6.023m. The majority of this elevation achieves the six

metre separation as required by the UDRP but there is non-compliance in respect of the rear portion of the building due to the provision of a balcony. This non-compliance is considered to be acceptable as the amenity from the balcony will not be materially affected.

Although there are minor variations, the development will still provide adequate daylight access, urban form and visual and acoustic privacy. No objections are raised to these variations.

2.5 State Environmental Planning Policy (Infrastructure) 2007

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 no objection to the proposed development.

RMS has the following comments for Council's consideration in the determination of the application:

- *To accommodate increased pedestrian movements, consideration should be given to installation of pedestrian facilities on approach to the railway station at the following locations:*
  - *Railway Road/Underdale Lane*
  - *Railway Road/Constitution Road."*

There is no direct nexus between the proposed development and the requirement to upgrade the pedestrian facilities at these two locations. This DA by itself will not generate the demand for upgrading. Council's Section 94 Plan does require a monetary contribution for the improvement of civic and urban improvements which includes footpath works. Any approval will be conditioned to include a condition requiring the payment of Section 94 contributions. (See condition number 18).

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

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

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

2.7 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 (RLEP 2010)

Clause 2.3 Zone Objectives and Land Use Table

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

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

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

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

Clause 4.3 Heights of Buildings

The height of a building on any land is not to exceed the maximum height of 12.5m for the western portion of the site and 15.5m for the eastern portion of the site. This is demonstrated in the following extract from RLEP 2010.

Key	
M	12.5m
O	15.5m

Figure 13. Extract from RLEP 2010 in respect of height.

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

All of the buildings exceed the above height control. The following height is proposed for each of the buildings.

Building	No. of Storeys	Maximum Height
Northern most building fronting Angas Street	Part 6 and part 7	19.4m to 22.67m (roof) 23.8m (lift)
Centre building fronting Angas Street	Part 6 and part 7	19.31m to 23.05m (roof) 23.05m (lift)
Underdale Lane building	Part 6 and part 7	20.62m to 22.62m (roof) 22.1m (lift)
Centre building fronting Faraday Lane	4	13.33m to 14.51m 14.7m (lift)
Northern most building fronting Faraday Lane	4	13m to 14.35m 14.6m (lift)

It should be noted that the site is also subject to DRLEP 2013. This draft instrument was adopted by Council on 12 March 2013 and submitted to the NSW Planning and Infrastructure on 21 March 2013. The timing of its gazettal is certain and imminent.

Under DRLEP 2013, the maximum height of buildings permitted on the site is 21.5m for the majority of the site and 18.5m for the northern portion of the site. This is demonstrated on the following extract from DRLEP 2013.

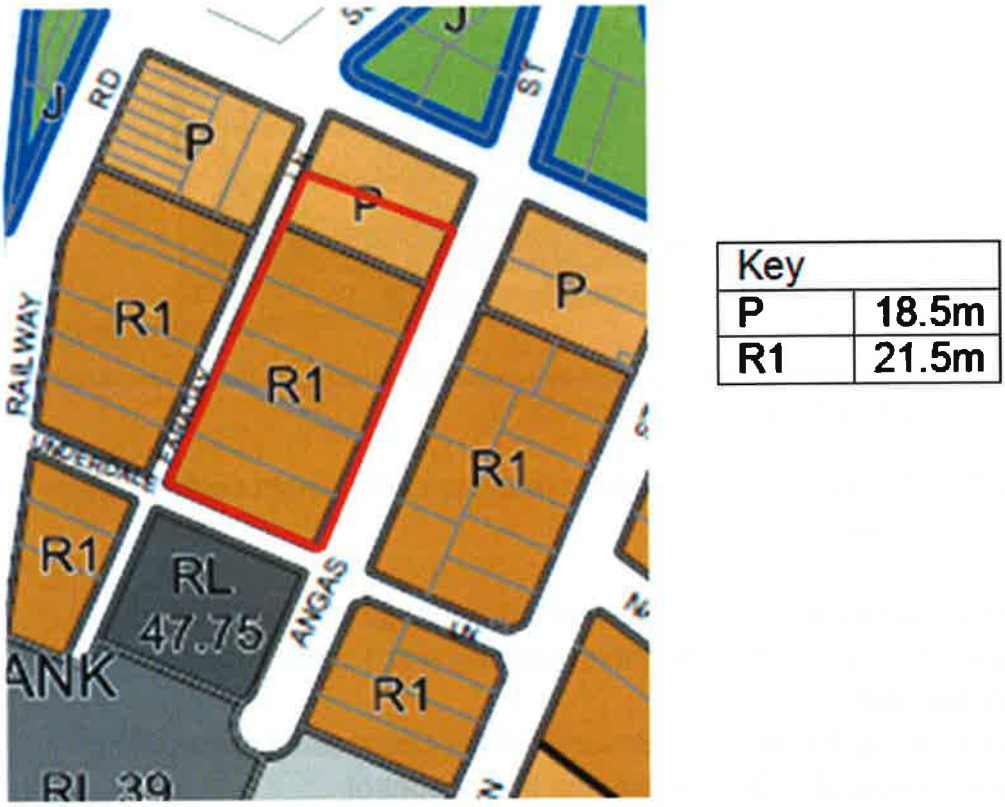


Figure 14. Extract from Draft RLEP 2013 in respect to height.

Based on the height requirement in DRLEP 2013, the development complies with the height control for the two buildings facing Faraday Lane and there are minor variations for the buildings facing Angas Street and Underdale Lane. These variations are demonstrated on the following diagrams.

Figure 15. Angas Street elevation. The red lines demonstrate the breaches in the building height based on the maximum height permitted by Draft RLEP 2013.

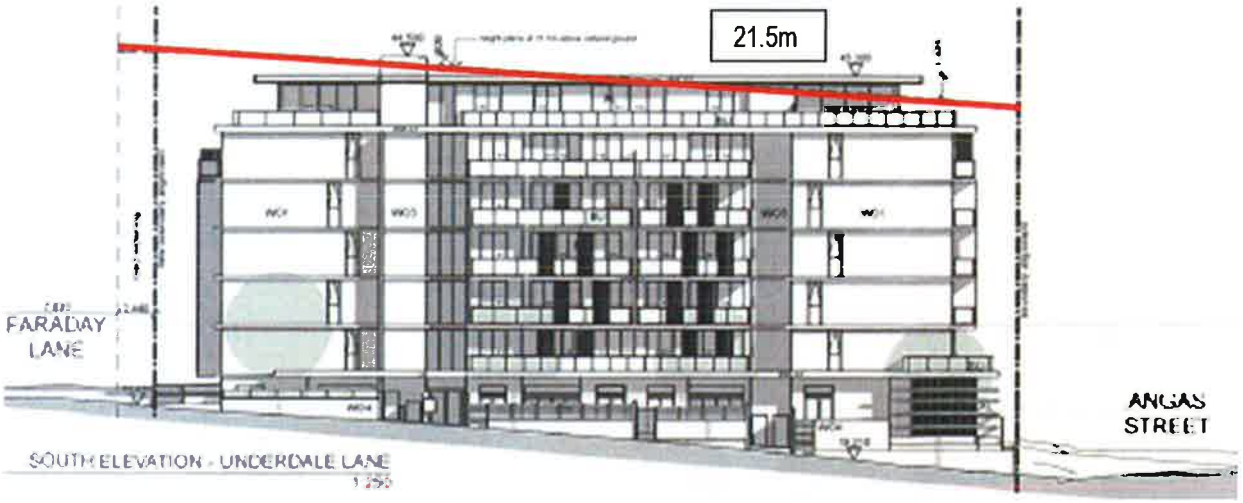


Figure 16. Underdale Lane elevation. The red lines demonstrate the breaches in the building height based on the maximum height permitted by Draft RLEP 2013.

As demonstrated on the above diagrams the breaches to the height controls under DRLEP 2013 are as follows:

- Two lift overruns along the eastern elevation of the Angas Street buildings, extending approximately 1.95m (northern overrun) and 1.55m (southern overrun) above the height limit.
- One lift overrun along the southern elevation of the Underdale Lane building extending a maximum of 600mm above the height control.
- The upper parts of the seventh storey and roof overhangs of the building along the eastern and southern elevations, extending from approximately 0.72m to 1.55m above the height limit.

Clause 4.6 of RLEP 2010 allows exceptions to development standards. Consent must not be granted for a development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. The consent authority must be satisfied that the applicant's written request has satisfied the above criteria and that the proposed development will be in the public interest as it is consistent with the zone objectives as well as the objectives of the particular development standard. In addition, consent cannot be granted unless the concurrence of the Director-General has been obtained. These matters are discussed below.

1. Written request provided by the applicant.

The applicant has provided a written request seeking to justify the variation to the development standard in Section 5 of the Statement of Environmental Effects prepared by APP Corporation.

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

As previously stated, the development results in significant variations to the existing controls in RLEP 2010, and only minor variations to the height controls in DRLEP 2013. Council has submitted DRLEP 2013 to the Department of Planning and Infrastructure and the timing of its gazettal is imminent. DRLEP 2013 is setting the desired future redevelopment / urban renewal strategy for the Meadowbank area rather than RLEP 2010.

DRLEP 2013 forms part of the planning framework applying to the proposed development and is a matter for consideration under section 79C of the *Environmental Planning and Assessment Act 1979*. Given that DRLEP 2013 is certain and imminent, it is considered appropriate that greater weight be placed on the development standards contained in DRLEP 2013 rather than RLEP 2010.

The current DA has been submitted in respect of the built form parameters set by the maximum building height and floor space ratio controls under DRLEP 2013, which also contains clause 4.6 which allows exceptions to development standards.

The applicant has provided the following justification as to why the maximum building height development standard would be unreasonable and unnecessary:

1. *The lift overruns and seventh storey of the proposed development are set-in from the site's street frontages, which effectively reduces the perceived bulk of the proposed development and its visual impacts as viewed from Angas Street, Underdale Lane and Faraday Lane.*
2. *The proposed development is separated by average and approximate distances of 28m to the adjacent residential flat building, currently being constructed, to the east of the site and 18.5m to the adjacent existing residential flat building to the south of the site. These separation distances are capable of protecting visual and acoustic privacy for apartments that face each other in the proposed development and adjacent buildings outside of the site, as well as respecting the desired future character of the area as a medium and high density residential area.*
3. *The proposed development complies with the 2.5:1 floor space ratio development standard under Draft Ryde LEP 2011 and minimum street setbacks and articulation zones set out in Part 4.2 of Draft Ryde DCP 2011. The proposal's*

compliance with this development standard demonstrates the bulk and density of the proposed development is appropriate for the site.

4. *The seventh storey of the buildings fronting Angas Street and Underdale Lane will be commensurate with the height of the existing part six and part seven storey residential flat building on the southern side of Underdale Lane (to the south of the site).*
5. *Deep soil zones and landscape strips are proposed along Angas Street frontage and part of the Underdale Lane frontage. Parts of these zones are capable of planting mature trees that will soften the appearance of the proposed development to Underdale Lane and Angas Street.*
6. *Overshadowing caused by the proposed development, to residential properties to the east and south of the proposed development is acceptable for a large-scale development. Ground level differences between the site and these residential properties inherently increase overshadowing of these properties.*
7. *The proposed development meets energy, thermal and water efficiency targets set under SEPP BASIX.*

The height of these buildings is consistent with draft RLEP 2013 with the exception of some minor breaches. These breaches are due to the topography of the site. The applicant has demonstrated that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case.

3. Environmental grounds to justify contravening the development standard.

The applicant has addressed the environmental grounds to justify the non-compliance as detailed in the above section. All of the above issues are supported. Despite the breach of the control, the development does not result in unacceptable impacts on the environment.

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

The objectives of the height clause are discussed below:

(a) *to maintain desired character and proportions of a street within areas.*
Comment: The development predominantly complies with the height control along the Angas Street and Underdale Lane frontage. The development will be consistent with the desired future character of the locality as identified in the planning controls. Articulation has been provided to the upper level of the buildings which will assist in reducing the bulk as well as adding visual interest. The development satisfies this objective.

(b) *to minimise overshadowing and ensure a desired level of solar access to all properties.*

Comment: The breaches to the height control will not contribute to an increase in overshadowing when compared to a development that fully complied with the height control. The elements of the building that exceed the height requirement are set-in from the front building lines of the Underdale Lane and Angas Street buildings. For this reason, the development satisfies the above objective.

(c) to enable the built form in denser areas to create spatial systems that relate to human scale and topography.

Comment: the development has respected the height transition required by the LEP with the development stepping down in height for the northern portion of the site. This will ensure that the development relates to the human scale by providing a transition in heights. The built form will also relate to the human scale by the development being appropriately articulated, both vertically and horizontally.

(d) to enable focal points to be created that relate to infrastructure such as train stations or large vehicular intersections.

Comment: This objective is not applicable to the development.

(e) to reinforce important road frontages and specific centres.

Comment: This objective is not applicable to the development.

The development complies with the objectives for the height control.

5. Concurrence of the Director General

Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-General's concurrence for exceptions to development standards.

Conclusion

The maximum height controls contained in RLEP 2010 and DRLEP 2013 are different. The controls in DRLEP 2013 are setting the desired future redevelopment for the Meadowbank area rather than RLEP 2010. DRLEP 2013 is certain and imminent and in these circumstances greater weight should be placed on the development standards contained in DRLEP 2013 rather than RLEP 2010.

The variation to the height control of DRLEP 2013 is relatively minor and can be supported.

Clause 5.10 Heritage Conservation

The site does not contain any heritage items nor is it located in a Heritage Conservation Area. The site is however in the vicinity of several heritage items being Meadowbank Shops located at 58, 60, 62 and 64 Constitution Road, the Laurels

Nursing Home located at 34 See and 1A Angas Street, Fountain Monument located at the corner of See and Angas Street and a factory at 37 Narcarrow Avenue. This is demonstrated in the following figure.

Figure 17. Extract from RLEP 2010 showing the heritage items(coloured brown) in the vicinity of the site.

The applicant has submitted a Heritage Impact Statement which assesses the potential impact of the proposal on the significance of the nearby items and potential impact, if any, on the view corridors to and from these items. This document has concluded that the proposal will have little to no impact on the principle view corridors to and from the adjoining heritage items and that the significance of these items will be little impacted as a result of the proposal. This document has been reviewed by the Council's Heritage Officer who agrees with the findings of this report.

Clause 6.1 Earthworks
Development consent is required for the earthworks associated with the development. Before granting consent for earthworks the consent authority must consider the following matters:

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

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

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

The development is considered satisfactory in respect of this clause.

2.8 Draft Ryde Local Environmental Plan 2013

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 placed on public exhibition between 30 May 2012 and 13 July 2012 and adopted by Council at its meeting held on 12 March 2013. Under this Draft LEP, the zoning of the property is B4 Mixed Use. 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

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

As part of DRLEP 2013, it is proposed to amend the height control for the site as well as include a floor space ratio control.

The issue of height has already been discussed in Section 7.7 of this report. The development does propose relatively minor breaches to the maximum height control

however this is considered satisfactory in respect to Clause 4.6 which allows variations to the controls to be considered.

The floor space ratio control identified for the site is 2.5:1. The development has proposed a gross floor area of 17,082m^2. This equates to a floor space ratio of 2.5:1. The development complies with the floor space ratio.

2.9 Ryde DCP 2010

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

Part 4.2 Meadowbank Employment Area – Master Plan

Upon the gazettal of DRLEP 2013, this part of the DCP will be replaced with Part 4.2 – Shepherd's Bay Meadowbank. Given that DRLEP 2013 is certain and imminent, it is appropriate to assess the application under the provisions of the draft DCP as this reflects the Council's future direction and the development has been designed on the basis of DRLEP 2013.

Part 4.2 Shepherd's Bay Meadowbank

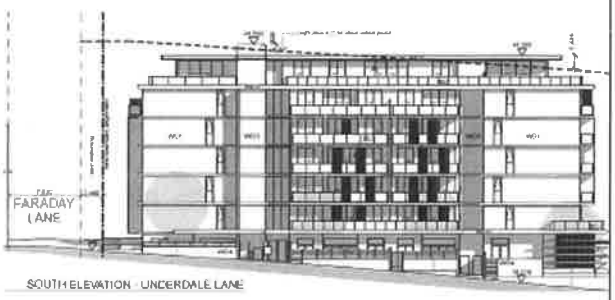
General Development Controls

Control	Comments	Comply
4.1 – The Public Domain Interface		
Mixed Use Development		
Mixed-use development will comprise a combination of medium and high density residential development with compatible employment related activity. Compatible employment related activities include: ▪ restaurants and cafés ▪ small scale retail establishments such as convenience stores	The proposed development includes medium density residential housing with compatible employment related activity. The compatible employment related activity includes the provision of 24 'live/work' apartments or home offices. Access to these home offices is available either directly from Angas Street, Underdale Lane or Faraday Lane as well as from the apartment itself. The dual access will give this unit greater scope to ensure that the space is used as an office rather than a bedroom.	Yes

Control	Comments	Comply
▪ small commercial offices and studios ▪ professional suites ▪ home offices.		
Home office accommodation is allowed throughout the area.	All of the home offices have been located on the ground floor. The design takes advantage of having access directly from the street rather than relying on the access from the unit.	Yes
Ground floor apartments are to be of flexible design to facilitate change of use and ensure privacy for occupants.	The ground floor apartments have been designed as residential apartments. Some of the ground floor apartments have been designed as live/work apartments. These apartments have direct access to one of the surrounding streets. This arrangement will encourage the use of the unit as a 'live/work' apartment as well as ensuring the privacy of the occupants.	Yes
Private living spaces and communal or public spaces should be clearly identified and defined.	The development has incorporated private living spaces for each apartment in the form of either a courtyard or balcony. In addition, communal open space is provided in the middle of the site. This space is accessible to all residential apartments.	Yes
Pedestrian entry to the residential component of mixed-use developments should be separated from entry to other land uses in the building/s and have a clear address and presentation to the street.	Access to the home offices is possible directly from the adjacent streets without having to utilise the residential lobbies provided. The development has incorporated three residential lobbies as well as an open gallery to the buildings. From these lobbies it will be possible to access the street, car parking, communal open space and the upper levels of the building.	Yes
Public Domain, Access and Pedestrian & Cyclist Amenity		
The achievement of maximum heights and density is contingent on meeting the public domain provisions of this plan and all public domain items	The DCP identifies that Faraday Lane and Underdale Lane are required to be widened. The development has proposed the required road widening. In addition, a new footpath is required along Angas Street. This will be	Yes

Control	Comments	Comply
being provided by the proponent.	required as a condition on the consent. (See condition number 46). The development has provided or will be conditioned to provide the required public domain provisions.	
New development must be provided with a minimum of one barrier free access point to the main entry.	Each of the buildings have been provided with one barrier free access point to the main entry.	Yes
Publicly accessible pedestrian and cycle ways must be provided through large sites (even if not envisioned by this plan).	Figure 4.2.03 refers to the Public Domain upgrades required. This plan does not identify this site as being required to provide any publicly accessible pedestrian or cycleways. Despite this, the development has proposed a break in both the Faraday Lane and Angas Street building. This resultant walkway however will not be publicly accessible. The site is not considered large enough to require a publicly accessible pedestrian and cycleway through the site.	Yes
New pedestrian and cycleway access points, gradients and linkages are to be designed to be fully accessible by all.	This clause is not considered to be applicable to the development. Although a walkway is provided through the site, this will not be publicly accessible as it is proposed to provide a gate at the Angas Street and Faraday Lane entrance. This walkway will benefit the occupants of the building rather than the general public.	NA
New roads, shared ways, pedestrian and cycle paths shall be provided in accordance with Figure 4.2.03.	Figure 4.2.03 identifies the footpath in Angas Street to be upgraded and Faraday Lane and Underdale Lane to be widened. Footpath upgrading will be addressed as a condition of consent. (See condition number 46).	Yes
Constitution Road, Faraday Lane and Porter Street are to be widened. The design of new roads, shared ways footpaths and cycle paths shall be in accordance with Figure 4.2.03, Figure 4.2.04, Figure 4.2.05 and	The development proposes to provide a 1m wide area along the sites Underdale Lane frontage and approximately 2.44m wide area along the sites Faraday Lane frontage to be dedicated for the required road widening works within these road reserves. Appropriate conditions of consent will be	Yes

Control	Comments	Comply
Figure 4.2.06.	imposed to require these spaces to be designed and constructed in accordance with the Ryde Public Domain Technical Manual.	
The design and location of vehicle access to developments should minimise conflicts between pedestrian and vehicles on footpaths, particularly along high volume pedestrian streets.	Vehicular access to the car parking facilities is provided via a new entry/exit driveway located at the southern end of the Angas Street site frontage. The design of the vehicular access is in accordance with the relevant Australian Standard. This will ensure that the development will minimise conflicts between pedestrians and vehicles.	Yes
Service vehicle access is to be combined with parking access and limited to a maximum of one access point per building.	The development has proposed a separate loading area for the development. This loading area is intended to be used by the waste contractor as well as removalist vehicles. It will be capable of accommodating an 8.8m long medium rigid truck. Access to this loading dock will be provided by a new driveway located towards the southern end of Faraday Lane. Vehicles will be required to reverse off the laneway into the dock and then leave in a forward direction. The DCP does not require any space for a removalist vehicle but given the number of dwellings this is considered to be a good design solution. Due to the difficulties in achieving the required head in the basement, it is not possible to provide this space in the basement.	Yes
Wherever practicable, vehicle access is to be a single crossing, perpendicular to the kerb alignment.	The development complies with this requirement.	Yes
Vehicle access ramps parallel to the street frontage will not be permitted.	The vehicular access ramp is perpendicular to the kerb alignment. The development complies with this requirement.	Yes
Vehicle entries are to have high quality finishes to walls and ceiling as well as high standard	An entry roller door is provided at the base of the entry ramp. It is proposed to include a condition on the consent to ensure that the	Yes

Control	Comments	Comply
detailing. No service ducts or pipes are to be visible from the street.	walls of the ramp that will be visible from Angas Street have high quality finishes and do not contain any service ducts or pipes. (See condition number 34).	
The ground floor of all development is to be flush with the street footpath for the predominant level of the street frontage and at the main entry to the building.	By providing a break in the Angas Street and Faraday Lane building, the design has incorporated the step to ensure that the ground level of the development is consistent with the street levels. A greater extent of excavation and fill is proposed for the Underdale Lane building. This is demonstrated in the following figure. This occurs due to the slope of the site. The extent of cut and fill will not impact on the streetscape.  Figure 18. Underdale Lane frontage.	Yes
Recesses for roller doors and fire escapes are to be wide and shallow to provide for personal security. Narrow, deep recesses are to be avoided.	The roller door is provided at the end of the driveway ramp. This will enable a vehicle wishing to enter the basement to queue on the ramp rather than the road. The recess that is provided will not affect the streetscape nor will it adversely affect the safety of any pedestrians.	Yes
Implementation – Infrastructure, Facilities and Public Domain Improvements		
The public land such as the road verge adjoining a development site is to be embellished and if required dedicated to Council as part of any new development. The design and construction of the works are to be undertaken	The development has proposed to dedicate approximately 1m of frontage along Underdale Lane and approximately 2.44m of frontage along Faraday Lane. These dimensions are consistent with Council's requirements. Conditions of consent have been imposed to require this area to be	Yes

Control	Comments	Comply
in accordance with section Figure 4.2.03, Figure 4.2.04, Figure 4.2.05, Figure 4.2.06 and Figure 4.2.08.	upgraded to Council's requirements. (See condition number 46).	
The Access Network being the roads, pedestrian connections and open space network as shown on Figure 4.2.03 is to be embellished if required and dedicated to Council as part of the new development. The design and construction of the works are to be undertaken in accordance with Ryde Public Domain Technical Manual and section 4.1.2 of this DCP.	As detailed above, the development complies with this requirement. Conditions of consent have been imposed to require this area to be upgraded to Council's requirements. (See condition number 46).	Yes
Section 94 contributions still apply throughout the area, notwithstanding any land dedications, public domain improvements, infrastructure provision etc as required by this DCP.	An appropriate condition of consent will be imposed on any development consent to reflect the required Section 94 contributions. (See condition number 18). The applicant has requested that the dedication for road widening should warrant credits or offsets for the relevant Section 94 contributions. This is not supported by Council. DRLEP 2013 has uplifted the height and density on the site which the applicant has sought to take advantage of. These height and density controls are contingent on applicant's meeting the public domain provisions of the plan. For this reason, no credit or offset has been given to the Section 94 contributions.	Yes
Views & Vistas		
Panoramic views of Parramatta River are to be maintained from Faraday Park, Settlers Park, Anderson Park, and Helene Park.	The development will not interfere with any views from the parks.	Yes

Control	Comments	Comply
Development is to ensure that vistas towards Parramatta River are maintained.	Views of Parramatta River from the nearby residential flat buildings will not be affected by this development. Other nearby buildings includes industrial warehouses which have not been designed to address the views of Parramatta River.	Yes
Development must reflect the topography of the area taking into consideration views from the Rhodes Peninsula, Railway Bridge and Ryde Bridge.	The development has reflected the topography of the area by ensuring that the ground level is as close as possible to the street level. In addition, the development has reflected the height of buildings as permitted in the draft LEP. The development will not adversely affect the views from the Rhodes Peninsula, Railway Bridge or Ryde Bridge.	Yes
Maintain views for pedestrians and cyclists along the public open space to the Parramatta River.	The development will not adversely affect the views for pedestrians and cyclists along the public open space adjacent to Parramatta River.	Yes
New buildings are to take into account the existing views on the subject site and adjoining sites.	The development will not materially affect the views of adjacent properties.	Yes
Orientate new development to take advantage of water views and vistas.	Views towards Parramatta River will be available from the apartments within the Angas Street building. The development complies with this requirement.	Yes
New developments are not to materially compromise views of the northern ridgeline of Meadowbank.	As the development is predominantly complying with the height controls, it will not materially compromise views of the northern ridgeline of Meadowbank.	Yes
Landscaping & Open Space		
All development proposals are to be accompanied by a Landscape Plan prepared by a qualified and suitably experienced landscape architect. This is to include an Arborist report in respect of	The development has provided a landscape plan. As there are no trees on the site, it was not necessary to provide an Arborist report.	Yes

Control	Comments	Comply
trees.		
Roof gardens are encouraged and must be considered in any landscaping plan.	The development does not propose any roof gardens.	NA
All existing mature trees that enhance the quality of the area are to be retained.	There are no existing trees on the site.	NA
Provide adequate deep planting zones above car parking and other concrete and similar structures to allow sustainable planting.	The development has provided one area of deep soil at the northern end of the central courtyard. Other deep planting zones have been provided with the provision of planter boxes.	Yes
Provide at ground floor level, where possible, open space for dwelling units and contiguous open garden areas to create common large landscaped space.	The ground floor of the development has incorporated terraces for the apartments. In addition there is a large communal open space between the buildings.	Yes
Where appropriate, developments should incorporate landscaping like planter boxes integrated into the upper levels of building to soften building form.	The type of development does not incorporate planter boxes into the upper levels of the buildings. To assist in reducing the massing of the buildings, articulation in the form of balconies and varied setbacks has been used. The buildings also demonstrate strong vertical and horizontal elements. The scale, rhythm and proportions of the building are considered appropriate without the need to add planter boxes to the upper levels of the buildings.	Yes
Building setbacks are to allow for landscaping/planting as in Section 4.2.2 Setbacks. For corner buildings a reduction of the landscape setback on one side will be considered on its merit.	The setback to the adjoining streets is four metres, however the DCP does allow balconies and terraces to be constructed within this setback. This effectively allows for a one metre landscaping strip adjacent to the streets. This has been provided along Angas Street and Faraday Lane. The landscaping has only been provided for 50% of the elevation along Underdale Lane. This non-compliance occurs due to the need for the	Yes

Control	Comments	Comply
	applicant to provide road widening along this elevation. This is unlikely to significantly impact on the amenity of the street.	
Where a proposal involves redevelopment of a site the developer shall arrange for electricity and telecommunications utilities to be under-grounded along the entire length of all street frontages. Such utility modifications will be carried out to the satisfaction of the responsible authority (eg. Energy Australia). This is to improve the visual amenity of the area and allow street trees to grow unimpeded.	Any approval will be conditioned to require undergrounding along Angus Street. (See condition number 46).	Yes
Permeable landscape surface materials are to be maximised, to allow maximum penetration of stormwater and urban runoff. Recommended permeable landscape materials include gravel, loosely fitting pavers, stepping stones, vegetative groundcover such as grass, creepers and shrubs.	The developer has complied with this requirement.	Yes
Street Furniture & Public Art		
All development proposals are to be accompanied by a landscape plan, prepared by a qualified and suitably experienced landscape architect, indicating how public domain improvements including paving, street furniture and lighting will be incorporated into the development.	The landscape plan has not addressed all aspects of the public domain. The landscape plan has proposed street trees along Angas Street. These trees however are not consistent with the Ryde Public Domain Technical Manual. Public domain has traditionally been addressed via conditions of consent. These conditions identify what is required in respect of the public domain as well as requiring a plan to be submitted in respect of the public domain. This will include	Yes

Control	Comments	Comply
	the appropriate street trees. This plan requires Council's approval prior to the issue of any Construction Certificate with works completed prior to the any Occupation Certificate. (See condition number 46 and 84).	
Public domain finishes including the style, colour and installation methods of street furniture, paving and street lighting shall be in accordance with Ryde Public Domain Technical Manual.	This will be addressed by appropriate conditions of consent. (See condition number 46).	Yes
Public art is to be provided in accordance with Council's Public Art Policy. Developers must examine opportunities to incorporate public art in both internal and external public spaces and indicate how public art will be incorporated into major developments.	The application has not been accompanied by a Public Arts Plan. The applicant has requested that this matter be addressed as a condition on the consent which would require details of the public art to be provided to council and its installation to occur prior to the issue of any Occupation Certificate. This approach has been adopted by Council with other developments in the area. (See condition number 24).	Yes
Safety		
Public spaces need to be designed to meet Crime Prevention Through Environmental Design (CPTED) Principles.	The development does not propose any public spaces. This clause is not applicable.	NA
Open sightlines and landscaping needs to be provided that allows for high levels of public surveillance by residents and visitors.	The landscaping along the street frontages will not obscure sight lines from or towards the development. In addition, the design also allows for casual surveillance from the apartments to the public spaces by residents and visitors.	Yes
Lighting is to be provided to all pedestrian ways, building entries, corridors, laundries, lifts, stairwells, driveways and car	Appropriate conditions will be imposed to require external lighting to the development. (See condition number 46 and 68).	Yes

Control	Comments	Comply
parks to ensure a high level of safety and security for residents and visitors at night.		
4.2 – Architectural Characteristics		
Height		
The maximum building height is to comply with the heights shown in DRLEP 2013. Buildings must comply with the maximum number of storeys shown in Figure 4.2.10.	The issue of height has already been addressed in this report. The height is considered to be satisfactory. The DCP identifies that the development must not exceed a maximum of six storeys. The development contains part seven, part six and part four storeys. The seven storey buildings are adjacent to Underdale Lane and Angas Street. In this instance the DCP control (based on storeys) conflicts with the height provisions of DRLEP 2013 (based on metres). The DCP provision has no effect to the extent that it is "inconsistent or incompatible" with DRLEP 2013 pursuant to Clause 74C(5) of the EP&A Act, 1979. The height of this building is consistent with the desired future character of the area despite the number of storeys.	Yes
The ground floor height shall be four metres floor to floor regardless of use.	The development complies with this requirement.	Yes
Any car parking above ground will have a minimum three metres (floor to underside ceiling) to allow for potential future conversion.	The development does not propose any car parking above ground. This clause is not applicable.	NA
Setbacks		
Setbacks must be consistent with the setback map. New development to have 4m setbacks.	The development complies with the four metre setback for Angas Street and Faraday Lane. The setback to Underdale Lane is three metres rather that the required four metres. (Note the setbacks to Faraday Lane and Underdale Lane are measured from the	No. Variation acceptable

Control	Comments	Comply
	new boundary that is created after the required road widening). It should also be noted that the DCP permits part of the building to be forward of this setback provision. This includes balconies and terraces to enable the building to provide appropriate articulation. The non compliance along Underdale Lane occurs for two reasons. Firstly, one metre road widening is required for the entire Underdale Lane frontage. If this was not required, the development would comply with the required setbacks. Secondly, to break the massing of the buildings along Faraday Lane and Angas Street, the applicant has been required to provide a break in both buildings. This has also contributed to the reduced setback. The three metre setback is consistent with the development that is currently under construction to the east of the site at 4, 6 and 8 Angas Street. For these reasons, no objection is raised to this variation.	
Setbacks for buildings of four storeys and above to be consistent with Figure 4.2.13.	This diagram refers to Church Street and Porter Street. Technically this clause is not applicable to the development. The seventh storey however has been setback from Angas Street and Underdale Lane. The upper floor has been setback 8.63m from Angas Street and 5.8m and 6.99m from Underdale Lane. This setback will reduce the bulk and scale of the development as viewed from a pedestrian level. No objection is raised to this setback.	NA
Roof Form		
Buildings below RL15 must have articulated roofs as they will be viewed from buildings	This is not applicable to the development as the building is not below RL15.	NA

Control	Comments	Comply
above. .		
The use of solar panels on roofs is permitted where possible.	The application does not include the provision for the installation of solar roof panels. This may be considered at a future date and if it is considered to be feasible and desirable, this work would be permissible under the Infrastructure SEPP.	NA
Attic roofs are to be avoided– as they are not in character with the locale.	No attic roofs are proposed.	NA
Building Articulation		
Building facades should be articulated within a 3-metre zone to provide entries, external balconies, porches, glazed balcony enclosures, terraces, verandahs, sun shading elements etc.	The development complies with this requirement.	Yes
Penthouses should be set a minimum of four metres from any building façade.	The development complies with the Angas Street buildings and only partly complies with Underdale Lane. Part of the penthouse on the Underdale Lane building is setback a minimum of three metres from the building façade. This will not detract from the streetscape and the variation can be supported.	No. Variation acceptable
Articulate buildings to respond to orientation, views, breezes, privacy, views, acoustic requirements, street widths and the relationship of the building to external garden spaces.	The development complies with this requirement.	Yes
Articulate buildings vertically and horizontally: materials and building setbacks on the upper storeys are to be used to reduce the perceived bulk of buildings.	The finishes and materials of the development will add to the vertical and horizontal articulation in the building. The development complies with this requirement.	Yes
Provide and denote entries along street frontages and	Entries will be clearly identifiable from the public domain.	Yes

Control	Comments	Comply
public domain spaces where appropriate.		
Buildings are to address streets, open spaces and the river foreshore. Street frontages are to be parallel with or aligned to the street alignment.	Street frontages are parallel with the street alignment. Each building is orientated to the street frontage that it adjoins.	Yes
Provide balconies and terraces, particularly where buildings overlook public spaces.	Each apartment has been allocated a balcony or terrace. These balconies and terraces are provided along all street frontages of the development.	Yes
All facades visible from the public domain are to be durable, low maintenance and of high quality.	The development complies with this requirement.	Yes
External glass to be non-reflective and have a maximum of 20% tint.	This matter can be addressed as a condition of consent. (See condition number 28).	Yes
Private and Communal Open Space		
No more than 50% of communal open space provided at ground level shall be paved or of other non-permeable materials.	The development complies with this requirement.	Yes
Landscaping to be in accordance with approved landscape plan.	Any approval would be conditioned to require landscaping to be provided prior to the occupation of the development. (See condition number 82).	Yes
Residential Amenity		
Apartments below a sloping ground level shall apply the SEPP 65 guideline for lightwells.	It has not been necessary to incorporate light wells into the development.	NAs
Energy Efficient Design		
Residential development must be designed in accordance with principle outlined in the Building	The applicant has submitted a BASIX Certificate which demonstrates that the development complies with the requirements.	Yes

Control	Comments	Comply
Sustainability Index (BASIX).		
Noise and Vibration Attenuation		
New residential developments, including those within a mixed-use building, are required to consider noise attenuation and acoustic treatment in their design.	The applicant has submitted an Acoustic Report which has identified that the development is impacted by relatively low volumes of traffic noise. This report has identified appropriate construction for glazing, external walls and the roof/ceiling systems. A condition of consent will be imposed to require the development to comply with the recommendations of the Acoustic Report. (See condition number 27).	Yes
New units are to be constructed in accordance with: - AS 3671-1989 and -AS 3671-1987.	The Australian Standard refers to road traffic noise intrusion – building siting and construction. This has been addressed in the Acoustic Report submitted with the development application. Subject to compliance with the recommendations of the Acoustic Report, the development will comply with the requirements of the listed Australian Standards.	Yes
On site Loading and unloading facilities		
All new buildings are required to provide on-site loading and unloading facilities. Loading docks shall be located in such a position that vehicles do not stand on any public road, footway, laneway or service road and vehicles entering and leaving the site move in a forward direction.	Loading and unloading is only required for removalist vehicles and waste service vehicles. The development has provided a loading bay area at the southern end of the development with access from Faraday Lane. The loading dock will comply with these requirements.	Yes
Loading docks that extend more than 7.5m into a building, mechanical ventilation might be required.	Mechanical ventilation is not required for the proposed loading dock.	Yes

Control	Comments	Comply
Flooding and Stormwater		
Development must comply with Part 8.6 Floodplain Management of this DCP.	The site is not located within a flood area. This clause is not applicable to the development.	Yes

Precinct Specific Development Controls

The Meadowbank Employment Area consists of eight precincts that are differentiated by land-use, urban form and district character. Each precinct has additional and specific planning principles and planning and urban design controls that are to be applied to the precinct. The site is located within Precinct 1: Station. The planning principles and controls are contained in the following table.

Control	Comments	Comply
Views from the Parramatta River must be protected and not be interrupted by a continuous line of buildings.	The development has broken the development into 5 separate buildings rather than 1 building. This, combined with the road network will ensure that the development is not viewed as a continuous line of building. The development will not adversely impact on any views from Parramatta River.	Yes
Apartments fronting the main railway line at the western side of the Precinct must be treated with suitable acoustic glazing and appropriate solar control. The use of recessed balconies and winter gardens is encouraged to counter the western orientation.	This clause is not applicable to the proposed development.	NA
Acoustic treatment such as high performance glazing/double glazing is to be considered for development fronting the railway cutting.	Although the site does not adjoin the railway cutting, an Acoustic Report has been submitted. This report has identified that the development is impacted by relatively low volumes of traffic noise. The report has identified appropriate construction for glazing, external walls and the roof/ceiling systems. A condition of consent will be imposed to require the development to comply with the recommendations of the Acoustic Report. (See	Yes

Control	Comments	Comply
	condition number 27).	
Awnings are required on Railway Road with a minimum height to the underside of 3.2m. Awnings are to allow for street tree planting.	As the development does not adjoin Railway Parade, it is not necessary to provide any awnings on the buildings.	NA
Properties between Angas Street and Faraday Lane, between Constitution Road and Underdale Lane, must be accessed from Angas Street.	The development complies with this requirement.	Yes

Part 7.2 – Waste Minimisation and Management
A concept Waste Management Plan has been submitted with the development application. The information generally satisfies the requirements of this part of the DCP.

Part 8.1 – Construction Activities
The main construction issues relevant to this proposal will be managing water quality by preventing soil erosion, the management of construction traffic and parking of builder's vehicles, construction noise, dust and the like.

These matters have been addressed by way of appropriate conditions of consent.

Part 9.2 – 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 21 adaptable units. The applicant has provided an Access Review Report which demonstrates that the development will comply with the access requirements as well as providing 21 adaptable apartments. A condition of consent has been imposed to ensure that the development complies with the appropriate access standards. (See condition numbers 30 and 31).

Part 9.3 - Car Parking
The Car Parking DCP requires parking to be provided at the following rates:

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

The DCP does not specify a car parking rate for live/work apartments. For the purposes of determining car parking, these apartments have been defined as a residential use and the office space as a bedroom.

The development contains a total of 205 apartments comprising of 48 x 1 bedroom apartments, 148 x 2 bedroom apartments and 9 x 3 bedroom apartments.

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

	Lower limit	Upper limit
1 bedroom units	28.8	48
2 bedroom units	133.2	177.6
3 bedroom units	12.6	14.4
Visitors	41	41
Total	**216**	**281**

The development has proposed 282 car parking spaces. These will be allocated as 241 residential spaces and 41 visitors. This represents 1 space more than the maximum number of car parking spaces. This variation is minor and will not have an adverse impact on the traffic generation as a result of the development. The number of car parking spaces is considered appropriate.

Section 94 Development Contributions Plan 2007 (Amendment 2010)

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

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

Contribution Plan	Contributions	Total
Community and Cultural Facilities	$519,678.30	
Open Space and Recreation Facilities	$1,279,339.50	
Civic and Urban Improvements	$435,129.16	
Roads and Traffic Management Facilities	$59,355.20	
Cycleways	$37,074.26	

Stormwater Management Facilities	$117,844.54	
Plan Administration	$9,997.05	
Grand Total		**$2,458,418.01**

Notes:

- The January 2014 rates have been applied to the development.

Condition 18 requiring the payment of a Section 94 contribution has been included in the recommendation of this report which will further be indexed at the time of payment if not paid in the same quarter. This condition has required the Section 94 Contribution to be paid prior to the issue of any Construction Certificate for the buildings.

3. LIKELY IMPACTS OF THE DEVELOPMENT

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

Amalgamation
The proposed development incorporates an entire block with the exception of 1 Angas Street. As part of the pre-lodgement process the applicant was requested to consider site amalgamation with 1 Angas Street as concern was raised that 1 Angas Street could be potentially isolated as a result of the current development.

As there are no principles, objectives or controls in the current planning instruments in relation to site amalgamation and site isolation, it is appropriate to refer to the Planning Principles for site isolation, established by the NSW Land and Environment Court in proceedings of *Melissa Grech vs Auburn Council* [2004] NSWLEC 40. The three (3) principles to consider are:

1. *Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.*

2. *Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated*

lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

3. *Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s79C of the Environmental Planning and Assessment Act 1979.*

In the case of principle 1 above, the applicant has provided information that negotiations had occurred between the owners of the subject site and 1 Angas Street. This information included written documentation in respect of the negotiations. The negotiations were based on recent sales of 3-9, 11 and 13 Angas Street. As these sales were only completed on 3 December 2013, this information is considered relevant and it was not necessary to obtain a valuation report. This information also satisfies principle 2 above.

In the case of principle 3 above, it is considered that the offer made to the owner of 1 Angas Street was reasonable and the level of negotiation with the owner was adequate.

The Land and Environment Court in *Cornerstone Property Group Pty Ltd vs Warringah Council* [2004] NSWLEC 189 added another principle to site isolation issues that must be considered. That is:

4. *Can orderly and economic use and development of the separate site be achieved if amalgamation is not feasible?*

The applicant has provided plans demonstrating that 1 Angas Street could be developed in isolation. This information includes a potential envelope for the site that has given consideration to the key planning controls. The information provided will satisfy the requirements of principle 4 above.

Traffic Generation

The applicant's traffic consultant has utilised the traffic generation data for high density residential development contained in the RMS document "Guide to Traffic Generating Development". The RMS Guide specifies a rate of 0.29 peak hour vehicle trips per unit. Based on the proposed 205 units, a vehicle trip generation of 60 vtph (vehicle trips per hour) during the peak periods is anticipated. It is worth

noting that the RMS has recently updated the traffic generation rates resulting from traffic surveys of similar development in 2010. The presented rate of 60 vtph is actually higher by some 20-30 vtph than the recent data by RMS. As such, the presented rate of 60 vtph should be considered as a conservative estimate when comparing the potential impacts to the surrounding road network.

In considering any projected future level of traffic generation, it is also necessary to give consideration to the volume of traffic which could reasonably be expected to be generated by the existing uses of the site. The RMS guidelines specify one peak hour vehicle trip per $100m^2$ for industrial development. This would yield an existing traffic generation potential of approximately 55 vehicle trips per hour during peak periods.

Accordingly, it is likely that the proposed development will result in an increase in the traffic generation potential of approximately five vehicles per hour when compared to the existing industrial uses of the site. This increase would have minimal impact on the surrounding road network.

The applicant's traffic report has conservatively excluded the traffic generated by the existing industrial buildings and applied the total projected volume when analysing the operation of adjoining intersections. The outcome of this analysis indicates there to be minimal impact on the surrounding road network and the level of service of adjoining intersections maintained at Level "A" (optimum operation). Given this, the proposed development does not present any significant concerns in regards to potential impacts to the adjoining road network based on the information presented.

Overshadowing

The proposed development will result in overshadowing during mid-winter. This overshadowing will affect the residential flat building to the south of the site which adjoins Underdale Lane and the residential flat building currently under construction at 4, 6 and 8 Angas Street. The shadow impacts are demonstrated in Figures 17, 18 and 19.

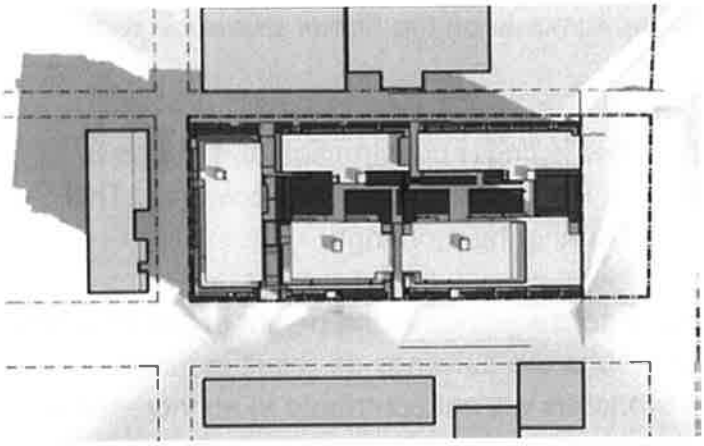


Figure 19. 9am mid-winter shadow.

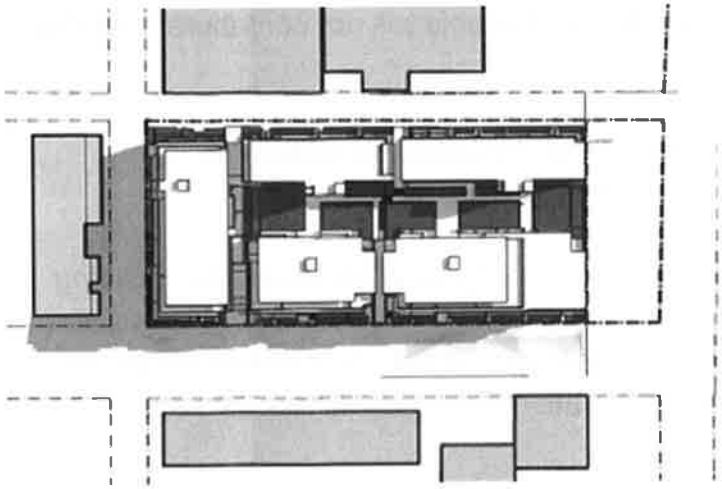


Figure 20. 12 noon mid-winter shadow.

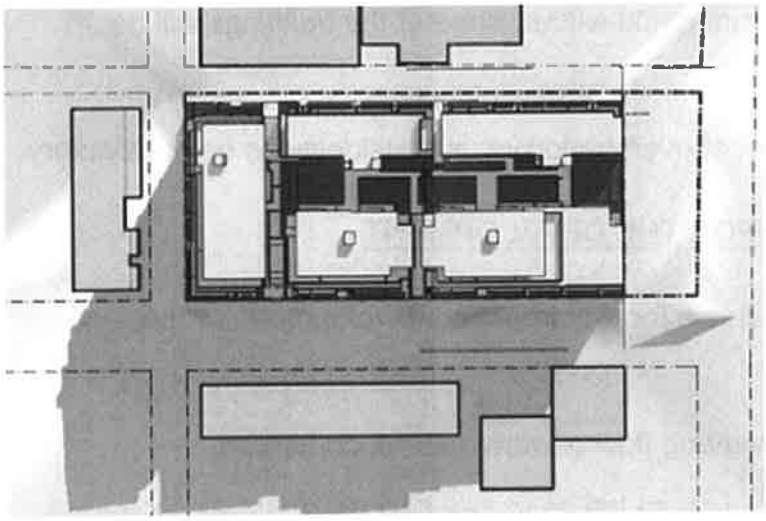


Figure 21. 3pm mid-winter shadow.

The greatest impact occurs to the residential flat building on the south side of Underdale Lane with some units on the lower levels being overshadowed completely

between 9am and 3pm mid-winter. The apartments on the higher levels will receive sunlight from mid-morning onwards.

The impact to the residential flat building that is under construction at 4, 6 and 8 Angas Street will occur from approximately 1.30pm mid-winter and onwards. This building will still receive adequate daylight during the mornings.

The overshadowing that occurs is a direct consequence to the height of the buildings as well as the topography of the site. Although the buildings do result in minor breaches to the height controls, these breaches will not contribute to an increase in overshadowing when compared to a development that fully complied with the height control. The elements of the building that exceed the height requirement are set in from the front building lines and as such these elements will not contribute to further overshadowing.

The topography of the subject site is higher that the adjoining properties. This contributes to an increase in the overshadowing to the adjoining sites.

The proposed development is separated from the adjoining residential flat building on the south side of Underdale Lane by approximately 17.06m and 27.115m to the residential flat building on the eastern side of Angas Street. These dimensions are reasonably consistent with the building separation distances as required by the RFDC.

The extent of overshadowing cannot be avoided. Although there is an impact to some of the adjoining buildings during mid-winter, none of the buildings will be affected during the equinox.

For the above reasons, the extent of overshadowing is considered to be satisfactory.

4. 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 not affected by any overland flow or other natural constraint.

The site is zoned B4 Mixed Use under RLEP 2010 and DRLEP 2013, which permits the development of residential flat buildings. Accordingly, the proposed development is considered suitable with respect to land use permissibility.

The development is also unlikely to have an adverse impact on the amenity of the area.

5. THE PUBLIC INTEREST

The development is considered to be in the public interest as it is consistent with the desired future character of the area.

6. REFERRALS

External Referrals

Roads and Maritime Services

RMS has provided the following comments for Council's consideration:

"RMS has reviewed the submitted application and has no objection to the proposed development.

RMS has the following comments for Council's consideration in the determination of the application:

- *To accommodate increased pedestrian movements, consideration should be given to installation of pedestrian facilities on approach to the railway station at the following locations:*
  - *Railway Road/Underdale Lane*
  - *Railway Road/Constitution Road."*

As previously discussed, there is no direct nexus between the proposed development and the requirement to upgrade the pedestrian facilities at these two locations. This DA by itself will not generate the demand for upgrading. Council's Section 94 Plan does require a monetary contribution for the improvement of civic and urban improvements which includes footpath works. Any approval will be conditioned to include a condition requiring the payment of Section 94 contributions. (See condition number 18).

NSW Police

No response was received from NSW Police however conditions have been included related to CCTV cameras, site security, lighting and graffiti prevention. (See condition numbers 66 to 74).

Sydney Water

No objections were raised to the proposed development.

Internal Referrals:

Senior Development Engineer
No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 11 to 15, 39 to 44, 77 to 80, 88 to 90).

Environmental Health Officer
No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 17, 45, 91, 92, 97 and 98).

Heritage Officer
No objections are raised to the proposed development.

Public Domain Engineer
No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 46 to 50, and 93 to 95)

Waste
No objections were raised to the proposed development subject to conditions of consent. (See condition numbers 51, 52, 76, and 99 to 101).

7. 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 30 October 2013 in the *Northern District Times*. Notification of the proposal was from 29 October 2013 until 20 November 2013. During this period, three submissions were received. The issues raised in the submissions included the following:

- *Objects to the size of the development. There are already hundreds of apartments in the surrounding streets. The size of this development will cause shadow and wind tunnel effects.*

Comment: The desired future character of Meadowbank as identified in the planning controls is to create a higher density transit-orientated neighbourhood, providing a mix of residential and commercial/retail uses. The proposed development reflects the zoning and principle planning controls being height and floor space.

The development will cause overshadowing. However the overshadowing is consistent with what would have been envisaged for this site.

The height of the development is not sufficient to warrant the submission of a wind tunnel report.

- *Roads in the area hardly cope now in peak hour with Constitution Road barely moving.*

Comment: The applicant has provided a traffic report in respect of the likely impact on traffic. Based on RMS documents, the proposed development is likely to generate 60 vehicle trips per hour during the peak periods. The existing uses on the site can yield a traffic generation potential of 55 vehicle trips per hour during peak periods. As a result of the proposed development, there is likely to be an increase in traffic generation potential of approximately 5 vehicles per hour when compared to the existing industrial uses of the site. This increase would have minimal impact on the surrounding road network or Constitution Road.

- *The DCP states that new development is to have a six storey limit, however the development proposes 7 storeys. This will be inconsistent with the character of Meadowbank. Given that the existing buildings to be demolished are only 2 storeys, an increase to 7 storeys is an overdevelopment of the site.*

Comment: The DCP does identify that the site is not to exceed a maximum of six storeys. The DCP control which is based on storeys conflicts with the height provisions of DRLEP 2013 which is based on metres. The DCP provision has no effect to the extent that it is "inconsistent or incompatible" with DRLEP 2013 pursuant to Clause 74C(5) of the *Environmental Planning and Assessment Act 1979*. The height of the development is consistent with the desired future character for Meadowbank.

The development is not considered to be an overdevelopment of the site given that it predominantly complies with the height and floor space ratio controls.

- *The DCP states that "Buildings must be articulated...vertically and horizontally to avoid the appearance of a monolithic or massive structure" and that "building setbacks on upper storeys are to be used to reduce the perceived bulk of buildings." The development does not incorporate the staggering or setbacks and results in the buildings appearing far too dense and bulky for the site.*

Comment: The building is considered to be adequately articulated both vertically and horizontally. The proposed development was supported by the UDRP in respect of the articulation, bulk, scale and massing of the development. The upper floor of the buildings which adjoins Angas Street and Underdale Lane have all been setback to assist in reducing the bulk and scale of the buildings. The development as proposed also complies with the FSR proposed in DRLEP 2013. The development as proposed is consistent with the desired future character for Meadowbank.

- *The development results in overshadowing to 2 Underdale Lane as well as views bring blocked. The height of the building should be reduced due to these impacts as required on page 41 of Part 4.2 of DCP 2010.*

Comment: This reference is included in Part 4.2 Meadowbank Employment Area – Master Plan in respect to considering variation to height. This part of the DCP will be superseded with Part 4.2 – Shepherd's Bay Meadowbank once DRLEP 2013 has been gazetted. This reference has been excluded from the draft DCP document. The height of the development is satisfactory in respect of DRLEP 2013. The resultant impact in terms of overshadowing and views is what would be expected by buildings of this height.

- *The DCP requires a 3m setback to Underdale Lane. The plans show 1.4m for road widening on Underdale Lane, but the building is constructed to the boundary. The reduced setback will have a detrimental impact on 2 Underdale Lane due to overshadowing and blocking of views. It also will not allow for a safe footpath. 1.4m is not adequate for road widening.*

Comment: The reference to the 3m setback is contained in the current DCP rather than the Draft DCP. It should be noted that the current DCP does not have any requirements for the embellishment of existing roads. The plans demonstrate a setback of 1.04m from Underdale Lane. This area is identified as road widening and will be dedicated to Council. The building is setback three metres from the proposed new boundary, however the terraces and balconies do encroach upon this setback. The draft DCP has determined that Underdale Lane should be widened from the existing 9.5m street reserve to 11.5m street reserve. The applicant has proposed a dedication of 1.04m along the Underdale Lane to be dedicated to Council. This will result in the street reserve being increased in width to 11.1m. This has been accepted by Council's Engineers as being acceptable dimension and will allow for the construction of an adequate width footpath.

- *The increase in traffic is beyond the current capacity of a single lane bridge that exists in Angas Street between See Street and Underdale Lane. This bridge currently struggles to service the street's current capacity. If approved, the bridge should be either closed to vehicular traffic or duplicated to make it dual carriageway.*

Comment: Council's Section Manager – Traffic and Governance has advised that the bridge in its current form is an effective "throttling" device to manage traffic flow which traverses between the area of Meadowbank that is zoned for mixed uses and the low residential zoned area. There are no plans to change the current bridge configuration.

The applicant's traffic consultant has undertaken traffic counts in the area. The recorded traffic volumes in Angas Street fronting the site are a combined total of 24 vph (vehicles per hour) for the morning peak hour period and 77 vph in the evening peak. Taking a very conservative assumption that the total projected traffic generation volume entering and exiting the site does so via Angas Street bridge, the resulting peak traffic volume of 137 vehicles per hour in the evening period is comfortably below the standard 200 vph ideal limit suggested by the RMS Guidelines. It is also to be noted that this projected peak traffic volume results in a traffic rate of approximately 2 vehicles every minute. As residential traffic is known to be "tidal" (whereby there is dominant flows during commute periods), the probability of there being conflicting traffic flows at the bridge are low. The total traffic volumes, even when taking a conservative / worst case approach, do not present any concern with respect to traffic safety or operation of the roadway.

- *The bridge currently poses poor visibility and is a frequent site of near misses as well as vehicles disregarding the current 10km/h speed limit. Increasing the use of the bridge would pose a danger to residents and occupiers of Angas Street.*

Comment: As detailed above, the increase in traffic movements as a result of this development is likely to be relatively low and should not affect the safety of the bridge.

8. CONCLUSION

The development application has been designed in respect to the height and floor space ratio controls contained in DRLEP 2013. This planning instrument is certain and imminent and identifies the desired future redevelopment /urban renewal strategy for the Meadowbank area. Although the development results in minor variations to the height control, these will not contribute adversely to the bulk and scale of the development or result in additional overshadowing.

The current design is a consequence of a long negotiation period between the Applicant, Council's Officers and the Urban Design Review Panel. This has achieved a physical break in the buildings facing Angas Street and Faraday Lane. While this results in some variations to the building separation distances as prescribed by the RFDC, the design has demonstrated that urban form, visual and acoustic privacy and daylight access can be satisfactorily achieved.

The proposal provides an opportunity to redevelop the site with a building that is considered more responsive to the strategic intentions of both site zoning and associated planning controls, compared to the previous industrial uses of the site.

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

9. RECOMMENDATIONS

Pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*, the following is recommended:

A. That the Sydney East Region Joint Regional Planning Panel grant consent to development application LDA2013/0390 for the construction of a residential development at 3-13 Angas Street, Meadowbank, subject to the Conditions of Consent in Attachment 1 of this report.
B. That the objectors be advised of this decision.
C. That a copy of the development consent be forwarded to the RMS.

Report prepared by:

Sandra Bailey
Team Leader Major Development

Report approved by:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment and Planning

ATTACHMENT 1

CONDITIONS OF CONSENT

GENERAL

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

1. **Approved Plans/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	Plan No/Reference
Cover Sheet	17.9.13	AP01 Issue E
Development Data	17.9.13	AP02 Issue E
Site Plan	17.9.13	AP03 Issue E
Basement Level 2 Plan	17.9.13	AP04 Issue E
Basement Level 1 Plan	17.9.13	AP05 Issue E
Ground Floor Plan	17.12.13	AP06 Issue G
Level 1 Plan	17.9.13	AP07 Issue E
Level 2 Plan	17.9.13	AP08 Issue E
Level 3 Plan	17.9.13	AP09 Issue E
Level 4 Plan	17.9.13	AP10 Issue E
Level 5 Plan	17.9.13	AP11 Issue E
Level 6 Plan	17.9.13	AP12 Issue E
Roof Plan	17.9.13	AP13 Issue E
Elevations	17.9.13	AP14 Issue E
Sections	17.9.13	AP15 Issue E
Driveway Section	17.9.13	AP16 Issue E
Land Dedication Plan	17.9.13	AP21 Issue E

a) Prior to the issue of any Construction Certificate, amended plans are to be submitted to Council for approval in respect of apartments G02 and G26. The floor space on the lower floor of these apartments is to be deleted and the apartments amalgamated to form 1 apartment on the ground floor.

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

3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 49762M-02, dated 30 September 2013.

4. **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.

5. **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.

6. **Hoardings.**
   (a) A hoarding or fence must be erected between the work site and any adjoining public place.
   (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
   (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

7. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

8. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

9. **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.

10. **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.

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

12. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements specified within Council's publication *Environmental Standards Development Criteria* and relevant Development Control Plans except otherwise as amended by conditions of this consent.

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

14. **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.

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

16. **Parking/bicycle Spaces.** Two hundred and eighty two (282) parking spaces are to be provided, with two hundred & forty one (241) spaces for residents and forty one (41) for visitor parking. The car parking spaces are to be clearly line marked with the visitor spaces clearly marked "Visitor Parking". Twenty eight (28) bicycle spaces are to be provided within the development. Details demonstrating compliance are to be shown on the Construction Certificate plans.

17. **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. If additional information is discovered about site contamination, the proponent must comply with any reasonable requirements of Council.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

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

A – Contribution Type	**B – Contribution Amount**
Community & Cultural Facilities	$519,678.30
Open Space & Recreation Facilities	$1,279,339.50
Civic & Urban Improvements	$435,129.16
Roads & Traffic Management Facilities	$59,355.20
Cycleways	$37,074.26
Stormwater Management Facilities	$117,844.54
Plan Administration	$9,997.05
The total contribution is	**$2,458,418.01**

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

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

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

19. **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**.

20. **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)

21. **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

22. **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.

23. **Dilapidation Survey and Report..** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work namely 1 Angas Street, Meadowbank. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*) prior to the release of the Construction Certificate.

    To clarify any claims of damage to public infrastructure that may be arise during construction of the development, a dilapidation report of existing public infrastructure no less than 100m in range of the proposed development must be undertaken. The report is to note observable defects, including a description of the location, nature of the defect and a photographic record. The report is to encompass damage to any of the following infrastructure.
    - Road pavement
    - Kerb and gutter
    - Constructed footpath.
    - Drainage pits.
    - Traffic signs
    - Any other relevant infrastructure

The report must be submitted to Council's Public Works prior to the issue of the construction certificate.

24. **Arts and Cultural Plan.** Prior to the issue of any Construction Certificate, a site specific Public Arts Plan is to be submitted for approval by Council. This plan is to be prepared by an arts and cultural planner and will be required to address the following:
    - Identify opportunities for the integration of public art in the proposed development;
    - Identify themes for public art;
    - Durability, robustness and longevity of the public art; and
    - Demonstrate how public art is incorporated in the site and built form design.

25. **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 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.

26. **Rail noise and vibration** - The residential flat building(s) must be designed and constructed so that rail noise and vibration levels within habitable rooms, with windows and doors closed, comply with the following criteria:

    (a) The $L_{Aeq\ (1\ hour)}$ noise level must not exceed 40 dBA between 7.00am and 10.00pm and 35 dBA between 10.00pm to 7.00am.

    (b) Floor vibration levels must comply with the criteria in British Standard BS 6472: 1992 *Evaluation of Human Exposure to Vibration in Buildings (1 Hz to 80 Hz).*

    Verification is to be submitted with the Construction Certificate by an appropriately qualified person that the Construction Certificate plans will meet this requirement.

27. Compliance with Acoustic Report. The development is to comply with the recommendations contained in the Acoustic DA Assessment Report prepared

by Acouras Consulting dated November 2013. Details of compliance are to be submitted on the Construction Certificate plans.

28. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.

29. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.

30. **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).

31. **Adaptable Units:** A total of 21 adaptable units are to be provided within the development. 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 A54299.

32. **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.*

33. **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.

34. **Vehicular entry.** The vehicular entry is to have high quality finishes and detailing to the walls and ceiling. No service ducts or pipes are to be provided

within the vehicular entry. Details demonstrating compliance is to be submitted on the Construction Certificate plans.

35. **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.

36. **Soil Depth Over Structures.** Where planting is proposed over a structure, the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Residential Flat Design Code. Information verifying that the development complies with these requirements to be provided on the Construction Certificate plans.

37. **Landscape Plan.** A detailed landscape is to be submitted with the Construction Certificate for Council's approval. This plan is to include but not be limited to the following:
    - Resolution of all external levels and access;
    - Streetscape treatment;
    - Pedestrian and vehicle entry treatments;
    - Consideration of visual impacts mitigation and screening;
    - All landscape areas and their proposed treatment (mass planting beds, paving, lawn etc), planting arrangement, planting schedule, pot size, planting and staking details;
    - Drainage, waterproofing and irrigation recommendations for podium planters;
    - Soil type selections for podium planters;
    - Fencing types, heights and locations;
    - Sections and elevations of important features;
    - Seating is to be provided within the communal open space area.

38. **Retaining Walls.** Retaining walls should be a maximum of 900mm high. Where necessary retaining walls should be tiered to suit level changes to reduce potential fall risks and ensure that additional barrier fencing is not required. All fencing or balustrades on top of retaining walls which are higher than 1m is to be a minimum of 1m high in accordance with the Building Code of Australia. Details of the retaining walls are to be provided on the landscape plan.

39. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.

40. **Access & Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions must comply with the relevant sections of AS 2890.

To ensure visitor vehicles do not reverse the length of the garage ramp in the event they are unable to access the basement garage, an intercom system is to be provided at the vehicle entry to the property, located such to enable to stand a vehicle wholly within the site.

41. **Stormwater Management.** To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted with the application for a Construction Certificate.

    Stormwater runoff on the site shall be collected and piped by gravity flow directly to Council's kerb inlet pits in Angas Street, in accordance with the plans by C&M Consulting Engineers (Refer to Dwgs DA100-DA702 Rev P2 dated 17 September 2013).

    The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer with NPER registration with Engineers Australia and are to comply with the following;
    - The certification must state that the submitted design (including any associated components such as pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of City of Ryde – DCP 2010 Part 8.2 (Stormwater Management).
    - The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

42. **Stormwater Management – Connection to Council Drainage System.** The proposed connection to Council's stormwater drainage infrastructure in Angas Street will require the assessment and approval of Council's Public Domain section in accordance with Section 138 of the *Roads Act 1993*. Detailed plans and construction methodology are to be submitted to Council, for the approval of Council's Public Domain section prior to the issue of the Construction Certificate.

43. **Construction near overland flow path.** All structures within the site must be designed and constructed to withstand the force of running flood waters, including the potential impact by debris and buoyancy, during the possible maximum flood. To achieve this, the structure must be designed by a suitably qualified structural engineer to comply with this condition of consent. The design and certification stating compliance with this condition must be submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

44. **Geotechnical – Design, certification and monitoring requirements.** The proposed development involves excavation that has the potential to impact neighbouring property if undertaken in an inappropriate manner. To address this, the applicant must engage a suitably qualified and practicing geotechnical engineer to oversee the design and construction of all subsurface structures associated with the development.

    This engineer is to prepare the following documentation to be submitted for the approval of the Accredited Certifier prior to the issue of the Construction Certificate;

    a) Certification that the civil and structural details of all subsurface structures are designed to provide appropriate support and retention to ensure there will be no ground settlement or movement, during excavation or after construction, sufficient to cause an adverse impact to adjoining property or public infrastructure.

    b) A Geotechnical Report and Monitoring Program to be implemented during construction of the development that;
    - is based on a geotechnical investigation of the site and subsurface conditions,
    - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
    - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
    - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

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

    (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems;

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

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

46. **Public Infrastructure Works**: To facilitate safe access to and from the proposed development detailed engineering plans for the following works, prepared by a chartered civil engineer with NPER registration with Engineers Australia are to be submitted to Council for approval prior to issue of Construction Certificate. The works shall be in accordance with Ryde Environmental Standards – Development Criteria Section 4 – Public Civil Works, the Meadow Bank Public Domain Technical Manual and DCP 2010 Part 8.2 – Stormwater Management and must be completed at no cost to Council, prior to issue of any occupation certificate.

    a. The widening of Faraday and Underdale lane along the entire public road frontage of the site by 2.44m and 1.04m respectively to accommodate a widen footpath area. This shall include the design adjustment of the north-eastern kerb return at the intersection of Faraday & Underdale Lane to facilitate safe turning movement of a Medium Rigid Vehicle (MRV) as per AS 2890.1-2002.

    b. Provision of new vertical kerb and gutter to Angas Street pubic Road frontage and rolled kerb and gutter to Faraday Lane.

    c. The removal of all redundant vehicular crossings and the restoration of the footpath area.

    d. The provision of granite paving & landscaping of all public domain areas in accordance with DCP 2010 Part 4.2 Meadow Bank Public Domain Manual.

    e. The undergrounding of power on Angas Street public road frontage.

    f. The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to council and their requirements being fully complied with.

    g. Provision of smart poles to Angas Street and new street lighting to Underdale & Faraday Lane, designed and installed to A.S. 1158.3.1 Categories P2 and V5 and to Ausgrid requirements. Plans of the new lighting schemes are to be submitted to Council for approval prior to lodgement of the scheme with Ausgrid for their approval.

    h. The above construction shall include any other necessary engineering works where required to make the construction effective.

47. **Engineering plans assessment and works inspection** fees are payable to Council for the above works, in accordance with Council's Management Plan prior to any approval being granted by Council.

48. **Road Anchors:** Where road anchors are proposed to facilitate the development construction, detailed structural plans certified by a chartered structural engineer indicating the proposed number and location of anchors are to be submitted to Council. Road anchors fee in accordance with Council's Management Plan are payable prior to issue of Construction Certificate.

49. **Hoarding Fees**. Where hoardings are required an application shall be made to Council with all fee in accordance with Council's Management Plan are to be fully paid prior to issue of Construction Certificate. The fee payable is for a minimum 6 months period. Should the time extend beyond this period an extension of time application together with payment for the additional fee is required to be submitted to Council for approval.

50. **Traffic Management Plan**. To ensure safe construction traffic flow on site a Traffic Management Plan (TMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of Construction certificate.

    The TMP shall be prepared in accordance with Australian Standard 1742 – "Manual of Uniform Traffic Control Devices", the RMS's Manual – "Traffic Control at Work Sites" where applicable. The TMP is to address but not be limited to the loss of on-street parking, construction vehicles travel routes, safety of the public, materials storage, handling and deliveries including construction traffic parking.

    Additionally, all traffic controllers on site must be RMS accredited traffic controllers and a minimum of seven (7) days notice shall be given to residents if their access will be affected by proposed construction activities.

51. **Hard Waste Storage Room.** The bin storage area on the ground floor should be provided with a partition wall to provide a separate hard waste storage area. The hard waste room should be made accessible from the loading bay via a roller shutter door to enable the waste to be easily transferred onto the collection truck. Details for Council's approval are to be submitted on the Construction Certificate plans.

52. **Glazing in windows in the vicinity of the loading bay area.** To minimise noise pollution, windows of the apartments in the vicinity of the loading bay area should be double glazed to reduce noise issues. At a minimum this should include apartments G02, G26 and 1.26 in the building facing Faraday Lane and apartments G03, 1.02 and 1.03 in the building facing Underdale Lane. Details are to be submitted on the construction Certificate plans.

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.

53. **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.

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

55. **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.

56. **Traffic Management.** Any traffic management 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. This condition is to ensure public

safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

57. **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.

58. **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*.

59. **Pre-Construction Meeting**. To establish a program of required inspections including construction standards expectation and clarifying possible issues, a pre-construction meeting shall be established with Council's engineer, prior to commencement any external public infrastructure works.

60. **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 nearest affected residential premises.

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

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

63. **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.

64. **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.

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

66. **CCTV Cameras.** CCTV cameras will be required to be installed in the following locations:
- The residents carpark;
- The ground floor lobby and lifts
- The car park entry/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.

67. **Car parking security**. Vehicular entry to residential parking and visitor's parking areas is to be through a secured roller shutter with an intercom system for visitor's access. The doors are to be controlled by locksets such as remote or card operating electronic lock sets. The phasing of the roller door needs to minimise the opportunity for unauthorised pedestrian access after a vehicle enters/exits the car park.

68. **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.
- Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal gardens.
- Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.

69. **Graffiti.** All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.

70. **Security.** To enhance the physical security of doors, all glass doors are to be laminated and the main entry/exit doors to individual units on the ground floor, including balcony doors and fire exit doors to the development are to be fitted with a single cylinder lockset (Australian and New Zealand Standard - Lock Sets), which comply with the Building Code of Australia. Windows to individual units on the ground floor should also be fitted with key operated locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.

71. **Intercom System.** Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development. An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.

72. **Balcony doors to units**. Balcony doors to units are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units.

73. **Unit windows**. The windows to individual units are to be fitted with key operated locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units.

74. **Lift access and security**. Electronic access controls are to be installed on the lift. The equipment should include card readers to restrict access to the level a resident residents on, to the car parking levels and to the Ground Floor.

75. **Studies.** All studies within the development are to be provided with the internal joinery for the construction of a desk and storage areas. At no times are the studies to be used as a bedroom.

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

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

    b. The floor waste must be provided with a fixed screening in accordance with the requirements of Sydney Water Corporation.

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

    d. The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with light coloured washable paint.

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

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

g. The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation.

h. The room must be provided with adequate artificial lighting.

i. A hose cock must be provided in or adjacent to the room to facilitate cleaning.

77. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by C&M Consulting Engineers (Refer to Dwgs DA100-DA702 Rev P2 dated 17 September 2013) submitted in compliance to the condition labelled "Stormwater Management.".

78. **Erosion and Sediment Control – Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan by C&M Consulting Engineers (Refer to Dwgs DA100-DA702 Rev P2 dated 17 September 2013) at the commencement of works on the site. Erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.

79. **Geotechnical – Compliance with the Geotechnical Monitoring Program.** The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

80. **Engineering Inspections**. To ensure all engineering works within the public road and/or drainage reserve (both existing and those to be dedicated) will be completed to Council's satisfaction, Engineering Compliance Certificates must be obtained from Council for the following works at the specified stage where applicable and submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Kerb and Gutter & Footpath Paving

- After preparation of subgrade

- After completion of formwork and prior to casting of concrete/laying of pavers
- After completion and restoration.
- Final inspection, after completion of all works with all disturbed areas satisfactorily restored.

81. **Mechanical ventilation of rooms** - If the noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed.

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.

82. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

83. **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 then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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

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

84. **Public domain – work-as-executed plan.** A works as executed plan for works carried out in the public domain must be provided to and endorsed by Council prior to the issue of the **Occupation Certificate**.

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

86. **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.

87. **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*.

88. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title pursuant to Section 88E of the *Conveyancing Act 1919*, providing for the ongoing maintenance of the pump/ sump components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site. The terms of the 88E instrument are to be in accordance with the Council's draft terms for these systems as specified in City of Ryde DCP 2010 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of any Occupation Certificate.

89. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.

90. **Compliance Certificates – Engineering.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.

- Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890. and the City of Ryde DCP 2010, Part 9.3 "Car Parking".
- Confirming that the sites Stormwater Management system (including any ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2010, Part 8.2, "Stormwater Management" and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of *AS 3500.3 - 2003* (National Plumbing and Drainage Code) and the relevant sections of the City of Ryde DCP 2010, Part 8.2 " Stormwater Management" and associated annexure.
- Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by the NSW Department – Office of Environment and Heritage and the City of Ryde DCP 2010, Part 8.1 "Construction Activities".
- Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer a structural element.
- Certification from a suitably qualified geotechnical engineer confirming that the development works were undertaken in accordance with the construction certificate approved Geotechnical Monitoring Program and undertaken in a manner to ensure support of the adjoining land and structures has been maintained .
- Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.

91. **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**.

92. **Connection to Sewer.** All sanitary fixtures must be connected to the sewerage system by gravity flow and documentary evidence of compliance must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.

93. **Work-as-Executed Plan**. To ensure public infrastructure works are completed in accordance with approved plans and specifications, a Work-as-Executed plan for the works certified by a registered surveyor is to be submitted to the Principal certifying Authority and Council for review with any required rectifications being completed prior to issue of any Occupation Certificate.

    The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from a qualified and experienced civil engineer should be submitted to support all variations from approved plans.

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

    The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. A bond in the form of a cash deposit or Bank Guarantee of $30,000 shall be lodged with City of Ryde prior to issue of the Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.

95. **Road Dedication**. The dedication of land to Council for public road of 2.44m and 1.04m wide along the entire public frontage of the site to Faraday and Underdale Lane respectively. The dedication shall occur prior to issue of any Occupation Certificate and the associated administrative registration costs where applicable shall be borne by the applicant and should only be initiated after Council has provided written confirmation of a satisfactory final inspection of the completed public infrastructure works.

96. **Landscape Maintenance Plan.** A Landscape Maintenance Plan is required prior to the issue of an Occupation Certificate. The Landscape Maintenance Plan should include the following requirements:

    a. Regular maintenance and trimming of shrubs and plantings.

b. Shrubs and plantings being appropriately maintained to allow for clear lines of sight over the shrubs from pathways and pedestrians areas, and to avoid any plantings being used as a natural ladder to gain access to any higher parts of the building.

c. 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.

OPERATIONAL

97. **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.*

98. **Noise Pollution.** The operation of any plant or machinery installed on the premises must not cause:

(a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at the most affected noise sensitive location in the vicinity. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA 2000).

(b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors.*

(c) The transmission of vibration to any place of different occupancy.

99. An area adjacent to the loading zone is to be provided for the servicing of the waste bins. This area is to accommodate 5 x 1100L and 4 x 660L waste bins. The waste bins will be required to be serviced three times per week.

100. The development is to provide between 60-70 x 240L recycle bins. These bins will be required to be presented at the kerb side in Faraday Lane for weekly collections.

101. **Management of Waste Areas.** Staff or contractors are to be employed to:
- Take the waste containers from waste storage and recycling rooms to the containers emptying point for servicing and return the containers to the waste storage and recycling rooms after servicing.
- Clean and maintain the waste storage and handling facilities.

ADVISORY CONDITION

1. Temporary dewatering of an amount above 3ML may require a water licence to be obtained from the Office of Water before construction commences.

   Please note that the proposal must not incorporate provision for permanent or semi-permanent pumping of groundwater seepage from below-ground areas. A fully tanked structure must be used.